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Weston
7796 NY 9
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Department of Energy
Washington, DC 20585
DEC 17 1991

Mr. Thomas Jorling
Commissioner
State of New York Department of
Environmental Conservation
Albany, New York 12233-1010

Dear Mr. Jorling:

I am responding to your November 25, 1991, letter to the Secretary of Energy in which you requested a clarification on the position of the United States Department of Energy (DOE) relative to the proposal by Niagara Landfill, Inc., a subsidiary of Browning-Ferris Industries Inc., to relocate radioactive material at the Seaway Landfill in Tonawanda, New York.

The work plan prepared by Law Environmental, Inc., on behalf of Niagara Landfill, Inc., to relocate the waste in Area A to a temporary storage cell was carefully reviewed by DOE. We restate that the proposed plan was not only technically adequate but provided significant improvements over the current site conditions. Specifically, the consolidation and confinement of the radiological contamination within an engineered storage cell, coupled with their proposed environmental control measures, will decrease the potential for contaminant migration during the time necessary for DOE to select and implement permanent control measures.

As noted in your letter, DOE's fact sheet for the Tonawanda sites clearly recognizes the potential danger of uncontrolled disturbance of the waste and states: "excavation or other movement of soil could spread the contamination, significantly increase the volume of contaminated material requiring remediation, and increase the risk to human health and the environment." In contrast, the proposal by Law Environmental Inc. provides a carefully controlled method to relocate and store this material in a manner that effectively mitigates the risks to public health and the environment. Furthermore, implementation of Niagara Landfill's proposal will not constrain the remedy selection process currently underway for the Tonawanda sites.

If you would like additional information concerning this matter, please contact Mr. James W. Wagoner of my staff at 301-903-8145.

Sincerely,

R. P. Whitfield
Deputy Assistant Secretary
for Environmental Restoration

FILE COPY

bcc:

R. Kirk, OR-FSRD

Weston

EM-40 (2)

EM-42 (3)

EM-GTN

EM-FOR

ES (4)

CP

E.S. No. 91-019900 Due Date: 12/6/91

Wagoner Reader

EM-421:wagoner:bjn:353-8147:12/4/91:jorling.jww

P. Hevner Review: ph b/s

M. White mw 12/10

* On travel until 12/12.

[Signature]
Wagoner
EM-421
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Fulmer
EM-42
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Fibre
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CP-30
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[Signature] Wisenbaker
EM-43
12/9 /91

Baublitz*
EM-40
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[Signature] EM-40
[Signature] Whitefield
12/11/91

ACTIVITY ADD

DO NOT DETACH FROM ORIGINAL CORRESPONDENCE

11/25/91 13:07

SOURCE CODE SO STATE OFFICIAL

CONTROL NO: ES91-019900

SPEC INT:

DATE CORR: 11/25/91 DATE RECD: 11/25/91 DATE CNTRL: 11/25/91 DATE DUE: 12/10/91
LETTER: MEMO: TWX: OTHER: FAX TO: SECY: X DEP SEC: UN SEC: OTHER:

FROM: JORLING, THOMAS C EX NY 0
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

REMARKS: FINAL RESPONSE OR INTERIM
ACKNOWLEDGMENT MUST REACH
THE EXECUTIVE SECRETARIAT
BY THE DUE DATE.

SUBJ: NUCLEAR
WASTE
SEEKS CLARIFICATION REGARDING
PROPOSED RELOCATION OF
CONTAMINATED SOIL IN SEAWAY
LANDFILL

FOR USE BY ACTION OFFICE ONLY

	ACTION REFERRED TO	DATE	RETURN TO	DUE DATE
1				
2				
3				

ACTION TO: EM TYPE ACTION: Coordinate and reply direct SIG OF: EM

CONCURRENCE: CP30

INFORMATION: S DS US CP1 CP10 CP20 NE ES1 D01

FILE CODE: SONY-ES91019900

CONTROL ANALYST: C. CARPENTER 6-9586

ALL DOCUMENTS FOR THE OFFICE OF THE SECRETARY
MUST BE FORWARDED TO THE OFFICE OF THE EXECUTIVE SECRETARIAT FOR FINAL PROCESSING



