

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Part I Meeting Summary
August 22, 2012 – 5:30 to 7:20 p.m.**

In Attendance:

Bill Arnold – CIG Chairman/Resident	Barbara Del Duke - FMC
Dick Westcott – Resident	Shawn Tollin – FMC
Janet Lyndaker – Resident	Brian McGinnis – FMC
Henry Characha – Resident	Wai Chin Lachell – AMEC
Walter Kaz – Resident	Erin Rankin – ARCADIS
Lucy Kaz – Resident	Alyssa Cruikshank – AMEC
Joe Massaro – Resident	Syd Havely – FMC
Linda LaFountain – Resident	Judy Smeltzer- FMC
Michael P. Zaidel – Resident	Andy Twarowski – FMC
John Swick – Resident	Bob Carr – Carr Marketing Communications
Harold Mufford – Resident	Jane Corwin – NYS Assembly
Doris Hinkson – Resident	Paul Bologna – J. Corwin’s Office
George Hinkson – Resident	Jerry Farnham – J. Corwin’s Office
John Willis – Resident	Jim Ward – State Sen. Maziarz’s Office
Judy Willis – Resident	Matthew Bradfuhrer – U.S. Rep. Hochul’s Office
Julia Maedl – Resident	Dan Watts – NJIT/MCIG
Dennis McAvoy – Resident	Tom Johnson – NYSDOH
Rebecca Hinkson – Resident	Nathan Freeman – NYSDOH
Betty Whitney – Resident	Jim Ridenour – NYSDOH
Margaret Droman – Resident	Bob Cozzy – NYSDEC
Jeff Gay – Resident	Sally Dewes - NYSDEC
John Shuttleworth – Resident	Ann Howard, RIT – Facilitator
Melanie Shuttleworth – Resident	Jim Pasinski – Meeting Notes
Vicky Demmin – Resident	Wayne Blumerick – Resident
Dick Owen – Resident	Nancy Walker – Resident
Christa Lutz – Resident	Ed Murphy – Resident
Elizabeth Storch – Resident	

1. Welcome and Introductions; Agenda Review

- A. Howard began the meeting and led introductions.

2. Personnel Changes

- B. McGinnis stated that he has enjoyed working with the community, especially with the MCIG. He stated that he has been impressed with the group and has learned a lot. He stated that he feels the MCIG is a top notch community group who has stayed active, strong and informed. He stated that after 14 years working on the FMC Middleport project he will

be transitioning to other projects. He stated that S. Tollin will be the project manager for the Middleport project.

- S. Tollin stated that he is very familiar with the project and previously did work on the project as a consultant to FMC.
- A. Howard requested each Agency representative in attendance to provide some professional background.
- B. Arnold noted that M. Infurna of the USEPA is still involved with the project but he is now a part of the Superfund group.

3. MCIG Outreach Update

- B. Arnold noted that MCIG has been working to get an idea on the sentiment from the community on residents' thoughts about remediation.
- He stated that of approximately 650 postcards sent to residents, 195 had been returned (30%) as of 08/22/2012. He noted that 12.6% of respondents noted that they favored remediation while 72.8% are opposed to it with the rest unsure. Furthermore, in the Air Deposition Area, he noted that 16.1% of respondents were in favor of remediation while 66.1% were either opposed to remediation or wanted it performed sometime in the future.
- B. Arnold noted that many individual comments varied between the lack of a health risk in Middleport, unnecessary disruption to the community and the poor soil that will be used and how it will affect growing.
- A handout was provided summarizing the responses.
- B. Arnold noted that MCIG members had been canvassing the village and speaking to residents about the remediation proposal from the Agencies. He noted that residents were offered to sign a petition. He noted that 130 residents signed a petition against remediation while 4 were in favor of it.
- A resident who participated in the community outreach noted that many residents were concerned about remediation and some were unaware that their property was included in study areas.
- B. Arnold noted that, for the most part, residents were inclined to oppose remediation.
- B. Arnold noted that postcards returned were sent to all elected officials and involved Agency representatives along with the petitions and it was requested that they be accepted as formal comments. He noted that once the MCIG learned of the majority opposition to remediation they felt it was necessary to communicate that fact.
- B. Arnold noted that the group had used funds from the MRAG to purchase 100 yard signs that state opposition to remediation. He noted that all available signs were quickly requested and are gone.

4. Open Discussion

- In response to a resident question about their confusion over the impact of remediation, B. Arnold noted that, depending on the amount of remediation needed per property, above ground items on properties such as sheds, pools and vegetation might need to be removed.

