



CITY OF TONAWANDA, NEW YORK

OFFICE OF THE MAYOR

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Mayor

Administrative Assistant

Executive Secretary

October 9, 2007

Buffalo District Commander
Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3189

RE: Proposed Plan for the Tonawanda Landfill and Vicinity

Dear [REDACTED]

I am writing in response to the Proposed Plan for the Tonawanda Landfill.

It has been made clear in the Proposed Plan (P/P) that it is the recommendation of the Corps of Engineer that "no action" be taken which would leave all MED material in place.

As the Mayor of the City of Tonawanda and charged with the health, safety and welfare of our citizens, I must reject the position of the Corps of Engineers.

Objectively, it had been established many years ago that the Federal government was the responsible party for the proper handling and disposal of this waste. This was established by the DOE in 1992, which also stated that the site should be remediated under the Formerly Utilized Sites Remedial Action Program (FUSRAP).

After numerous public meetings on this issue and many letters of concern by elected officials at all levels, the only level of government which has taken an active roll in collecting current data germane to the subject is the NYS DEC.

In a letter sent by this Administration in March 2006, there were four basic questions that were forwarded to the Corps of Engineers. They were:

1. Has any sampling and testing been performed on the other side of the fence from the Landfill OU in the City of Tonawanda? Dust migration is identified as a possible transport scenario. I did not see any data in the report on it.
2. Why wasn't a Risk Assessment performed for the neighboring Residential Users in the City of Tonawanda? Shouldn't the risk be assessed for the residents in the City of Tonawanda to assuage their concerns about residing across a fence from the MED material?

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3. Migration of uranium through groundwater is identified as a possible transport scenario... Has there been any testing performed in manholes or at their outfall to determine if this transport scenario has occurred?
4. I am concerned about the policy of leaving the MED and Americium material in place, to be covered where the landfill is capped. Rattlesnake Creek was cleaned up, which had no nearby residences. Wouldn't it make sense to remove the material that is in such close proximity to permanent residences?

The concerns outlined in these four basic questions in addition to all the concerns that have been discussed and emphasized by all parties could have been investigated and statistical analyses established through core sampling, blood sampling and analysis, radon testing and other technical means. The COE has provided jurisdictional reasons for lack of these types of studies (see COE ltr. Dated 4/3/2006 from S. Buechi) stating that "sampling of residential properties in the City of Tonawanda is outside of the current scope and authority of this FUSRAP site". However, at the same time there has been no support from the COE to acquire or desire to obtain jurisdictional approval from higher authorities – namely U.S. Congress – to perform such studies.

It is clear to me that your Proposed Plan that recommends "no action" is not only unacceptable, but it is diametrically opposite of past promises made to our residents many years ago based on earlier studies. In addition, based on its proximity near residential areas and the slope requirements involved in capping the landfill, the MED material must be removed as you have performed at other FUSRAP sites in Tonawanda which are not located near homes and schools.

I fully support the recent letters from Senators Mary Lou Rath and Antoine Thompson, Assemblyman Robin Schimminger and all other state and local officials who call for the complete removal of any and all FUSRAP material from the Town of Tonawanda Landfill. In addition, a letter dated September 17, 2007 from NYS DEC [REDACTED] P.E.) to [REDACTED] clearly outlines their position in this matter – that is – the "N.Y.S. Department of Environmental Conservation does not, at this time – find the Proposed Remedy acceptable."

Thank you for the opportunity to review and comment on this Proposed Plan, Hopefully, we will be able to resolve these issues in a manner that fully protects the health and welfare of our residents – that is removal of all MED material from the Town of Tonawanda Landfill.

Sincerely

[REDACTED]
Mayor

Cc: Commissioner Alexander Grannis, NYSDEC
Hon. Louise Slaughter, US House of Representatives
Hon. Mary Lou Rath, NYS Senate, 61st District
Hon. Antoine Thompson, NYS Senate 60th District
Hon. Robin Schimminger, NYS Assembly
Hon. Joel Giambra, Erie County Executive
Hon. Michele Iannello, EC Legislature
Andrew Eszak, Erie County Development and Planning
Hon. Ron Moline, Sup. Tn. of Ton.
Hon. Carleton Zeisz, Pres. City of Tonawanda Common Council
Jan Bodie, City of Tonawanda Clerk
City of Tonawanda Common Council Members
Barbara Peters, Ed.D, Sup. City of Tonawanda School District