THOMAS C. JORLING
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

NOV 25 1991

Dear Secretary Watkins:

Niagara Landfill, Inc. is proposing to relocate some of the Formerly Utilized Sites Remedial Action Program (FUSRAP) radioactively contaminated material at the Seaway Site in Tonawanda, New York. The Seaway Site has several areas of FUSRAP material that is radioactively contaminated, as shown on the enclosed figure. Niagara Landfill, Inc. is proposing to construct a storage cell and relocate the FUSRAP material found in Area A of this figure to the new cell. It is my understanding that the United States Department of Energy (DOE) has already evaluated this proposed relocation, as indicated in the enclosed letter of August 8, 1991, from Mr. William Seay of DOE to Mr. Ben Rusche of Law Environmental, Inc. (Law). In that letter Mr. Seay states:

Having completed a review of Law's plans, I conclude that the proposed storage approach is technically sufficient. Specifically, I am confident that the containment measures being proposed will prevent migration of soil contaminants from the storage cell for far longer than will be required for DOE to select and implement permanent control measures for these soils. Additionally, implementation of Niagara Landfill's proposal will not constrain the remedy selection process underway for the Tonawanda area FUSRAP sites.

However, we note the existence of a DOE fact sheet entitled, "FUSRAP Activities at Tonawanda, New York," (undated) which states:

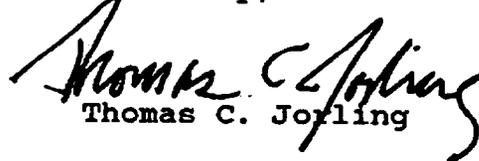
The contamination at the Tonawanda site does not pose an immediate health or environmental hazard. However, concentrations of radionuclides at the sites are such that excavation or other movement of soil could

spread the contamination, significantly increase the volume of material requiring remediation, and increase the risks to human health and the environment.

The purpose of this letter is to seek clarification of the DOE position on this proposed action. The landfill operators are planning to undertake this relocation at their own expense so that they can dispose of sanitary wastes in Areas A, B, and C and then complete closure of the sanitary landfill. The clarification needed is whether this proposed action, which will result in the utilization of all available land on the Seaway Site as well as placing additional sanitary wastes over Areas B and C, will or will not constrain the remedy selection process underway by DOE for the Tonawanda area FUSRAP sites.

Since the landfill operators are planning to undertake relocation in the next few months, please clarify this DOE position as soon as possible. Thank you for your assistance in this matter.

Sincerely,


Thomas C. Joyling

Enclosures

The Honorable James D. Watkins
Secretary
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

