SDMS US EPA REGION V -1

SOME IMAGES WITHIN THIS DOCUMENT MAY BE ILLEGIBLE DUE TO BAD SOURCE DOCUMENTS.
Dear Ms. Gawlinski,

This is to request that this letter and the accompanying 18 pages be entered into the Administrative Record concerning the proposed changes to the Industrial Excess Landfill (IEL) ROD.

The material represents most of what was received yesterday by Brad Davis, a reporter from the Canton Repository, to his FOIA request to the Department of the Army seeking information on radioactive materials dumped at the IEL.

Mr. Davis' request was virtually identical to a request I had made several months ago. Davis received a direct response from the Army. My request, however, was forwarded to Mr. Timothy Thurlow at Region 5. The explanations I received for the routing of my request did not evidently apply to Mr. Davis' request.

Sincerely,

[Signature]

The American Friends Service Committee is a Quaker social action organization seeking non-violent solutions to human problems through promoting understanding and peace and helping those ill and oppressed.
30 March 1999

FOIA 99-8

Information Management Directorate

Mr. Brad Davis, Staff Writer
The Repository
500 Market Avenue, South
Canton, Ohio 44703-2193

Dear Mr. Davis,

This letter is in response to your Freedom of Information Act request dated January 27, 1999. This request was originally sent to Rose Marie Christensen, Chief, Freedom of Information Act and Privacy Act Office, U.S. Department of the Army and was subsequently sent to this office for action. Your request asks for any and all documents, dated 1965 to present, relating to the transport, deposit, presence, or impact of radioactive materials dumped in the landfill in Uptown, Ohio known as either the Kittinger, Budoff, or Industrial Excess Landfill. Copies of all documents meeting this criteria and held by this office are provided as enclosure.

Sincerely,

[Signature]

Paul F. May
Acting Director, Information Management
MEMORANDUM THRU U.S. Army Corps of Engineers, Ohio River Division, ATTN: Patty Berths, P.O. Box 1159, Cincinnati, OH 45201-1159

FOR HQ, U.S. Army Corps of Engineers, ATTN: Jim Gibbon, 20 Massachusetts Avenue, N.W., Washington, DC 20314

SUBJECT: Uniontown Industrial Excess Landfill

1. An article appeared in the Sun Journal on April 10, 1997, citing an unnamed source from the Pentagon. The article alleged that the Department of Army (DA) had been involved in the dumping of radioactive materials into the Industrial Excess Landfill located in Uniontown, Ohio. HQUSACE, under the authority of the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS), requested that the Louisville District (LRL) investigate this allegation.

2. Pursuant to this request, LRL contacted the United States Environmental Protection Agency (USEPA) to discuss the allegation. Generally, USEPA personnel working on the clean-up of the landfill confirmed that it is a Superfund site. Several private companies, who have been identified as Potentially Responsible Parties (PRPs), are currently working with USEPA in connection with the clean-up. There is no evidence of any DA involvement with this landfill.

3. Specifically, regarding any radioactive contamination, USEPA personnel stated that extensive testing of the landfill area discovered no such contamination above background levels. Furthermore, the EPA representative stated there is no evidence of any DA involvement with radioactive material at this site. The current activity, involving private PRPs, is the result of other types of contamination.

4. Based on the above, LRL, in consultation with the USEPA, agree that no further investigation by DA is necessary. Further expenditure of resources in connection with the allegations in the Sun Journal are of no added value. Note that LRL has been advised by USEPA that Ohio EPA concurs that there is no DA involvement in connection with this landfill.
CEIRL-DE (415)
SUBJECT: Uniontown Industrial Excess Landfill

The Programs and Project Management Division (PPMD) POC is Kevin Jasper (502) 625-7915. Office of Council (OC) POC is Ann Nunn (502) 582-5679.

HARRY L. SPEAR
Colonel, Corps of Engineers
Commander and District Engineer
From: Kevin L Jasper
To: Patty Bertsch
Date: 7/10/97 5:09pm
Subject: Re[2]: Freedom of Information Act Request

Patty and Jim,

Wanted to keep you informed on this one.

