

Chief Roger Hill  
Chief Darwin Hill  
Tonawanda Seneca Nation  
7027 Meadville Road  
Basom, NY 14013

Re: Notification of Consultation and Coordination on the Eighteen Mile Creek Superfund Site

Gentlemen:

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with the Government of the Tonawanda Seneca Nation concerning its plans to investigate and remediate the Eighteen Mile Creek Superfund Site.

On March 15, 2012, EPA added the Eighteen Mile Creek to the Superfund National Priorities List of the Country's most hazardous waste sites. The floodplain and sediment of the Creek and certain properties which are near the Creek are contaminated with harmful chemicals, including polychlorinated biphenyls (PCBs) and heavy metals, which can have serious effects on people's health and the environment.

The Creek flows north and discharges to Lake Ontario in Olcott, New York. The headwaters consist of an East and West Branch which are immediately north of the New York State Barge Canal. The branches merge to form the main body of the Creek at the Clinton Street Bridge in Lockport, New York. Past investigations of the Creek were divided into two parts: the Eighteen Mile Creek Corridor, which extends from the Creek's headwaters at the New York State Barge Canal to Harwood Road in Lockport, and the Sediment Study Area. The Corridor contains most of the Site's past contamination and includes approximately 4,000 feet of the Creek, as well as properties located along Mill Street, Water Street and Clinton Street in the City of Lockport. The Creek Sediment Study Area extends from Harwood Road to the Creek's discharge into Lake Ontario and includes numerous contaminated depositional areas. At the current time, the New York State Department of Health has issued an "eat none" advisory for any fish caught in the Creek based on PCB contamination which has been detected in fish. To date, no remedial actions have been implemented at the Creek.

EPA plans on addressing the Site in three phases or operable units (OUs). OU 1 will address soil contamination at several properties on Water Street in Lockport. The plan also may recommend the demolition of the former Flintkote Building at 300 Mill Street in Lockport. EPA expects to send a draft proposed plan for this action to the Tonawanda Seneca and Tuscarora Nations for

review within the next few months. Issuance of the record of decision (ROD) should follow a few months after the proposed plan.

EPA also is evaluating remedial investigation (RI) data collected by the New York State Department of Environmental Conservation from 2002 to 2007 at several other properties within the Site Corridor and will consider whether additional work is required to determine the full extent of contamination.. EPA anticipates issuing a second proposed plan and ROD for the Corridor in the near future. Finally, EPA will evaluate the data which has been collected in the Creek Sediment Study Area and will consider whether additional work is needed to determine the extent of contamination in the Creek to its discharge to Lake Ontario. This will be designated OU3 for the Site. EPA's remedy decisions for OU3 will be presented in a future proposed plan and record of decision.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)). EPA values the observations, insights, and recommendations of the leaders and members of the Tonawanda Seneca Nation regarding EPA's proposed plan and other anticipated response actions for the Site. In accordance with our government-to-government relations with you, we are seeking input and discussion.

EPA invites you and your designated consultation representative(s) to participate in this process. EPA's estimated timeline for the consultation and coordination period is expected to extend from now to the next several years. Also, please be aware that assistance may be available to the Nation to support its participation with EPA during its evaluation and clean up of the Site. If you are interested, please call me. Please note that I am also the contact person for this consultation and coordination process. I may be reached at 212-637-4281 or by email: 'taccone.tom@epa.gov.'

If you have any questions about the consultation process, please contact Mr. Grant Jonathan, EPA Region 2's Consultation Advisor at 212-637-3843.

I look forward to meeting and working with you on this important project.

Sincerely,

Thomas Taccone  
Remedial Project Manager  
Western New York Remediation Section

cc: Mardell Sundown  
Linda Logan

bcc:A. Cirillo, ORC-NYCSB-NYC  
G. Jonathan, ORA-DRA-OSP  
L. Charney, ORC-NYCSB-NYCST