

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Meeting Part I Summary
August 27, 2008 – 5:30 to 6:30 p.m.**

In Attendance:

Bill Arnold – CIG Chairman	Brian McGinnis - FMC
Elizabeth Bateman – Village Board	Glen Wilson - FMC
Margaret Droman – MRAG	Deb Overkamp - Geomatrix
Larry Lutz – CAP	NYSDEC – Matt Mortefolio
Dick Owen – CAP	Facilitator – Ann Howard, RIT
Dick Westcott – Village Trustee	Meeting Notes – Jim Pasinski,
Tom Arlington - Village Code Enf.	Carr Marketing Communications
Lynn Andrews – Resident	
Mary Cedeno - Resident	

1. Welcome and Introductions

- A. Howard began the meeting.
- A. Howard noted that a postcard was sent out to residents in the study areas about the meeting.
- The agenda for the meeting was reviewed. It was noted that the economic development and grants discussion would take place at the September meeting.
- B. Arnold noted that many handouts were available at the meeting. Those handouts consisted of: Agency comments to CIG issues from June 2008 meeting (where time constraints prevented discussion); email exchanges with the EPA regarding property restrictions; email exchange with the EPA regarding July 15, 2008 letter from Dan Seaman and the safety of growing vegetables in gardens in Middleport; a DOH fact sheet on arsenic; news article on water arsenic exposure and link to type 2 diabetes; NYS diabetes data; comments Sue Hughes made during a Love Canal anniversary event on Aug. 1, 2008; and maps showing exposure levels across the air deposition area.
- B. McGinnis noted in regard to eating garden produce, the biomonitoring study of 400 residents also sampled vegetables from local gardens and analyzed the data with produce from a local grocery store and the results were similar.
- B. McGinnis noted that Sue Hughes has previously tried to discredit the Agencies vapor intrusion study and much of her comments from the Love Canal event are inaccurate.

2. FMC Comments on Agency Responses to CMS Workplan

- B. McGinnis noted that FMC submitted a workplan for Agency review in April. He stated that the Agencies have reviewed it, did not accept the

draft plan as submitted, and supplied comments where they need clarification or disagree with steps. B. Arnold noted that he thought the Agency response was pretty straightforward that the plan submitted was unacceptable. M. Mortefolio stated that the two sides have to sit down and discuss the areas where they disagree or need clarification.

- M. Mortefolio stated that the order of consent includes a scope of work of what the plan should look like and it should be drafted for the full extent of contamination. E. Rankin stated that the order of consent was written 17 years ago and FMC has certain interpretations as to how to satisfy agency requirements and meet the needs of the community.
- B. Arnold stated that the Agencies comments seem to be written to infer that 20 ppm will be the decided cleanup number before any study is done. M. Mortefolio stated that the Agencies feel that they need to look at cleanup alternatives and each alternative will have an arsenic number attached to it. He stated that it would be a part of discussions between the Agencies and FMC.
- M. Mortefolio indicated that the order of consent indicates that FMC can comply with each point made in the Agencies letter or FMC can request a meeting; FMC has chosen to request a meeting and both sides are working to schedule a date.
- M. Mortefolio inquired if any CIG members had feedback on FMC's draft workplan submission. A. Howard noted that the Agencies already have CIG feedback since CIG members were able to comment and provide input to FMC before FMC submitted the draft workplan.
- B. Arnold stated that the CIG would like a risk-based assessment to reflect how people use their property. M. Mortefolio stated that FMC has proposed a risk assessment and the Agencies do consider them. He stated that the Agencies also need to consider standards, costs and the type of remediation. He stated that the Agencies are not opposed to a risk assessment.
- B. Arnold noted that the CIG has always maintained their desire to be able to comment throughout the process, not just at the end. E. Rankin stated that the FMC workplan had deliverables to accommodate public participation, especially review of those deliverables by the CIG.
- A resident asked how the village of Middleport can ever get a declaration of having a clean bill of health if every property is not remediated. M. Mortefolio stated that the issue has been mentioned in the past. He stated that the Agencies understand the concern but also understand that there may be a difference of opinion in the community and while they understand both sides of the issue, the Agencies are reluctant to pressure homeowners into remediation. M. Mortefolio stated that one option is for FMC to annually offer homeowners who decline remediation the opportunity to reconsider, or offer remediation to new homeowners who purchased a property that was not cleaned up previously. B. McGinnis stated that FMC feels that once remediation is offered and rejected, they are done with that property.

