FMC - MIDDLEPORT, NEW YORK FACILITY
ENVIRONMENTAL INVESTIGATION REPORT
TRIBUTARY ONE & FLOOD ZONE
SURFACE WATER, SOIL & SEDIMENT

GOVERNMENTAL AGENCIES' FACT SHEET
DECEMBER 2009

Introduction:

The United States Environmental Protection Agency (USEPA), the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) would like to provide you with the findings of FMC environmental investigations. This fact sheet is intended to provide a summary of environmental information contained in an FMC Draft Report on the results of surface water, soil and sediment sampling within a portion of the natural stream known as Tributary One and along its flood zone. This fact sheet also describes how the public can review and provide comments on this report.

Background:

Past pesticide production operations at the FMC Middleport facility have resulted in releases of chemicals which have impacted surface water, soil and sediment in off-site areas. These chemical releases occurred as a result of air emissions and discharges from production processes, as well as surface water run-off from on-site waste disposal areas. In 1991, FMC signed an Administrative Order on Consent (AOC) with the USEPA and NYSDEC under the Resource Conservation and Recovery Act (RCRA) to perform a comprehensive environmental investigation of past chemical releases from the site. This AOC requires FMC to conduct a RCRA Facility Investigation (RFI) to determine the nature of the chemicals released and the extent of their impact on surface water, soil and sediment. FMC has now completed the RFI pertaining to surface water, soil and sediment chemical contamination along a portion of Tributary One and its flood zone. FMC's Draft RFI Report Volume V contains the results of surface water, soil and sediment sampling and chemical analyses along the Tributary One flood zone from Francis Street in Middleport, north to Pearson and Stone Roads. Additional details on the findings and contents of Draft RFI Report Volume V are summarized below.

Draft RFI Report Volume V – Tributary One (south of Pearson & Stone Roads):
Draft RFI Report Volume V provides information on the nature and extent of FMC related chemical contamination of surface water and sediment within Tributary One and in soil on off-site properties along the Tributary One flood zone, south of Pearson & Stone Roads. The contamination is considered to have been caused by the outflow of past FMC Plant pesticide production waste through a former culvert pipe which discharged to Tributary One near Francis Street. As indicated in Volume V, over 2300 soil & sediment samples were collected for analysis from just over 540 locations along Tributary One south of Pearson & Stone Roads. These samples were analyzed for chemical constituents associated with past discharges from the FMC facility. Results indicate detections of arsenic, lead and chlorinated pesticides in some of these soil / sediment samples. Arsenic was found to be the predominant chemical constituent in soil and sediment, both in terms of its magnitude (concentrations) and in the number of locations where elevated concentrations were identified. As a result, arsenic was selected as the chemical constituent to be used to define the extent of FMC related soil / sediment contamination.

Since arsenic is a naturally occurring element and may also originate from man-made activities other than those related to the FMC facility, FMC conducted a soil sampling program in 2003 to estimate regional arsenic concentrations in soil not affected by FMC facility releases. Approximately 100 soil samples were collected from properties with a variety of land usage histories in the Gasport, New York area, and analyzed for arsenic. Based on the results of these analyses, the aforementioned governmental agencies selected an arsenic concentration of 20 parts per million (ppm) to conservatively represent the upper bound of the non-FMC related arsenic concentrations in soil / sediment. This arsenic background concentration of 20 ppm was used along Tributary One south of Pearson & Stone Roads, in conjunction with flood zone topography, to help determine the extent of FMC related contaminants in soil and sediment on impacted properties/areas which will require evaluation in an FMC Corrective Measures Study (CMS). The attached **FMC Figure 9.1** approximately depicts the properties/areas along Tributary One south of Pearson & Stone Roads which will be included in the FMC CMS.

In addition, Volume V contains a comparison of some soil data from ecologically sensitive areas along the Tributary One flood zone to NYSDEC criteria for the protection of ecological resources, as listed in Subpart 375, Table 375-6.8(b) of the State regulations. Sediment data from within the tributary and along its banks downstream of FMC's former Francis Street discharge is compared in Volume V to criteria for protection of freshwater aquatic environments presented in NYSDEC Technical Guidance for Screening of Contaminated Sediments, as well as to site-specific background sediment data from upstream samples. These comparisons help evaluate potential impacts from FMC related chemical contaminants on local wildlife in ecological areas and aquatic life within the stream. Soil and sediment data from a number of sample locations along the tributary indicate exceedences of these criteria for arsenic, lead and some chlorinated pesticides.

