



# WELCOME TO INDUSTRY DAY



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# WELCOME TO INDUSTRY DAY

## TODAY'S PROGRAM

**Welcome & Pledge of Allegiance**

**John Davis**, Post President, Wendel

**SAME National Welcome & Installation of New Officers**

**Bill Lorenz, PE, PMP**, SAME Regional Vice President, Energy Solutions

**NYSDEC Regional Update: Issues and Priorities facing the AEC/Environmental Industry**

**Stan Radon, PG / Chad Staniszewski, PE**, NYSDEC

**SLDA FUSRAP Project Overview**

**Mr. Andrew (AJ) Aufderheide, EIT**, Environmental Engineer, USACE Buffalo District

**\$200M Reconstruction of the Southtowns Advanced Wastewater Treatment Facility**

**Joe Fiegl, PE**, Deputy Commissioner, Erie County DEP

**Opportunity Forecast: FY25-26**

**Jeffrey Ernest**, Chief of Contracting , USACE Buffalo District

**Closing Remarks & kickoff Networking: Reception Cash Bar & Hors d'oeuvres**

**Scott Kozak**, Incoming SAME Buffalo Post President, Colliers Engineering



Department of  
Environmental  
Conservation

# DEC Region 9 Update: Remediation, Solid Waste, TENORM, & Wetlands

Stan Radon, Regional Geologist & Chad Staniszewski, Assistant Regional Geologist

June 5, 2025

## Part 375 - Environmental Remediation Revisions (2025)

- Amend Part 375 to incorporate modifications to the regulations based on the experience developed during the first decade of implementing the BCP.
- Increase consistency across remedial programs (SSF, BCP, ERP) and provide DEC with the tools necessary to more effectively implement these programs.
- Explicitly provides the Department with the authority to terminate an Order or Agreement for cause where:
  - Remedial Party fails to “substantially comply” with Order or Agreement

## Part 375 - Environmental Remediation

- Plume Containment/Stabilization – Although a BCP volunteer does not need to remediate an off-site groundwater plume, the volunteer must address an on-site plume and prevent further migration off-site at the site boundary (to the extent feasible).
- A volunteer may be required to complete off-site investigation to support the qualitative exposure assessment:
  - SVI evaluation and sampling at nearby structures;
  - Off-site groundwater sampling if potential exposure pathway exists
  - Off-site soil sampling if potential exposure pathway exists

Part 375 - Environmental Remediation

More than 50% of SCO's are revised.

Ex: Pb (lead) Residential : 400 PPM to 200 PPM

Four new contaminants added:

- PFOA
- PFOS
- Aniline
- Nitrobenzene

## Technologically-Enhanced Naturally Occurring Radioactive Material (TENORM)

EPA in New York

# Niagara County Radiation Removal Sites

## EPA Completes Cleanups at Three Niagara County Sites and Continues Investigation at Two Other Sites

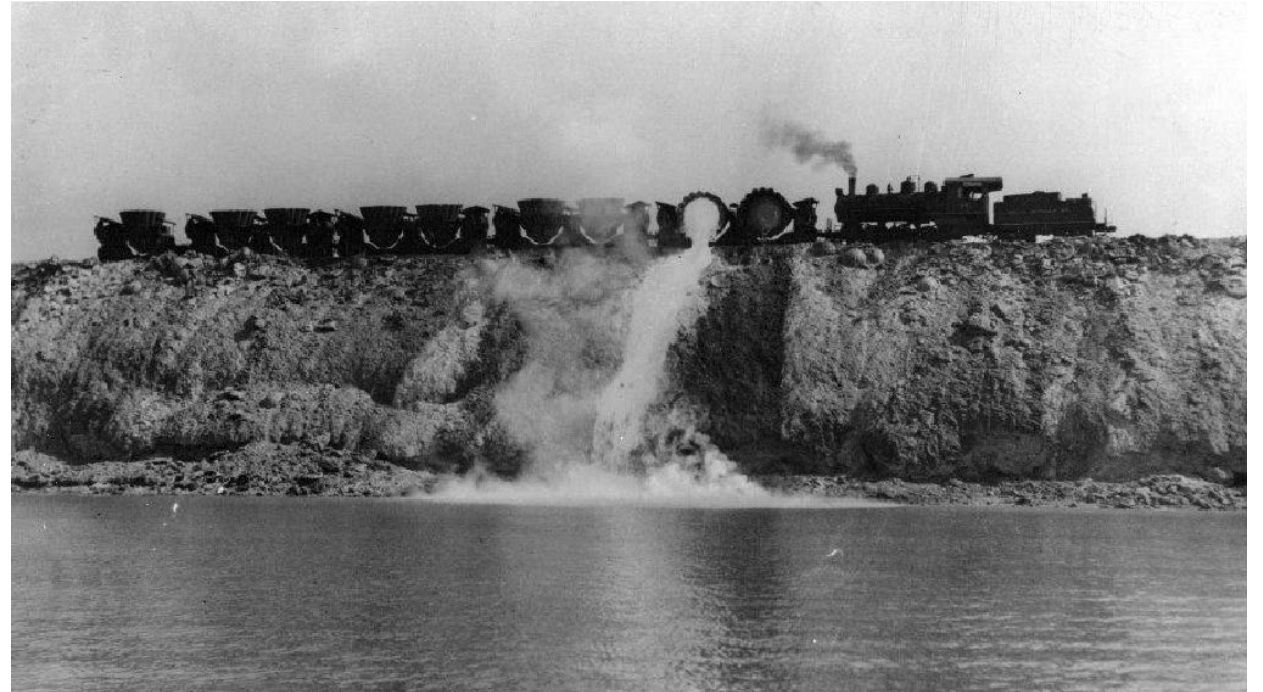
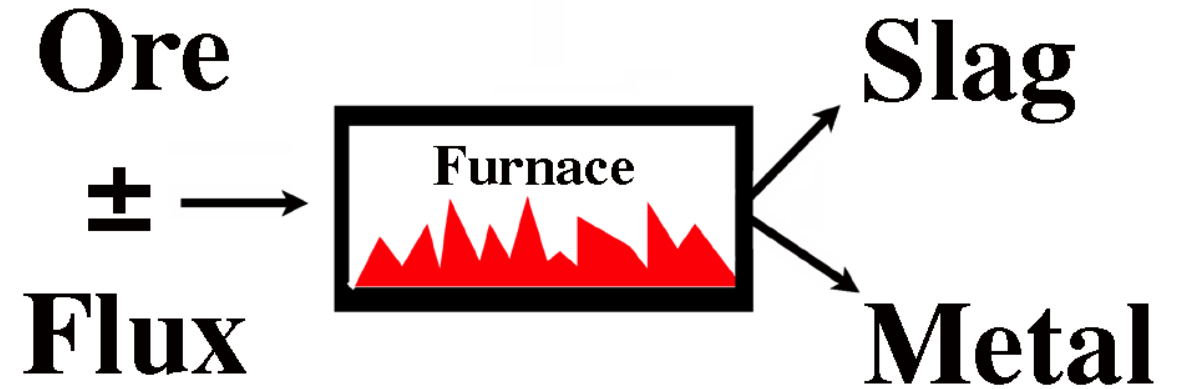
The U.S. Environmental Protection Agency (EPA) is continuing its cleanup and investigation work at Niagara County properties where radioactive slag material fill was discovered in soil on the properties.

### Site I

- [Up Road I](#)  
[Updat](#)  
(178.06
- [Upper](#)

TENORM

- Not all slag is created equally:
- Iron ore
- Phosphatic ore
- Rare earth ore



## DMM-5: Management of TENORM material

- DEC has developed TENORM Guidance Document (DMM-5) which allows for greater flexibility in managing TENORM material.
- TENORM is banned from disposal in NYS landfills and can add substantial costs to projects.
- Consultants need to hire a Licensed Decontamination & Decommissioning contractor (NYSDOH approved list) to perform radiological sampling; develop a TENORM Management Plan.

## Solid Waste (Part 360) updates

- Biosolids Management - Biosolids, sometimes referred to as sewage sludge, are the solid or semi-solid organic materials resulting from the treatment of wastewater.
- 2023 – Establishes interim PFOS & PFOA criteria for recycling of biosolids in NYS & actions to be taken by DEC based on sampling results
- Requires all permitted compost and land application facilities that accept biosolids to sample biosolids source
- Interim policy to remain in place until EPA issues risk-based standards for biosolids to be recycled & DEC completes rulemaking

## Treatment and Disposal of Landfill Leachate

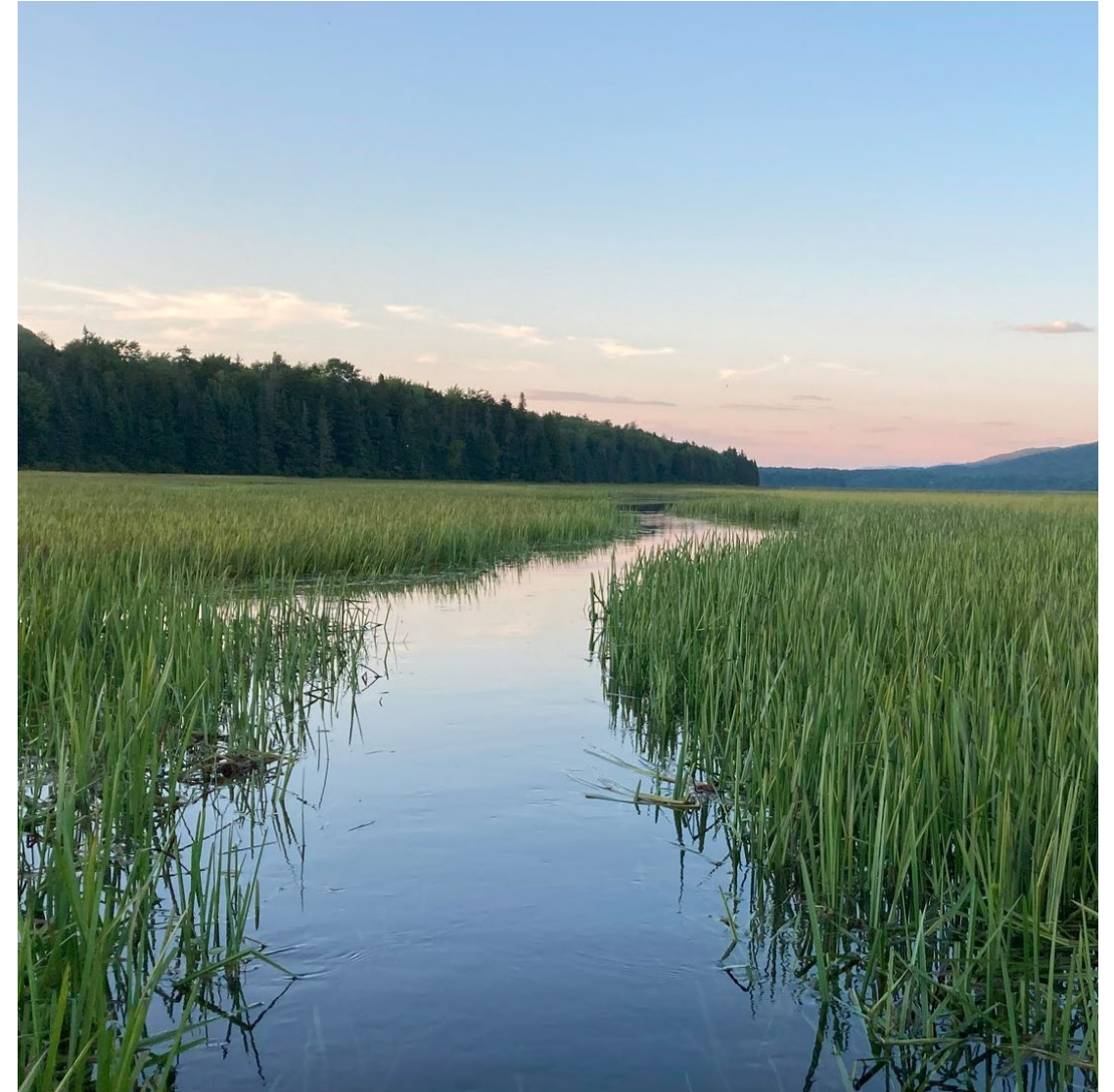
- Goal is to minimize the re-introduction of contaminants into the environment
- Rulemaking requires leachate from currently active MSW landfills be treated to remove contaminants and ensure proper disposal
- The treatment would occur prior to delivery to a WWTP
  - 200,000,000 gallons/year - Public owned/operated
  - 280,000,000 gallons/year – Private and public/private owned