Kevin Jasper

---

Rob,

This site is/as a Congressional Interest for EPA. Senator John Glenn and Congressman Tom Sawyer have been involved to get more sampling for radioactive materials conducted at the site by EPA. The Concerned Citizens Group is a very active group in Ohio. This site is already in the courts with identified PRPs. Past studies do not support or identify DOD involvement.

I have provided my thin file to OC. COL Spear signed off/on our initials on a memo to HQ that Ann Nunn and I prepared. This memo documented phone calls with EPA indicating DA was not involved in this landfill and there is no evidence of radioactive waste at this site.

Since that memo I was copied furnished a memo prepared by DEPA to a related concerned Citizens Group that stated the same. In that memo EPA requested that the group please provide them with any information they have concerning DOD involvement. Appears this FOIA is the groups attempt to find (more??) evidence.

Bottom line is the citizens are looking to confirm their position that
radioactive waste from DOD was dumped in this landfill. The EPA has no evidence of this nor does URL, that I am aware of. Time will tell what the Concerned Citizens Group has. If documentation is provided to support the suspected DOD involvement, URL will be responsible for preparing a FUDS inventory project report (INPR). Following the INPR, this FRP project would be referred to Omaha District. At this point there is no value added in URL doing any further investigations based on EPA input.

KJ

Subject: Re: Freedom of Information Act Request
Author: Susan M Toutant at CEORL-CCMAIL
Date: 7/10/97 10:23 AM

We have been involved through Kevin Jasper. We will deal directly with OC.

Susan

Subject: Freedom of Information Act Request
Author: Rob G Fuller at CEORL-CCMAIL
Date: 7/9/97 10:27 AM

We have received a FOIA Request from the American Friends Service Committee in Akron, Ohio. They have requested copies of all documentation from 1968 to the present which addresses the deposit, presence and/or impact of radioactive materials at the Industrial Excess Landfill site in Uniontown, Ohio.

Please ask your folks for any information that they might have on the Industrial Excess Landfill site. We are not certain which District has responsibility for this location and we are checking with both Huntington and Pittsburgh. There is a short suspense so if you could report any information that you may have not later than Friday, July 11th, it would be greatly appreciated.

Send your reply to Kim Barnes, of my staff. Her extension is 6355.
From: James Gibson
To: CEORD.ORDO(Patty Bertsch), CEORD.X400(CEORL-DL-B_Ka... 
Date: 4/29/97 9:54am
Subject: Uniontown, OH

Patty/Kevin:

Please verify. It is my understanding that we have no knowledge that the subject site ever belonged to DoD or AMC.
From: Kevin L Jasper
To: CEORD.ORDO(Patty Bertsch)
Date: 4/27/97 4:50pm
Subject: Re: Unlontown, Ohio

---------- Forwarded with Changes ----------

From: Kevin L Jasper at CEORL-CCMAIL
Date: 4/27/97 6:39PM
To: James R Gibson HQ at X400
Subject: Re: Unlontown, Ohio

Patty,

I got your message regarding Unlontown. This is my response back to Jim. I did not realize he BCC you his message to Tom Walsh also. I plan to proceed with the memorandum, unless someone tells me otherwise. Memorandum will be routed through OC, DL, DDE, to DE through ORD to USACE.

KJ

---------- Forward Header ----------

Subject: Re: Unlontown, Ohio
Author: Kevin L Jasper at CEORL-CCMAIL
Date: 4/27/97 6:39 PM

Jim,

I have prepared a memorandum to this effect for the DEs(COL Spear) signature. The memorandum is to go thorough ORD and to HQUSACE(yourself) Should we proceed to carry it to his desk this am?(Monday) I'll be in Huntington transitioning files on Monday afternoon and Tuesday.

OC and I spoke to USEPA Friday about this subject. Nothing has changed since I last sent you the email regarding this site, other than I have been preparing the memorandum.

