To: Rice, Timothy B (DEC)[timothy.rice@dec.ny.gov]; Harrington, Jim (DEC)[jim.harrington@dec.ny.gov]
Bcc: Lyndsey Nguyen (Nguyen.Lyndsey@epa.gov)[Nguyen.Lyndsey@epa.gov]
From: Daly, Eric
Sent: Wed 7/27/2016 4:44:08 PM
Subject: RE: Niagara Falls Boulevard: Concrete Disposal

We can set up a call once we are back at the Site. It will be hard the first week we are back with the work scheduled and personnel. Also, I would like our analytical data to be back prior to the conversation. How about Tuesday, August 9th? That way, Lyndsey will be on Site, we will have data to review and we can have a productive discussion. I request that we limit the invitees to as few as possible. Meaning, the reps from DEC and DOH that are needed for the discussion and not all contacts. Please let me know who you believe should be on the call and I will send out the invite. If you want me to contact Steve directly with the same request, I can.

Thanks

From: Rice, Timothy B (DEC) [mailto:timothy.rice@dec.ny.gov]
Sent: Wednesday, July 27, 2016 11:03 AM
To: Daly, Eric <Daly.Eric@epa.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: RE: Niagara Falls Boulevard: Concrete Disposal

Eric,

I agree with your statement that this has been escalated more than it has to be.

And I agree that we have worked well together.

But don't agree that we can't come to a mutually agreeable resolution to this issue.

That is why I have proposed a call so we can work things out through a discussion rather than a continued back and forth via e-mail, which has the tendency of allowing for misunderstandings and misreading of the tone and tenor of those communications, etc.

In answer to your question:

Part 380-1.2(e), processed and concentrated NORM (TENORM) is a regulated waste under Part 380.

Part 360-1.5(b), no waste regulated under Part 380 et.al. may be managed at or disposed of at a Part 360 land disposal facility.

You have made many valid points, as has Tom.

But in the process I believe there may have been some misunderstandings on both sides that we can resolve more expeditiously with a conference call.

So let's arrange for that call. I believe that we can talk through your data and our requirements and come to a resolution acceptable to all involved.

Regards,

Tim

From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Wednesday, July 27, 2016 10:19 AM
To: Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: RE: Niagara Falls Boulevard: Concrete Disposal

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Hi Tim. I just don't want to get into debates over opinions. I believe I have worked well with NYS. I also believe this is heading down a road where we are being told certain things and we will disagree. Then people may be offended. I really think this has been escalated more than it has to be. I am just looking for the specific excerpt from written NYS regulation that is being referenced. Maybe we can have a phone call after we receive that and review. Review what the regulation reads and then review the data we have already collected. If not, I feel the conversation is going to be a regurgitation of what Tom has presented and in the end we are just going to say, "Thanks for your input but we disagree". I want to focus in on the state related topic. The written disposal criteria for C&D material on a radiological site.

Thanks

From: Rice, Timothy B (DEC) [mailto:timothy.rice@dec.ny.gov]
Sent: Wednesday, July 27, 2016 9:58 AM
To: Daly, Eric <Daly.Eric@epa.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: RE: Niagara Falls Boulevard: Concrete Disposal

Eric,

I was off Monday as well, and Jim is out today.

Would you be agreeable to a conf call when we are all available to walk through these issues?

I don't believe we are actually very far apart on anything here and a discussion would probably be a more productive and expeditious way to address things.

Regards,

Tim

From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Wednesday, July 27, 2016 9:17 AM
To: Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: Niagara Falls Boulevard: Concrete Disposal
Importance: High

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Good Morning:

I was off Monday and Tuesday. I am trying to spend time with the family prior to going back to Niagara Falls.

Does Tom's comments reflect those of your agency?

I have a lot of work to perform on the Niagara County Sites. Responding to these narratives regarding how he would conduct a removal is not a productive use of our time. We could go through these questions and respond but that will just lead to more opinions. Several people have reviewed the comments while I was away and there are definitely differences in opinion in our staff versus what Tom is presenting (Statistically, procedurally, interpretation of MARRSIM, etc.). We are not asking for tips on how to perform a removal action, decon, PPE selection or how we should cut concrete. This is a Federal Removal Action. We have an experienced staff on-site as well as support from radiological specific experts. If there are questions from the public or press, EPA will handle that. From the beginning, it appears there is more focus on what people will think than the work we are trying to accomplish.