## Food Waste Donation Law

- Expanded law requires that businesses/institutions donate excess food and recycle food scraps through composting or anaerobic digestion
- Annual average tonnage threshold will be gradually reduced from 1 ton/week in 2026 to 0.5 tons/week in 2028
- Now includes business and institutions within 50 miles of a facility that recycles organic waste

## Statutory & Regulatory Changes Effective in 2025

- Freshwater Wetlands Act (Article 24):
  - Jurisdiction no longer tied to maps
    - Regulated whether mapped or not
  - Continue to regulate previously mapped freshwater wetlands
  - Anticipated 1 million additional acres regulated:
    - All other wetlands >12.4 acres (>7.4 acres in 2028)
    - MANY smaller wetlands of “Unusual Importance”



## Statutory Provisions Effective Jan. 1, 2025

- Freshwater Wetlands Act (Article 24):
  - Wetland classification factors substantially modified
    - Class 1 – 4 structure maintained
    - Previously mapped wetlands need to be reclassified
  - Adjacent Areas extended >100 ft for particular types of wetlands
    - Productive Vernal pools
    - Nutrient poor wetlands



# WELCOME TO

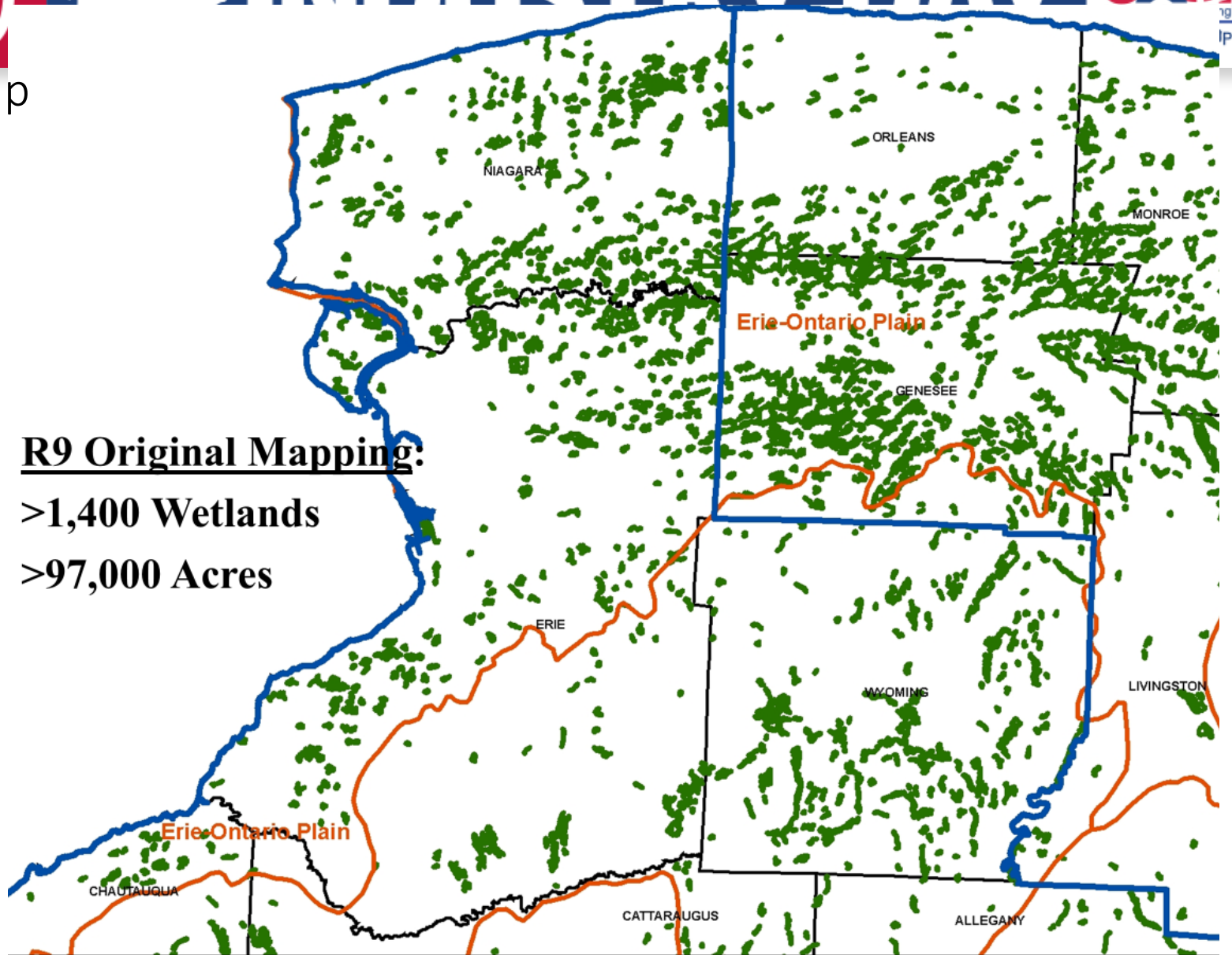
DEC was Originally Required to Map Wetlands (Mostly 1980s)

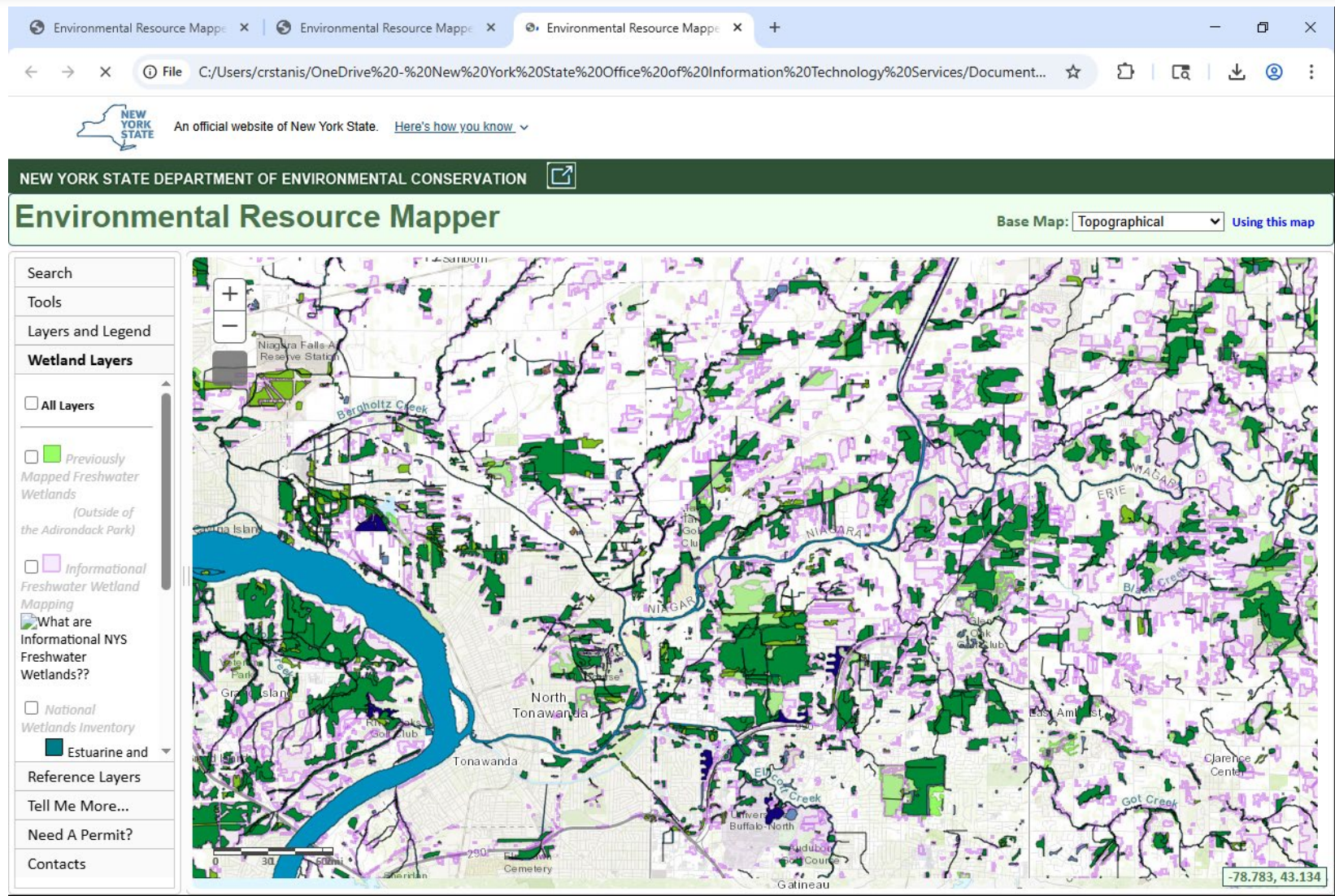
- Wetlands >12.4 Acres (5 Hectares)
- Also Wetlands of Unusual Local Importance (ULI)