- A resident asked if the Agencies would ever be able to say that the arsenic in Middleport is contained and the village is clean. They stated that it should be a major consideration for the Agencies because the village cannot have the stigma attached to it forever.
- M. Mortefolio stated that there is a precedent for a facility to offer remediation annually and to new homeowners when property changes hands. He stated that there are also legal authorities and circumstances where the Agencies could push for remediation on a property if it is deemed to be a threat to others.
- A resident stated that it appears an end date for the issues in Middleport is not going to happen. They suggested a method of eliminating the stigma would be to state that the majority of cases where soil arsenic was a problem have been addressed appropriately.
- B. McGinnis stated that FMC sampled more than 200 properties south of the Canal and there were 20 homeowners who would not allow sampling; he added that two new homeowners have just granted permission to sample.
- M. Mortefolio reminded meeting attendees of the New York State Real Estate Disclosure Law, which requires a homeowner to disclose any sampling data on their property to a buyer.
- M. Mortefolio stated that it is unclear exactly how many properties would be involved in the final CMS plan, but the number may eventually be lower than what it is now. He stated some residents are reluctant for remediation at first while others are concerned about property restoration.
- E. Rankin stated that the CMS process is moving forward. She stated that both sides are working to advance and expedite the process and submittal of the workplan. M. Mortefolio stated that the RFI needs to be completed before the Agencies can approve a CMS and he hopes the RFI will be complete in the spring of 2009. After that, there would be a public comment period and they would move forward with the CMS.
- E. Rankin stated that the RFI for Culvert 105 is the next to be submitted. M. Mortefolio stated that the Agencies have minor comments on RFI volume I and will soon review RFI volume II.
- A resident stated that an arsenic cleanup number really is needed before things can move forward. B. Arnold indicated that he feels they need two numbers, one trigger number and one cleanup number. He feels a trigger number determines if a property needs to be cleaned.
- B. McGinnis stated that FMC is going forward on two additional home remediation projects on Park Avenue. He stated that there is one home that no bank will claim ownership of and the Agencies will issue a 10-day letter, which will serve as notice that the property is going to be cleaned. B. McGinnis stated that the south side of Park Avenue would be completed this year.
- M. Mortefolio stated that at the very least FMC and the Agencies have an agreed upon schedule to keep the CMS process moving forward. B.

McGinnis stated that there will be disagreements along the way and that both sides will work on compromises to those issues.

3. RFI Volumes Submission Overview

- A. Howard noted that FMC would provide an overview on the remaining RFI volumes to be submitted.
- B. McGinnis stated:
 - Volume 1 is currently under review by the Agencies and primarily contains background information.
 - Volume 2 presents data collected for the Air Deposition Area and it has been submitted for review. B Arnold noted that the volume makes conclusions of what arsenic may not be attributed to FMC.
 - Volume 3 is for the former Research and Development building on the FMC plant site and is not currently on the priority list.
 - Volume 4 is scheduled to be submitted in October and relates to Culvert 105.
 - Volume 5 relates to Tributary One from Francis to Pearson Roads.
- B. Arnold asked about the status of Culvert 105 in relation to previous discussions about it possibly being completed as part of an ICM. B. McGinnis noted that an ICM was discussed but it was determined that the RFI and CMS processes needed to be completed first. He stated that FMC and the Agencies will continue to look for opportunities to complete ICMs but no decisions have been made. M. Mortefolio stated that the Agencies would like FMC to report decisions on ICMs for 2009 sometime during the winter months.

4. General Schedule for All Remediation Activities

- E. Rankin stated that the contractor is mobilized and work will take place to remediate 46 and 48 Park Avenue, a portion of the Coe property where tree roots extend and the tree fell down during a windstorm, and work will take place at some properties remediated in 2007 to correct drainage issues. The largest piece of work being completed is the former Conrail property on the FMC plant site known as the North Railroad Property, which will also correct drainage issues.
- E. Rankin noted that a map is available which shows soils transportation routes.
- E. Rankin noted that soil excavation is scheduled to start during the first week of September and the project is expected to last eight weeks, therefore the targeted completion is at the end of October.
- A resident noted that only one property on South Vernon Street is left with an issue with weeds in their lawn. D. Overkamp noted that the property owner refused lawn service provided by FMC. All the others allowed treatment and their lawns have improved.

5. Adjourn

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

THE NEXT MEETING OF THE CIG IS SCHEDULED FOR SEPTEMBER 11. THIS MEETING WILL BE HELD AT 5:30 PM AT THE MASONIC LODGE. ALL RESIDENTS ARE ENCOURAGED TO ATTEND, ESPECIALLY THOSE WITH PROPERTY IN THE REMEDIATION STUDY AREAS.