

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Part I Meeting Summary
December 4, 2008 – 5:30 to 6:30 p.m.**

In Attendance:

Bill Arnold – CIG Chairman	Brian McGinnis - FMC
Liz Storch – Resident	Glen Wilson - FMC
Julia Maedl – Resident	Deb Overkamp – AMEC
Liz Bateman – Resident	Erin Rankin - Arcadis
Jennifer Bieber – Town of Royalton	Wai Chin Lachell – AMEC
Michael Seefeldt – Resident	Michael Hinton – NYSDEC
Lynn Andrews – Resident	Ann Howard, RIT – Facilitator
Margaret Droman – Resident (MRAG)	Dan Watts, NJIT – Tech. Consultant
Janet Lyndaker – Resident	Jim Ward – Sen. Maziarz Office
Harold Mufford – Resident	
Dick Westcott – Resident	Meeting Notes – Jim Pasinski,
Christa Lutz – Resident	Carr Marketing Communications
Larry Lutz – Resident	
Betty Whitney – Resident	

1. Welcome and Introductions

- A. Howard began the meeting, reviewed the agenda, and led introductions.

2. FMC Update/Report on FMC/Agencies Meetings on Dec. 2 and 3

- B. McGinnis stated that FMC representatives met with Agency representatives on Dec. 2 and Dec. 3 in Albany. The Agencies included the USEPA, NYSDEC, and the NYSDOH.
- B. McGinnis stated that the original agenda intended for the parties to discuss RFI Volume II for the Air Deposition Area and to discuss the draft CMS workplan. FMC also expected to have revised draft Corrective Action Objectives from the Agencies and a response from the Agencies to FMC's CMS pilot expediter proposal.
- B. McGinnis stated that the Agencies supplied revised Corrective Action Objectives to FMC during this meeting. He stated that FMC would review the Agency revisions internally during the next week.
- B. McGinnis stated that the Agencies and FMC discussed FMC's proposed pilot expediter for the CMS during the November 7th meeting. The proposed CMS pilot expediter would be a dedicated Agency representative, funded by FMC (FMC has offered to provide salary reimbursement for the position), to oversee and be responsible for decisions being made during the Air Deposition Area CMS. He stated that the Agencies have not yet responded to FMC on the proposal.
- W. Lachell stated that FMC and the Agencies made good progress on the RFI report for the air deposition study area. She stated that both parties

will continue to work on finalizing the document and it is probable that a public meeting to hear comments on the report would take place in spring 2009. She stated that there are no conclusions yet on what needs to be remediated but the report will show what areas need to be included in the CMS.

- B. McGinnis stated that FMC and the Agencies discussed the changes that are needed to the document and that FMC will revise and issue the report in draft form to the Agencies for review and approval prior to finalizing the draft for public comment in late spring 2009.
- W. Lachell stated that the draft RFI report issued for public comment may or may not be revised further after the public comment session.
- B. McGinnis stated that FMC and the Agencies were able to talk through a lot of issues and the comments provided by the Agencies. Resolution of these issues will make finalization of additional RFI volumes easier.
- A resident requested that CIG Chairman B. Arnold be granted the opportunity to review the revised RFI report before it goes for public comment.
- B. Arnold stated that he thought the CIG might want to have an opportunity to comment on the draft when it is initially completed.
- W. Lachell stated that there would be a formal comment period in the spring to include the entire community. She stated that there should not be an issue with B. Arnold and D. Watts reviewing the draft prior to the public comment period.
- M. Hinton stated that there would be a public meeting to allow for comments from the entire community.
- B. McGinnis said that FMC will provide the revised drafts to B. Arnold when the drafts are issued to the Agencies.
- M. Hinton stated that the revised Corrective Action Objectives for the CMS were presented to FMC and is down to about one page. He stated that the objectives would be presented to the public after the New Year, but it was unlikely that a public meeting would be needed. He stated that it was likely the objectives would be presented to the Roy-Hart School Board, CIG, Village Board and Town Boards.
- A resident stated that a public meeting would not be necessary since any resident can comment at the meetings that M. Hinton mentioned.
- W. Lachell stated that the Corrective Action Objectives are typically presented as part of the CMS. She stated that the Agencies originally proposed objectives for the Air Deposition Area and FMC thought that the same objectives should be created for all off-site areas to ensure that all areas are treated in the same manner.
- W. Lachell stated that one overall goal is that the corrective actions performed in Middleport must be protective of human health and the environment.
- After a question on the status of the CMS for the Air Deposition Area, W. Lachell stated that FMC is waiting for the Agencies' response to FMC's CMS pilot expediter proposal and to finalization of the draft Corrective