## R9 Original Mapping:

>1,400 Wetlands

>97,000 Acres





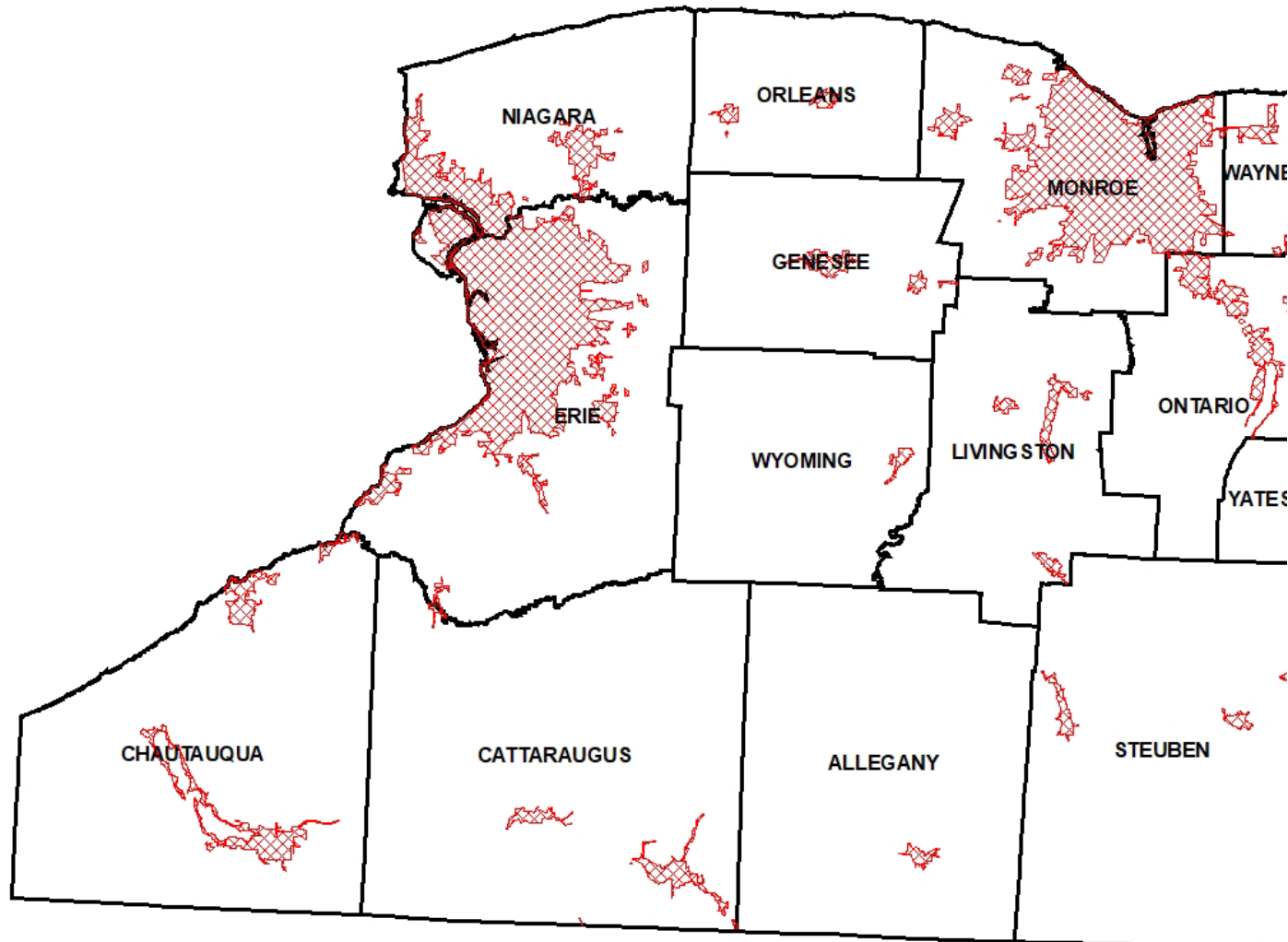
## Wetlands of Unusual Importance (No Size Limit)



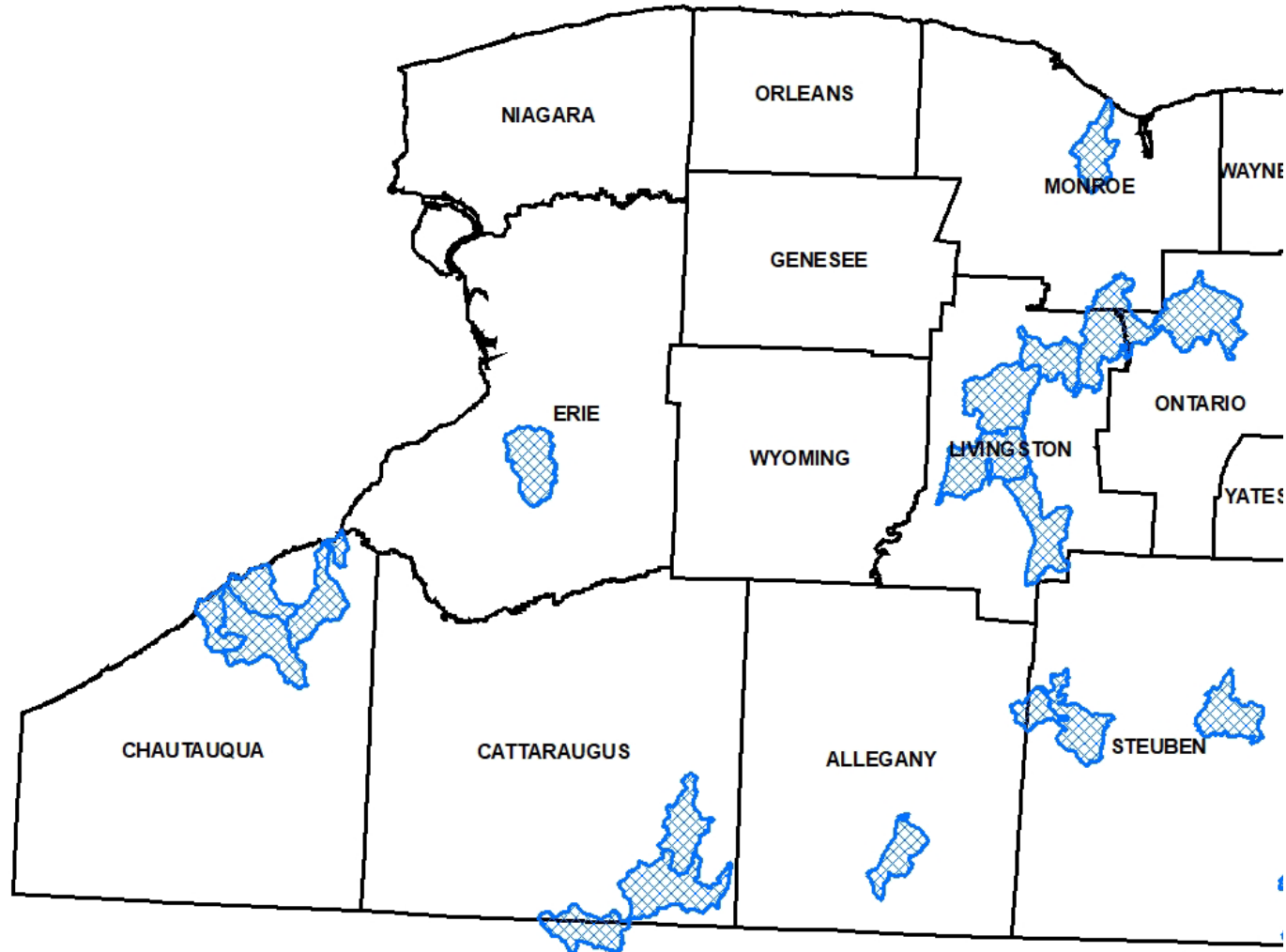
## Wetlands of Unusual Importance - 11 Triggers:

- 1) ***Urban areas***
- 2) Rare plants
- 3) Previously designated as a wetland of Unusual Local Importance (ULI)
- 4) ***Wetlands in floodways***
- 5) Previously mapped
- 6) Habitat for essential behavior of Endangered/threatened/special concern/species of greatest conservation need
- 7) ***Watershed with significant flooding***
- 8) Productive vernal pools
- 9) Class I wetland
- 10) Regional or local significance
- 11) Significant for protecting state's water quality

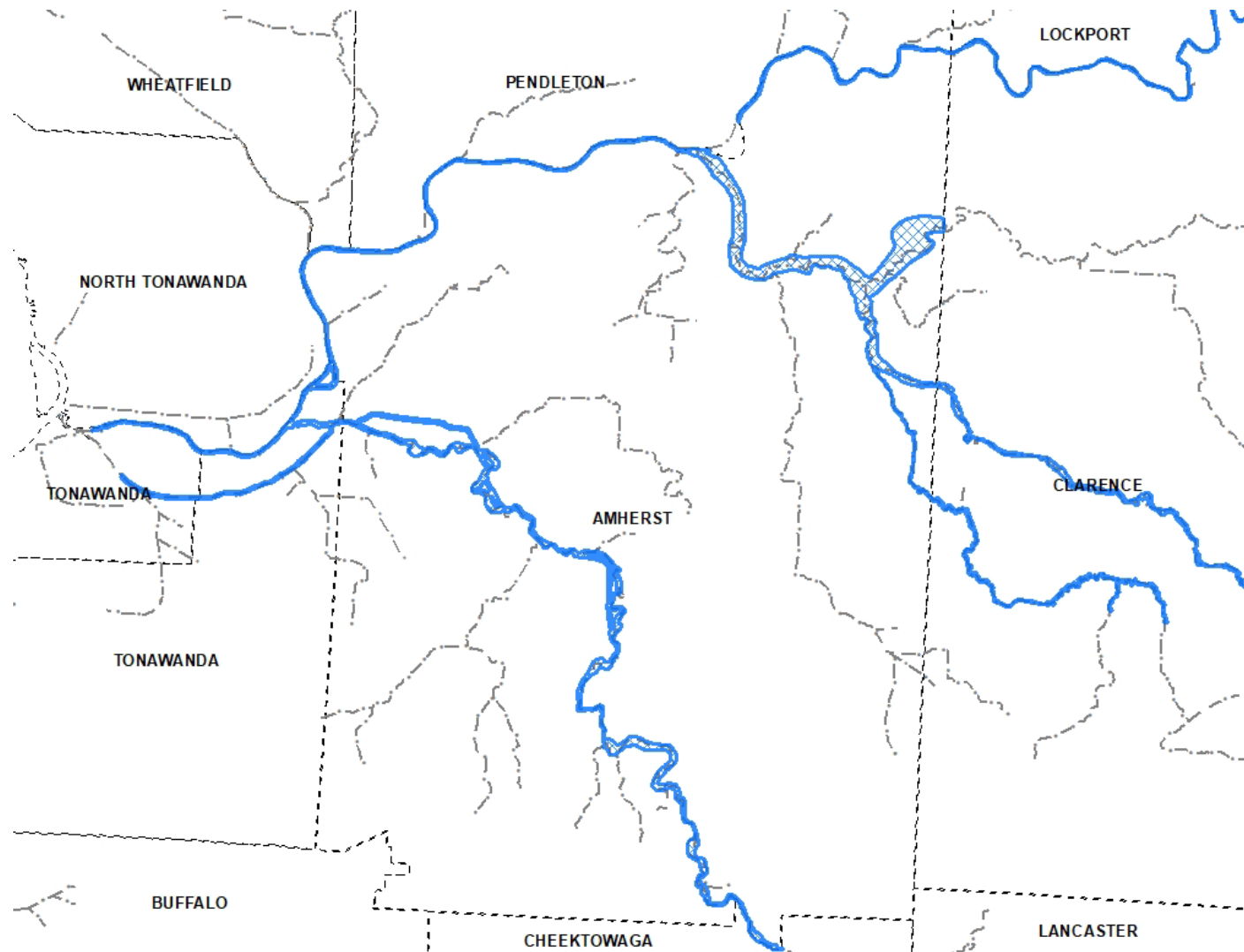
## Urban Areas (No Wetland Size Threshold)