OEPa alerted me about a reporter that had called them asking about DOD investigating the site more. Should I direct this reporter to Candy Walters(HQUSACE PAO) or let LRL's PAO manage the inquiry? If an INPR were required we would need to know the "Concerned Citizen Group's pentagon source". Without the information source and based on EPAs comments, No we do not need to do waste resources to further investigate this site.
Subject: Uniontown, Ohio
Author: James R Gibson HQ at X400
Date: 4/28/97 8:05 PM

COE Status Report: Based on direction from CEMP-RF the Louisville District does not plan to prepare an INPR for the subject site. This determination has been made based on the following rationale:

(1) This site is currently in litigation and DoD has not been named as a PRP.

(2) Per discussions with EPA, they feel DoD has not been involved at the site. This determination is based on EPA's investigations (#1M) to date. No presence of radioactivity or DoD related contamination has been found by EPA for this site.

(3) EPA plans to continue to sample at this site to deny/confirm the presence of radioactivity alleged by the concerned citizens group.

CC: CEORD.X400(CEORL-DL-B_Susan_Toutant,CEORL-OC_Ann_N...
From: James Gibson  
To: CEORD.X400(CEORL-DL-B_Kevin_Jasper)  
Date: 4/22/97 5:56am  
Subject: HQ Request for INPR at Uniontown OH -Reply

Kevin:

Please prepare a Memorandum for Record on this site. Keep a copy in your files and send me a copy ASAP. I will provide a copy to the pentagon. For the time being this is the only action I recommend, based on your E-mail message.

CC: CEORD.ORDO(Patty Bertsch)
From: Kevin L Jasper
To: CEORD.X400(CEMP-RS_James_Gibson)
Date: 4/21/97 2:56pm
Subject: HQ Request for INPR at Uniontown OH

Jim,

LRL's team met today to discuss the preparation of the INPR for the
landfill site in Uniontown. OC questioned why DOD was getting
involved when this site is already in the courts trying to determine
who is to do the clean up. I explained that the tasking to do an INPR
came from HQ based on the newspaper article that was written and the
inquiries that had come in from DA and EPA. OC spoke with an EPA
contact who indicated the court proceedings are moving forward and to
date nothing had been presented to suspect DOD liability in the site.

EPA has spent $1M investigating this landfill. No sampling has
indicated the presence of radioactivity. EPA indicated they had agreed
to do some further sampling to confirm/deny the presence of
radioactivity in an effort to meet the concerns of Concerned Citizens
Group who are writing Senator Glenn and Congressman Sawyer. My EPA
contact for Ravenna says we DO NOT want to get into this dilemma with
the Concerned Citizens Group.

Given that EPA does not feel DOD has been involved and based on the
fact this site is far into the legal proceedings we must ask: Why is
DOD spending scarce resources to do this INPR? To date DOD has not
been brought into the claims process by B.F. Goodwrench, Good Year Tire
and the other two firms. Seems doubtful these firms missed a PRP(DOD)
in their investigations?

Based on the limited information LRL has gotten to date, the team does
not feel that it would be in the best interest of this project to
enter into a preliminary assessment(FA) of determining if this site is
eligible under the FUDS Program. This PA/INPR could generate more
questions than it does answers, with file cabinets full of information
at EPA this will not be a low cost INPR, if we proceed.

Please give me a call to discuss our next move on this one.

Thanks
Kevin Jasper
502-626-7015

CC: CEORD.ORDO(Patty Berths),CEORD.X400(CEORL-RE-M_Su...
From: Patty Bartsch
To: X400.CEORL-DL-B_Kevin_Jasper
Date: 4/17/97 1:34pm
Subject: Radioactive Material @ Unlontown, Ohio -Forwarded

Please respond directly to JR and inform me. Need schedule for preparing INPR (ex. date for site visit, time for record review, anticipated date INPR completed and sent to ORD, etc). Since you already have a meeting scheduled at Ravenna on May 5th, may want to consider combining trips to save money even though would delay getting started on INPR. Give JR a schedule and cost breakout for an "immediate" trip to Unlontown and for a May combined trip to Ravenna and Youngstown. Thanks.

CC: X400.CEMP-RS_James_Gibson
From: James Gibson
To: CEORD.ORDO(Patty Bertach)
Date: 4/17/97 11:20am
Subject: Radioactive Materiel @ Unlontown, Ohio

Patty:

We are getting a lot of traffic from the Pentagon and EPA concerning this site. We have gone on record that it was not in our inventory and we plan to visit the site to be able to make a determination of property eligibility. ASAP, can you provide a timetable for what actions we will take and when they are scheduled? THANKS
From: James Gibson
To: CEORD.ORDO(Patty Bertsch)
Date: 4/15/97 7:32am
Subject: FUDS SITE?

