

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Meeting Part I Summary  
July 8, 2008 – 5:30 to 6:30 p.m.**

**In Attendance:**

Bill Arnold – CIG Chairman	FMC – Brian McGinnis
Elizabeth Bateman – Village Board	FMC – Dana Thompson
Christa Lutz – CAP	Geomatrix – Wai Chin Lachell
Larry Lutz – CAP	NYSDEC – Mike Hinton
Jennifer Bieber – Town of Royalton	Facilitator – Ann Howard, RIT
Dick Lang – Town of Royalton	Meeting Notes – Jim Pasinski, Carr Marketing Communications
Tom Arlington - Village Code Enf.	
Elizabeth Storch – Resident	
Dori Green - Resident	

**1. Welcome and Introductions**

- A. Howard began the meeting.
- The agenda for the meeting was reviewed.

**2. FMC Comments on Agency Responses to MCIG Questions**

- FMC representatives noted that the Agencies have not changed their position on most topics and FMC's positions have also not changed.
- FMC believes that in relation to the New York State Brownfields legislation, the soil cleanup objectives and  $10^{-6}$  should not apply to the Middleport project. It was noted that State Sen. George Maziarz's office has consulted legislative attorneys on the Brownfields legislation and concluded that this legislation pertains to contaminated and abandoned industrial sites, which would not pertain to FMC Middleport. Agency representatives stated that the Agencies acknowledged the Brownfield legislation can be used for guidance and that they will not attempt to cleanup Middleport to the one in one million cancer risk because it is not possible due to natural background levels.
- FMC representatives noted that in the proposed CMS work plan, a probabilistic risk assessment is recommended to be used which would take risk ranges into consideration and determine where alternatives fall between background levels and current soil arsenic levels. Using this method would prevent disagreements about certain assumptions.
- Agency representatives stated their goal is to get the best cleanup possible.
- It was noted that FMC is awaiting Agency comments on the proposed CMS workplan. Those comments are expected soon.

### 3. FMC Update

- An FMC project status report was distributed to everyone at the meeting.
- FMC representatives provided an overview of the new Home Value Assurance Program that was announced at the end of June. The new program begins in January 2009 but was announced early to meet the CIG's request for a decision regarding the current Property Price Protection (PPP) Program one year prior to its scheduled expiration date. The new program will replace the PPP, which will expire on June 15, 2009. Among the key features of the new program:
  - FMC will no longer purchase homes.
  - The Home Value Assurance Program will run from Jan. 1, 2009 to Dec. 31, 2011.
  - Each homeowner will get two appraisals and an average of the two will be used to determine the appraised price; a third appraisal will be used if the first two are more than 10% different and an average of all three will be used.
  - FMC will provide home inspections.
  - Only one-family or two-family homes will be eligible and the homeowner must have owned and lived in the home for two years prior to application for the program in order to be eligible.
  - The PPP was used to bridge the gap of uncertainty; with some homes remediated and others getting indications that no further action will be required, some of that uncertainty has dissipated.
  - Eligible homeowners can enroll in either the new program or the PPP up until the date the PPP expires.
  - FMC plans to maintain the office at 15 Main Street.
- It was noted that there has not been any real negative impact on Middleport property values due to the FMC remediation project.
- FMC representatives provided an update on the phytoremediation pilot study currently underway. All plants have been planted with the exception of some turnips. Ferns planted on B. Arnold's property are not doing well while those planted on E. Storch's property are faring better. It was noted that the earliest results would be available is February 2009. FMC is awaiting results from a lab-based study conducted by Cornell University, which grew the same variety plants in soil that was taken from the Middleport area.

### 4. Document Review

- A number of documents have been provided to CIG members at the request of chair B. Arnold.
- Document #1 was a *The Buffalo News* article from June 15, 2009, which included FMC Middleport among a list of the 15 most seriously contaminated sites in Niagara County. It was noted that the article did not mention any of the positive steps taken in Middleport. FMC representatives noted that the article was factually correct in terms of past practices on the plant site.

- Document #2 was from a post on the DEC web site, which was used as a source for *The Buffalo News* article. The Agency representative noted that his organization needs to keep such posts more up to date.
- Document #3 was the report of a 1987 biomonitoring program study for arsenic and lead in Roy-Hart schools. It was noted that the study compared Roy-Hart to the Greenbush school district near Albany and showed no significant differences in the health of students in the districts.
- Document #4 was the results of a 1987 study on the Incidence of Cancer in Middleport.
- Document #5 was a copy of a letter from the Agencies to a property owner in 2007. There was discussion about some of the terminology used in the letter and the perceived threat of deed restrictions for electing not to have a property remediated.
- Document #6 referenced a tree spade device that can be used to relocate large trees.

#### **5. Adjourn**

- There was a brief break prior to the second part of the meeting and FMC and Agency participants were excused.

**THE NEXT THREE MEETINGS OF THE MCIG ARE SCHEDULED FOR AUGUST 27, SEPTEMBER 11, AND OCTOBER 23. ALL MEETINGS WILL BE HELD AT 5:30 PM AT THE MASONIC LODGE.**