## Watershed with Significant Flooding All Three Factors

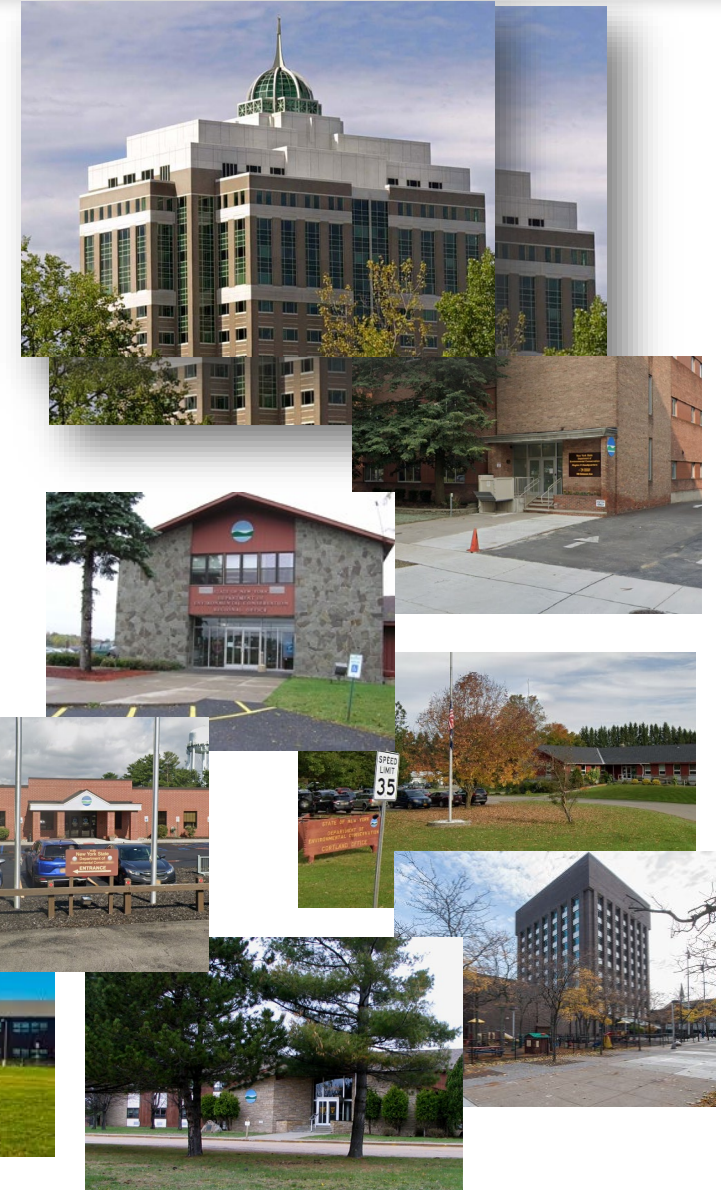


## Designated Floodways (No Wetland Size Threshold)



## Jurisdictional Determination Process

- Step 1 – Determine if parcel or property is within Article 24 Jurisdiction (**Parcel JD**)
- Step 2 – Determine exact extent of wetlands on the parcel or property (**Delineation**)
- Step 3 – Determine if a project requires an Article 24 Permit (**Project JD**)



## Step 1: Parcel JD

- Two options for requesting Parcel JDs:
  - Submit online request via the DEC web site
    - DEC's Albany JD Team will process
  - Hire a consultant to pursue a Consultant Option JD request
    - DEC's Regional BEH staff will process
- Parcel JD will decide if Wetland or AA extends into Parcel
  - If negative JD, no delineation or Project JD required
  - If positive JD, wetland delineation & Project JD required

## Online JD Request Form

- **Allow Pop Ups**
- **What you'll need**
  - **Landowner:**
  - Parcel ID #
  - Physical Address
  - Contact Info: Mailing Address/Email
  - **Private Company/NGO**
  - Same as above
  - Company Name
  - Shapefile – not required but appreciated

### Apply for a Jurisdictional Determination

To apply for a freshwater wetland JD, submit an online request to DEC and provide your name, parcel address and ID number, and your contact information.

[ONLINE JURISDICTIONAL DETERMINATION FORM](#)

You **must provide physical address of the parcel, parcel ID #, and a way to contact you.** Either mailing address or email. Preferably email, to receive a parcel jurisdictional determination.



## Online JD Request Form

NYS Freshwater Wetlands Jurisdictional Determination Reques...

First Name:\*

Last Name:\*

This request is being sent by or on behalf of:\*

Please select

If this project has any associated spatial data, please upload the shapefile(s) below:

1

Drop file here or select file

Contact Telephone Number:\*

Contact Email Address:

This request is being sent by or on behalf of:\*

Private Landowner

Government Agency

Private Company

Private Landowner

Real Estate Professional

patial data, please upload the

here or select file

Contact Telephone Number:\*

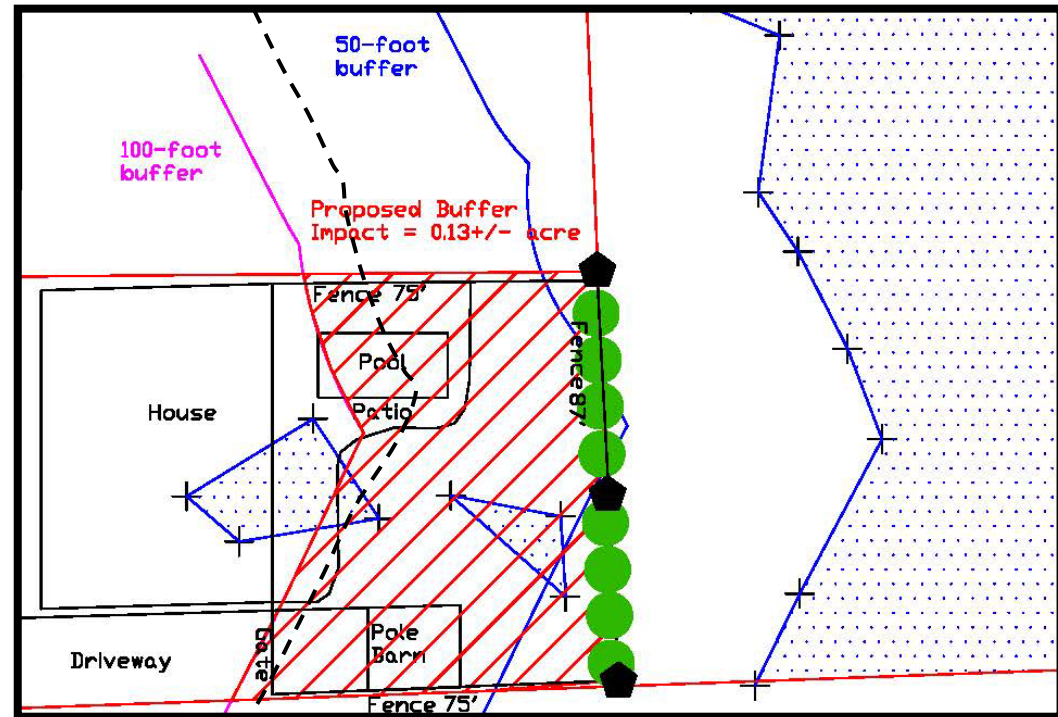
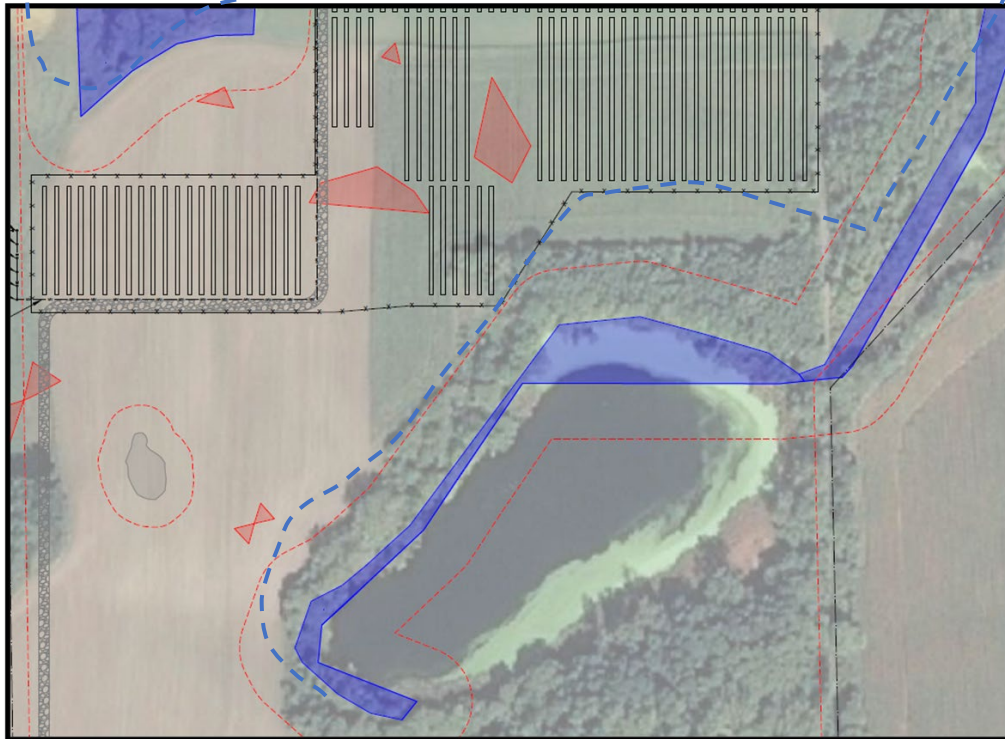
## Step 2: Wetland Delineation

