

COMMUNITY RELATIONS PLAN FOR ASHLAND 1, ASHLAND 2, AND
SEAWAY AREA D

TONAWANDA, NEW YORK

April, 1998

Prepared by the
UNITED STATES ARMY CORPS OF ENGINEERS
Buffalo District

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ACRONYMS

BFI	Browning-Ferris Industries
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CANIT	Coalition Against Nuclear Materials in Tonawanda
COCs	Constituents of Concern
F.A.C.T.S.	For a Clean Tonawanda Site
DOE	Department of Energy
EPA	Environmental Protection Agency
FUSRAP	Formerly Utilized Sites Remedial Action Program
GLU	Great Lakes United
MED	Manhattan Engineer District
RI/FS - EIS	Remedial Investigation/Feasibility Study - Environmental Impact Statement
USACE	United States Army Corps of Engineers

1.0 Overview of the Community Relations Plan

The United States Army Corps of Engineers (USACE)-Buffalo District has designed this Community Relations Plan to facilitate communication between the Tonawanda community and USACE during the remedial action to be performed at the Ashland 1, Ashland 2, and Seaway Area D Sites under the Formerly Utilized Sites Remedial Action Program (FUSRAP). It has been prepared to guide the USACE-Buffalo District in proceeding with a community relations program tailored to the needs of the Tonawanda community after issuance of the record of decision for these sites.

Federal regulations require that during a remedial action federal agencies develop community relations programs to be consistent with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). These requirements are the basis for more comprehensive and effective community relations activities.

A record of decision has been reached for the Ashland 1, Ashland 2, and Seaway Area D portion of the Tonawanda Sites. It is USACE policy to continue to involve the public as remediation progresses by keeping the public informed. This plan describes how the public has been involved in the investigation and decision-making process to date, and how they will continue to be involved. Included in this plan will be:

- Public Involvement Goals and Objectives
- FUSRAP Historical Information
- Site Location, Description, and History
- Community Background
- Community Relations Activities

The information in this plan is based on previous USACE/DOE experience in the Tonawanda community, Environmental Protection Agency (EPA) guidance on community relations, and ongoing interaction with community members.

1.1 Goals and Objectives

It is the goal of USACE-Buffalo District to be honest, forthright, responsive, and clear in dealing with the public, elected officials, interest groups, and the media.

It is the objective of USACE-Buffalo District of the Corps to increase public awareness of the program and its activities; decrease misunderstanding about environmental problems and potential dangers; facilitate two-way communication with the affected public; establish an effective means for dispute resolution; and enhance Buffalo District's ability to perform this mission in the most effective and efficient manner.

1.2 Schedule of Activities Addressed by this Community Relations Plan

The tentative schedule for the remedial action for the Ashland 1, Ashland 2, and Seaway Area D Sites is as follows:

Schedule	Activity
April, 1998	Release responsiveness summary and record of decision.
April, 1998	Conduct meetings or telephone conferences with state and local officials to discuss USACE Buffalo District remedial action plans.
April, 1998	Prepare a fact sheet to explain the remedial actions and how they will affect stakeholders.
May, July, and September, 1998, and as necessary throughout remedial action	Conduct information sessions with the Tonawanda Community to inform them in regard to the remedial action and address their concerns.

1.3 Access to Information and Opportunities for Public Comment

The USACE Buffalo District FUSRAP Community Relations Specialist is Ms. Arleen Kreusch. Ms. Kreusch can be reached at 1-800-833-6390. Information about the Ashland 1, Ashland 2, and Seaway Area D Sites can be found in the Administrative Record established in the Tonawanda Public Library located at 333 Main Street, Tonawanda, New York, and the USACE FUSRAP Public Information Center located at 1776 Niagara Street, Buffalo, New York. The Administrative Record contains all reports and documents that were used in the decision-making process for the remedial action at the Ashland 1, Ashland 2, and Seaway Area D Sites. Information repositories are available at the USACE FUSRAP Public Information Center; the Tonawanda Public Library; the Kenmore Public Library located at 160 Delaware Road, Kenmore, New York; the Parkside Village Public Library located at 169 Sheridan-Parkside Drive, Town of Tonawanda, New York; and the Grand Island Memorial Public Library, 1715 Bedell Road, Grand Island, New York. Individuals and organizations may be placed on the mailing list by calling the 800 number. Public comments should be mailed to Ms. Arleen Kreusch at the USACE FUSRAP Public Information Center, 1776 Niagara Street, Buffalo, NY 14207. Information sessions during remedial action will be announced by news releases to the media and placement of display ads in the local newspapers.

