

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Part I Meeting Summary  
December 9, 2010 – 5:30 to 7 p.m.**

**In Attendance:**

Bill Arnold – CIG Chairman/Resident	Wai Chin Lachell – AMEC
Herb Koenig – Resident	Erin Rankin – Arcadis
Christa Lutz – Resident	Brian McGinnis – FMC
Dick Owen – Resident	Debra Overkamp – AMEC
Michael Miano – Resident	Bob Matthews – U.S. Rep. Chris Lee’s office
Janet Lyndaker – Resident	Mike Hinton – NYSDEC
Gary Peters – Resident	Dan Watts – CIG Technical Advisor
Ann Howard – CIG Facilitator	Jim Pasinski – Meeting Notes

**1. Welcome and Introductions; Agenda Review**

- A. Howard began the meeting, led introductions and reviewed the agenda.
- A. Howard explained that the agenda consisted of FMC updates and the review of correspondence.

**2. FMC Community Update**

- D. Overkamp provided an FMC community outreach update. The FMC Neighborhood House has relocated to 15 Main St. Hours remain 9 a.m. to 4 p.m. on Thursdays or by appointment. The former Neighborhood House at 17 Vernon Street is now listed by a realtor.
- FMC donated a basket to the Friends of the Library for their silent auction held during the Middleport Labor Day festivities. FMC also had a booth at the Labor Day event.
- FMC made a \$100 donation to LOYAL football.
- FMC printed and mailed the postcards for this CIG meeting.
- The FMC community newsletter was sent in October with the next newsletter to be sent in January.
- There were 721 visitors to the Middleport community Web site in November and 320 visitors to the CIG Web site.
- FMC held a plant tour on November 17, which took place in conjunction with a CAP meeting.
- D. Overkamp announced that FMC has extended the Home Value Assurance Program through December 31, 2012. The program has no changes and was simply extended for one year. FMC had committed to informing the CIG about the status of the program one year prior to its originally scheduled expiration.

**3. Status Update on Draft CMS and FMC/Agency Meetings**

- W. Lachell stated that the updated FMC Keeping You Posted schedule has been provided at the meeting and is updated to reflect changes to the CMS

process.

- W. Lachell noted that a new item was added to the schedule, item D, which related to modifications of the Administrative Order of Consent (AOC). This item is added since it is needed to implement the selected corrective measures and FMC is awaiting language from the Agencies. B. McGinnis stated that the existing AOC covers the facility investigation and CMS but it does not include design and remediation. He stated that a modification is needed to include those missing pieces. There is no timeline for modification of the AOC.
- W. Lachell stated that senior leadership from FMC met with the Agency senior management on October 28 in Albany to discuss the Agencies' September 15 comments on the Draft CMS Report. She stated that the meeting was useful and productive. As an outcome of the meeting, FMC submitted a proposal to revise the CMS report on November 5. FMC submitted a follow-up e-mail with responses to the Agencies' 108 specific comments on November 29. The Agencies issued a new directives letter on December 2.
- B. McGinnis stated that the October 28 meeting between FMC and the Agencies was productive and noted that many issues were hashed out. He stated that FMC is still reviewing the December 2 directives letter from the Agencies and there are still a few points of disagreement between the parties. He stated that FMC has until December 21 to respond to the Agencies directives letter and the options are to either agree to implement the directives as written or FMC can file a dispute.
- W. Lachell stated that changes to the Corrective Measures Alternatives (CMAs) are among the Agencies directives. This includes the additions of alternatives 6A and 6B which include different soil arsenic clean-up numbers and reflect the status of the Roy-Hart School District campus and whether it would require no further action or be considered as potential future residential land.
- A. Howard noted that the Agencies original comments on the preliminary draft CMS report requested additional alternatives and asked if these addressed that request. B. McGinnis stated that FMC has pared down the number of alternatives that the Agencies requested. He also noted that the CMA table indicates two different waste disposal options, use of a CAMU or off-site disposal.
- W. Lachell stated that in the case of off-site disposal, FMC will assume 75% of the cleanup materials would be waste and 25% would be used as landfill cover and FMC will assume that it be hauled by truck. She noted that FMC would look at rail hauling as a disposal option during the design phase but they do not believe it is practical or feasible. She further noted that transportation of the cleanup materials is usually evaluated during the design phase of the project, not the current phase.
- B. McGinnis stated that he has used rail hauling on previous projects but he doesn't believe it makes sense for the Middleport project. W. Lachell stated that the Agencies want rail examined further. E. Rankin stated that

there are various entities that are needed to coordinate rail shipments and there needs to be a major driver (reason) for rail to be an option.