- S. Dewes (DEC) stated that the Agencies will look at every property individually and stated that she was concerned that some might have waged a false campaign. She noted that the Agencies would never say that they would strip a property. She noted that all decisions will be based on soil concentrations and discussions with the property owner.
- S. Dewes provided information on the Agencies survey. A mailer was sent to property owners in the Air Deposition Area whose property was subject to possible remediation. Of the 185 sent out, 84 were returned with 28% saying they would remediate, 48% saying they would not and 24% saying maybe.
- A resident involved in the outreach stated that they informed residents who were unaware of the data for their property to contact FMC. The resident stated that many property owners voiced concerns over the way past remediation projects have been handled in Middleport and the residents can only go on past history when they consider the impacts of CMA #9. The resident stated that Middleport residents previously remediated are still upset that they lost many of their property features.
- B. Arnold noted that a large number of residents on Vernon Street and Park Avenue, where remediation has already taken place in sections, have no remediation signs posted on their lawns.
- A resident stated that the village is worn out after 25 years of this project. The resident stated that many who were remediated in the past are simply not happy with the results. The resident stated that it is shocking how many people in the community do not know about the issues and others simply do not trust what they are told about remediation. The resident stated that no one has enough exposure to their soil year round for there to be a health concern with arsenic in the soil. The resident stated that with past remediation the village has lost its character because of damage to infrastructure, the loss of trees, good soil replaced with bad soil and the disruption to the village. The resident stated that the community at large is distrusting of the Agencies and the Agencies cannot honestly answer any exposure questions.
- A resident asked if Agency members are dragging this project out for job security.
- B. Cozzy (DEC) stated that they have more work than just the Middleport project.
- In response to a resident question, N. Freeman (DOH) stated that in Middleport there are no incidents outside of the typical range. He stated that they are not going to wait for a problem to surface to react. He stated that arsenic is a human carcinogenic which can cause also vascular issues along with skin and birth defects. He noted that the public water standard has been reduced because its potency was greater than previously believed.
- T. Johnson (DOH) noted that they haven't found any water arsenic issues in Middleport. He stated that it is difficult to determine any health

concerns in a village of Middleport's size because it is not something easily detectable.

- B. Arnold stated that it is disingenuous to even mention water arsenic when discussing Middleport.
- T. Johnson stated that there are no studies on arsenic in soil for them to go on. He noted that they understand it is arsenic in soil vs. water but when they calculate they get a number well below the background level. He noted that soil arsenic is less absorbed in the body than water arsenic.
- B. Arnold stated that people do not eat plates of dirt every day.
- J. Ridenour (DOH) stated that if one makes the assumption of 1% bioavailability and exposure, the amount of soil you eat every day would fit under your fingernail and over a lifetime that equates to the risk.
- B. Arnold stated that as an Engineer, he looked at Return On Investment to determine if the development and manufacturing of a proposed product was feasible. He stated for this project the investment that this community is going to deal with in terms of time, disruption to lifestyle, damage to infrastructure, and loss of community character is not justified by the return which Mr. Johnson just stated is undetectable.
- A resident stated that people in Middleport are so upset because the Agencies do not take their concerns into consideration.
- J. Ridenour stated that it is important to recognize that the Agencies are not in Middleport to fight with the community. He stated that the materials from the facility (FMC) were developed for commercial use and designed to be used as a pesticide.
- A resident stated that the Agencies reasoning is flawed. They stated that they are worried about a trace amount of dirt under a fingernail instead of digging up a village and having large amounts of dust and dirt flying through the air. The resident questioned how it could be OK for residents, especially children to be exposed to dirt and dust in the air for as much as 10 years. The resident questioned where the Agencies studies are that shows it is more safe or efficient to dig up all of the soil instead of just leaving it alone.
- In response to a resident question, J. Ridenour stated that in recent years they were directed to develop soil standard in NYS. He said they start with a risk of 1 in one million. He stated that for arsenic in soil it is based on background and noted that studies in the region show a consistency with statewide standards.
- A resident stated that digging up the village will cause a risk that doesn't exist today.
- T. Johnson stated that it is a risk. He stated that not everyone will respond in the same way but it is the best science they have available.
- A resident new to the meetings stated that they regret not being a part of the group sooner. The resident stated that deception is the root of evil to gain for the ignorant. He stated that the MCIG is not an ignorant group. The resident stated that the Agencies are talking about many senseless things. The resident stated that everything the Agencies wanted to prevent

in the past will all happen now if they disturb the soil and put it in the air. The resident stated that the Agencies do not have any scientific data or studies to point to which shows not just cancer but cardiovascular or auto-immune disorders.

