



# County of Erie

JOEL A. GIAMBRA  
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

COMMISSIONER

April 25, 2007

U.S. Army Corps of Engineers, Buffalo District  
FUSRAP Public Information Center  
1776 Niagara Street  
Buffalo, New York 14207-3199

Re: Proposed Plan for the Tonawanda Landfill Vicinity Property Site January 2007

Dear [REDACTED]

As Chairman of the Coalition Against Nuclear materials In Tonawanda (CANiT), I am writing to you regarding the above referenced Proposed Plan for the Tonawanda Landfill. CANiT is a bipartisan coalition of elected officials that seeks action at the Federal level to ensure the safe and efficient removal and off-site disposal of radioactive wastes originating from the Manhattan Engineering District activities associated with World War II atomic bomb development.

To date, the United States Army Corps of Engineers (USACE) has successfully implemented and completed remedial efforts toward the cleanup of radioactive wastes at sites in the Town of Tonawanda. The cleanup includes Ashland 1 and 2 and Rattlesnake Creek. The Corps is to be recognized for its continuing efforts at the Linde Praxair and Seaway Landfill sites.

The USACE implemented a Remedial Investigation of radioactive waste materials in the Tonawanda Landfill and Mudflats area of the Town in 2001. A final report on the Investigation was issued by the USACE in 2006. The above referenced Proposed Plan for the Landfill is based upon the results of that investigation and a baseline risk assessment which states that risks associated with the waste materials are within the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidelines for the expected future use of the landfill. The Plan proposes leaving the waste materials in place, given the assumed construction of a proper landfill cap for ultimate landfill closure.

In a meeting held April 24, 2007, the CANiT membership discussed the Proposed Plan, existing sampling data, and risk assessment information. The concerns expressed by residents living on properties abutting the northerly property line of the landfill and the projections for timelines for the closure of the landfill were also discussed.

A consensus was reached by members of CANiT that the Proposed Plan as presented is premature. The membership feels that additional investigation is warranted, particularly along the fenceline of abutting residential properties, to first fill in the gaps in the overland gamma survey data missing from the 2001 RI report, and secondly to perform any additional soils sampling to further determine the extent of radioactive waste materials near this residential area. In consideration of additional efforts proposed by the New York State Department of Environmental Conservation (NYSDEC) to investigate potential impacts to private property adjacent to the landfill, additional time is required to determine the appropriate action(s) to address this issue. The USACE and NYSDEC should coordinate sampling protocols, schedules, and results to provide a uniform and comprehensive understanding of radioactive material impacts and risks.

CANiT, therefore, requests the postponement of the finalization of the Proposed Plan for the Tonawanda Landfill and the issuance of any Record of Decision for the radioactive waste materials.

Very truly yours,

[REDACTED]

[REDACTED] AICP, Chairman of CANiT  
Commissioner-Erie County Department of  
Environment and Planning

AME:ewb

C: CANiT membership

[REDACTED] – Deputy Commissioner ECDEP  
[REDACTED] – MJW Corp.  
[REDACTED] P.E. – ECDEP