Patty:

I received a copy of a newspaper article from our PAO yesterday about an Industrial Excess Landfill (IEL) site in Uniontown, Ohio. The newspaper article alleges that the U.S. Army may have used this landfill to dispose of highly toxic and radioactive waste as part of the federal weapons disposal campaign. This issue surfaced in the midst of an ongoing battle between a civic-watchdog group called Concerned Citizens of Lake Township and the Ohio and USEPA agencies. This issue has been brought to the attention of Senator John Glenn and Congressman Tom Sawyer. Have you heard of this site or have any information that may be helpful to determine whether it is a potential FUDS?

PS: The copy of the news article I have is very poor and I don't think it will FAX well.
Date: 04/16/1997 02:06 pm (Tuesday)
Subject: FW: Radioactive Material at Uniontown, Ohio--NEED HELP!

Jeff,

We (FUDS) are looking into this allegation and have not been able to identify any DoD activity as yet. Maybe a lot of activity over nothing -- will let you know what we find out. POC in FUDS is Jim Gibson, (202) 761-4709.

> > > Bamis, Jeff
< bamis@Pentagon-ACS1M Army.Mil> 04/14/97
11:31am > > >

Tom:
The original email message (way down this line) asks for information on a disposal site in Uniontown, Ohio where it is alleged the U.S. dumped radioactive material in 1969-70. The FY96 Report to Congress does not list a FUDS in Uniontown, Ohio. Do you have any information on this? Please reply to me. I will forward the info to other parties. Thanks. jcb

-------
From: Bassler, Robert
To: Bamis, Jeff; Marroquin, Raul; Carisle, George; Ives, Bart; Jullus, Tim; Kraft, Allen; Timm, Patrick; Reed, Keith W.
Cc: Cain, Michael
Subject: FW; Radioactive Material at Uniontown, Ohio--NEED HELP!
Date: Friday, April 11, 1997 7:02PM

Can anyone help Nancy answer this one?

-------
From: NANCY POMERLEAU
To: basslerr; BOB LINGO; JANIS FINEGAN; bob.lubbwt; KRISHNA QANTA; DON GOWER
Subject: Re: Radioactive Material at Uniontown, Ohio--NEED HELP!
Date: Friday, April 11, 1997 6:10PM

Jan.
I am asking Don Cowper and Krishna Genta to coordinate this for you. The
Army Corps of Engineers handles formerly used
defense sites (Bob Lubbert: please coordinate with
Tom Weah). Don't know the AMC status of this.
Will get back to you with some help. I am also
forwarding this to the ODEP office for their
coordination with us (LTC Bassler).

BOB LINGO
04/11/97 03:10 PM

To: JANIS FINEGAN cc: JOE
EDGECC/CC/HQAMC/AMC/US, JOHN
MANFRED/HC/HQAMC/AMC/US, BOB
FRANTZ/AM/HQAMC/AMC/US, STAN
CITRON/CC/HQAMC/AMC/US, STAN
LOWE/EN/HQAMC/AMC/US, NANCY
POMERLEAU/EN/HQAMC/AMC/US, PEDRO
CUNANAN
Subject: Re: Radioactive Material at Uniontown,
Ohio (Document link not
converted)

Boy, they just keep coming!

Sorry, this one even predates my HQ AMC
experience (having come to this job in 1978!)
However, I would think Ammo or your office should
check with the
IOC and TACOM-ARDEC. They might know
something. Also, suggest checking with the Army
Environment Center, AEC. At one time, when
they were
USATHAMA, they did a study and records search
of where contamination was buried on our plants;
don't know if they also looked into off-site disposal.
There was a big library at Edgewood area of all
their record searches. Last thought is to check
with the Corps of Engineers and the
Formerly Utilized Defense Sites (FUDS) program;
possibly they may have some information.
AMCEN-A could give you a point of contact.

Sorry could not be of more assistance.