2.0 Program Historical Information

In 1974 the U. S. Atomic Energy Commission, a precursor agency to the Department of Energy (DOE), initiated the Formerly Utilized Sites Remedial Action Program (FUSRAP) to identify and clean up or otherwise control sites where residual radioactivity remains in excess of current guidelines. These sites are the legacy from the early years of the nation's atomic energy program or from commercial operations causing

conditions that Congress had authorized for remediation by the DOE. On October 13, 1997, the Energy and Water Development Appropriations Act, 1998 was signed into law. This law transferred management of FUSRAP to USACE. The Buffalo District Office has been assigned eight of the 21 remaining sites requiring cleanup including the Ashland 1, Ashland 2, and Seaway Area D. USACE-Buffalo District will conduct the site clean up in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

3.0 Ashland 1, Ashland 2, and Seaway Area D Site Information

3.1 Site Location, Description, and History

The Tonawanda sites are composed of four individual properties: Ashland 1, Ashland 2, Seaway Industrial Park, and the Linde Site (currently Praxair). This community relations plan covers Ashland 1, Ashland 2, and Seaway Area D.

Ashland 1 is located on a portion of an inactive oil refinery owned by Ashland Oil Company. Ashland 2 is a vacant property also owned by Ashland Oil. Seaway Industrial Park (also called Seaway Landfill) is an operating commercial landfill.

From 1940 to 1948, the former Linde Air Products processed uranium ores at its ceramics plant under contract to MED, a predecessor of DOE. Linde was selected because of its experience in the ceramics business, which involved processing uranium to produce the "salts" used for coloring ceramic glazes. The radioactive residues resulting from uranium processing at Linde were transported to the Ashland 1 property, and then to the Ashland 2 and Seaway properties. This section contains a summary briefly describes how the radioactive material was spread to the other properties.

Ashland 1

The Ashland 1 property is located in an industrial area near the Niagara River and east of the Interstate-190 approach to the Grand Island Bridge (see Figure 3.1a). The National Fuel Gas distribution center, which is occupied for only a few hours each month is the only building on the property. The only other site activities are conducted at the electrical switchyard on the property.

The Ashland 1 property is a 10.8-acre tract that was used for disposal of uranium tailings generated at the former Linde facility in the 1940s. MED leased the Ashland 1 property in 1943 and purchased it in 1944. The property was owned by the General Services Administration from 1949 until 1960, when it was sold to the Ashland Oil Company. From 1944 to 1946, an estimated 8,000 tons of ore residue was spread over two-thirds of the property at a depth of one to five feet. This area was released for the oil company's use following a radiological survey conducted in 1958 and was later used for oil refinery operations, which ceased in 1982. In 1974, an estimated 6,000 yards of

Figure 3.1a
Locations of Ashland 1, Ashland 2, Praxair, and Seaway Industrial Park

residue, composed mostly of low-grade uranium ore tailings, was transferred from Ashland 1 to the adjacent Seaway Landfill to make way for the construction of two oil storage tanks.

Based on the data collected by DOE and the use of the property, DOE determined that the radioactivity at Ashland 1 posed no immediate health risk to the general public. However, DOE concluded that potential health risks could result from relocation or reuse of the residues and soil containing radioactivity above guidelines if future uses of the site were to involve excavation or habitation. This conclusion indicated a need for further assessment of the property to identify options for remedial action, and on June 22, 1984, the property was formally designated for cleanup under FUSRAP.

Ashland 2

The Ashland 2 property is located in an industrial area about 1.3 miles north of Ashland 1. The portion of the property containing radioactivity above guidelines is a fill area of approximately two acres. The fill material, currently estimated to be about 48,000 cubic yards, came from partial relocation of material originally deposited at the Seaway Landfill and from construction activities at Ashland 1. The western portion of the Ashland 2 fill area has been stabilized through the placement of a two-foot thick clay cap.

Seaway Area D

The Seaway Industrial Park property is an operating landfill of about 100 acres. The property is owned by Seaway Industrial Park Development Co., Inc. and is operated by Browning-Ferris Industries (BFI) through its subsidiary, Niagara Landfill, Inc. The property consists of a mound of refuse and fill material that is about 54 feet high at some points.