cc: William Seay

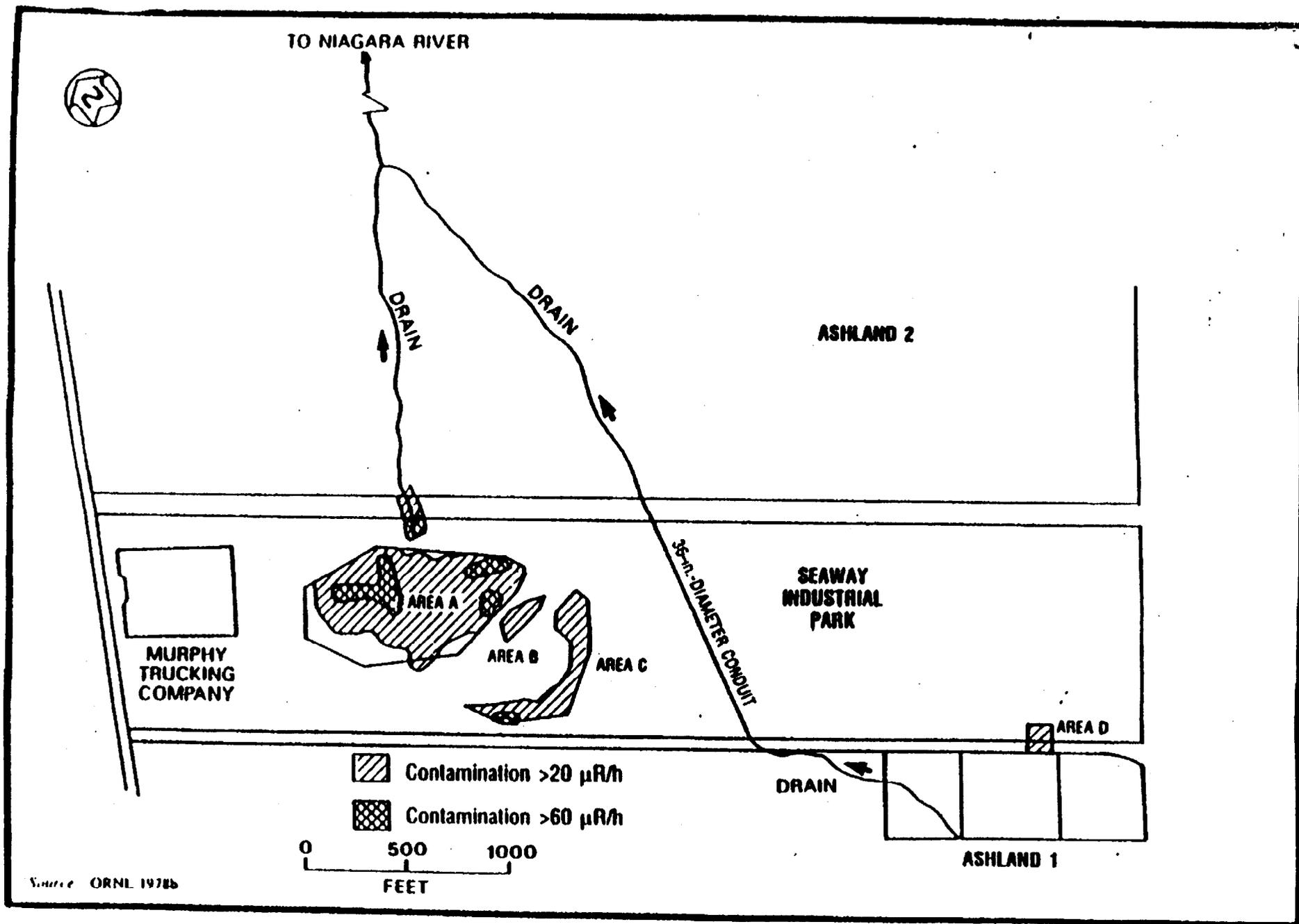


FIGURE 1 AREAS OF RADIOACTIVE CONTAMINATION AT SEAWAY INDUSTRIAL PARK

**Department of Energy**

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

August 8, 1991

Mr. Ben Rusche
Senior Vice President
Law Environmental, Inc.
114 TownPark Drive, Suite 250
Kennesaw, Georgia 30144

Dear Mr. Rusche:

RELOCATION OF CONTAMINATED SOIL IN SEAWAY LANDFILL

This letter responds to your request for a technical review of the plans prepared by Law Environmental, Inc., on behalf of Niagara Landfill, Inc., for the removal, consolidation, and stabilization of radiologically contaminated soils present at the Seaway Landfill in Tonawanda, New York. As you know, the Department of Energy (DOE) plans to identify and implement long-term control measures for these soils and other soils present in the Tonawanda area as part of its Formerly Utilized Sites Remedial Action Program (FUSRAP).

Having completed a review of Law's plans, I conclude that the proposed storage approach is technically sufficient. Specifically, I am confident that the containment measures being proposed will prevent migration of soil contaminants from the storage cell for far longer than will be required for DOE to select and implement permanent control measures for these soils. Additionally, implementation of Niagara Landfill's proposal will not constrain the remedy selection process underway for the Tonawanda area FUSRAP sites.

Overall, implementation of the proposal would improve conditions at the Seaway facility by consolidating and containing contamination currently present under exposed and uncontrolled conditions.

Please feel free to contact me at (615)-576-1830 if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "William M. Seay".

William M. Seay, Deputy Director
and Acting New York Site Manager
Former Sites Restoration Division

cc: Paul Merges, NYSDEC
Robert Mitrey, NYSDEC
Jerry Miller, ECDEP