

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall  
February 5, 2007 – 5:30 to 7:30 p.m.**

**In Attendance:**

Village Mayor Julie Maedl	Facilitator – Ann Howard, RIT
Village Attorney Dan Seaman	DEC (Albany) – Matt Mortefolio
Village Coordinator Dan Dodge	DEC (Albany) – Denise Radke
MRAG Co-Chair Pat Cousins	DOH – Tamara Girard
MRAG Adviser Dan Watts – NJIT	FMC – Brian McGinnis
MRAG – Margaret Droman	FMC – Patt Fagan
MRAG – Dr. Susan Crafts	FMC – Dana Thompson
CAP – Dick Westcott	Geomatrix – Wai Chin Lachell
CAP – Larry Lutz	Arcadis (BBL) – Sue Tauro
CAP – Christa Lutz	Arcadis (BBL) – Erin Rankin
CAP – Police Chief John Swick	Secretary – Glen White
William Arnold – Resident/Property Owner Adjacent to Plant	Carr Marketing Comm.

**1. Welcome, Introductions, Agenda Review, New Information**

- After brief self-introductions, A. Howard quickly reviewed the agenda.

**2. Group Communications Update**

- J. Maedl distributed copies of the press release she had submitted to the *Lockport Union-Sun & Journal* and *Medina Journal-Register* and the stories recently published based on the release and brief interviews of J. Maedl and P. Fagan of FMC. She noted a few errors in the stories.
- J. Maedl suggested that to ensure accurate public communication, the group may want to buy an ad in one of those newspapers.
- J. Maedl said she would like to work with Theresa Sharpe, a Wilson resident and eastern Niagara County correspondent for *The Buffalo News'* Niagara edition, on any future stories about the group.
- For review, A. Howard distributed an example group informational brochure that the group could distribute in the community.
- The group agreed that A. Howard should finalize the brochure and print a number of copies for distribution at Village Hall and to various groups, including the Middleport Rotary, American Legion, Optimists, Middleport Fire Department and Auxiliary.
- P. Fagan reported she has set up passwords for group members to register and access the new group Web site at [www.middleport-future.com](http://www.middleport-future.com). Meeting minutes, agendas, and documents can be accessed via the site.

- P. Fagan said the public can access most information, including surveys and general discussion forums, but only members can access some information and select discussion forums. She encouraged members to email her with ideas for the survey questions or for help with the Web site at [Patt\\_Fagan@FMC.com](mailto:Patt_Fagan@FMC.com).

### **3. Review Scope of Work for 2007 Early Actions**

- W. Lachell said FMC on Jan. 31 submitted a scope of work for the proposed 2007 Early Actions – Culvert 105 south of Mechanic Street, including Margaret Droman Park, and the wooded parcel (Coe Property) of the North Commercial/Industrial Area near the FMC plant site and adjacent railroad tracks. She noted the Agencies have not had sufficient time to review the scope.
- W. Lachell reviewed a handout on the main project objectives, including six remedial alternatives for the Coe property. She said FMC proposes Alternative 6, one of the restricted use alternatives, which would require excavation of 6,000 cubic yards (CY) of soil.
- Responding to questions, W. Lachell said Alternative 6 would not affect drainage and that the excavation area and depths were based on sampling data.
- M. Mortefolio said it is the Agencies' position that only remedial options for unrestricted use should be considered because the property is not under FMC's control. He said the Agencies can not assume there would be an ownership transfer from Mrs. Coe to FMC. He said an unrestricted use remediation would ensure the property does not have to be revisited for additional remediation.
- In response to a question, prompted by the handout, about what average level of arsenic in soil would be "normal" to remain at a site such as the Coe property after a remedial action, W. Lachell noted the level would be in line with the regional background range determined by the 2002 Gasport study.

### **4. Review of Middleport Local Waterfront Revitalization Program (LWRP) and Funding Opportunities, and Brainstorming of Project Wish List**

- D. Dodge reviewed a handout detailing a number of projects and amenities proposed in the Village's 2002 LWRP.
- A. Howard noted that the Village may be able to use the value of FMC's remedial activities in some area as the required matching funds for some grants.
- S. Tauro led the group in brainstorming their preferences and priorities regarding the LWRP's proposed projects and other possible projects.