We are just looking for the answer to my question from two weeks ago. Please provide the specific section of your regulations that states that we have to perform the specific clearance criteria and steps that Tom has described in detail. I am not looking for interpretations or what occurred at FUSRAP sites. From what we have read, the state requirement is that we prove that the material is not TENORM. Our survey procedures and laboratory analysis of the concrete appears to be sufficient prior to disposing within a landfill.

Thanks for your time.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately",
Benjamin Franklin

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

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daly.eric@epa.gov
732-321-4350

From: Papura, Thomas R (DEC) [mailto:thomas.papura@dec.ny.gov]
Sent: Monday, July 25, 2016 2:38 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Nguyen, Lyndsey <Nguyen.Lyndsey@epa.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Martin, Kenneth G (DEC) <kenneth.martin@dec.ny.gov>; Riggi, Jerry M (DEC) <jerry.riggi@dec.ny.gov>; Costello, Cynthia A. (HEALTH) <cynthia.costello@health.ny.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>; Dansereau, Robert E (HEALTH) <robert.dansereau@health.ny.gov>
Subject: RE: Niagara Falls Boulevard: Concrete Disposal

Eric/Lyndsey,

Appreciate your responses. I will address some lingering parts in blue font below for further clarification and comment.

Rest assured, we (I) are (am) not trying to make this more difficult for you and the

crew. However, with the amount of attention this project and others are getting locally, and the overall perception regarding these legacy slag materials, we need to have all aspects of this effort carefully documented. Especially in the case of any materials deemed clean that are to be disposed of in New York. The Department's solid waste regulations absolutely apply.

With any project, regardless of the regulatory lines, peer review is a necessary, worthwhile aspect of any work being performed. So while some of my follow up comments (below) are not within our regulatory grasp, I think they are worthy of note so you can hopefully avoid further questions from anyone else reviewing the progress of this project via your website.

For future efforts similar to this in New York, I think it would be advantageous to provide us with work plans to review ahead of time. Especially in regards to anything related to potential disposal of materials in a New York State landfill. We will all learn lessons from this effort.

Tom

Thomas Papura

Environmental Radiation Specialist II

Contaminated Sites Group Leader

Remedial Bureau A

518-402-8579 Option #2

thomas.papura@dec.ny.gov

From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Friday, July 22, 2016 4:04 PM
To: Papura, Thomas R (DEC) <thomas.papura@dec.ny.gov>
Cc: Nguyen, Lyndsey <Nguyen.Lyndsey@epa.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Martin, Kenneth G (DEC) <kenneth.martin@dec.ny.gov>; Riggi, Jerry M (DEC) <jerry.riggi@dec.ny.gov>; Costello, Cynthia A. (HEALTH) <cynthia.costello@health.ny.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: Niagara Falls Boulevard: Concrete Disposal
Importance: High

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Afternoon Everyone:

Lyndsey and I apologize for the delayed response. We were traveling the day we received feedback from NYS and had planned Leave this week. I apologize for the lengthy email but I wanted to try and address with input from Lyndsey. I also had a chance to discuss this topic as well as other Niagara County topics with Tim Rice on my drive back last Thursday.

We understand the concern regarding the concrete disposal. Our team is aware of the C&D Landfill requirements but we were not aware of additional state regulatory requirement for free release of non-hazardous materials located on radiation sites. Thank you for bringing this to our attention. If you would be so kindly to point to the **specific section(s)** within the state regulations that outlines the requirements—specifically, the two standard deviations above background. We want to ensure that we have read that specific section and have a thorough understanding of the requirements.

As discussed with the EPA many times prior, NYCRR Parts 360 and 380 prohibit radioactive materials (including TENORM) from being disposed of in New York state landfills. But as you can imagine, this is not always easy to parlay into clear, concise guidance due to differing scenarios, isotopes and site specific obstacles/situations. It can be especially problematic when dealing with TENORM

materials due to their nature and presence in background materials.

I will let Tim provide you with the areas of Part 380 and 360 that specifically preclude RAM if you still need them after reading this. He can provide further clarification if required. Unfortunately, he is out today. Hopefully he will return tomorrow.

