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July 15, 2003

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND VIA FAX

[REDACTED]  
Painesville Project Manager  
Department of the Army  
Buffalo District  
USACE FUSRAP Public Inform. [REDACTED]  
1776 Niagara Street  
Buffalo, NY 14207-3199

RE: Comments for the Proposed Remedial Actions at the Painesville FUSRAP Site

Dear [REDACTED]

Twin Rivers Technologies Painesville, ("TRTP"), is pleased to submit its comments to the Army Corps. Of Engineers, ("ACOE"), on the Regulatory Review Draft Proposed Plan for Remediation, ("Plan") for the Painesville FUSRAP Site. TRTP agrees that the Site should be remediated to the highest possible standards to protect the community, worker exposure, and all sensitive environmental receivers. TRTP also believes that by pursuing a permanent solution (Alternative 3, Section 7.3 of the Plan) these goals will be met.

However, by pursuing the remediation efforts identified in Alternative 3, the proposed actions in Area C may significantly affect TRTPs' business in four ways. First, the excavation could interrupt methane gas feed line that supplies fuel to the TRTP boilers.

Second, the excavation activities will require the removal of the rail spike affecting railcar storage and shutdown the loading stations along the TRTP property boundary, thus jeopardizing TRTP operations. Third, such excavation may also delay the extension of that rail spike and limit future business expansion planned at the TRTP property. Lastly, TRTP employees actively work adjacent to the remediation site. Health testing and monitoring should be conducted to insure no adverse effects of the work affect these employees. The Plan should thus be designed and implemented to prevent these adverse impacts on TRTP. Without adequate safeguards, TRTP will be damaged.

Because TRTP desires that the Plan be designed and implemented to avoid such damages to TRTP, TRTP proposes that we meet to discuss these issues in detail to develop a proactive plan that protects our employees, operations and leads to the successful remediation of the Site and the TRTP property. I will contact you to arrange for a meeting soon as possible. If you have any questions regarding this submittal or need additional information please contact me at [REDACTED] or via email at [REDACTED]. Thank you for your consideration.

Best regards,

Twin Rivers Technologies Painesville

[REDACTED]

Director of Environmental Safety Systems

CC: [REDACTED], President - TRT  
[REDACTED], Vice President Operations - TRT  
[REDACTED] Sr. Director Engineering - TRT  
[REDACTED] Director of Operations - TRTP  
[REDACTED], Vice President Business Dev. - TRT  
[REDACTED], Environmental Manager - TRTP  
[REDACTED] Operations Manager - TRTP  
[REDACTED] Facilities Manager - TRTP

[REDACTED], Mintz Levin

[REDACTED], VSSP

File (071503 FUSRAP Comment Letter to ACOE)