In 1974 approximately 6,000 cubic yards of the residue deposited on the Ashland 1 property was excavated by Ashland Oil to prepare for construction of two oil storage tanks. The excavated residues were disposed of in three separate areas on the northern end of the Seaway property (see Figure 3.1b). This plan includes Seaway Area D, which is a small 150-foot by 150-foot area containing radioactivity above guidelines adjacent to the property boundary.

3.2 Surrounding Area

Ashland 1, Ashland 2, and Seaway Area D are situated in an industrial area. Residential neighborhoods are located approximately one mile to the east and southeast. The northern edge of the Ashland and Seaway properties is about 1,000 feet from the Niagara River. This waterfront is a multipurpose recreation area; future development of residential areas, commercial areas, and a public park along the waterfront is a major community goal. The southern edge of the Ashland and Seaway properties is also industrial with several small businesses located in the area.

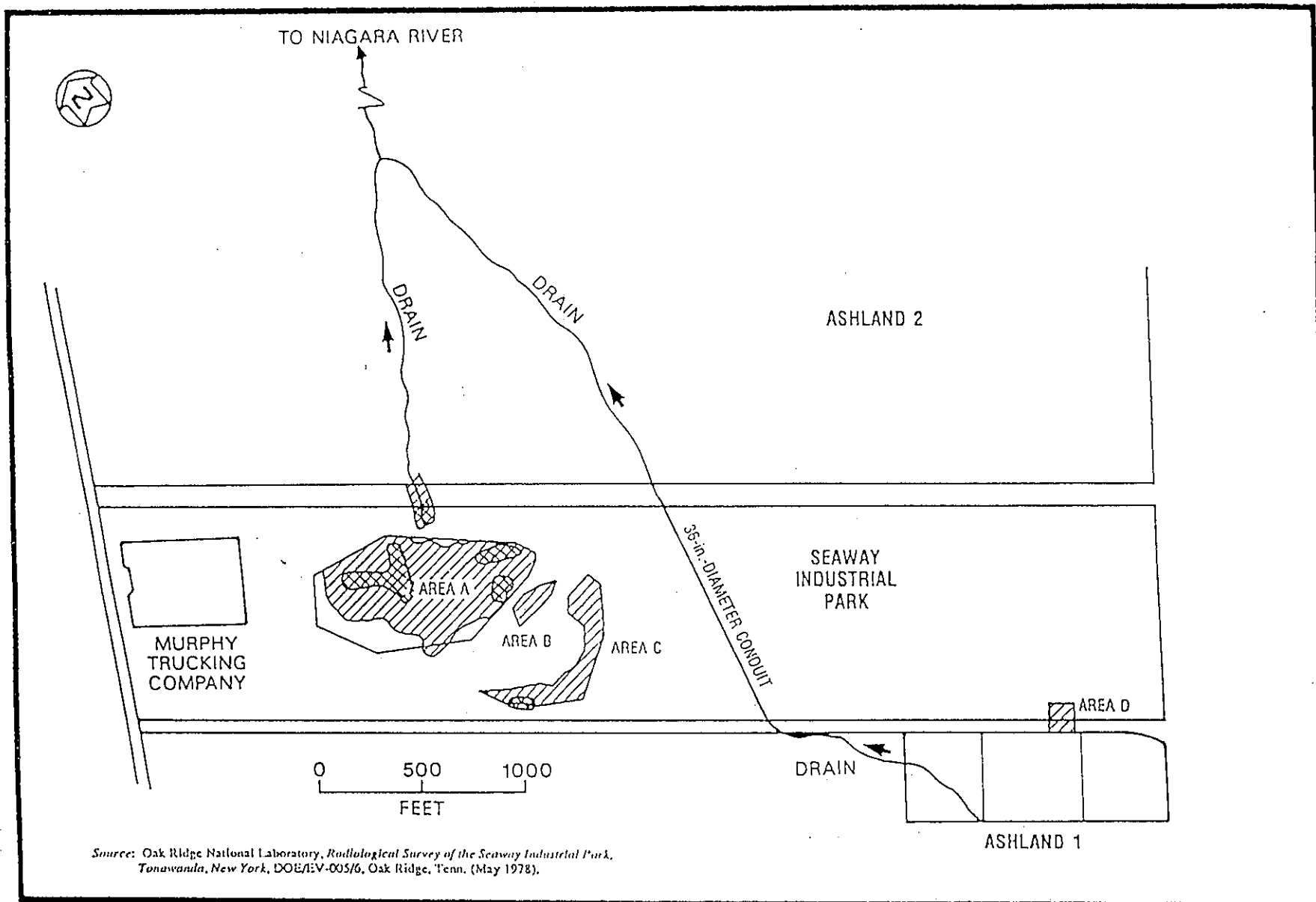


Figure 3.1b

Locations of Radioactivity Being Investigated at Seaway

3.3 Type of Hazardous Substances at the Site

Historical investigations of Ashland 1 and Ashland 2 discussed in the Remedial Investigation indicate two sources of elevated radionuclides at each of these properties: surface and subsurface soils. The primary radionuclides in the soils are U-238, Ra-226, Th-230, and their respective decay products, and the associated MED-related chemical constituents of Concern (COCs) for Ashland 1 and Ashland 2. Seaway Area D has elevated levels of radionuclides at or near the surface.

4.0 Community Background

4.1 Government Entities

The Ashland 1, Ashland 2, and Seaway Area D Sites are located in the Town of Tonawanda, in Erie County, New York. Town of Tonawanda voters elect a supervisor and six council members as legislators and town administrators. Residents direct their questions, complaints, and suggestions to the town clerk, who forwards them to the proper department or official.

The City of Tonawanda is adjacent to the Town of Tonawanda. Although none of the four properties are within the City of Tonawanda, the Ashland 1, Ashland 2, Town of Tonawanda Landfill, and Seaway properties are very close to the city limit.

The Erie County government includes a county executive and county legislature. The county executive is the chief administrative officer of the county and is elected to a four-year term. The legislature is composed of 17 members.

4.2 Chronology of Community Involvement