In the case of materials that may (or may not) be in contact with the contaminants of concern (on any project), it was determined that if surface contamination is possible/probable, ARAR's such as Reg. Guide 1.86 (or the NYSDOH Part 16 equivalent in this case) would not suffice due to the potential for materials above background being released from the site. As you are likely aware, the intent of such guidance was the free release of tools, etc. from controlled areas for reuse. But not for disposal and/or recycling of building materials. This is where it has been determined that the Department's solid waste regulations apply.

Over the past several years, with similar situations on FUSRAP projects, DOE remedial actions, NRC decommissioning activities at a college research reactor and other legacy TENORM projects such as Li Tungsten, we came up with the concept of 2 sigma above background for surface contamination, using MARSSIM style techniques including classification (Class 1, 2, 3, unaffected) if needed. All parties subject to these relayed requirements accepted this and worked with this section to ensure they were on the right path to acceptance. The parties recognized that they needed to meet state solid waste regulations or they would have to find other disposal avenues outside of New York.

This concept ensures no radioactive materials discernable from background are disposed of in a New York State landfill with a 95% confidence. We believe that is a reasonable, statistically defendable request and other parties have agreed and complied. I am glad to relate that very little material was ever determined to exceed criteria with any of these projects and all parties were satisfied with the outcome.

Someday, when the state adopts NORM and TENORM specific regulations, this will (hopefully) all be clearly laid out. But likely not before I retire. So until then, this is the most scientifically sound concept we could arrive at.

I would first like to point out the layers of the flooring. Starting from the top we have concrete, plastic, pea gravel, asphalt and then the slag. The asphalt is being considered contaminated and will be disposed of as if it is hazardous. As you can understand, the concrete did not come in contact with the slag. We screened each piece of concrete with a pancake probe (alpha, beta, and gamma) to determine if there was fixed contamination. We used the criteria of two times background of the lowest background area on site. This criteria was used to indicate whether the concrete could be moved from the decon area to our staging container and not necessarily for disposal.

In the example related above, materials containing readings at or near twice background would not be acceptable for disposal in a New York State landfill. What was your justification for the use of twice background?

Furthermore, using a pancake G-M probe, which as you accurately describe, detects Alpha, Beta and Gamma radiation, does not provide any information on which forms of radiation are present and at what values. Nor can you obtain an accurate static counts for documentation unless the meter it is coupled to has a scaler setting.

In the situation described above, were you to detect something approaching twice background, what if a majority of those counts (in excess of background) are arising from either Thorium-232 and/or Radium-226 Alpha emissions? Then obviously this material potentially contains TENORM and would not be allowed to be disposed of. This is why we need to work together to determine the necessary steps for the data associated with this project.

It would be highly recommended that the project team obtain (a) meter(s) which can discern between Alpha and Beta radiation, and can also perform (integrated) static one minute Alpha and Beta counts for more accurate documentation purposes.

As related above, it would be easy to lay out data for review prior to disposal and possible approval. For instance, if you consider the concrete materials, pea gravel, etc. not in contact with the slag unaffected, or at worst Class 3 (as per MARSSIM guidance), then development of criteria for surveys should be relatively simple. You simply need to determine average background counts for each material matrix and obtain readings from the similar materials excavated that you wish to dispose of, and simply compare the average readings (for large individual pieces or lots of material) to background plus 2 sigma.

Same with whatever you denote as Class 2 or <u>former</u> Class 1 areas (if it is determined any of these materials needed to be disposed of for whatever reason).

The considerations for layers within the building areas are understood. In the open parking lot and other areas, where there is exposed slag commingled with asphalt or soils, I would imagine slag removal <u>with some overburden</u> (and some material beneath) will be the most efficient path and not segregation.

In addition to static/scan measurements, random swipes were taken on roughly 5% of material removed. The swipes were counted for 10 minutes each on Ludlum 3030. All samples collected were at background levels for both alpha and beta.

I am not certain removable contamination surveys are necessary provided no areas above background are encountered. But it is better to have such negative data as it adds to the overall picture regarding lack of contamination above background. If

areas of removable contamination are encountered, what does your plan indicate?

We also took some representative samples of this concrete and sent off to the lab for analysis to ensure that this material is not TENORM. This is what we considered the main data for disposal.

Representative volumetric analysis is certainly worthwhile information to include in the overall data regarding these potential disposals. But again, if the only potential concern is surface contamination due to the nature and matrix of the material, surficial readings may be sufficient for these materials. Unless your recent analysis indicates otherwise?

This was all performed prior to releasing the concrete from the decon area to the staging container where concrete is staged currently. We planned on holding off on disposal until we received our sample results from the laboratory. We will now consider the state's comments once we review the specific section of the state regulation and feel comfortable we satisfied that criteria. We will also put our compiled data into a report and submit to the state.

This section will be glad to work with you in development of the data packages to support this effort. As you know, this is now a high profile project with implications for any materials disposed locally (within NY). The more clear, accurate the data that you can provide indicating that the materials are statistically not impacted by TENORM above background, the easier it will be explaining to the public and media that no materials containing TENORM will be disposed of in New York State should questions arise.

Furthermore, no materials should be disposed of until you are certain that this section agrees that you have met the criteria as described above. Again, Tim will gladly forward you the pertinent parts of the regulations, but again, there are no prescriptive details in the regulations at this point. This is our implementation of

them, agreed to by many other agencies and entities over the past several years.

In regard to our PPE, RADECO air sampling was performed both inside of the room and the perimeter surrounding the structure. Each air sampler was paired with a particulate air monitor. The limits for our air samples are set at 0.1DAC but for precautionary measures, we are using the LLD/MDA for our instrument, to verify that no contamination is becoming airborne. Based on the contaminant of concern, the specific activities (of which isotopes? Short lived progeny?, The parent isotopes? What was determined to be the isotope(s) driving airborne concerns?) , and the physical form of the contamination, we understand your concern about using level C. However, we initially were cutting through concrete (silica) and potentially cutting into the slag layer itself. As a team, we decided to be conservative at first until we had the data to support a downgrade in respiratory protection. We didn't start cutting into the asphalt/slag layer until the last few days of this last tour. Lastly, while not science based, when performing physical labor like this, there is preference by the workers to use APR mask rather than a dust mask. The dust mask tends to becomes moist and doesn't seal/conform to ones face.

I understand that you were being conservative with the concerns over potential airborne materials (both rad and non-rad). But during any saw cutting or other invasive procedures, one would presume that industry standard dust suppression techniques were and shall be used? This will be especially important when operations are performed outdoors and more likely public interest will be a concern.

For instance, normally saw cutting involves wetting the blade with an attached water jet, etc. So how much airborne dust/particulate was actually generated. Like I said in my prior email, engineering controls and work practices are always the first line of defense before PPE. Now that you have air data, will the PPE be adjusted? Considering the recent weather in the area, Level C must be difficult to work in for extended periods of time. I am sure your health and safety plan addresses this concern.

In regard to public perception, that can go both ways. It may be perceived we aren't taking enough precautions with PPE just as there can be an opinion that we have "jumped" to using PPE. In my training, you start conservative and then downgrade accordingly, not the other way around. In the end, it is my call and if there are any questions, I will address. We attempt to be as discreet as possible with our operations. That is easier said than done when you are conducting a removal amongst two operating businesses. I am well aware of the public and press interest in these Sites and Niagara County overall. However, I cannot make technical/safety decisions based on public opinion. The public and press have approached me continuously for the last year and especially in the last few months. Not once was there concern about our approach or PPE being used. However, when the question arises "How do we know that our removal activities aren't spreading the contamination and exposing the public?" we will have specific information and data to address those concerns.

Related to public perception comment, I was merely pointing out (that) as I have experienced on other projects/sites for the past 24 years in this profession, when the public can see someone in full PPE (and a respirator) present not far from them, it creates a perceived concern for their safety. We are always up against this with radiation. Having decon/frisking areas removed from public view helps alleviate this. I do realize this is not always possible.

In regards to the PPE and contamination control in general, beyond the concerns over location of frisking areas and respiratory protection previously discussed, I noticed in a couple pictures on the website it appeared that people in PPE were present adjacent to others in street clothes behind/within what is perceived to be the contamination control line, yet there were no demarcation ropes or signs present. For examples, see IMG_1228.JPG and IMG_1254.JPG attached.

I would presume that in IMG_1254.JPG the staff in PPE are not actually in a contamination control area since there are other staff present in street clothes next to them. But someone browsing this website has no clear narration that this is the

case. And the same with the other photo. In IMG_1228.JPG it appears there is plastic on the ground, which one might assume demarks the contamination control line, and the people in street clothes are not standing on it. But the same plastic is on the ground in the other picture where the folks in street clothes are right next to the ones in PPE so how can one be certain? Again, ropes and signs would go a long way to clarifying this.

Beyond those comments regarding these images, one also wonders why the person, in full PPE including respiratory protection, is being frisked prior to doffing their PPE? It is normal, standard practice to frisk a person subsequent to the doffing of PPE. Are you frisking individuals wearing PPE and reusing the PPE, respirator, etc. if no contamination is determined to be present? Again, the picture can imply many things that are unclear without any narrative.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

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From: Papura, Thomas R (DEC) [mailto:thomas.papura@dec.ny.gov]
Sent: Thursday, July 14, 2016 10:25 AM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Nguyen, Lyndsey <Nguyen.Lyndsey@epa.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Martin, Kenneth G (DEC) <kenneth.martin@dec.ny.gov>; Riggi, Jerry M (DEC) <jerry.riggi@dec.ny.gov>; Costello, Cynthia A. (HEALTH) <cynthia.costello@health.ny.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>
Subject: RE: Concrete Disposal

Eric,

Note taken on the reply all, but I have two comments:

Basing the PPE (Specifically the APR) on anticipated removable contamination and other inhalation irritants is subjective and not qualitative. Being conservative is one thing, but any contractor with the experience and knowledge would perform calculations to determine potential DAC/Hours and ALI from the radionuclides of concern.

One of the things we get reminded of every year in our annual OSHA refresher is that PPE is the last consideration before engineering controls and best work practices. Not the other way around.

Considering the matrix of these slag materials, along with engineering controls (such as negative air in the enclosed area and the use of dust suppression during saw cutting, etc.), the potential for any airborne contamination should be low. And the work should have been done to make this determination before jumping to use of respiratory protection.

You also have to consider the profile and media attention this. From what I can tell, the decon/frisk area is potentially readily visible to the public. So you can imagine the concern for people walking/driving past seeing someone if full PPE with APR while they stand there observing.

In regards to the surveys of concrete removed so far, I am sorry but as related in the previous email, the words below will not suffice. We will need documentation as detailed in my previous email with individual static counts for Alpha and Beta contamination with the appropriate probe. The materials will not be allowed into a NYS landfill without proper documentation forwarded to this section for review in comparison to representative background locations not associated with the areas of concern.

Again, you have to realize that due to the nature of this project, any materials disposed of locally and/or in New York State in general will be subject to scrutiny. And we need to have clear, accurate documentation as described previously or it will not be allowed.

Tom

Thomas Papura

Environmental Radiation Specialist II

Contaminated Sites Group Leader

Remedial Bureau A

518-402-8579 Option #2

thomas.papura@dec.ny.gov

From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Thursday, July 14, 2016 9:34 AM
To: Papura, Thomas R (DEC) <thomas.papura@dec.ny.gov>
Cc: Nguyen, Lyndsey <Nguyen.Lyndsey@epa.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Martin, Kenneth G (DEC) <kenneth.martin@dec.ny.gov>; Riggi, Jerry M (DEC) <jerry.riggi@dec.ny.gov>
Subject: Re: Concrete Disposal

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Good Morning:

I'm about to start driving back to NJ but wanted to send a quick response.

Our PPE is based off of anticipated removable contamination and other inhalation irritants. Dust mostly from concrete removal and asphalt/slag soil removal. We sample with the Radeco to test for suspended rad. We also have particulate monitoring ongoing. We have been collecting data throughout even when we did not expect anything. We are being conservative with our approach and being that we just recently started excavating the actual rad material, we had no idea what that would present. We have our Decon procedures established and will continue that to ensure we are not bringing out any material.

As far as the concrete, all pieces were screened with pancake probe and swipes were taken. Nothing above background. We also took concrete samples of known contamination below and other samples from areas that did not have contamination for a comparative analysis. There is no indication of even removable contamination. Concrete, plastic, pea gravel, asphalt and then slag.

In the future, please just reply to this group with technical questions and not to all. I have multiple agencies, contractors and upper management on that distribution list.

Thanks

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin
Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
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On Jul 14, 2016, at 9:14 AM, Papura, Thomas R (DEC) <thomas.papura@dec.ny.gov> wrote:

Eric/Lyndsey,

Just an FYI, we observed in the latest report that "Concrete will be disposed of as non-hazardous once conformational laboratory analysis results received."