- Among the comments and suggestions:
  - A native species arboretum with walking trail
  - Improved sidewalks in the Village
  - A community fitness center
  - A new library focused on the Erie Canal and local area
  - A Farmer’s Market and pavilion where the DPW is now located behind Main Street; can also serve canal boaters
  - Central Business District (CBD) storefront enhancement/uniformity, upgrades to rear of buildings and demolition of dilapidated buildings
  - Possible move of Middleport Community Playground from Roy-Hart campus to Gould Property
  
- Group members voted on the various proposed projects to help establish priorities for the Village going forward. S. Tauro compiled the voting:
  - ◆ Better sidewalks and curbs (7 votes)
  - ◆ Gould Property redevelopment (including playground and new trees) (6 votes)
  - ◆ Develop DPW garage into pavilion (6 votes)
  - ◆ Enhance CBD storefronts/facades (6 votes)
  - ◆ Prepare Economic Revitalization Strategy (6 votes)
  - ◆ Demolish dilapidated buildings in CBD (5 votes)
  - ◆ Walking trail (through native species arboretum) (perhaps at Coe Property?) (5 votes)
  
  - ◆ In addition, the Coe Property redevelopment and additional Margaret Droman Park improvements each received 3 votes
  
- J. Maedl noted the Village has already received a Canal Corp. grant to install power and water hook-ups and a pavilion at Margaret Droman Park but that an additional grant for landscaping is needed. She noted the park features a rare Liberty Elm.
- J. Maedl said a Village Committee is reviewing a proposal for a canal boat launch at the Basket Factory Restaurant.
- Regarding the Coe property, W. Lachell said that Falls Road railroad would not say how often the trains would run once the new ethanol plant in Medina is operational, but did note that there would be increased train traffic. J. Maedl said that as a result, the removal of trees, debris, and the burned-out structure on the Coe Property may necessitate creation of some other visual and sound barrier.
- W. Lachell said a structural evaluation of buildings on the Norco Property will be needed.

## 5. Overview of Onsite Corrective Action Management Unit (CAMU)

- B. McGinnis and W. Lachell presented a PowerPoint overview of the proposed CAMU at the FMC Middleport plant site.
- The CAMU is actually proposed as an expansion of the existing “Eastern Surface Impoundment” stockpile area where 75,000 cubic yards of soils from the remediation of the northern ditches on the plant site, Roy-Hart schoolyard, Vernon Street properties, and northern railroad area were placed. The highest point of the ESI is currently 25 feet above grade.
- FMC is seeking the group’s comments on possible heights and footprints for the CAMU and how its new appearance would be viewed before proposing a design for review by the Agencies and general public.
- FMC is seeking the CAMU as a permanent remedy to accommodate anticipated additional soils from future remedial projects. FMC is already responsible for the plant site’s long-term maintenance, including its extensive groundwater and surface water collection and treatment system.
- Among the considerations are that it would be three times less costly and accommodate quicker remedial construction schedules than would hauling soils to a landfill.
- B. McGinnis said that although RCRA regulations for a CAMU allow “hazardous waste” (or waste with certain characteristics that make it a substantial potential hazard to human health and the environment), FMC would continue its ESI policy and place only “non-hazardous waste” in the CAMU. M. Mortefolio said the formal distinction does not mean that a waste such as arsenic-contaminated soil is not hazardous. He said the designation is more about whether the level of constituent has more of a potential to leach into groundwater.
- After presenting several computer photo models of the CAMU, W. Lachell said it is uncertain what height and capacity will be needed because the scope of remediation in off-site areas has yet to be determined.
- In response to a question, B. McGinnis said there could be tree plantings near the CAMU to better camouflage it.
- M. Mortefolio said the CAMU must ultimately be approved by the DEC Commissioner and EPA Regional Administrator.
- D. