

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

**In Attendance:**

|                                    |  |
|------------------------------------|--|
| Bill Arnold – CIG Chairman         | Brian McGinnis – FMC                       |
| Elizabeth Storch – Resident        | Andy Twarowski – FMC                       |
| Dori Green – Resident              | Wai Chin Lachell – AMEC                    |
| Gary Peters – Resident             | Debra Overkamp – AMEC                      |
| Roger Grove – Resident             | Dan Watts, NJIT – CIG Technical Consultant |
| Christa Lutz – Resident            | Erin Rankin – Arcadis                      |
| Jennifer Bieber – Town of Royalton | Mike Hinton – NYSDEC                       |
| Herb Koenig – Resident             | Ann Howard, RIT – Facilitator              |
| Michael Miano – Resident           | Jim Pasinski – Meeting Notes               |

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

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

**2. FMC Update**

- W. Lachell reviewed portions of the Keeping You Posted update from FMC, which was provided to meeting attendees.
- W. Lachell noted that the 2007 Early Actions Construction Report is now considered complete by the Agencies.
- W. Lachell stated that there is no update on the RFI Reports.
- W. Lachell noted that FMC provided a letter to the Agencies last month, which set out a proposed schedule for the draft RFI report for the 2009 soil sampling areas. She stated that they are preparing draft documents that will identify soil arsenic delineation to the 20 ppm level. She stated that FMC believes there will be no additional sampling beyond the areas that were sampled. M. Hinton stated that the sampling is completed as far as the Agencies are concerned.
- W. Lachell stated that in regards to FMC’s CAMU proposal, FMC submitted draft responses to the Agencies on March 1 and both sides are in the process of scheduling a meeting between Agency and FMC management to discuss the CAMU proposal and comments related to it.
- W. Lachell stated that FMC hopes to submit reports for the 2009 phytoremediation pilot and a report on the soil tilling/blending pilot studies within the next two weeks.

**3. Tree Preservation Technical Memo Discussion**

- W. Lachell stated that FMC prepared and distributed a survey related to tree preservation to property owners in the CMS study area on February 25th. She noted that residents can complete the survey online or on paper. She stated that information sessions are scheduled in Middleport on March

10, March 15 and March 22/23. She noted that computers will be available at the sessions on March 22/23 for residents to complete the online survey. Surveys are due back by March 31<sup>st</sup>.

- B. McGinnis stated that FMC appreciated receiving questions from the CIG in advance regarding the tree preservation memo. He stated that if and when FMC were to work on a residential property they would first inventory any trees, evaluate each tree with an arborist, review all of the information with the property owner and then have the property owner make a determination on what they would like to do with each tree. He stated that each property owner will have enough information to be able to make an informed decision about their trees.
- W. Lachell emphasized that the property owners will ultimately decide if they want to save any of their trees based upon the information provided by the arborist. She stated that the property owner will also get information on what the decision the owner makes might mean to the Agencies determination about their property.
- B. McGinnis stated that these tree evaluations will take place during the design phase of the CMS and the actual work will take place when the during the construction phase.
- In response to the CIG question “What about long-term maintenance?” B. McGinnis stated that FMC will look at whatever work will need to be done on each property but they cannot make any guarantees about the life of any trees. A resident stated that they would be concerned about how the quality of new soil brought in during remediation might affect the life of trees.
- In response to the CIG question “Will there be advice available for homeowners?” B. McGinnis stated that FMC will use an arborist who will evaluate each tree on a residents' property and advice will be provided prior to any decisions being made.
- In response to the CIG question “Will trees really be preserved or are these stop-gap procedures?” B. McGinnis stated that FMC wants to put the decision about trees into the hands of the homeowners.
- In response to the CIG question “Will there be warranties from nurseries supplying trees?” B. McGinnis stated that FMC cannot make any commitments about warranties at this time. He noted that during work on Park Avenue residents received five-year warranties for trees planted by the nursery and one-year warranties for trees that the property owner planted on their own.
- In response to a question from B. Arnold about who will make decisions about trees on village right-of-ways, W. Lachell stated that the trees are the property of the village and it would be the decision of the village as to what would happen to those trees.
- B. Arnold stated that he would like the option of planting larger trees during restoration activities to be considered. He stated that this would consist of transplanting mature trees and stated that it should be looked at as an alternative for areas that can be accessed by the equipment needed to

do such work.

- W. Lachell stated that in their technical memo FMC had to identify alternatives that would be applicable to all 250 properties in the study area and noted that the equipment needed to transplant mature trees would not be able to access most of the properties. She stated that the option could only be offered to a few property owners and it would not necessarily be fair to have an exception for some but not others. A resident stated that FMC should allow residents to decide that. The resident stated that they would not have a concern with a property owner having that option if they met the criteria.
- A resident stated that any option that can avoid disturbing the basic character of the village should be considered.
- W. Lachell stated that nursery stock trees are the most reliable option as they have the greatest survival rate
- W. Lachell stated that the alternatives will also depend on the remedy selected and noted that some existing trees might not be impacted at all. She stated that it is difficult to make any determinations until the remedy is selected.
- B. McGinnis stated that the CIG would have an opportunity to comment when FMC completes a proposed design of the selected remedy(ies) following completion of the CMS report.
- D. Watts stated that at the Spring Valley cleanup site the USEPA and the District of Columbia Department of Health determined that there would be a cleanup goal of 20 ppm but also determined that a 43 ppm cleanup level would be acceptable for areas within the root zone of trees.
- In response to residents' questions and comments regarding the nursery that might be selected through the bidding process to work on the FMC project, B. McGinnis stated that FMC would consider having a second nursery for residents to choose from during restoration activities.
- B. Arnold noted that research he conducted found that a root stimulant can sometimes help trees re-grow when the roots are disturbed. W. Lachell stated that FMC would work with the arborist to help determine that.