- Flags Hung to Mark Regulated Wetland Boundary
- Flagged Boundary Transferred to Map
- DEC Sends Detailed Map to Landowner



## Step 3: Project JD

- Project JD determines if an Article 24 permit is required
  - Overlay proposed project footprint with delineated wetland and AA
  - If regulated activities planned w/in wetland or AA, Article 24 permit required



## Article 24 Freshwater Wetlands Permitting

- No substantive changes to Freshwater Wetlands permitting process
- Part 663 Permitting Regulations have not changed
- Continued overlapping Federal & State authorizations:
  - Article 24 NYS Freshwater Wetlands Act
    - Administered by DEC
  - Section 401 of the U.S. Clean Water Act
    - Administered by DEC
  - Section 404 of the U.S. Clean Water Act
    - Administered by U.S. Army Corps of Engineers

Permit Authorizations		
<b>Freshwater Wetlands - Under Article 24</b>		
Permit ID 9-2934-00173/00024		
New Permit	Effective Date: <u>1/3/2018</u>	Expiration Date: <u>1/2/2020</u>
<b>Water Quality Certification - Under Section 401 - Clean Water Act</b>		
Permit ID 9-2934-00173/00025		
New Permit	Effective Date: <u>1/3/2018</u>	Expiration Date: <u>1/2/2020</u>
<b>Excavation &amp; Fill in Navigable Waters - Under Article 15, Title 5</b>		
Permit ID 9-2934-00173/00026		
New Permit	Effective Date: <u>1/3/2018</u>	Expiration Date: <u>1/2/2020</u>
NYSDEC Approval		
By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.		
Permit Administrator: LISA M CZECHOWICZ, Deputy Regional Permit Administrator		
Address: NYSDEC Region 9 Headquarters		
270 Michigan Ave		
Buffalo, NY 14203 -2915		

## Timeline for Jurisdictional Determinations

- DEC has 90 days to provide a **Parcel** JD
- DEC has 90 Days to provide a **Project** JD
- If DEC fails to provide a definite answer or notification of an extension within 90 days of receipt of a parcel JD request, the requestor shall provide notice via certified mail.
- If DEC then fails to provide a definite answer within 10 business days, freshwater wetland jurisdiction for the subject parcel shall be deemed waived for a period of five years.



# SLDA FUSRAP PROJECT UPDATE

• U.S. ARMY CORPS OF  
ENGINEERS BUFFALO DISTRICT



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US Army Corps  
of Engineers

FUSRAP

(Formerly Utilized Sites  
Remedial Action Program)

Prior Year FUSRAP Appropriations: FY23 (\$400M), FY24 (\$300M), FY25 (\$300M)

1974

FUSRAP was initiated to identify, investigate, and, if necessary, cleanup or control U.S. sites contaminated as a result of the Manhattan Engineer District (MED) or early Atomic Energy Commission (AEC) activities.

1997

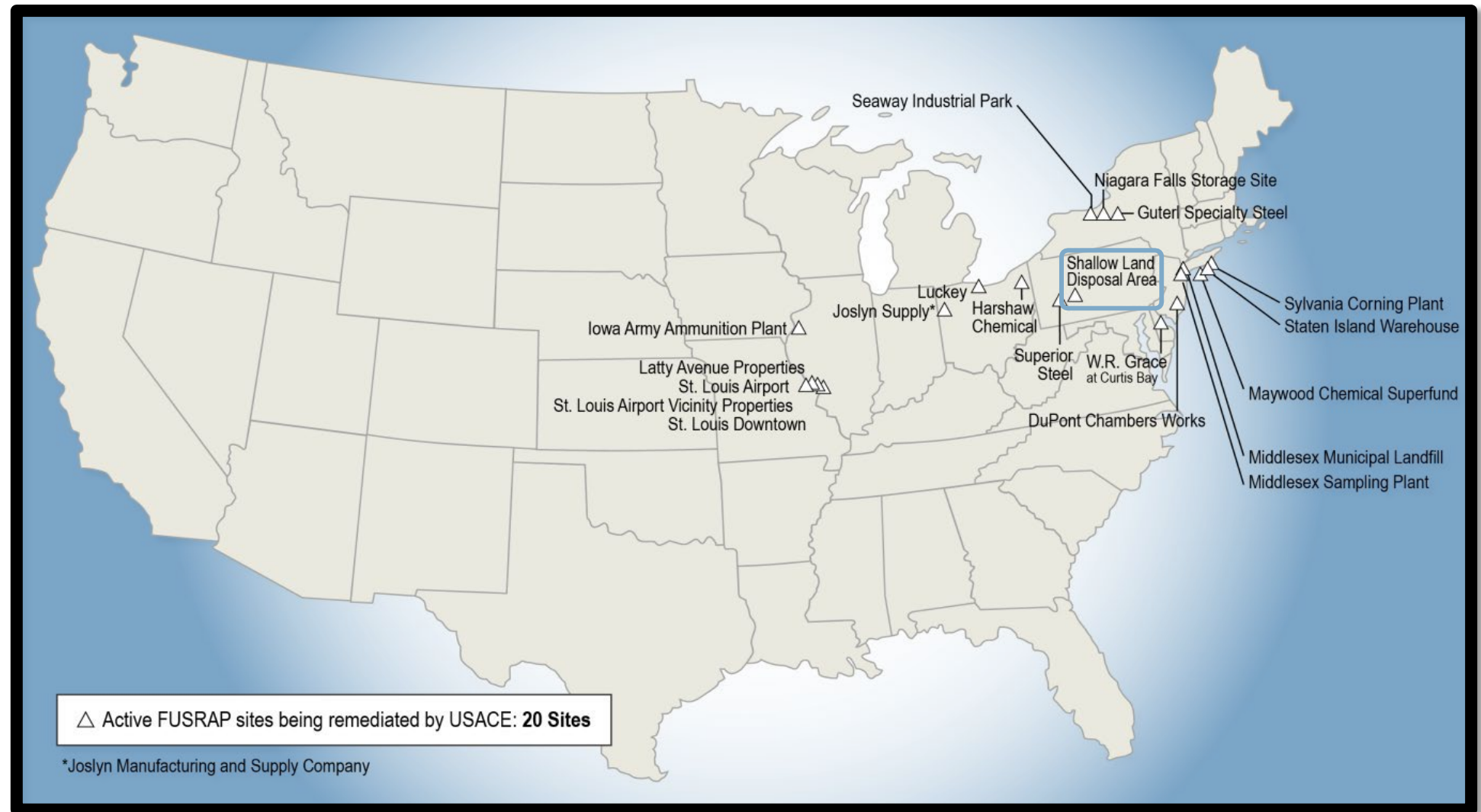
In October 1997, Congress transferred responsibility for FUSRAP from the U.S. Department of Energy (DOE) to the U.S. Army Corps of Engineers (USACE).

2025

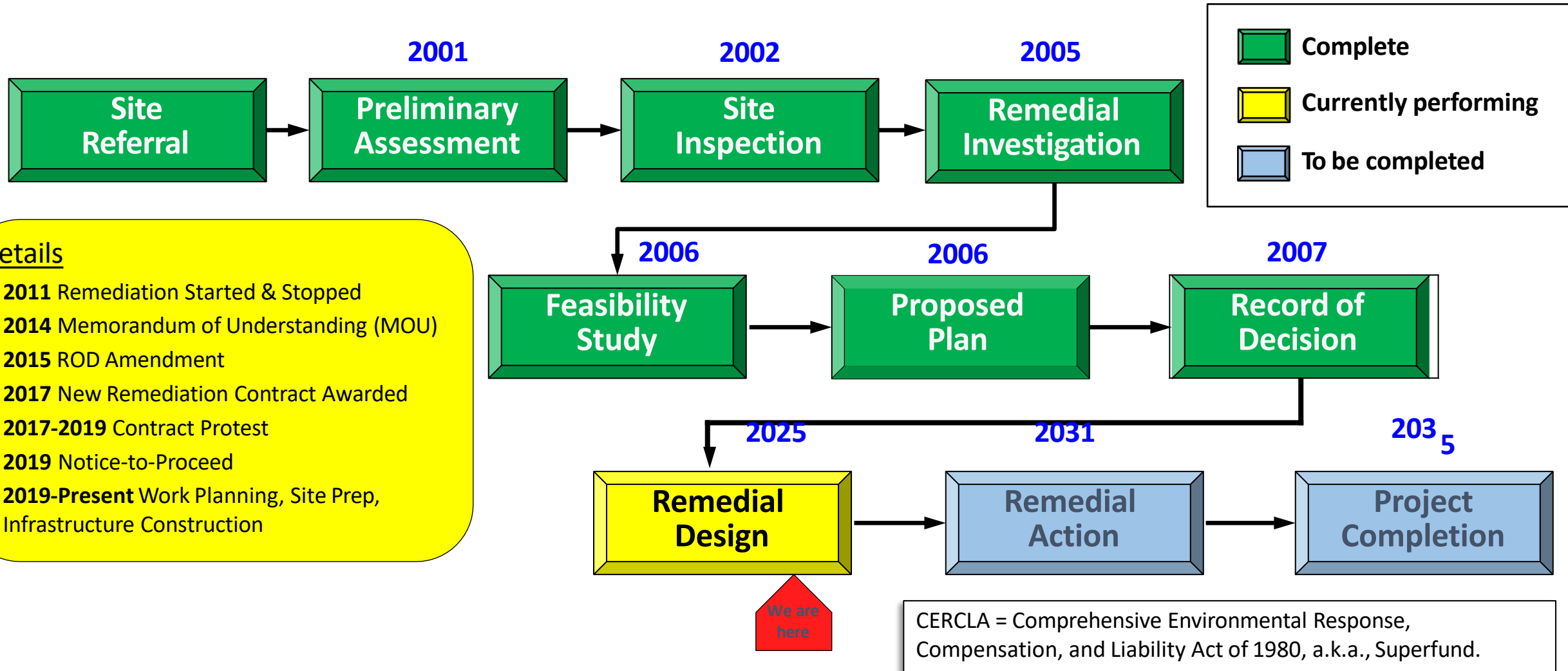
There are currently 20 active sites in 8 states under FUSRAP.