- W. Lachell stated that there would also be a concern about the rail spur on the FMC plant site since it is rarely used anymore.
- In response to a question from B. Arnold, W. Lachell stated that FMC would like to dispose of the cleanup materials locally because it is more economical and since it is non-hazardous waste there would be more local disposal options. She also noted that there is only one local landfill that can accept waste materials transported by rail.
- B. Arnold stated that he was confused because FMC previously stated that not having a CAMU would slow the cleanup process but yet they are still looking to dispose of the material locally even without a CAMU. W. Lachell stated the off-site disposal option described in the preliminary draft CMS report included transportation of excavated materials to a temporary staging area on the FMC Plant site prior to loading and transportation to a commercial landfill facility. This would minimize the potential for delays in the excavation process, but would result in double handling of excavated materials.
- B. McGinnis stated that FMC has proposed a change to the CAMU which would make the maximum height 25 feet of waste materials with 3 feet of cap material. The change is for Phase 1 of the proposed CAMU only. W. Lachell stated that the design of the cap would be determined during the design phase of the project. There would be a plastic liner as part of the 3 feet of cap and the design phase would help determine what kind of trees or vegetation that could be used on the cap and/or around the CAMU. E. Rankin stated that there are a variety of aesthetic options that can be evaluated during the design phase. W. Lachell stated that it is safe to assume there would be some form of landscaping either on or around the cap.
- In response to a question about disagreements between FMC and the Agencies regarding risk assessment, B. McGinnis stated that when the draft CMS report goes to public comment, the Agencies will attach their opinions about the FMC approach as part of a fact sheet.
- B. McGinnis stated that FMC's risk analysis shows that there is no risk with any of the CMAs. He stated that the Agencies risk analysis will show background is an unacceptable risk scenario.
- In response to a question about future steps in the CMS process, E. Rankin stated that the Agencies will issue a Preliminary Statement of Basis following the public comment period. M. Hinton stated FMC is preparing the CMS and the Agencies will have a Statement of Basis that states what remedy FMC will use and it will drive how the FMC designs the CMS. He stated that there would be a CMS public meeting and a Preliminary Statement of Basis public meeting. He stated that FMC drafts the CMAs and the Agencies will select the remedy or they may select something entirely different than what FMC recommends as the selected remedy.
- B. McGinnis stated that after FMC responds to the Agencies December 2

directives letter (by December 21), FMC is required to submit a CMS schedule.

- W. Lachell stated that there would be no final draft CMS on December 15 as originally scheduled.
- D. Watts stated that it is quite likely that more analysis would be done during the design phase to make efforts more manageable.
- In response to a question from A. Howard relating to tree preservation, E. Rankin stated that FMC revised the document to make it clear that the data in the report was FMC's opinion.
- In response to a resident's question about the status of the trailer park, B. McGinnis stated that it is not in the current study area but it is in the next study area, which is Tributary 1. E. Rankin stated that despite being zoned industrial, the current land use is residential.
- In response to a question about an Agency directive relating to arsenic concentration averages, W. Lachell stated that the Agencies want FMC to compare soil arsenic averages on large properties using a 100' X 100' averaging area and FMC disagrees with that approach. B. Arnold stated that in his opinion that seemed to be micromanaging on the part of the Agencies and it would force FMC to dig in many different places. W. Lachell stated that FMC does not believe it makes a difference at the CMS level and that the averaging area can be determined during the design phase.
- In response to a question about community input, M. Hinton stated that the community acceptance CMA evaluation criterion will consist of reviewing resident's feedback. He stated that the Statement of Basis will have to evaluate the public comments received by the Agencies. He stated that the Statement of Basis has to address public comments and explain why decisions were made.
- D. Watts stated that the Agencies will need to provide reasons for why certain decisions were made despite the desires of the public.
- In response to a question about a potential schedule for the draft CMS going to public comment, B. McGinnis stated that it would be several months. He stated it would take more than weeks, but not longer than a year; rather it would be several months and a schedule would be provided with FMC's response to the Agencies that is due on December 21.
- In response to a residents question if the Agencies would be held to any deadlines, B. McGinnis stated that they would not be.
- A. Howard questioned if the recent timeline could provide an approximate timeline for the next steps. M. Hinton stated that it is possible that the first public meeting could be held in May or June.
- A resident stated that there needs to be more urgency and it is ridiculous that the process is taking so long.
- A resident stated that the Agencies also have to consider how much time it is going to take FMC to clean up all of the properties.
- A. Howard asked if it was probable that they would be close to a final

CMS at this time next year (2011). B. McGinnis stated that having an approved remedy at this time in 2011 is doable. W. Lachell stated that once the approved remedy is in place they will move on to the design phase before remediation can begin.

#### **4. Additional Discussion**

- M. Hinton noted that the RCRA group at the NYSDEC has been disbanded and integrated into another group at the NYSDEC. He noted that the RCRA regulations are unchanged and remain in effect. He also noted that Middleport NYSDEC project manager Matt Mortefolio has new supervisors. He stated that there would likely be even less involvement in the project from NYSDEC region 9.

#### **5. Meeting Schedule**

- It was determined that there would not be a scheduled CIG meeting moving forward at this time.
- B. Arnold stated that he would work with the FMC team to schedule the next meeting once a new schedule is provided by FMC.
- W. Lachell stated that B. Arnold would be included in FMC's communication that is due to the Agencies by December 21.

**THE NEXT MEETING OF THE CIG IS TO BE DETERMINED. ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**