In the State of New York, we only allow the disposal of building materials, concrete and asphalt (associated with rad cleanup projects and TENORM removals) if the results of radiological surveys (and laboratory analysis if necessary) indicate no radioactive materials are present greater than background. In this case, we would not expect to materials to leach into concrete and asphalt, but materials removed from the areas of concern will need to be proven not to contain any surface contamination. For this purpose, standards such as Reg Guide 1.86 and NRC, EPA and NYSDOH equivalents will not suffice.

With several past projects throughout the state, we have required the development of representative background values for various materials (anticipated to be disposed of as clean) and then compare readings of materials in question to that background plus two standard deviations. This gives us a 95% confidence that no materials above background will be disposed of as clean in New York State permitted landfills.

Before any materials related to this project are disposed of in any New York state landfill, they will have to meet the above requirement using multi-point representative static (one minute) readings for both Alpha and Beta contamination. I would say that fixed readings would be sufficient unless areas of concern are discovered, then a combination of fixed and removable readings would be necessary to determine the nature of the area of concern. And of course, allowances for transient radon progeny (due to weather fluctuations, etc.) should be a part of any proposed procedure.

If areas greater than background plus two sigma are discovered, it would likely be easier to eliminate (break out) these locations from the pieces of concrete/asphalt and dispose of them with the other materials being sent out of state for rad disposal.

Thanks

Tom

Thomas Papura

Environmental Radiation Specialist II

Contaminated Sites Group Leader

Remedial Bureau A

518-402-8579 Option #2

thomas.papura@dec.ny.gov

From: NiagaraFallsBoulevardRadiological@epaosc.org [mailto:NiagaraFallsBoulevardRadiological@epaosc.org]
Sent: Wednesday, July 13, 2016 5:14 PM
To: daly.eric@epa.gov; Martin, Kenneth G (DEC) <kenneth.martin@dec.ny.gov>; Papura, Thomas R (DEC) <thomas.papura@dec.ny.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Riggi, Jerry M (DEC) <jerry.riggi@dec.ny.gov>; Sutton, Gregory (DEC) <gregory.sutton@dec.ny.gov>; Collins, Jerry (HEALTH) <jerry.collins@health.ny.gov>; Costello, Cynthia A. (HEALTH) <cynthia.costello@health.ny.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>; Nguyen.Lyndsey@epa.gov; Povetko.Oleg@epa.gov; Giardina.Paul@epa.gov; laurita.matthew@epa.gov; Peter Lisichenko <peter.lisichenko@westonsolutions.com>; Ben.Nwosu@WestonSolutions.com; Robert.Croskey@WestonSolutions.com; Basile.Michael@epa.gov; Compton.Harry@epa.gov; Daloia.James@epa.gov; Doyle.james@epa.gov; Enck.Judith@epa.gov; grealish.beckett@epa.gov; Greenberg.Marc@epa.gov; Kluesner.dave@epa.gov; Kodama.Doug@epa.gov; Mears.Mary@epa.gov; Mosher.Eric@epa.gov; mugdan.Walter@epa.gov; pane.mark@epa.gov; Rotola.Joe@epa.gov

Subject: Pollution Report #6 Niagara Falls Boulevard Radiological Site

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Evening:

Attached is the most recent Pollution Report for Niagara Falls Boulevard Site.

Reporting Period: 06/24/2016 through 07/13/2016

USEPA Pre-Remedial Program performed an assessment at the Niagara Falls Boulevard Site (NFB) in 2013-2014. Based on the Pre-Remedial Evaluation, the site did not meet the minimum criteria necessary to be placed on EPA's "National Priorities List", a list of hazardous waste sites in the U.S. which are eligible for long-term cleanup financed under the federal Superfund program. However, it was subsequently determined that material contaminated with radiation was located beneath the asphalt parking lot shared by the bowling alley and a building supply center. EPA determined that the Agency would further assess the site to determine if an action under EPA's short term, or "removal" program was warranted.

From June 24th through July 12th the following tasks/events occurred:

- OSC Daly, HP Nguyen, Weston (2) and Guardian (RM, FCA, 2 Operators and 1 Tech) mobilized to Site on June 24, 2016.
- Decontamination tent construction outside of GNBC Office Area.
- Exhaust system and chimney constructed in GNBC Office Area.
- Particulate air monitoring and Radeco air monitoring conducted in the GNBC Office Area as well as strategic locations within other area of GNBC building and exterior of the building during interior operations.

