

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Part I Meeting Summary  
July 15, 2010 – 5:30 to 7:10 p.m.**

**In Attendance:**

Bill Arnold – CIG Chairman	Richard Willing – Resident
Julia Maedl – Resident	Nina Willing – Resident
Liz Bateman – Resident	Elizabeth Storch – Resident
Joe Szalay – Resident	Brian McGinnis – FMC
Dick Westcott – Resident	Andrew Twarowski – FMC
Gary Peters – Resident	Wai Chin Lachell – AMEC
Michael Miano – Resident	Debra Overkamp – AMEC
Christa Lutz – Resident	Erin Rankin – Arcadis
Janet Lyndaker – Resident	Mike Hinton – NYSDEC
Herb Koenig – Resident	Dan Watts, NJIT – Technical Advisor
Karen Pollworth – Resident	Ann Howard, RIT – Facilitator
Betty Whitney – Resident	Jim Pasinski – Meeting Notes
Lynn Andrews – Resident	

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

- A. Howard began the meeting, led introductions and reviewed the agenda.
- A resident stated concerns regarding the NORCO property and children trespassing at the site. It was noted that FMC has no control over the property or its condition. It was further noted that there is “no owner” for the Norco property. The mayor and Trustee Dick Westcott will discuss the issue with the police chief.

**2. FMC Plant Update**

- A. Twarowski provided an update about activities at the FMC plant site. He stated that they are demolishing the former FMC office building along with a former laboratory building. He stated that asbestos remediation is ongoing and that actual demolition will take place near the end of July.
- A. Twarowski noted that FMC is also currently taking down the large smokestack on the plant property. He noted that asbestos remediation by a licensed contractor is also taking place in the boiler house on the plant property.

**3. FMC Project Update**

- W. Lachell stated that updates are provided in the Keeping You Posted handout provided at the meeting. No changes other than those related to the CMS were noted.
- B. Arnold noted that the CIG has received a new project schedule from Mike Infurna of the USEPA and Matt Mortefolio of the NYSDEC. He noted that the schedule included a change in the submission of the final

Draft CMS report, moving it back to December 15, 2010. In response to a question, B. McGinnis stated that FMC has not yet received any comments on the preliminary draft CMS report (submitted on June 15, 2010) from the Agencies and FMC was not consulted on the schedule change made by the Agencies.

- M. Hinton stated that the Agencies would likely have significant comments on the preliminary draft CMS that FMC has submitted and the Agencies are anticipating discussions with FMC will affect the schedule.
- W. Lachell stated that she does not think the revised Agency timeline is unreasonable and noted that it is still aggressive. She noted that there are a lot of issues in the report which will lead to significant discussions.
- W. Lachell stated that the Agencies are scheduled to provide comments by Sept. 15, 2010 and then FMC would likely meet with the Agencies. She stated that FMC would revise the preliminary draft and it is then scheduled to be finalized for public comment on Dec. 15<sup>th</sup> with the assumption that there are no significant disagreements between the Agencies and FMC.
- M. Hinton stated that the Agencies would need public input because this is the portion of the project where decisions are going to be made.

#### **4. Overview of Preliminary Draft Corrective Measures Study (CMS)**

- B. McGinnis stated that FMC wanted to use its time at the CIG meeting to provide an overview of the preliminary draft CMS report that was submitted to the Agencies in June.
- B. McGinnis emphasized that the preliminary draft CMS is FMC's first draft that describes FMC's results and recommendations. He stated that the Agencies will review and provide comments on the preliminary draft. He noted that it was important to understand that this is not the document that is going to go to public comment and that this preliminary draft will change.
- B. McGinnis stated that FMC promised open communications and noted that a preliminary draft is usually never shown to the community but the Middleport project is different since the community has asked for open communications and early input and FMC is obliging.
- B. McGinnis stated that the preliminary draft CMS has five (5) alternatives evaluated but it could change. B. Arnold stated that he thought the FMC alternatives were good but he did not see any major differences with the outcomes of the alternatives in regard to possible exposure as shown in Table 6 of the report.
- E. Rankin stated that the Agencies requested that FMC's preliminary draft CMS be fair and balanced so that a broader range of options be considered.
- W. Lachell stated that the executive summary to the preliminary draft has been provided to July 15 CIG meeting attendees.
- W. Lachell stated that the first step was to identify and screen corrective measures technologies. She stated that they eliminated phytoremediation

because it was determined to not be a viable option for Middleport. The technologies included were soil tilling and blending to supplement excavation in some areas, potential tree preservation techniques with the best opportunity to preserve trees where excavation can be limited to six inches. She stated that FMC also evaluated waste disposal options including an onsite CAMU and two offsite disposal options to take materials to a commercial landfill facility (for disposal or for reuse as cover material). She stated that FMC believes that off-site disposal cannot be a sole option for disposal. She stated that FMC would need to double handle material (by stockpiling for loading into trucks or rail cars) if the soils were sent to a landfill facility. She stated that FMC also evaluated truck and rail hauling options and **concluded that** rail transportation was likely cost prohibitive.

