

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Meeting Part I
April 10, 2008 – 5:30 to 6:30 p.m.**

In Attendance:

Village Coordinator - Dan Dodge	Elizabeth Storch - Resident
Bill Arnold – CIG Chairman	FMC – Brian McGinnis
Elizabeth Bateman – Village Board	Arcadis – Erin Rankin
Jennifer Bieber – Town of Royalton	Arcadis – Chris Engler
MRAG – Dan Watts	Geomatrix – Wai Chin Lachell
MRAG – Pat Cousins	Geomatrix – Debra Overkamp
Village Code Enf. Tom Arlington	NYSEC – Matt Mortefolio
CAP – Dick Westcott	EPA – Mike Infurna
CAP – Lisa Allen	NYSDOH – Tamara Girard
CAP - Dick Owen	Facilitator – Ann Howard, RIT
Village Atty. – Dan Seaman	Carr Marketing Comm. – Bob Carr
	Meeting Notes – Jim Pasinski
	Carr Marketing Communications

1. Welcome and Introductions

- A. Howard reviewed the agenda for the meeting.

2. Review MCIG Input to CMS Workplan

- B. Arnold stated the CIG had planned on submitting a letter to FMC on the CMS workplan prior to this meeting; however, they are not yet ready to do so. He stated that a handout with his concerns over the 2004 draft CMS workplan had been distributed.
- B. Arnold stated that he has concerns about the portion of the plan that deals with ecological risk assessment. He said that he thinks it is too vague and leaves too many doors open; he believes it should be more specific.
- B. Arnold also stated that he has a major concern about the differences between the 95th and the 98th percentile. He asked why the 95th percentile was being used for analysis when the state specifies the 98th percentile. He asked for both FMC and the Agencies to comment on this issue at a future meeting.
- B. McGinnis stated that FMC appreciates early feedback from the CIG. He said that while the CIG is reviewing a 2004 example, the comments are helpful now.

3. Report from FMC

- B. McGinnis stated that FMC has updates to provide on the CMS process, the phytoremediation study, and the CAMU.
- W. Lachell stated that the CMS workplan continues to be drafted and FMC is hoping to submit a draft of the plan at the end of April.

- W. Lachell stated that they are waiting for the completion of Cornell University's phytoremediation study. FMC will implement the results of that study into their workplan and have a revised plan.
- B. Arnold suggested that FMC consider planting items closer together due to the time in the planting season. W. Lachell stated that the types of plants that will likely be used are planted at different times of the year, so there will be staggered planting times. D. Watts asked if the study had evolved from using only ferns. W. Lachell indicated that Cornell's research had shown that ferns do not grow well in this region and climate. Because of that, other plants are being obtained for the pilot.
- W. Lachell indicated that the CAMU application had been submitted at the end of March and it will be posted on the CIG Web site so everyone can review it. She explained that the application doesn't include discussion on financial assurance because the CAMU regulations do not call for it. However, under RCRA financial assurance applies to the facility and the CAMU will be located on the plant site.
- W. Lachell stated that FMC met with the Town of Royalton regarding the CAMU and has also met with property owners on the eastern portion of the plant. She indicated that one property owner had requested a 100-foot setback instead of the planned 50-foot setback.
- W. Lachell stated that another walking tour of the CAMU will be available during the FMC open house on May 17th.
- W. Lachell indicated that the Agencies had issued a letter on March 10 concerning their September 2007 directives and FMC has agreed to abide by all of the directives.
- B. Arnold stated that in his opinion both the Agencies and FMC are being stubborn when it comes to the issue of background. He stated that subjective analysis is being used and he urged both sides to reach a compromise. He stated that the Agencies attribute three to five percent of the land as historic orchard area while FMC stated that it is 18% and both sides think that they are right.
- M. Mortefolio stated that both sides have agreed on the delineation number but not the cleanup objective.
- E. Storch stated that the residents are caught in between the disagreements between the Agencies and FMC and the residents are going to be the ones who have to live with whatever the Agencies decree.
- B. Arnold stated that delineation versus cleanup is not the battle but an agreed upon number would be beneficial.
- W. Lachell supplied a timeline and schedule that identifies dates that FMC owes submissions to the Agencies. At the end of April, FMC will submit volume I of the RFI and the CMS draft workplan. On May 12th, a draft outline and schedule for sampling north of the canal and east of the county line will be submitted. In July, FMC will provide a schedule of remaining RFI volume submissions, following input from the CIG. A schedule will be developed based on the CIG input. W. Lachell indicated that the priority in the schedule will be based on what the CIG wants done first.

