

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Part I Meeting Summary
October 23, 2008 – 5:30 to 6:30 p.m.**

In Attendance:

Bill Arnold – CIG Chairman	Brian McGinnis - FMC
Liz Storch – Resident	Glen Wilson - FMC
Dick Owen – Resident	Deb Overkamp – AMEC
Dori Green – Resident	Erin Rankin - Arcadis
Jennifer Bieber – Town of Royalton	Wai Chin Lachell – AMEC
John Swick – Resident	Mike Hinton – NYSDEC
Lynn Andrews – Resident	Meeting Notes – Jim Pasinski, Carr Marketing Communications
Pat Cousins – MRAG	
Erin Masters – Resident	
Dick Westcott – Resident	
Julia Maedl - Resident	
Ann Howard, RIT – Facilitator	
Dan Watts, NJIT – Technical Advisor	

1. Welcome and Introductions

- A. Howard began the meeting, reviewed the agenda, and led introductions.
- B. Arnold noted that Jim Ward from State Sen. George Maziarz’s office had been asked to attend the meeting to discuss issues regarding NYS Brownfields remediation litigation, but it appears he could not make it. That discussion will be postponed to a later time.

2. FMC Update/CMS Workplan Status

- G. Wilson stated that FMC Middleport Plant Manager Dana Thompson gave birth to a baby girl earlier in the month and that she would be returning to the plant in a couple of months.
- G. Wilson stated that the Middleport plant has hired 6 new packers, are waiting for a new engineer to start work, and will be interviewing candidates for another engineer position; these new hires will bring total plant employment to 57. He noted that the project to bring equipment and the product line from FMC’s Jacksonville, Florida plant is progressing.
- G. Wilson noted that there was an employee at the plant who suffered a finger injury earlier this month. The employee is back to limited work duty at the plant while recovering. G. Wilson thanked local emergency responders for their assistance with the incident.
- G. Wilson noted that the FMC plant hosted an open house for the public on Oct. 11 and that a luncheon was scheduled for Oct. 24 for plant retirees.

- W. Lachell noted that construction for 2008 has been completed and stated that the Keeping You Posted document handed out at the meeting had more information. She noted that the residential properties were hydro-seeded rather than using sod because the work was completed ahead of schedule.
- E. Rankin noted that they are preparing the 2008 construction report and they have received Agencies comments on the 2007 construction report.
- W. Lachell noted that sampling for the phytoremediation study is scheduled for the week of Nov. 3. She stated that they will harvest plants afterwards and await sample results to determine how to dispose of the plants, but they do not want to leave the plants in the ground.

3. CMS Workplan Status

- B. McGinnis stated that FMC and the Agencies have two meetings tentatively scheduled. The Advisory Group, which consists of Bob Forbes from FMC and Walter Mugdan from the EPA along with his replacement (Barbara Finazzo), will meet the week of Nov. 10 to attempt to resolve some of the impasses. From there, the technical group will meet Dec. 2nd or 3rd to further discuss the major disagreements on the CMS workplan and RFI Vol. II. W. Lachell stated that they would meet over policy decision issues. B. McGinnis noted that the Advisory Group meeting hierarchy began in 2001 as an attempt to resolve major issues.
- W. Lachell noted that the Agencies have raised an issue with the draft RFI Report Volume II that identified arsenic as the only constituent of concern and no other pesticides and chemicals. She stated that about 10% of all soil samples collected by FMC were tested for other contaminants (chlorinated pesticides and lead) in addition to arsenic. The Agencies requested that FMC compare the chlorinated pesticide and lead results to the NYS Soil Cleanup Objectives (SCOs) created with Brownfields legislation instead of the Soil Screening Levels (SSLs) used in the draft 1999 RFI Report. She stated that the unrestricted use SCOs for those constituents are several orders of magnitude less than the 1999 SSLs. She stated that this comparison may result in a need for additional soil sampling and analysis for chlorinated pesticides and lead.
- B. Arnold stated that he was under the assumption that the Agencies considered arsenic to be the major chemical of concern.
- M. Hinton stated that the premise is that arsenic is the main chemical.
- W. Lachell noted that the SCOs for some of the pesticides, including DDT, DDE and DDD, are very low. She noted that FMC had a difficult time in 2007 finding fill material from vendors as part of the remediation project on Park Avenue that was clean enough to meet the new levels.
- W. Lachell stated that the Agencies also do not agree with all of FMC's determination of the properties that would need to be evaluated in the CMS. She stated that FMC agreed to delineate to 20 ppm but did not agree that everything above 20 ppm was the responsibility of FMC.