- In response to a question about FMC plans if the Agencies reject the CAMU option, W. Lachell stated that FMC would need to haul by truck to a commercial landfill.
- W. Lachell stated that FMC's CAMU application has a maximum height of 35 feet and covers 17 acres on the eastern portion of the FMC plant site, noting that the current height of the ESI (at its maximum) is 20 feet. She stated that only remediation waste from inside study areas south of Pearson/Stone Roads would be placed into the CAMU, meeting one of the requests made by the CIG that the CAMU only hold materials from within the village. She stated that the CAMU application will change from requesting three phases to two phases. The phase 1 portion of the CAMU would not have a bottom liner while phase 2 would be lined. She noted that phase 1 has significant control systems in place and groundwater is already captured at the proposed CAMU location W. Lachell noted that FMC will wait to submit a revised CAMU application until the Agencies comment on it.
- A resident stated that they disagreed with a statement in FMC's executive summary that relates to the CAMU. The statement in question reads, "Data collected during FMC's price protection and home value assurance programs indicate that the corrective action program, including the on-site management of remediation wastes, have not had a measurable impact on residential property values in the community." The resident stated that they felt the statistics have been skewed and houses are selling at lower values than they were five or six years ago. The resident stated that the value of a home in Middleport is not what it was prior to these programs.
- B. Arnold stated that they failed to see the need for FMC to include these types of conclusions such as the above statement into the CMS report. B. Arnold stated they did not agree with a statement in section 7.3 that states that residents are more concerned with safety than with tree preservation. The resident stated that from many communications with residents, there is not a safety concern and that the conclusion does not belong in the draft.
- A resident stated that in the phytoremediation study the plants did not uptake arsenic and that underscores that the arsenic in soil is not a safety

concern.

- W. Lachell stated that FMC recommended the CAMU as the waste disposal option since the CAMU will facilitate the remediation program, manage waste safely on site as specified in regulations, is cost-effective and will provide more flexibility in the cleanup program. She stated that the CAMU idea is also more environmentally friendly as it would reduce truck traffic and preserve landfill space.
- A resident stated that that the media reports on the CAMU would leave an everlasting psychological impact on the village of Middleport because the media will demean Middleport, and that outsiders would not investigate the science behind the CAMU.
- A resident stated that the CIG has repeatedly gone on record as opposing the CAMU and they doubt the comment that the project has not had an impact on property values in Middleport.
- A. Twarowski asked what the concern is for the MCIG over the CAMU. In response, B. Arnold stated that the CIG as a group is opposed to the concept of the CAMU because of the negative publicity it could bring to the community.
- M. Hinton noted that the area where the CAMU is proposed already has remediation waste stored and it will always have some sort of permanent disposal facility on the FMC plant site.
- M. Hinton asked the CIG if the concerns was over the concept or proposed the height and area of the CAMU. B. Arnold replied that the presence and size is bothersome because they don't want Middleport to be referred to as an "arsenic mountain".
- A resident stated that it seems that in the CMS process concern for safety is greater than saving trees, but the community is not convinced there is a danger prompting the need for remediation.
- A resident commented on concern for some parents about school children and dust that would be created during remediation activities
- A resident stated that they do not understand how soil could be unsafe for their yard yet safe to be stored in the CAMU.
- M. Hinton noted that the Agencies need to make a decision on the CAMU prior to the CMS going to public comment and the Agencies have not heard any official comments from the town or village governments.
- B. Arnold stated that the CIG realizes that there is already a mound of soil on the FMC plant site and stated that the mound will become more noticeable as it grows larger and things will be said that detract from the image of Middleport. He stated that the group is opposed to the concept of adding more to the current site. He noted that there is also some concern from people that the CAMU is not safe for school students.
- B. Arnold noted that at the open public session for RFI V, there were two ladies from Gasport who had a discussion with the Agencies over student safety at the school. That discussion was not made public.
- W. Lachell stated that FMC outlines five (5) alternatives for remediation

in the preliminary draft CMS report. The Agencies required that the first two alternatives be included in the CMS. Alternative 1 recommends No Further Action on any property; Alternative 2 recommends remediation of any soil with arsenic concentrations above 20 ppm, similar to the Vernon Street remediation in 2003; Alternative 3 recommends remediation of soil on each property based on their anticipated future land use as residential, public/institutional or recreational/open land/agricultural/industrial/commercial/railroad utility with an average concentration for each type and a maximum concentration allowed; Alternative 4 recommends remediation to a post-remediation average arsenic concentration of 30 ppm with a maximum point concentration of 60 ppm; and Alternative 5 recommends remediation to a post-remediation average of 40 ppm with a maximum point concentration of 80 ppm.