Except for a few newspaper articles regarding the radiological surveys in 1978, the Tonawanda sites received little public attention until 1988. A public scoping meeting for the remedial investigation/feasibility study-environmental impact statement (RI/FS-EIS) process was held in Tonawanda on April 26, 1988, and a follow-up informational meeting was held on June 16, 1988. During these meetings, local officials and community members expressed great concern regarding the preliminary remedial action alternatives. In particular, the following two options met with virtually unanimous opposition: Consolidation of waste at the Tonawanda site from a FUSRAP site in eastern New York (Colonie), and onsite disposal of the Tonawanda wastes.

After the public meetings, local and state officials formed the Coalition Against Nuclear Materials in Tonawanda (CANiT) to present community concerns to DOE. The DOE met frequently with CANiT and, in attempting to resolve community concern over

the Colonie waste issue, agreed in August 1988 to a moratorium on RI/FS-EIS work in Tonawanda.

Following the moratorium agreement, CANiT enlisted the support of the U. S. Congress in opposing the Colonie waste consolidation issue. CANiT succeeded in having Congress include the following statement in a congressional report on the 1988 Department of Defense appropriations bill: "The conferees agree that the DOE should not move or study the move of any FUSRAP waste within the State of New York to the Town of Tonawanda, New York." DOE agreed to comply with the provisions of this bill and the moratorium was lifted in October 1988, allowing the remedial investigation to begin.

Since 1992, periodic meetings (availability sessions) were held with the public to update them on the status of activities at the site. Three sessions were held during 1992 to educate the community about the remedy options for the site and to address any questions or concerns of the community. Over 30 area residents attended the availability sessions.

In March 1993, DOE opened a Public Information Center at 810 Sheridan Drive, Town of Tonawanda, to provide the public with additional access to information and to serve as a meeting place for workshops and availability sessions.

Attendance at the periodic availability sessions continued to grow. Throughout 1993, in addition to availability sessions, a series of workshops were conducted for CANiT members and the public. The DOE Tonawanda Site Manager also spoke to numerous civic organizations throughout the year to provide the community with an overview of the decision-making process and DOE's preferred remedy prior to the public meeting.

On December 1, 1993, DOE held a public meeting to solicit public comment on the proposed plan for the site. Approximately 175 members of the public attended. The majority of the commentators disapproved of DOE's proposed plan to build a containment structure and leave the material onsite. As a result of comments heard at the meeting, DOE expanded the Tonawanda site mailing list to over 3,000 residents in the areas surrounding the four sites.