•□□□□□□□ Multi-Rae was monitoring interior air quality (CO2, Oxygen) within the interior work space of GNBC Office Area throughout operations.

•□□□□□□□ GNBC Office Area concrete floor was cut, removed from area, sections scanned for radiological scan with pancake probe and swipes taken prior to relocating to secure storage container. No indication of contamination have been observed. Concrete will be disposed of as non-hazardous once conformational laboratory analysis results received.

•□□□□□□□ The removal of the asphalt/slag layer of GNBC Office Area was initiated. Material was placed in cubic yard boxes. The boxes were sealed prior to leaving the interior space. In the decon tent the boxes were swiped and swipe samples analyzed prior to boxes being relocated to secure storage container.

•□□□□□□□ All personnel within the GNBC Office Area were in appropriate PPE and were scanned with pancake probe within the decon tent prior to removal of PPE to determine if any removable contamination is leaving the building. No above background readings were observed during activities during this report time range.

•□□□□□□□ On July 5, 2016, the Dan Telvock news report was released via newspaper, internet and Channel 2 news broadcast. This report covered potential/existing radiological sites within the Niagara County area. Some information was based on in-person interview with OSC Daly on June 10, 2016. Both Niagara Falls Boulevard and Holy Trinity Sites were mentioned in the news piece.

•□□□□□□□ There have been a few episodes of vandalism at the office trailer portion of Niagara Falls Boulevard Site located on 9626 Niagara Falls Boulevard. The portable toilets have been knocked over twice. More recently when the Site crew was off over the July 4th break (off on July 3rd and 4th). When OSC and crew returned to the site on July 5th both portable toilets were on their sides. The portable toilets are subcontracted by USEPA Contractor Guardian Environmental Services (GES). The portable toilet company informed GES that during our week break in June (June 17-23), the toilets were tipped then as well. A police report was filed with the Niagara Falls Police Department. On July 7th, police officers toured Site with OSC and obtained more information regarding the vandalism. On July 13th, motion sensor lights were installed in the office trailer area.

•□□□□□□□ On July 13, 2016, OSC Daly requested verbal increase of $1,400,000.00 for a total project ceiling of $2,000,000.00 to continue the emergency Comprehensive Environmental Response Compensation and Liability Act (CERCLA) removal action at the Niagara Falls Boulevard Site.

•□□□□□□□ Late afternoon July 13, 2016, U.S. Senator Charles E. Schumer put out a press request to urge the U.S. Environmental Protection Agency (EPA) to conduct an updated and comprehensive assessment of the numerous radioactive hotspots in Niagara County and the Grand Island area. This request appears directly related to recent news reports covering the Niagara Falls Boulevard Site, the Holy Trinity Site and other areas of interest in Niagara County.

•□□□□□□□ The last day working on Site was July 13, 2016 for this tour.

Anticipated Activities:

•□□□□□□□ Mobilize back on Site August 1, 2016.

•□□□□□□□ Stabilization of GNBC Office structure due to newly discovered inefficient roof support and suspect perimeter wall footers. The construction of this addition was not by code and necessary steps must be taken to stabilize structure in order to continue work. Permanent measures must be taken to bring this structure up to code.

•□□□□□□□ Continuation of the excavation and staging of contaminated material from GNBC Office Area.

•□□□□□□□ Begin removal of asphalt, excavation of contaminated material from specific sections of the parking lot and staging.

•□□□□□□□ Initiate excavation and staging of contaminated material from other internal spaces within GNBC structure.

•□□□□□□□ Post excavation sampling, analysis of GNBC Office footprint and other excavated areas.

•□□□□□□□ Backfilling of cleared excavated area with clean fill.

•□□□□□□□ Bid out transport and disposal of contaminated material.

Response Actions to Date

7 Cubic yard boxes of radiological contaminated material was removed from the GNBC Office Area and staged in secured containers during this time period

USEPA has been coordinating with NYS, Niagara County and local representatives throughout the assessment/removal process.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly
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Attached is a Pollution Report (POLREP) regarding:

USEPA Region II
Niagara Falls Boulevard Radiological Site
9524-9540 Niagara Falls Boulevard, Niagara Falls, NY

To view this POLREP, please open the attachment.

For additional information regarding this site,
please visit the website by clicking on this link:
http://www.epaosc.org/NiagaraFallsBoulevardRadiological