- W. Lachell stated that FMC has recommended no further action be taken on the Roy-Hart school district property, the Wooded Parcel and 33 properties previously remediated. She noted that Culvert 105 would be replaced in-kind as needed.
- A resident expressed concern raised by a Gasport resident having children attend school in Middleport because of arsenic. M. Hinton replied the Agencies have issued a letter saying the school is safe for its current use.
- B. Arnold asked if the request by the school board to have the school property treated as residential instead of institutional property would not yield different concerns. In response, W. Lachell stated that FMC believes that it is reasonable to consider that the Roy-Hart property will remain a school. She stated that they disagree with the school district suggestion to change the future land use to residential. E. Rankin stated that there is no basis to believe that the school would be used for residential purposes because the land use evaluated in the risk assessment is actual and reasonably foreseeable, not hypothetical.
- A chart provided by FMC outlines the number of properties impacted by each alternative and the amount of soil (by cubic yards) that would be removed from properties. Alternative 1 would have zero remediation on all properties; Alternative 2 would have remediation on 181 properties resulting in 175,000 cubic yards of soil removed during 8 construction seasons; Alternative 3 would have remediation on 148 properties resulting in 31,000 cubic yards of soil removed during 5 construction seasons; Alternative 4 would have remediation on 81 properties resulting in 16,000 cubic yards of soil removed during 3 construction seasons; and Alternative 5 would have remediation on 43 properties resulting in 11,000 cubic yards of soil removed during 2 construction seasons.
- B. Arnold stated that he felt 8 construction seasons for Alternative 2 was too long. A village trustee also agreed. B. McGinnis stated that it was a judgment made by engineers at this point in the CMS process. W. Lachell stated that the estimates were gathered assuming two construction crews in an effort to limit interruption to village residents, and the actual use of more than two crews at a time would tie up many streets in the Village all

at once. B. McGinnis stressed that the CMS has presented only estimates and FMC would discuss actual designs, construction approach and other factors once the remedy is selected.

- M. Hinton stated that in these documents it is more important to focus on concepts rather than designs. He noted that design is a separate phase of the project.
- E. Rankin stated that CMS estimates were developed based on prior remediation experiences in Middleport.
- B. Arnold stated that in his 30 years of engineering experience he doesn't understand how the development of the draft CMS showed good engineering practice. In reply, M. Hinton stated that the real engineering has not started yet. B. McGinnis stated that they are in the conceptual phase and not the design phase. He stated that there was a CMS work plan approved by the Agencies upon which the preliminary draft CMS Report was based, and many discussions have taken place between FMC and the Agencies previously on several of the issues. W. Lachell stated that a lot of the discussions are identified in this preliminary draft CMS Report. However, B. Arnold restated his belief stating there should have been more dialog between FMC and the Agencies so that the Draft report would have needed fewer negotiations and modifications instead of what we can expect with the current draft.
- B. McGinnis stated that Alternatives 1, 2 and 3 were discussed in the CMS work plan.
- A resident stated that it is obvious that this report is just a draft and residents cannot take what is in it very seriously.
- B. McGinnis stated that FMC uses guidance and law when these documents are put together.
- B. McGinnis stated that FMC selected Alternative 3 as the recommended alternative with the best outcome.
- B. Arnold stated that he felt that when considering human health risk as shown in the tables of the report there was little difference between doing nothing and performing one of these alternatives.
- B. Arnold asked B. McGinnis if FMC believed the calculations in the report regarding risk were accurate to the degree FMC would be prepared to defend them in a court of law. B. McGinnis declared FMC would and stood by the calculations.
- A resident brought up the topic of future meetings. B. Arnold asked that that discussion be deferred to the second part of the meeting.

## **5. Meeting Schedule**

- The August CIG meeting is canceled.
- A meeting date has been set for September (see below).

**THE NEXT MEETING OF THE CIG IS SCHEDULED FOR SEPTEMBER 28.**

**ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**