Following the DOE public meeting, CANiT held its own public meeting on January 26, 1994, to gather support for its position against the preferred remedy. As a result of community comments over a several-month period, DOE, in a joint action with Representative John LaFalce, suspended the decision-making process in April 1994.

On July 25, 1994, Admiral Richard Guimond, U. S. DOE Principal Deputy Assistant Secretary for Environmental Management, and Congressman John LaFalce held a meeting with key Tonawanda stakeholders to discuss the overall remedy selection process. The meeting resulted in commitments by DOE to present a draft work plan for

input on a process for working collaboratively with the community on a cleanup remedy as well as conduct a public workshop on treatment technologies. The treatment workshop was held in September 1994 and the work plan meeting in October 1994.

At the October meeting, DOE presented the draft work plan for input on establishing a stakeholder group to work jointly with DOE in generating, evaluating, and selecting a site remedy. The consensus of the 41 people attending the session was to continue allowing CANiT to represent the community in discussions with DOE on remedy selection as opposed to establishing a representative community group.

In 1996, the DOE Information Coordinator contacted Tonawanda community members represented on the Tonawanda mailing list to see if they wanted to continue receiving mailings from FUSRAP. The mailing list was reduced to 729 citizens.

The DOE continued to work towards a resolution that would be acceptable to the Tonawanda community. When FUSRAP was transferred to USACE, the Buffalo District became responsible for issuing the proposed plan which had been developed by the DOE. USACE-Buffalo District identified concerns expressed by the community previously and after careful evaluation of the plan's ability to be responsive to the community's concerns the proposed plan was released on November 10, 1997.

The Tonawanda Site mailing list was used to send out 210 copies of the plan to citizens residing in the area of the site. A news release was mailed to a list of 48 newspapers and radio stations in the Buffalo metropolitan area on November 10, 1997. Legal notices were placed in the Niagara Gazette, the Buffalo News, and the Tonawanda News announcing the release of the plan for formal public comment.

Newspaper notices were placed announcing an Open House at the USACE FUSRAP Public Information Center at 70 Pearce Avenue in Tonawanda on November 19, 1997. A notice of availability of the proposed plan was placed in the Federal Register.

Invitations to the public meeting encouraging attendance and comments were sent to the entire Tonawanda site mailing list. An additional news release was sent out to announce the public meeting and newspaper notices were published.

The public meeting was held at the Philip Sheridan Building, 3200 Elmwood Avenue in Tonawanda. A total of 113 members of the public signed in at the meeting. A court reporter was available at the meeting to record the 13 formal comments that were received at the meeting. Comment period ending reminder cards were sent to the entire Tonawanda mailing list on January 2, 1998. Comment period extension cards were mailed to the mailing list on January 7, 1997.

The USACE FUSRAP Public Information Center was open throughout the comment period from 8 a.m. to 5 p.m. Monday through Thursday, and from 9 a.m. to

noon on Friday. The Administrative Record file was available throughout the comment period at the USACE FUSRAP Public Information Center and the Tonawanda Public Library. Information Repositories were available at the FUSRAP Information Center; the Tonawanda Public Library, the Kenmore Public Library, the Parkside Village Public Library, and the Grand Island Memorial Public Library. The public comment period closed on January 20, 1998.

5.0 Community Relations Program

5.1 Community Relations Tools

Use of community relations tools on the following table will ensure that the public is well informed about the decision-making process for the Ashland 1, Ashland 2, and Seaway Area D FUSRAP Site and has the opportunity to participate, address issues of concern, and exchange information:

Tool	Description
Toll-free access phone line	1-800-833-6390
USACE FUSRAP internet website	www.fusrap.usace.army.mil
USACE Buffalo District website	www.ncb.usace.army.mil
Information Contact and phone number	Ms. Arleen Kreusch (716) 879-4438
Administrative Record	The Administrative Record File enables the community to review documents that USACE has used to evaluate the alternatives for the removal action for the Ashland 1, Ashland 2, and Seaway Area D Sites and to select the preferred alternative.
Locations for the Administrative Record File	USACE FUSRAP Public Information Center, 1776 Niagara St., Buffalo, NY Tonawanda Public Library, 333 Main Street, Tonawanda, New York
Newsletters	Newsletters will be prepared quarterly for FUSRAP and mailed to those on the site mailing lists
Fact Sheets	Fact Sheets will be developed to easily convey information regarding the Ashland 1, Ashland 2, and Seaway Area D FUSRAP Sites.
Display Advertisements and News Releases	Display ads will be placed in The Buffalo News, The Tonawanda News, and the Ken-Ton Bee and news releases will be sent to local newspapers to announce upcoming releases or events in regard to the sites.
Information Sessions	Information sessions will be held for the community during the remedial action to exchange information and answer questions pertaining to the sites.