- A resident stated that a home built on an old apple orchard could have levels above 20 ppm.
- W. Lachell stated that FMC does not object to properties being added to the CMS; rather FMC objects to every property that has concentrations above 20 ppm being the responsibility of FMC.
- W. Lachell stated that FMC maintains its position on the need for risk assessment but she is unsure of the Agencies stance.
- W. Lachell noted that if the disagreements continue FMC would consider the option of moving forward with the CMS without Agencies' approval of the CMS work plan.
- W. Lachell noted that FMC did not proposed remediating soil to a specific number but to a point where the risk is similar to Gasport or another community.
- In response to a resident question, W. Lachell noted that FMC's Middleport plant pays RCRA taxes; those taxes are used to fund the RCRA program, including the Agencies' oversight on this project.
- A resident stated that the comments from the Agencies appear to be delays in the CMS process in order to justify their jobs.
- B. McGinnis noted that the comment/response process is typical of any environmental project that involves review and approval of documents by the agencies.
- B. Arnold noted that he had drafted responses to a letter B. McGinnis sent to the Agencies on 9/10/2008 regarding the CMS workplan. A copy of those responses was handed out to those in attendance. B. Arnold noted that the CIG might want to take a position on each of the issues he has identified.
- In reference to the Agency General Response #3, B. Arnold stated that the Agencies disagree with the proposal to use a risk-based approach to identify an appropriate corrective measure but want all technologies considered. Additionally, the Agencies want other soil contaminants to be evaluated in the risk assessment. B. Arnold stated that the CIG desires use of a risk-based assessment to identify those properties that need action then choose the CMA that will 1) meet the criteria of any desired cleanup, and 2) be agreeable to the property owner. B. Arnold stated that the final outcome would be a property that is either 1) remediated to a level agreeable to the Agencies, or 2) above the Agencies desired level but has an associated risk defined. B. Arnold stated that the CIG believes no other contaminants should be considered in the RFI/CMS.
- W. Lachell stated that what FMC has proposed is a community-wide risk assessment to give residents the most flexibility and to look at risk as a whole for the community.
- In reference to the Agency General Comment #5, B. Arnold stated that the Agencies repeated their request to consider other contaminants. B. Arnold stated that if other contaminants are included in the cleanup with permanent storage in the CAMU site, then the CAMU proposal may have to be reconsidered. B. Arnold stated that the CIG may want to understand

what are the characteristics of these other contaminants in a long-term storage in an above ground landfill.

- M. Hinton stated that the Agencies looked at lead and pesticides in sites outside of the plant and they cannot ignore it in an evaluation document. He stated that he does not believe that other contaminants will be an issue, but the investigation did include the other compounds.
- W. Lachell stated that FMC does not believe there are concerns other than arsenic.
- In reference to the Agency Specific Comment in Section 1.2.4, B. Arnold stated that FMC wrote that any remedial action of the 16 properties within the Air Deposition Area transversed by Culvert 105 will not have remediation plans finalized until completion of the CMS for Culvert 105. B. Arnold stated that the CIG should discuss the impact of not having all the properties in the Air Deposition Area completed at the same time. He stated that this may mean additional work will be required after most of the Air Deposition properties are completed.
- W. Lachell stated that FMC believes the evaluation of those 16 properties should be a part of the CMS for Culvert 105. She stated that including them in the Air Deposition CMS would be complicated because alternative technologies for cleanup along a sewer would have to be included along with the other alternatives. B. McGinnis stated that ideally the CMS for Culvert 105 would be worked on while actual work is taking place in the Air Deposition Area CMS. W. Lachell stated that FMC believes the Culvert 105 CMS would be progressing while the remedial work is taking place in the Air Deposition Area.
- B. Arnold stated that the CIG wants to avert having one block in a neighborhood skipped while another block is worked on.
- W. Lachell stated that FMC has submitted a schedule for the Culvert 105 CMS and Tributary One CMS and the workplan will be submitted six months after the RFI is approved. She stated that while it depends on the number of properties requiring remediation, all of the construction would most likely not be completed in one year. She stated that trying to complete all of the properties in one year would create havoc.
- In reference to the Agency Specific Comment in Section 4.1., B. Arnold stated that the Agencies disagree with the use of new aerial photo data, which indicated additional orchard areas in Middleport than what was used in the original calculation of background levels using Gasport data. The Agencies believe there would be little change in the outcome of the calculation if the new data was used but FMC's numbers show a significant change. He stated that both calculations use certain assumptions and approximations based on what is perceived to be an orchard and for some assumed amount of time. The CIG may want to take a position on the argument between FMC and the Agencies.
- In reference to the Agency Comment in Section 6.2, B. Arnold stated that the Agencies have some reservation and asked for an evaluation of soil

tilling/blending as a CMA. He stated that the CIG may want to understand where and how this technology can be used.

- W. Lachell stated that FMC is not yet sure of the specifics of soil tilling, so they have proposed a pilot study in the CMS to see how the technique works. She stated that where it is used would depend on the soil characteristics of each property. B. McGinnis stated that FMC wants to have as many practical cleanup options as possible but noted that there are not many options.
- M. Hinton stated that the Agencies do recognize that soil tilling may have a place but they generally do not like dilution.
- W. Lachell stated that since FMC does not know the cleanup number they are not sure about which technologies would be viable. She stated that in many cases, for grass growth, the soil that residents already have would be better than any soil they can find to bring in. She stated that the native soil in the area is clay.
- A resident asked what would be done in terms of variables, such as properties that are chicken farms. W. Lachell stated that FMC does not think these types of properties should be included in the CMS. The impact of historic use of coal to heat homes was discussed as it can spread arsenic through the air and the ash left over also contains arsenic. However these levels may be low.
- A resident stated that she is not optimistic about how the CMS process is playing out. B. McGinnis stated that it is how the process works. There will be discussions between FMC and the Agencies to resolve the disagreements.

4. Meeting Schedule for the Remainder of 2008

- The next CIG meeting is scheduled for Thursday, Nov. 13.
- It was determined that it would be premature to decide if the previously scheduled December meeting would take place (Dec. 4). A decision will be made at the November meeting.
- D. Overkamp noted that Dr. Terri Bowers would be presenting an informational session on Oct. 28 on Arsenic and the Environment. The event will take place at 7 p.m. at the Roy-Hart Middle School cafeteria.

**THE NEXT MEETING OF THE CIG IS SCHEDULED FOR NOVEMBER 13.
ALL MEETINGS WILL BE HELD AT 5:30 PM AT THE MASONIC LODGE.**