Also, surface water within the tributary was sampled at 5 locations downstream of Francis Street with results presented in Volume V showing chemical concentrations mainly consistent with upstream sampling results and meeting NYSDEC Class C Surface Water Quality Standards. However, contaminants in soil and sediment remain susceptible to migration via surface water flow along the tributary.

Public Involvement:
The aforementioned governmental agencies have reviewed FMC's Draft RFI Report Volume V, and have made a **preliminary** determination that FMC has adequately completed RFI environmental investigations regarding surface water, soil and sediment contamination along the Tributary One flood zone south of Pearson and Stone Roads, and as such we intend to approve this portion of FMC's RFI Report. However, before we take final action, the governmental agencies would like to provide the public with an opportunity to review and comment on this RFI Report volume. Details on how to review and comment on these documents is presented below:

Document Availability:
FMC Draft RFI Report Volume V is available for public review through the NYSDEC web site at http://www.dec.ny.gov/chemical/54220.html or more directly through the Middleport Community Involvement Group's (MCIG's) web site at www.middleport-future.com/rfi. Also, hard copies of Volume V and other FMC environmental documents, are available for public review at the FMC Document Repository located at:

Middleport Village Library
9 Vernon Street
Middleport, New York

Public Input Opportunities:
The governmental agencies will be holding public sessions on FMC Draft RFI Report Volume V at:

Place:	**Middleport Fire Hall**
	28 Main Street, Middleport, New York
Date:	**Wednesday, January 13, 2010**
	(Alternate Bad Weather Date: January 20, 2010)
Times:	**2:00 pm to 4:00 pm and 6:30 pm to 8:30 pm**

The afternoon session will be informal, where members of the public can ask questions of staff from the governmental agencies and/or of FMC personnel and its consultants, on a one-on-one basis regarding the content of the Draft RFI Report Volume V or other FMC environmental matters. The evening session will begin with brief presentations by FMC and the governmental agencies and then will be opened to members of the public to make verbal comments on the record. Afterwards, agencies' staff will remain available for a specific period of time to informally respond to questions from the public. Also, written comments can be provided to the governmental agencies during both the afternoon and evening sessions.

In addition to these sessions, the governmental agencies will be accepting written comments from the public during a minimum 45 day period which begins on December 30, 2009 and runs through February 15, 2010. Written comments should be submitted to:

Mr. Matt Mortefolio, P.E.
NYSDEC Project Manager
625 Broadway
Albany, New York 12233-7258

Next Steps:
Upon completion of the written comment period (after February 15, 2010), the governmental agencies will review all written comments as well as those recorded during the public session. Based on our review of these comments, we will either approve, disapprove or require FMC to modify RFI Report Volume V. The governmental agencies will also prepare a Responsiveness Summary which will provide our responses to the public's comments. This Responsiveness Summary will be made available to the public through the previously mentioned web sites, and a hard copy will be placed in the above mentioned FMC Document Repository. Those providing comments and a mailing address to the governmental agencies, will receive written notification of our final determination on FMC RFI Report Volume V, and of the availability of the Responsiveness Summary.

For those properties/areas along the Tributary One flood zone south of Pearson and Stone Roads that are determined by the RFI to have soil / sediment impacted by past FMC releases, FMC will be required to conduct a CMS to determine what, if any, corrective measures will be necessary to rectify soil / sediment contamination. This CMS process will be conducted in a manner to allow substantial public involvement prior to any final decisions by the governmental agencies regarding corrective measures.

Governmental Agency Contacts:
If you have any questions on topics in this Fact Sheet, you may call the Agency contacts listed below:

Michael Infurna, USEPA	(212) 637-4177
Matt Mortefolio, NYSDEC	(518) 402-8594
Michael Hinton, NYSDEC	(716) 851-7220
Nathan Freeman, NYSDOH	1 (800) 458-1158, Ext. 2-7860