#### **4. CAMU Application Discussion**

- W. Lachell stated that FMC has provided a document regarding the CAMU to attendees at this meeting. She stated that the document is a compilation of concerns regarding the CAMU that FMC has been made aware of based on community comments they have received. It also contains general information about the CAMU. The document has been divided into three categories, including Community Concerns/Comments, Potential CAMU Benefits, and facts about the FMC Plant Site regardless of the existence of a CAMU.
- W. Lachell stated that FMC wanted to discuss the third concern (Concerns Related to Middleport Economics, Reputation and Aesthetics) to get a better idea of what the community concerns are. A resident stated that they feel safe on their property and feel no threat and have no fear of any

materials taken to the CAMU. The resident stated that people in and around Middleport are not educated about the environmental issues and they do not want to be. The resident stated that all things considered there should not be a CAMU in Middleport. The resident noted a quote in the Lockport newspaper relating to an issue not connected to Middleport. In that article a person was quoted as saying “We don’t want another FMC.” The resident stated that FMC Middleport is always going to be used as an example.

- A resident stated that they were very disappointed when they read that quote because it is so different from the issue being discussed in that article.
- A resident stated that the Roy-Hart School District would be able to use the CAMU as a reason for a new school to be built outside of Middleport or for the Middleport schools to be closed. The resident stated that many teachers and administrators of the district do not live in the district and because of that they have no commitment to the community.
- A resident stated that both FMC and the CIG have tried to educate residents about the real issues in the community but it does not resonate. Another resident stated that people have their perceptions and those will not change.
- W. Lachell stated that all FMC can do is continue to repeat their messages but it is difficult to change people’s minds.
- A resident stated that the village needs to work to find a way to brand and market Middleport.
- A resident stated that if a CAMU is sitting in the village the perceptions of Middleport will be further harmed.
- A resident stated that the community needs some cooperation from the government Agencies to help communicate the real issues in Middleport.
- A resident asked if FMC was planning to shut down in Middleport. B. McGinnis stated that FMC is not planning on closing the Middleport plant. He stated that the point of FMC referencing financial assurance in its CAMU communications is to make certain that everyone is aware that FMC is responsible for costs related to managing the CAMU site whether or not the plant is in operation.
- B. Arnold stated that in his personal opinion the CAMU would be a black eye on Middleport. He stated that it would affect people’s decision to come to the village and it would affect property values. He stated that another issue is what to do to camouflage the site.
- B. McGinnis stated that the current ESI Fill site is already between 20 and 25 feet high in one spot and is not really noticeable. This area would become known as the CAMU if it were approved to become a permanent soil storage site.
- A resident stated that people do not understand the science of the issues in Middleport.
- B. Arnold asked if animals might be able to burrow through the final cover

that FMC has proposed for the CAMU. W. Lachell stated that it should not be possible because of the proposed plastic liner in the final cover. She added that the inspection and maintenance plan for the CAMU would call for repairs if there is any damage whatsoever. She stated that inspections would occur quarterly depending on the cover design. She stated that typically no wooded vegetation can be used on the cover because of the risk of damaging the cover system. She added that inspections are typically required after winter melt/spring rains to look for any damage to the final cover.

- A resident stated that if the schools in Middleport close, other investment in that property (for example, an assisted living facility) would be scared away because of the CAMU. The resident stated that the CAMU has implications for the future economic stability of the village.
- W. Lachell asked residents to review this CAMU document that FMC has provided and send any comments they might have to FMC. She asked them to especially focus on the portion of the document that focuses on what doesn't change by having a CAMU topic.
- In response to a resident question, W. Lachell stated that part of the final cover could include wildflowers.
- In response to a resident question, W. Lachell stated that requirements would only allow for a CAMU with a maximum height of 35 feet. She noted that depending on the amount of remediation needed the full area designated for the CAMU might not be needed.
- B. McGinnis stated that in the near future FMC plans to have a land surveyor float balloons over the CAMU site to demonstrate how high 35 feet is.
- In response to a resident question, M. Hinton stated that the New York State DEC has been delegated by the USEPA to make the decision regarding FMC's CAMU application. He stated that the DEC's decision would be made with public input. It was noted that there would be a public comment period during and after the CMS.
- W. Lachell stated that the Agencies make the final determination of the CMS alternative(s) and part of that will include a determination on the CAMU.
- A resident stated that they see no need for additional discussion of the CAMU at CIG meetings. The resident stated that the residents at tonight's meeting are not in favor of the CAMU while FMC wants to continue to pursue it; therefore, they see no need for additional discussion.

## **6. Meeting Schedule**

- The April meeting is scheduled for Wednesday, April 7.
- The May meeting is scheduled for Thursday, May 6.
- The June meeting is scheduled for Tuesday, June 8.

**THE NEXT MEETING OF THE CIG IS SCHEDULED FOR APRIL 7, 2010. ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**