- T. Johnson stated that the documented levels of health risk are higher than the exposures in Middleport. He stated that arsenic is a carcinogenic and any exposure results in an increase in risk. He stated that the EPA set a level of risk and they have a 1 in one million level in NYS. He stated that they need to get exposures down to a low level or risk.
- B. Arnold stated that the EPA has currently set an allowable risk of 1 in 10,000 at 40 ppm.
- T. Johnson stated that the EPA considers 350 days per year of exposure while NYS is about 200 days per year of exposure.
- A resident questioned if 1 in one million is attainable. T. Johnson stated that with arsenic it is not. He noted that background level is used as a reference because it is more practical.
- In response to a resident question about poor soil being used to replace soil that is excavated.
- N. Freeman stated that obtaining soil in this region that meets the criteria should not be a problem.
- In response to a resident's question about arsenic soil levels, J. Ridenour stated that each state varies on what they allow. He noted that a state like Florida tends to be around 6 ppm while a state like Montana tends to be much higher.
- D. Westcott stated that for 25 years, some of those as mayor of the village, he has listened to this message from the Agencies and their message remains the same. He stated that their science and interpretation remains the same and he cannot promote or market the village of Middleport because of the past remediation work and the potential of more work.
- D. Westcott stated that the village is so concerned about the impact of remediation work on their infrastructure that they have placed a vehicle weight restriction on Vernon Street and if needed they will place the restriction on every road in the village to manage truck traffic. He stated that there is nothing in writing about assisting the village with their infrastructure repair and they expect the parties to help them with that.

5. Next Steps/Discussion on Flexibility

- S. Dewes stated that the public comment period on the preliminary statement of basis ended on 08/13/2012.
- S. Dewes stated that they have received more than 400 pages of comments and it will take time to compile and review the comments.
- S. Dewes stated that the Agencies hope to finalize the Statement of Basis by the end of this year.
- B. Arnold stated that the Agencies have mentioned flexibility and asked for more of an explanation of that.

- B. Cozzy stated that it will come down to a property by property basis. He stated that each property size varies so they will look at each property individually and work with the property owner. He stated that NYS is not going to force any property to be remediated. He stated that they would review the data and the property and its features with the property owner and, based on that review, they would determine what would need to be addressed on each property including which above-ground items can remain or be removed.
- B. Arnold stated that the Agencies are just too vague on flexibility.
- B. Cozzy stated that the property owner will know all of the details, including which property features can be saved, before they make a final decision on whether to remediate or not.
- A resident stated concerns that the Agencies are not forced to abide by any schedule. The resident showed the group the first ever letter they received from the Agencies back in 1987. The resident questioned how much longer it will take. The resident stated how dare the Agencies force the community to live with this uncertainty.
- In response to a question regarding re-sampling properties, S. Dewes stated that in some cases the Agencies will not have enough data to make a determination on a property. She noted each property would be handled differently.
- D. Westcott stated that the village wants to be consulted when decisions are made on trees that are on village property. He stated that trees have been removed in past remediation projects without village consultation.
- S. Dewes stated that previous remediation projects were on properties where there were deeper and more concentrated contaminations. She stated that this study area is not as concentrated. She stated that the Agencies realize how important trees are to the community and they will take it into account.
- A resident stated that the Agency representatives are doing their jobs and the real change needs to come at the legislative level.
- J. Corwin stated that she and State Sen. Maziarz are thankful for the comments the residents provided to them. She stated that they have met with Agency leaders several times recently and they have received the same responses that the MCIG has received.
- J. Corwin stated that the Governor oversees these Agencies. She stated that she and the senator have drafted a letter to the Governor asking him to supersede and take actions. She noted that the letter states the residents feel the Agencies are disregarding community concerns. She read excerpts from the draft letter. She stated that they request the Governor intercede and have the Agencies reconsider CMA #9 and consider a less intrusive method.
- J. Ward stated that the senator and assemblywoman are working to address the concerns of the residents. He stated that only real health concern in Middleport is the increasing blood pressure of residents waiting for a resolution to this project. He stated that it does not appear that the

Agencies recognize the general interests of the community and they can do right by the village of Middleport moving forward.

- B. Arnold stated that there are two stipulations in the draft Statement of Basis that also concern him. He stated that if a property owner choose not to remediate but a neighbor does, the Agencies might want to annually sample the property of those who refused. He stated that he feels this is punitive and pits neighbor vs. neighbor. He also stated that the Agencies forcing FMC to send an annual letter to property owners to request permission to remediate is too frequent. He recommended every 10 years or when the property changes ownership. Residents do not want to keep being bothered by this.

THE NEXT MEETING OF THE MCIG IS TO BE DETERMINED. ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.

These notes are a product of the MCIG and have not been reviewed or edited by any other organization or company.