USACE transfers completed FUSRAP sites to the U.S. Department of Energy Office of Legacy Management (DOE-LM) for long-term stewardship.

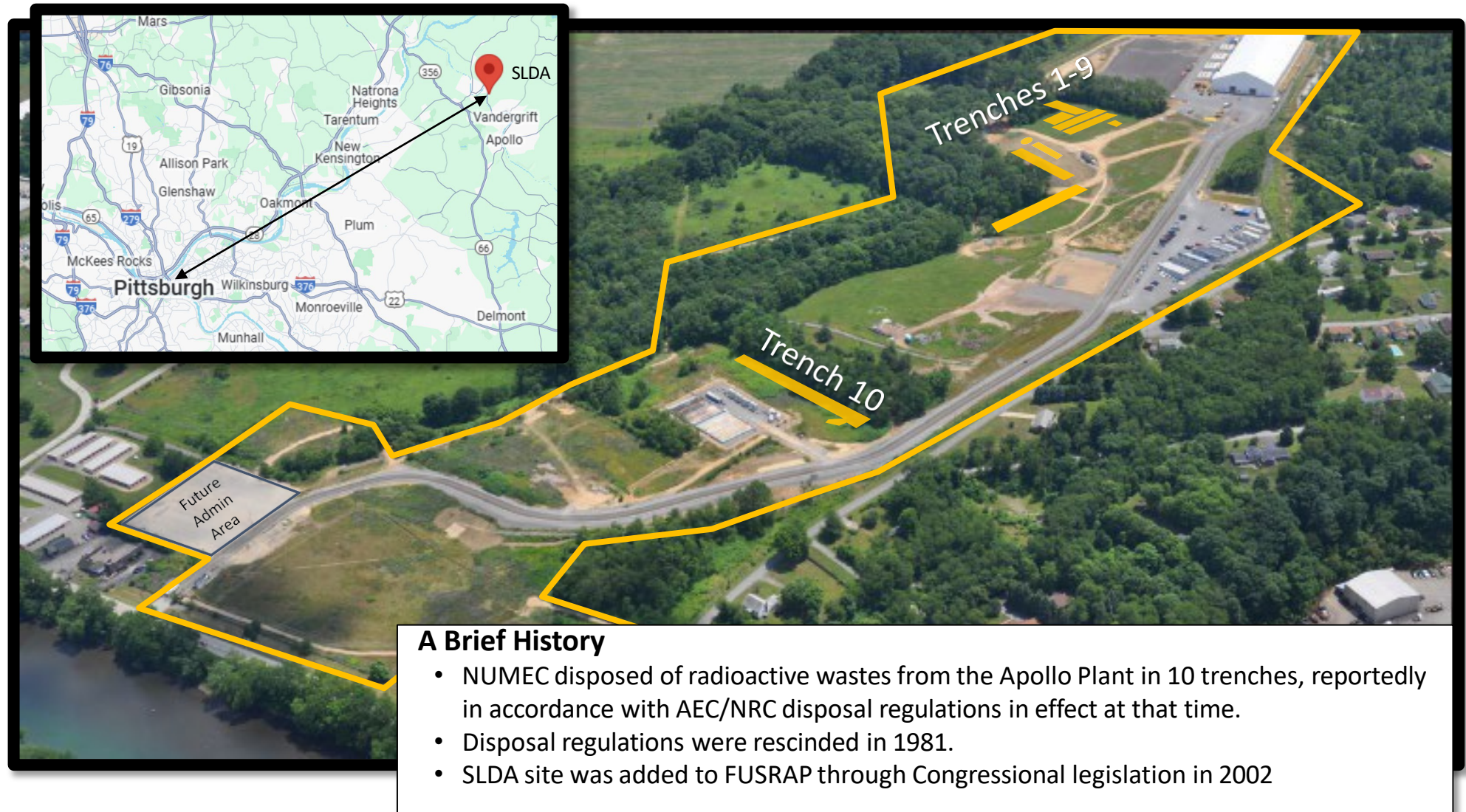
## Active FUSRAP Sites



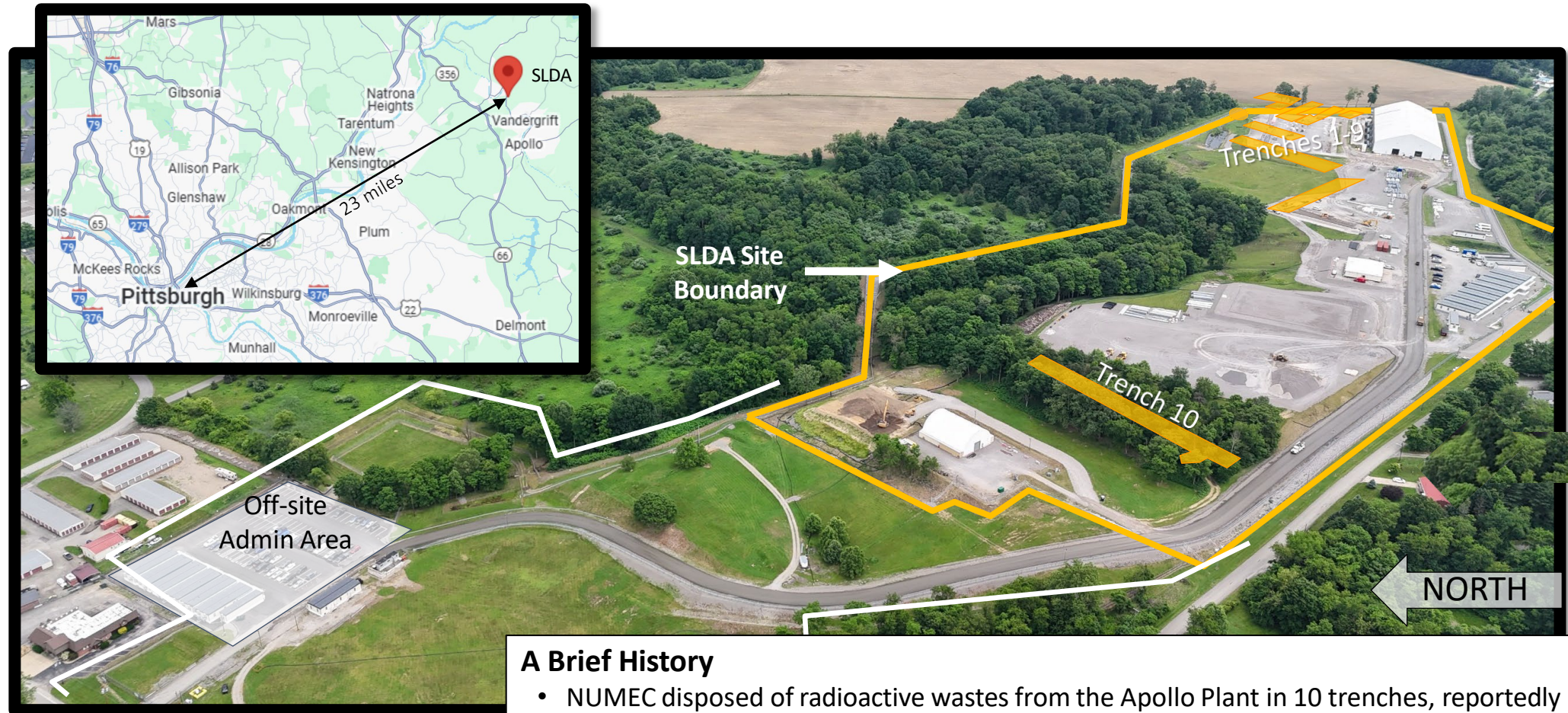
## CERCLA Timeline for SLDA



## SLDA - Background



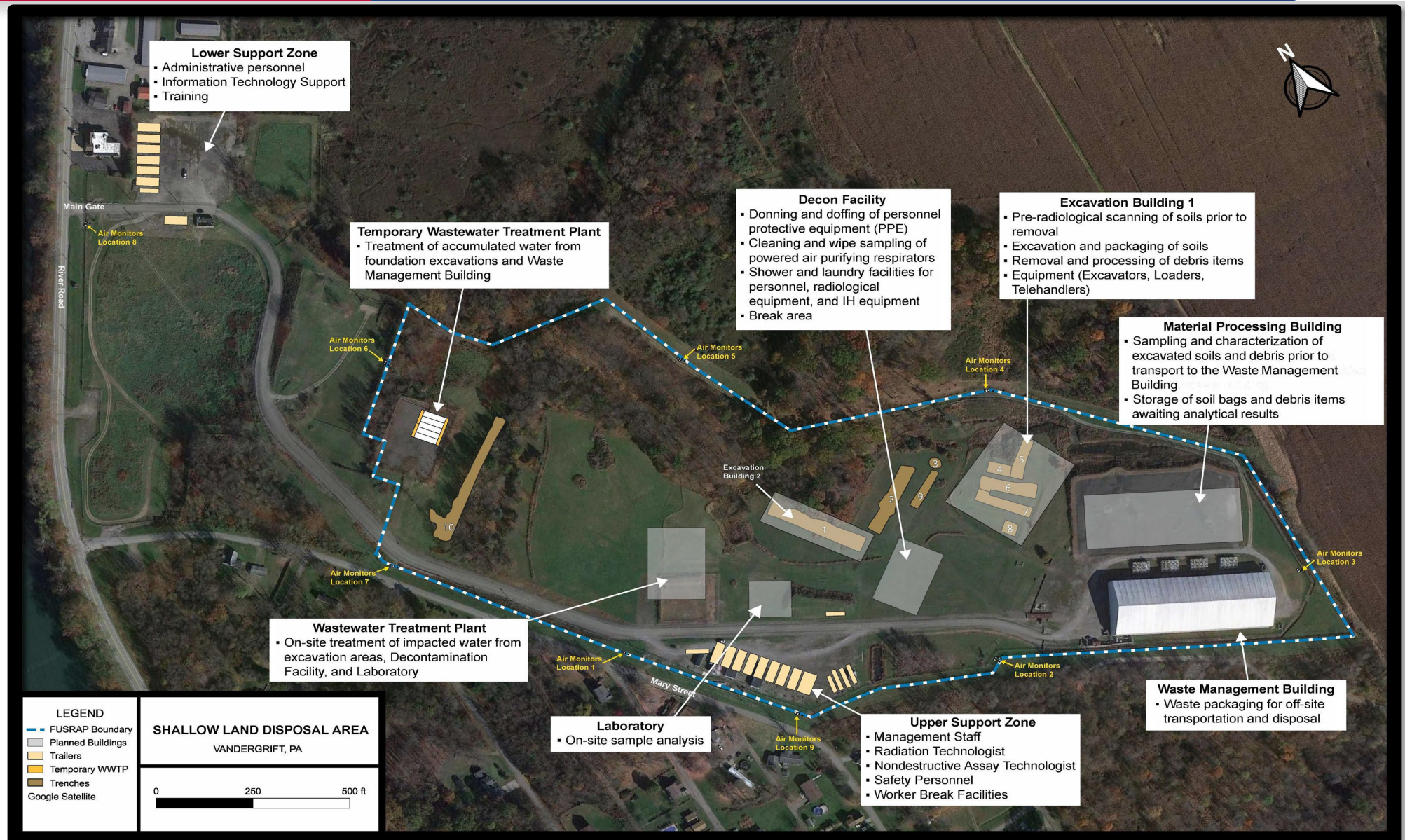
## SLDA - Background



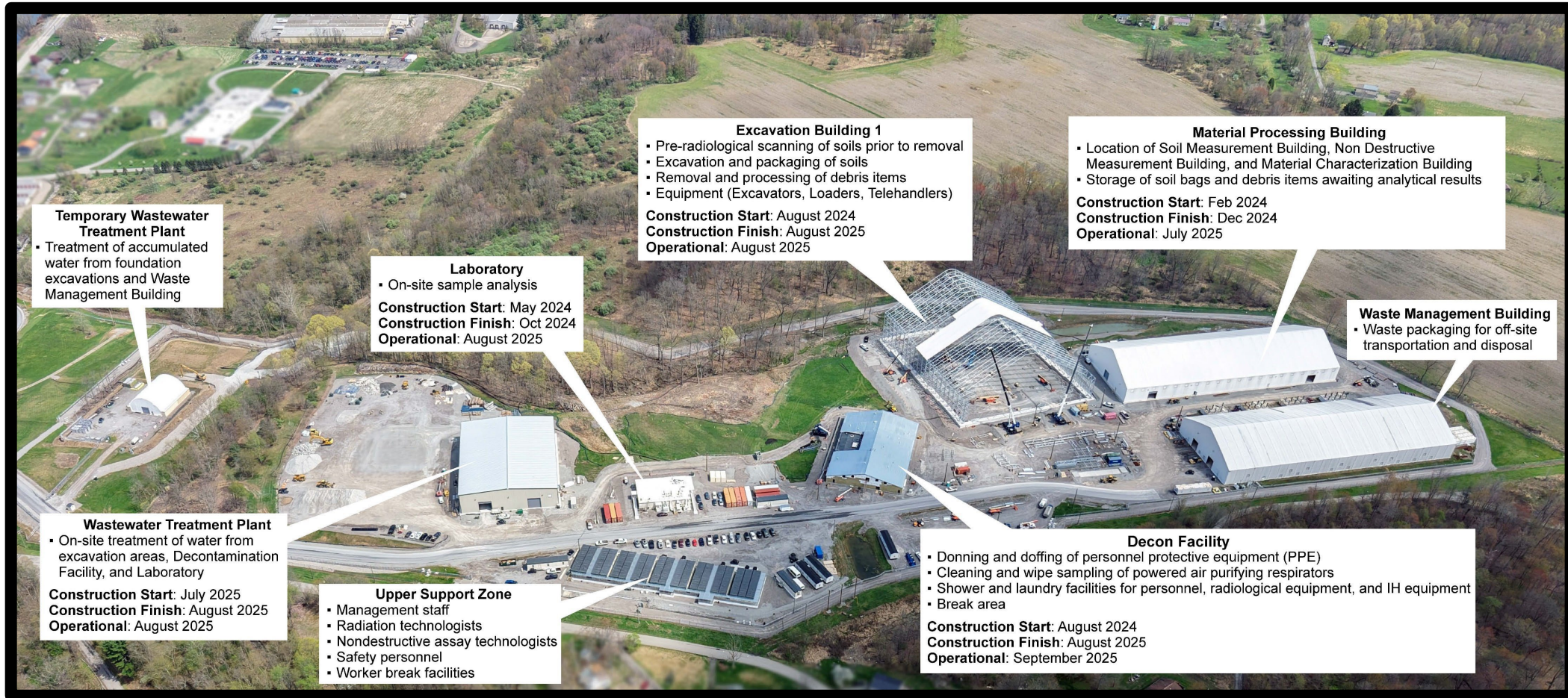
### A Brief History

- NUMEC disposed of radioactive wastes from the Apollo Plant in 10 trenches, reportedly in accordance with AEC/NRC disposal regulations in effect at that time.
- Disposal regulations were rescinded in 1981.
