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

RE: Twin Rivers Technologies Painesville Comments for the Final Proposed Plan for Remediation of the Painesville FUSRAP Site

Dear Sirs or Madams:

Twin Rivers Technologies Painesville, ("TRTP"), is pleased to submit comments for the Final Proposed Plan for Remediation, ("Plan"), of the Painesville Site, ("Site"), under the Formerly Utilized Sites Remedial Action Program, ("FUSRAP"). TRTP is the only direct and active abutter to the Site and is located due east of the Site at 697 Hardy Road, Painesville, OH 44077. In principle, TRTP supports the cleanup efforts that have been proposed by the U. S. Army Corps of Engineers, ("ACOE"), in the Plan for its actions on the Site in its selection of Alternative 3 (Plan, Part 7.3). TRTP agrees that the Site should be remediated to the highest possible standards to protect the community, worker exposure, and all sensitive environmental receivers.

However, TRTP believes the Plan fails to adequately identify the full extent of contamination or identify remedial actions for those areas should contamination be identified. This is very concerning to TRTP since the Plan has also failed to address long term off-Site health and safety impacts for industrial workers that are currently exposed to soils with varying levels of contamination well above background contaminant levels. Additionally the Plan does not take into consideration the possible impacts to existing businesses that could result from the proposed use restrictions identified in the Plan.

TRTP has granted the ACOE a Right of Entry (April 2005) and a Right of Entry Extension (July 2005) to allow for additional soils testing. Until this testing and an accurate delineation is completed the approval of the Plan made. It should be noted that the delineation of the contaminated area identified in the Plan, specifically in Area C, has been reduced to include only those areas which have levels of contamination over ten (10) times background and requires use restrictions to be placed on the Site's future use. In the May 2003 RI/FS, the impact area included areas exhibiting one to two (1-2) times background levels which included property owned and operated by TRTP. By accurately assessing the extent of off-site contaminant levels a full scope of remediation may be made.

Should off-Site contamination be found, TRTP agrees that the Site that the boundaries of the Site should be extended to include remedial efforts that would result in the highest possible standards to protect the community, worker exposure, and all sensitive environmental receivers. It is also TRTP's belief that ACOE should work with TRTP to minimize any operational impact that the remediation may have on the TRTP's business and that all off-Site contamination should be restored to background levels to avoid these issues. Operational impacts could include: 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.

If you need additional information or would like to discuss these issues in more detail please contact me at [REDACTED] or email me at [REDACTED]. Thank you for your assistance.

Best regards,

Twin Rivers Technologies

[REDACTED]  
[REDACTED]  
Director of Environmental Safety Systems

Cc: [REDACTED], President TRT  
[REDACTED], Vice President Operations TRT  
[REDACTED], Director of Operations – TRP  
[REDACTED], Environmental Manager – TRP  
[REDACTED] – Supervisor, Bureau of Radiation Protection  
[REDACTED] – Chief, Office of Federal Facilities Oversight