- Action Objectives prior to re-scheduling of a meeting on the CMS Work Plan. W. Lachell anticipates that the meeting will happen in January 2009.
- D. Watts stated that once agreement is reached on Corrective Action Objectives, it should lead to next steps in the CMS process and provide a roadmap for additional study areas.
 - B. McGinnis stated that FMC should have a reply to the Agencies comments on the Corrective Action Objectives sometime during the week of December 8th.
 - After a question from a resident, M. Hinton stated that he did not believe an official decision on the CMS pilot expediter had been made but he was not optimistic it could happen. He also stated that there might be an issue with how funds from FMC to reimburse the salary for the position would get to the NYSDEC, noting that they might just go into the state's general fund.
 - E. Rankin stated that the CMS pilot expediter was an idea FMC has brought to the table as one way to move things along.
 - W. Lachell stated that the CMS expediter is allowed under the federal (EPA) program and has not been done under New York's program.
 - B. McGinnis stated that if the state will not or cannot approve a pilot expediter, the federal government (EPA) might. He stated that if the Agencies say no to the idea, FMC has no course of action to challenge it. In response to a resident question, B. McGinnis stated that anyone could suggest or request the idea to the Agencies, including the CIG, Village government, and citizens.
 - W. Lachell stated that the federal government has used RCRA Corrective Action project expediters in the past.
 - J. Maedl stated that the Village government could consider sending a letter of support if it is needed.
 - B. Arnold stated the CIG has told the agencies through their monthly communiqué that they support the idea.
 - D. Watts stated that the expediter has not been used in EPA Region 2, which Middleport falls under, but it has been used in other regions. He suggested that if the idea were to gain support it would be important to try and have it in place before the end of the year since new personnel will be coming into the EPA and it could take six months for a new EPA Region 2 administrator to be named.
 - D. Watts noted that it is a stated goal of the EPA to speed up cleanups and closures of sites.
 - After a resident question about the one or two-year timeline for the phytoremediation study, D. Watts stated that it would be exceedingly unusual for all arsenic to be removed in one year.
 - W. Lachell stated that one growing season would show if the plants used will uptake any arsenic.
 - After a resident question about the plants re-growing in the spring, W. Lachell stated that some plants were mulched over to see if they would re-grow in the spring.

- A resident questioned B. McGinnis on his general impression from the meeting with the Agencies.
- B. McGinnis stated that on the RFI he was optimistic since some common ground was found. Overall, he stated that he thought the meeting went well.
- E. Rankin stated that FMC and the Agencies went through all general and specific comments on the RFI and came to general agreement.
- Asked his impressions by a resident, M. Hinton stated that since he was not actually at the meeting and was only listening by telephone and it was difficult to get a feel for how the meeting went. M. Hinton stated that he was not sure much was accomplished during the meeting.
- B. Arnold asked when the RFI, CMS and Corrective Action Objectives would be completed.
- B. McGinnis stated that FMC needs to share their revised text on the RFI report in late January. He stated that since FMC just received the Agencies comments on the Corrective Action Objectives, they still need to review them. He stated that FMC will provide a response to the Agencies and both sides will work on finalizing the objectives. He stated that the CMS process would move forward once there is agreement on the Corrective Action Objectives and the pilot expediter.
- B. Arnold asked if there was any additional progress on the CAMU. B. McGinnis stated that there is not.

3. Review Study Area Boundaries

- A. Howard noted that questions arose in the November CIG meeting about actual study area boundaries.
- B. Arnold stated that he does not understand why some properties are not included in study areas when they have the same proximity to the culvert as others that are included. He stated that he wanted to understand the reasoning on how the study areas are defined.
- W. Lachell presented maps to show the study areas.
- A resident stated that FMC's areas appear arbitrary.
- W. Lachell stated that any property where soil was sampled was automatically included in a study area.
- D. Overkamp noted that the sampling took place over a period of several years.
- B. McGinnis stated that they looked for areas that were potentially impacted by FMC. He stated that when they arrived at a point where they believed there was no impact, they stopped. He stated that FMC cannot say what arsenic levels might be on properties that were not sampled. He stated that the RFI is all encompassing.
- B. Arnold stated that in his opinion it appears FMC defined the study areas by deciding what they wanted to include in the Property Price Protection Program (PPP).
- W. Lachell stated that the study areas were determined prior to the PPP program. She stated that not every property in the study area is eligible for

the PPP. W. Lachell also noted that the study areas consisted of the sampled areas or portions of properties, where the PPP area included entire properties. For example, if only the back yard of a property was included, the entire property was included in the PPP.

- D. Overkamp said she would provide a new map, which would show how the study areas crossed property boundaries.

4. Meeting Schedule

- A. Howard noted that the Masonic Lodge is not available for the originally scheduled January meeting date. The January meeting will now take place on Wednesday, January 7.
- The February meeting will take place on Tuesday, February 10.
- The March meeting is tentatively scheduled for Monday, March 9.

THE NEXT MEETING OF THE CIG IS SCHEDULED FOR JANUARY 7. ALL MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.