She stated that it is a tremendous amount of work so an order of priority needs to be established. M. Mortefolio stated that there is already a schedule for the RFI for Middleport village soils including the culvert, tributary, and air deposition area and that is going ahead. B McGinnis and W. Lachell clarified the eight RFI/CMS reports in which the CIG is being asked to comment. A green survey was given to CIG members. These eight reports are: 1. CMS Report for Culvert 105 and Flood Zone; 2. CMS Report for Tributary One and Flood Plain south of Pearson/Stone Roads – the creek runs by the Scout House north through the village; 3. RFI Report Volume III (former FMC R&D Property) – where the trucking company is currently operating from; 4. RFI Report Volume VI (Tributary One and Flood Plain North of Pearson/Stone Roads) – this flows into Jeddo Creek; 5. RFI Report Volume X (suspected air deposition study area along/north of the canal and east of the county line) – the Agencies have requested FMC do more studying; 6. RFI Report Volume VII (Jeddo Creek and Johnson Creek); 7. RFI Report Volume VIII (groundwater investigations and remediation results) – all groundwater issues at the FMC plant will be grouped into one report which M. Mortefolio indicated there is a good handle on and it is not a big problem; 8. RFI Report Volume IX (soil, surface water, and sediment from the FMC Plant investigation results) – this encompasses all remaining issues on the actual plant site. It was requested that FMC provide a drawing or drawings that shows the various study area locations. FMC agreed.

- In regards to #5 immediately above, M. Mortefolio stated that it falls behind all Middleport village work in terms of priority. In terms of boundaries, M. Mortefolio stated that nothing specific has been requested.
- D. Watts asked that other than items #5 above, if it was reasonable to assume that data exists. W. Lachell indicated that FMC feels they have sufficient data on all but #5. D. Seaman questioned how meaningful the survey was. B. Arnold stated that the CIG would discuss the survey and the requested priorities as a group. D. Seaman stated that the village will comment separately and will do so in the form of a letter rather than the survey.
- W. Lachell stated that FMC will be starting to schedule construction activities including phase II ICMs, which include the north railroad property. That property was scheduled for 2007, but an issue with obtaining an access agreement from National Grid delayed such action. The work is tentatively scheduled to start on April 21st. E. Rankin stated that three utility poles on the FMC property related to remediation work will be replaced; there are a total of 22 poles which National Grid will replace, nineteen of which are not related to remediation but National Grid has chosen to replace.
- B. Arnold stated that he had read through the CAMU application and had two concerns. The first is that he has received negative feedback from community members regarding the placement of soils in the CAMU from north of Pearson Road. The second was the alterative design and his

concerns about ground water systems on the southern portion. W. Lachell indicated that the groundwater flows north-northwest and extraction wells are in place. B. Arnold asked is the topology changes would affect the flow. W. Lachell indicated that the bedrock groundwater flows independently from rainwater runoff. B. Arnold stated that he is not too concerned about it but would like FMC and the Agencies to have a position on it.

- W. Lachell stated that the CAMU will have a cover system to shed rainwater. Surface water (rain water runoff) will be collected into drainage ditches and then into the stormwater system and discharged in accordance with the Plant's permit. M. Mortefolio stated that the CAMU regulations indicate all units have a final coverage system. D. Seaman asked for the Agencies timeline for review. M. Mortefolio indicated that it had not yet been discussed. M. Infurna stated that based on other submissions a list of review priorities will need to be developed.
- C. Engler indicated that the CAMU application proposes construction in three phases as necessary and the stormwater management plan would be modified based on the need for additional phases. All stormwater will be directed to the south side.

4. Agency Meeting/Next CIG Meeting

- B. Arnold stated that prior to this meeting he had met with the Agency representatives. The meeting surrounded a number of issues. He indicated that the Agencies were willing to come to a future CIG meeting to correct what they call "misconceptions" on remediation in Middleport.
- It was determined that this would take place at the June CIG meeting, which was scheduled for Wednesday, June 18th.

7. Adjourn

- A. Howard stated that there would be a break and the second part of the meeting would commence without FMC and Agency participation.