- SLDA site was added to FUSRAP through Congressional legislation in 2002

## Site Layout



## Site Layout



## Site Layout

### Excavation Building 1



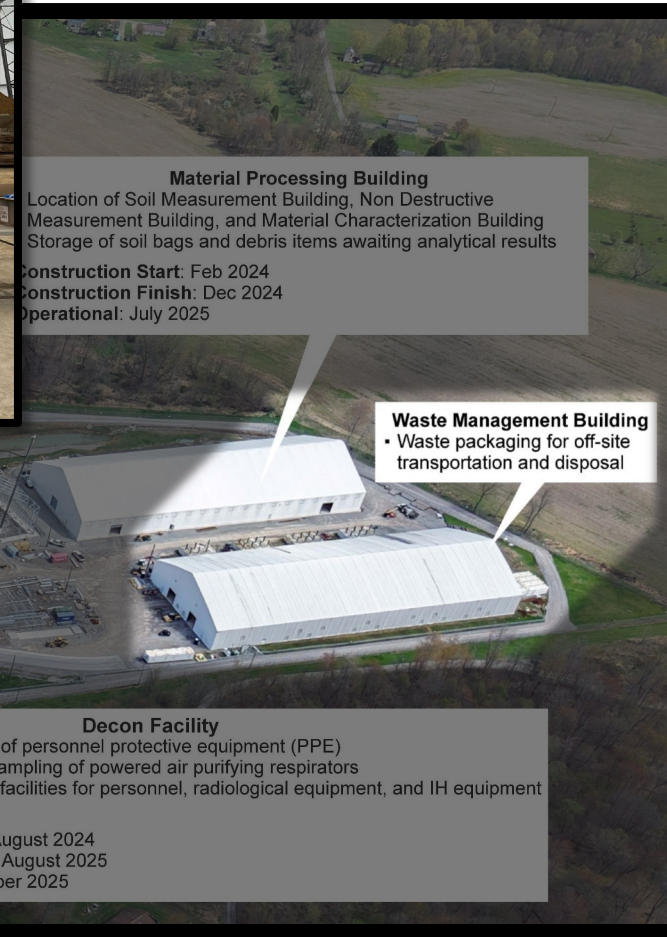
## Site Layout

### Material Processing Building



## Site Layout

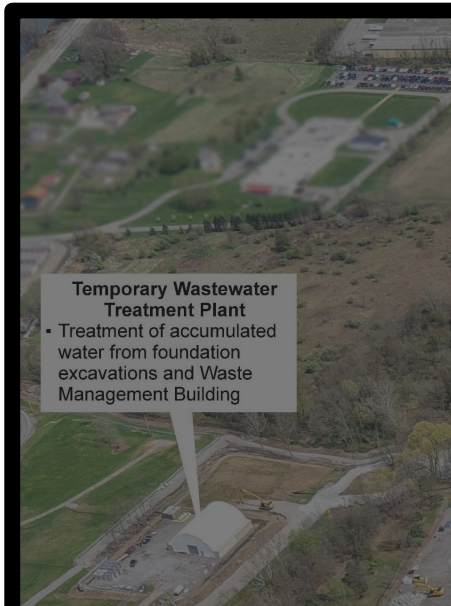
### Waste Management Building



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## Site Layout

## Decon Facility



### Temporary Wastewater Treatment Plant

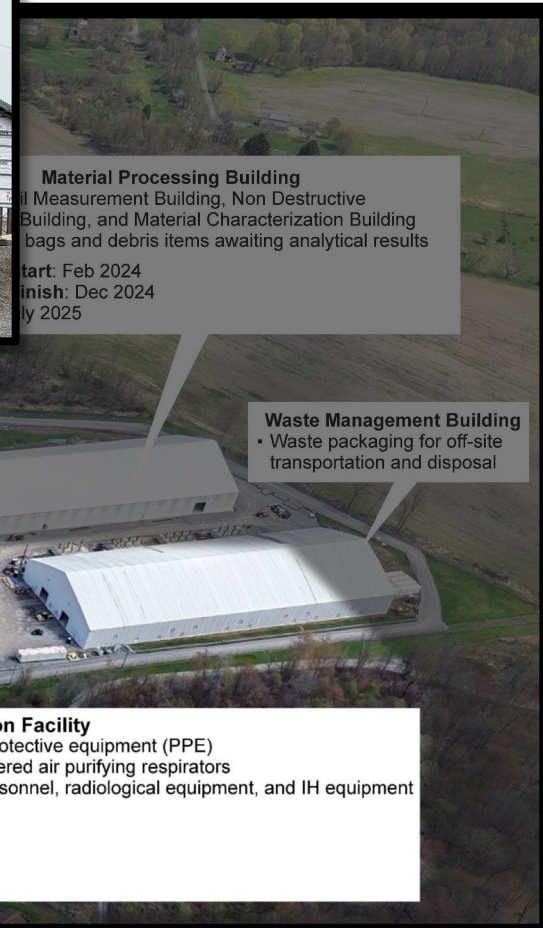
- Treatment of accumulated water from foundation excavations and Waste Management Building