Appendix A. Contact List of Key Community Leaders and Interested Parties

Government Entities

Honorable John J. LaFalce
Representative in Congress
111 West Huron Street
Buffalo, NY 14202
(716) 846-4056

Robin Schimminger
New York State Assembly
3514 Delaware Avenue
Kenmore, NY 14217
(716) 877-8800

Dennis Gorski
Erie County Executive
95 Franklin Street
Buffalo, NY 14202
(716) 858-8500

Charles M. Swanick
Erie County Legislature Chairperson
95 Franklin Street
Buffalo, NY 14202
(716) 877-3986

Regulatory Agency

Paul Merges, Director
Bureau of Radiation
Hazardous Substances Regulation Division
New York State Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233

Community Involvement

Coalition Against Nuclear Materials in Tonawanda (CANiT)
Attn.: Richard Tobe
Erie County Department of Environment and Planning
95 Franklin Street
Buffalo, NY 14202
(716) 858-6716

For a Clean Tonawanda Site (F.A.C.T.S)
Attn.: Don Finch
P. O. Box 566
Kenmore, NY 14217-0566

League of Women Voters
Attn: Leonore Lambert
451 South Street
East Aurora, NY 14052-2946

Niagara Group Sierra Club
Attn.: Kathleen Sullivan
124 Curtis Parkway
Buffalo, NY 14223

Media Distribution

Newspaper

Buffalo News
1 News Plaza
P. O. Box 100
Buffalo, NY 14240
Phone: (716) 849-5531
Fax: (716) 856-5150

Ken-Ton Bee
P. O. Box 150
Buffalo, NY 14231-0150
Phone: (716) 632-4700
Fax: (716) 633-8601

Tonawanda News
P. O. Box 668
North Tonawanda, NY 14120
Phone: (716) 693-1000
Fax: (716) 693-8573

Television Stations

WGRZ-TV
259 Delaware Avenue
Buffalo, NY 14202
Phone: (716) 849-5756
Fax: (716) 849-5706

WIVB-TV
2077 Elmwood Avenue
Buffalo, NY 14207
Phone: (716) 876-7333
Fax: (716) 874-8173

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202
Phone: (716) 845-6100
Fax: (716) 856-8784

Radio Stations

WHLA AM Radio
2692 Stanley Road
Grand Island, NY 14072
Phone: (716) 773-1270
Fax: (716) 773-1498

WGR News Radio
464 Franklin Street
Buffalo, NY 14202
Phone: (716) 881-4555
Fax: (716) 884-2931

WBEN AM 930
2077 Elmwood Avenue
Buffalo, NY 14207
Phone: (716) 876-0930
Fax: (716) 876-1344

WNED AM
Horizons Plaza
P. O. Box 1263
Buffalo, NY 14240
Phone: (716) 845-7000
Fax: (716) 845-7043

WWKB AM 1520
695 Delaware Avenue
Buffalo, NY 41209
Phone: (716) 884-5101
Fax: (716) 882-2048

Appendix B. Suggested Locations for Meetings and Locations for Administrative Record and Information Repositories

Meeting Locations

Phillip Sheridan Building
3200 Elmwood Avenue
Kenmore, New York

Administrative Record Locations

U.S.A.C.E. FUSRAP Public Information Center
1776 Niagara Street
Buffalo, NY 14207-3199

Tonawanda Public Library
333 Main Street
Tonawanda, NY 41450

Information Repository Locations

Kenmore Public Library
160 Delaware Road
Kenmore, NY 14217

Parkside Village Public Library
169 Sheridan-Parkside Drive
Town of Tonawanda, NY 14072

Grand Island Memorial Public Library
1715 Bedell Road
Grand Island, NY 14072