



CITY OF TONAWANDA, NEW YORK

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Common Council

Council President

1st Ward

2nd Ward

3rd Ward

4th Ward

March 28, 2007

U.S. Army Corps of Engineers, Buffalo District
FUSRAP Public Information Center
1776 Niagara St.
Buffalo, NY 14207-3199

Subject: Proposed Plan for the Tonawanda Landfill Vicinity Property

Dear Army Corps,

I want to thank you for granting the 60 day extension for the public review period of the Proposed Plan for the Tonawanda Landfill. This extension will allow our residents ample time to educate themselves on the plan and make comments based on their findings or concerns.

In section 1.0 Introduction of the Proposed Plan you indicate that "subsequent investigations have found no evidence of federal government responsibility for any of the radioactive material on this site". In section 2.2 Site History you further explain that "neither the Landfill nor Mudflats were known to be directly involved with MED activities". These two statements have long been a sore subject for residents in the Riverview Heights area. During a public meeting on February 8th, 2007 you indicated that there weren't any documents that showed Linde dumped nuclear waste in the landfill. Why would Linde document that they were illegally dumping to incriminate themselves at a future date? During your "investigations" what other companies, within a 10 mile radius, was also working on the Manhattan Project and would have access to Uranium, Radium, and Thorium? I would take a guess that no other companies had access, other than Linde, to radioactive isotopes in the area.

Also in section 2.2 Site History you indicate that "in the early 1900's a quarry was located in the western portion of the landfill. In the 1920's, the quarry was reportedly abandoned at a depth of 60 feet". At the February 8th, 2007 public meeting you stated the test borings went down to a depth of 20 feet. Why didn't the test borings go down to a depth of 60 feet which you stated was the depth of the quarry at closing? At Ashland I and II and Seaway you went down to a depth of between 90-150 feet. Why the discrepancies in boring depth between the different sites?

In section 2.4 Previous Investigations you state "subsequent soil samples collected from the areas inside of the Tonawanda Landfill detect elevated levels of uranium-238 and radium-226. Both of these isotopes are consistent with material expected to be in ore processing byproducts generated at the Linde site". You've stated previously in section 1.0 that you found no evidence the federal government was responsible. The detection of uranium and radium, which you state is consistent to Linde, is all the evidence you need to show that Linde illegally dumped nuclear waste into the Landfill. Also, because

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Linde was contracted by the federal government to perform work on the Manhattan Project, it's the federal government's responsibility as the employer for the conduct of their employees (Linde).

In section 3.6.2 Impacted Ground Water you indicate that "one sample collected from within the Landfill exceeded the groundwater standards for total uranium. However, as stated previously, groundwater is not used as a water source by the community". Your statement would be correct for the City of Tonawanda; however, the Landfill is higher in elevation than the Niagara River and Two Mile Creek, which flows into the Niagara River. This groundwater would find its way into one if not both bodies of water then travel downstream to water intakes for North Tonawanda, Lockport, and Lewiston just to name a few areas along the Niagara River. One other factor that was not addressed was that most of the residents along Hackett Drive have sump pumps in their homes. Now this uranium contaminated groundwater has an avenue to come up through the foundation and into resident's homes. This is intolerable and needs to be revisited. Capping of the Landfill, as you state, will not reduce this risk because the FUSRAP area is located outside of the footprint of the Landfill and therefore, will not be capped.

In section 4.1 Human Health Assessment you specify "since residences are not placed directly on top of the waste, continuous direct exposure to the wastes (16 or 24 hours/day) cannot be assumed". We have residents along Hackett Drive who are at home almost 24/7 and therefore, at risk all the time. Also you've previously signified that the radioactive materials have not migrated onto resident's properties. How can you make that statement when no testing has transpired on the resident's properties that abut the Landfill? You also point out in section 4.1 that "this risk of 1.3 in 10,000 excess cancer risks would still be considered within the acceptable risk range". Any increase in cancer risks is absolutely unacceptable to the 700+ homes within a ¼ mile of the Landfill and the 250 children and faculty that attend Riverview Elementary School.

In conclusion, it's time that the Army Corps steps up to the plate and accepts responsibility for the nuclear waste in resident's "backyards". Passing the buck onto another government agency because there is not any documentation of the illegal dumping is intolerable when you have concrete proof that the radioactive waste found in the Landfill is consistent to what you found at Linde. You've stated that the increase in cancer risk is minor. Tell that to a family that has a loved one that contracts cancer because you felt the risks were in the "acceptable range". The federal government has spent over \$100 million to clean up the former Linde site where no one lives, but now you want to close the checkbook when it deals with a more densely, populated area. What the residents of the 4th Ward in the City of Tonawanda want is not to be treated like second class citizens. What they deserve is full remediation of all radioactive waste from the Tonawanda Landfill. I thank you for your time and consideration in this matter and I look forward to your reply.

Sincerely,


4th Ward Councilman
City of Tonawanda