### Laboratory

- On-site sample analysis

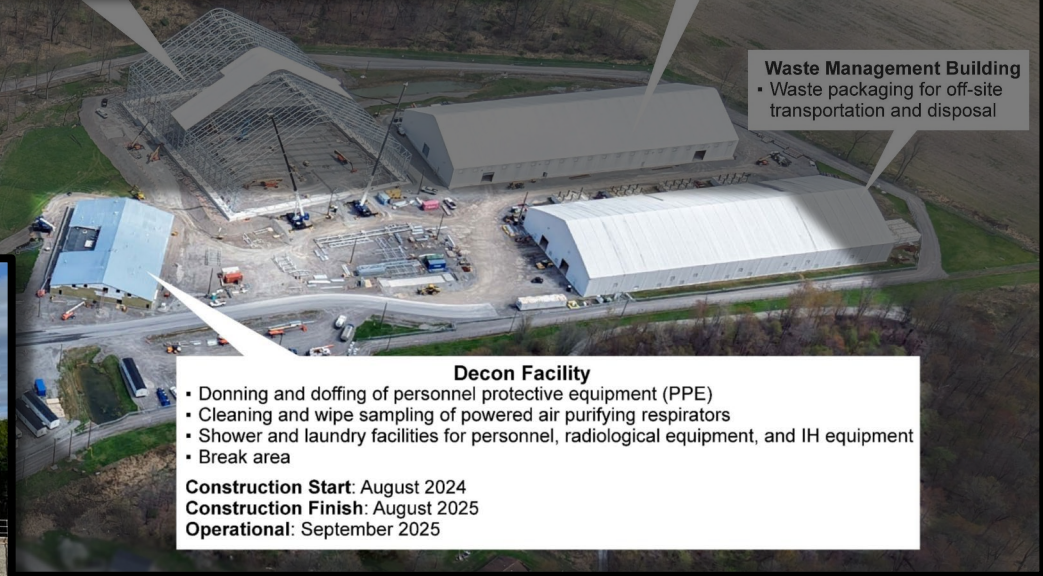
**Construction Start:** May 2024  
**Construction Finish:** Oct 2024  
**Operational:** August 2025



### Material Processing Building

- Measurement Building, Non Destructive Building, and Material Characterization Building
- bags and debris items awaiting analytical results

**Start:** Feb 2024  
**Finish:** Dec 2024  
**Operational:** July 2025



### Waste Management Building

- Waste packaging for off-site transportation and disposal



### Decon Facility

- Donning and doffing of personnel protective equipment (PPE)
- Cleaning and wipe sampling of powered air purifying respirators
- Shower and laundry facilities for personnel, radiological equipment, and IH equipment
- Break area

**Construction Start:** August 2024  
**Construction Finish:** August 2025  
**Operational:** September 2025

## Site Layout

### Wastewater Treatment Plant



## Site Layout

## Temporary Wastewater Treatment Plant



## Site Layout

### On-Site Laboratory



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## Site Layout

### Upper Support Zone



## Path Forward

- Current remediation contract (SATOC with Amentum)
  - Expected to complete work plans and most site infrastructure.
  - Expected to complete remediation of trenches 4, 5, 7, and 8.
- Follow-on remediation contract (Full and open competition)
  - Complete remediation of trench 6 within EB 1.
  - Construct EB 2 and 3 and remediate trenches 1 and 10.
  - Remediate trenches 2, 3, and 9.
  - Complete remediation of the balance of site soils.
  - Removal of temporary facilities and demobilization.



THANK YOU



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Society of  
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American Military Engineers  
BUFFALO  POST

## BUFFALO DISTRICT OVERVIEW

Presented by Jeffrey Ernest  
District Contracting Chief  
Buffalo District  
716-879-4173

[Jeffrey.G.Ernest@usace.army.mil](mailto:Jeffrey.G.Ernest@usace.army.mil)

05 JUN 2025



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## AGENDA



2

- FUSRAP Program and Opportunities
- Additional FY25/26 Opportunities
- Doing Business with USACE
- Questions and Answers

## LRB FUSRAP PROGRAM OVERVIEW

# WELCOME TO NY INDUSTRY DAY



## Legend

- Investigation - 2 sites
- Remedial Design - 1 Site
- Under Remediation - 5 sites
- Preparing for Closeout - 1 site
- Completed - 5 sites
- Congressional Districts

Joslyn  
Manufacturing

**BUILDING STRONG**

## LRD Formerly Utilized Sites Remedial Action Program Overview



**Lucky Site**  
Congress: REP Latta (OH-05)  
Current Phase: Remedial Action  
Cleanup Start: 2015  
Cleanup Complete: 2026



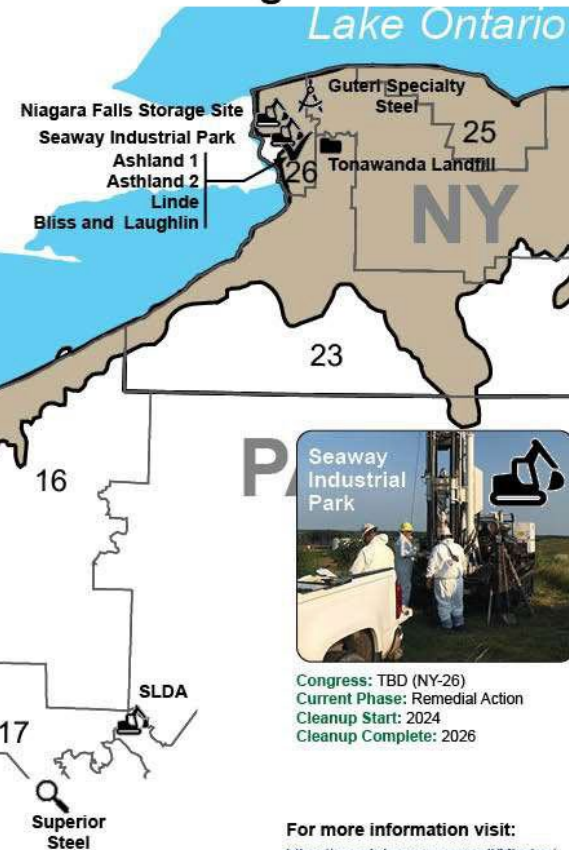
**Niagara Falls Storage Site**  
Congress: REP TBD (NY-26)  
Current Phase: Remedial Action  
Cleanup Start: 2023  
Cleanup Complete: 2034



**Harshaw Chemical Company**  
Congress: REP Brown (OH-11)  
Current Phase: Remedial Action  
Cleanup Start: 2024  
Cleanup Complete: 2027



**Shallow Land Disposal Area (SLDA)**  
Congress: REP Thompson (PA-15)  
Current Phase: Remedial Action  
Cleanup Start: 2007  
Cleanup Complete: 2032



**Seaway Industrial Park**  
Congress: TBD (NY-26)  
Current Phase: Remedial Action  
Cleanup Start: 2024  
Cleanup Complete: 2026

For more information visit:  
<https://www.lrd.usace.army.mil/Mission/Programs/Article/3649839/formerly-utilized-sites-remedial-action-program/>



# WELCOME TO LRD FUSRAP Lifecycle NY INDUSTRY DAY



		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	
IN	Joslyn Manufacturing	RI		PP		R		CR		TO	No Action Required										
OH	Luckey						CR		TO												
	Harshaw	CA					CR		TO												
PA	Superior Steel		R		CR		TO	No Action Required													
	SLDA										CR		TO								
NY	Seaway						CR		TO												
	Tonawanda Landfill	TO																			
	Guterl Steel			CA								CR		TO							
	NFSS	IWCS																	CR		TO
		BOP/GW																			
		VP E, E', G				RI		FS		PP		R	Remedial Action TBD								
		VP H'		PP		R	No Action Required														

- Investigation Phase (RI = Remedial Investigation, FS = Feasibility Study, PP = Proposed Plan, R = Record of Decision)
- Contract Procurement (CA = Contract Award)
- Remedial Design Phase
- Remedial Action / Cleanup Phase
- Site Closeout / Turn Back to DOE (CR = Closeout Report, TO = Turnover)



DRAFT – NOT FOR PUBLIC RELEASE WITHOUT WRITTEN APPROVAL FROM THE U.S. ARMY CORPS OF ENGINEERS

07 MAY 2025

SHALLOW LAND DISPOSAL AREA



## **Future Contract**

- \$250M - \$500M to complete cleanup
- Targeting September 2025 RFP release and a June 2026 award date
- Full and Open Competition
- Anticipate 10 Year “C” Contract. Mix between Firm Fixed Price and Cost-Plus Fixed Fee line items

GUTERL



## Future Contract

- \$249M Single Award Task Order Contract
- Proposals due 23 June
- Small Business Set Aside
- First task order will include remediation on the ATI property

ATI  
(61 acres)

Excised  
Property  
(9 acres)



119

[

## FY25/26 NON FUSRAP OPPORTUNITIES

  
U.S. ARMY

FY25/26 OTHER CONTRACTING OPPORTUNITIES

11



Project Title	Solicitation Quarter	Acq Strat	Est Award Amount
Buffalo Dredging	FY25 Q3	IFB	\$1M - \$5M
Sandusky Dredging	FY25 Q3	IFB	\$500K - \$1M
Barcelona Sediment Removal	FY26 Q1	TO	\$5M - \$10M
Boston Mills	On Hold	IFB	\$10M - \$25M
USDA Geneva	On Hold	Best Value	\$25M - \$100M
USDA Pesticide Filling Station	On Hold	IFB	\$1M - \$5M
Big John Salvage - River Area	TBD	Best Value	\$25M - \$100M
Big John Salvage - Upland Area	TBD	Best Value	\$25M - \$100M
NFSS Entrance Road	FY26 Q1	IFB	\$1M - \$5M
Black Rock Lock Bulkheads	FY25 Q4	Best Value	\$10M - \$25M
Bird Island Pier II	FY25 Q4	TO	\$5M - \$10M

FY25 Workplan - \$139.M in FUSRAP and \$97.8M in O&M (Bulkheads, Dunkirk Breakwater Repair, Dredging, Lorain Breakwater Repair, Oswego Breakwater Repair, 6 Engineer and Design packages, etc.)

DOING BUSINESS WITH USACE

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## DOING BUSINESS WITH USACE



- Contact me at anytime! [Jeffrey.g.ernest@usace.army.mil](mailto:Jeffrey.g.ernest@usace.army.mil) Direct Line is 716-879-4173
- Small Business Specialist is Dorothy Jones [Dorothy.J.Jones@usace.army.mil](mailto:Dorothy.J.Jones@usace.army.mil)
- Be registered in SAM.GOV
- Search for Opportunities on sam.gov  
Click on "Search Contract Opportunities"  
In the "Keywords" field, type W912P4\*
- Other District Department of Defense Activity Address Codes (DODAACs)
  - Louisville – W912QR
  - Nashville – W912P5
  - Huntington – W91237
  - Pittsburgh – W911WN
  - Detroit – W911XK
  - Chicago – W912P6

## QUESTIONS AND ANSWERS

Scott Kozak, *Incoming Buffalo President*

*-Special Presentation*

*-ASCE/SAME Golf Tournament!*

*August 22, 2025 9:30AM*

*Rothland Golf Course*

*-Join the Buffalo Post!*

Thank you Sponsors!

***LET THE NETWORKING BEGIN!***

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Niagara Falls, USA | Established 1917



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