



Via Facsimile [REDACTED]

Crompton Corporation  
199 Benson Road  
Middlebury, CT 06749  
[REDACTED]

July 16, 2003

[REDACTED]  
Painesville Project Manager  
U.S. Army Corps of Engineers  
Buffalo District  
FUSRAP Information Center  
1776 Niagara Street  
Buffalo, NY 14207-3199

**Re: Painesville FUSRAP Site, Painesville, Ohio  
Comments on Proposed Plan for Remediation**

Dear [REDACTED]:

On behalf of Crompton Manufacturing Company, Inc., formerly known as Uniroyal Chemical Company, Inc., ("Crompton"), we are providing our comments on the U.S. Army Corps of Engineers' Proposed Plan for Remediation at the Painesville FUSRAP Site in Painesville, Ohio. These comments are intended to supplement previous comments provided to the U.S. Army Corps of Engineers (USACE) and the Ohio Environmental Protection Agency (OEPA) with respect to investigation and remediation at and in the vicinity of what is currently identified by USACE as the Painesville FUSRAP Site.

1. Crompton Manufacturing Company, Inc. not, as the Proposed Plan for Remediation (the "Proposed Plan") states, Crompton Corporation was formerly known as Uniroyal Chemical Company, Inc. Contrary to, for example, the notation on Figures 2, 3 and 4, Uniroyal is not "now Crompton Corporation."

2. As previously communicated, both orally and in writing, Crompton maintains that USACE has inappropriately and incorrectly defined the boundaries of the Painesville FUSRAP Site and in turn the Contaminants of Concern (COCs) and the areas of concern as they relate to the consideration of government activity and thus responsibility for the investigation and remediation of specific contamination. All evidence to date clearly supports the conclusion that all radiological contamination at the subject location, when that location is properly defined to include parcels encompassing Landfills I/II and V (the "Site"), is attributable to radiological substances at the Site because of government sanctioned activities. As the Proposed Plan observes at page 17, "USACE is authorized to remediate only those COCs originating from AEC-related activities." The unfortunate fact that certain of these COCs may have been moved within the Site subsequent to the cessation of government activity at the Site (a fact which has not been proven) does not alter the inescapable reality that, nonetheless, these are COCs that originated from the government's acknowledged "use of radiologically contaminated scrap steel in magnesium production by the Diamond Magnesium Company (DMC), a former contractor to the Federal Government." (Proposed Plan, page vii).

Crompton has previously submitted and continues to submit that the investigation and, as necessary, remediation of all radiological contamination at the Site, including but not limited to any radiologically contaminated debris and piping presently at the Site, is in fact related to government activities and thus the obligation of USACE and, in any event, not Crompton. Since the source of any radiological contamination at the Painesville FUSRAP Site, as defined in the Proposed Plan, as well as the broader Site is not in dispute, there is no justification for the establishment of an artificial boundary, whereby USACE seeks to limit arbitrarily its responsibility to what it identifies as the "production" area.

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Statements by USACE alone in the Proposed Plan support Crompton's position. These statements include the following:

a. At page vii of the Proposed Plan, USACE admits that "soils at the site were apparently contaminated during the storage of the scrap steel prior to use." USACE has not and cannot demonstrate that these soils are not the radiologically contaminated soils within the Site, but outside the present Painesville FUSRAP Site boundary.

b. At page 3 of the Proposed Plan, USACE acknowledges that the scrap metal from the Atomic Energy Commission inventories "was delivered by railroad to the western side of the property where it was stored on the ground with no cover." Landfill I/II is on the western side of the property between two railroad spurs bordering and within the Site.

c. At page 3 of the Proposed Plan, USACE states that "[l]iquid acid waste from the process was discharged directly into the Grand River until June 1952, at which time the discharge was redirected across the Grand River into a waste pond owned by the Diamond Alkali Company." The Grand River borders one of the additional areas which should be within the Painesville FUSRAP Site boundary. This additional area includes Landfill V. As USACE acknowledges, the liquid waste from the process using the contaminated ferrous scrap metal, at a minimum, passed through this additional area. Significantly, on page 3, USACE also concedes that "it is unclear if any other locations were actually used to dispose of sludge produced by the acid digestion process," which process utilized radiologically contaminated ferrous scrap metal to scrub acid.

Crompton respectfully maintains that USACE should and must address any and all areas wherein there is or could be Manhattan Engineering District/Atomic Energy Commission waste, wherever located at the Site.

3. The Plan does not identify the intended disposal location or locations, but rather at page 33 states that it should be assumed that disposal will be "at a Class C landfill where the license permits the radiological component to be disposed." Accordingly, Crompton makes no comment and reserves its right and opportunity to comment regarding the fate, i.e., processing, disposal, of contaminated material USACE proposes to excavate and remove from the Painesville FUSRAP Site.

Thank you for the opportunity to comment on the Proposed Plan. Should you have any question regarding any of the above or any prior submittal by Crompton, please do not hesitate to contact us.

Sincerely,

**Crompton Corporation**  
[REDACTED]

Manager, Environmental Remediation

cc: [REDACTED] [REDACTED] [REDACTED]