

Chief Leo R. Henry  
Tuscarora Nation  
2006 Mt Hope Road  
Lewiston, New York 14092

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

Dear Chief Henry:

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with the Government of the Tuscarora Nation concerning its plan to conduct a remedial investigation and feasibility study (RI/FS) of 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 are contaminated with harmful chemicals, including polychlorinated biphenyls (PCBs) and heavy metals, which can have serious effects on people's health and the environment. Certain sections of the Creek also have contaminated the groundwater. EPA's purpose in conducting the RI/FS study is to determine the nature and extent of contamination in the Creek and to identify and evaluate various treatment technologies to address the contamination. Upon completion of the study, EPA will select one or more of the technologies to address the contamination.

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 it 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.

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 Tuscarora Nation regarding EPA's RI/FS study of the Creek. In accordance with our government-to-government relations with you, we are seeking early 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 the RI/FS study. 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 Ms. Janice Whitney, EPA Region 2 Consultation Advisor at 212-637-3790.

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: Neil Patterson  
Rene Rickard  
Janice Whitney