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CERTIFIED MAIL / RETURN RECEIPT
REQUESTED # 7003-3110-0001-4454-1042

██████████
U.S. Army Corps of Engineers
Buffalo District
FUSRAP Information Center
1776 Niagara Street
Buffalo, NY 14207

**RE: 30 Day Public Comment Period
USACE Painesville FUSRAP Site
Submission of Comments by Crompton Manufacturing Company, Inc.**

Dear ██████████

We would like to take this opportunity to provide written comments beyond those that were verbally presented by our ██████████ at the July 26 public meeting. ██████████ followed up by forwarding to you (by email on Thu 7/28/2005 6:51 AM) a written version of the statement he read at the meeting.

We have the following additional comments:

(1) It is understood that radioactive contamination on the north parcel resulted from the importation onto the site of scrap steel that had radioactive residues. It is further understood that the mechanism of soil contamination resulted from (a) the incomplete removal of the residually contaminated scrap steel from the site, and (b) the radioactive residues from the scrap steel having been "shed" from the scrap steel and on to the soil. Conceivably, because the scrap was stored outdoors the latter mechanism had a component involving the washing of the residual radioactively contaminated particles from the scrap steel onto and into the soil. Thus storm-water would have been the media by which radioactive contamination would have been spread to certain areas of the site. As a result, it is likely that storm-water flow (by sheet-flow, and either point-source or non-point-source discharge) had historically spread contamination to soil and sediments within the south parcel, the Grand River, and Lake Erie.

We do not believe that the Corps site assessment to the south or beyond is complete (similar to Twin River Technology's concerns to the East). As such, there is a likelihood for un-assessed radioactive contamination to be present on

the southern parcel, in the Grand River sediments, and at the River's discharge to Lake Erie.

At a minimum, we would like for the Corps to document (a) the thoroughness of the Remedial Investigation on all parcels of our property and (b) why the spreading of radioactive contamination resulting from natural processes is limited to just the northern parcel and furthermore to just within the smaller confines of the former investigations within the northern parcel.

(2) Because of the proximity of the Hemisphere Development Brownfield project to the west, it is believed that future highest and best end use of this property may not be industrial. On the contrary, industrial use is likely to be shunned by future neighbors to the west. Property values are expected to increase at a rapid rate in the coming few years and it is highly unlikely that future neighbor investors, owners, and tenants will accept or approve new industrial construction on the neighboring land (namely the northern and southern parcels).

Furthermore, with the ubiquitous decline of the US manufacturing industry, it is highly unlikely that "new" manufacturing construction will occupy this land in the future. To confine future site use to industrial, rather than commercial, recreational or mixed use, limits highly any future productive and/or likely use of the land.

Productive use of the land would conceivably include productivity from a tax-base stand-point from complimentary or competitive land uses adjacent to the Hemisphere project. Limiting future site use would be denying some level of tax income (i.e., even if only mixed use, recreational, or non-residential) to the local, county, and state governments.

As a result, we believe that the Corps needs to put forth an additional remedial alternative that was not presented. The additional alternative is one in which the site is returned to and meets free release standards. It is believed that the incremental cost difference for the federal government to clean up to the highest standard will be small in comparison to the return in benefits to the surrounding environment, community, and business stakeholders, and the financial standing of the site.

(3) The Corps has stated that it is legally not authorized and thus cannot address potential Manhattan Engineering District (MED) related radioactive material that originated at the former government contractor site, if it was even unknowingly moved by another party to property that was neither owned or operated by the government contractor. It states that it cannot designate such a property as either within the FUSRAP site boundary, or as a "vicinity property" under the rules of the FUSRAP site designation manual. Chemtura does not agree with the Corps that such a site is precluded from remediation as either part of the FUSRAP site itself, or as a vicinity property; We believe that the 1992 DOE

eligibility memo presents the exact justification necessary to have FUSRAP address these areas.

However, assuming that such a determination will not be changed by the Corps, in the meeting held between the Corps, OEPA, ODH and Chemtura in Columbus, OH in June 2005, we requested that the Corps discuss with USDOE the possible mechanisms for the federal government to address a government liability posed by MED materials where they may not be eligible for inclusion under the FUSRAP program. During the Public Meeting held on July 26, ODH inquired of the Corps whether that dialog had been initiated yet, and we were informed that it had not been. We again request that the Corps and DOE discuss the remediation of a government liability, and a mechanism by which a government liability can be properly remediated and addressed.

We thank you for this opportunity to provide comments. If you have any questions or need any clarification on the above, please call me at [REDACTED]

Sincerely,

[REDACTED]
Manager, Remediation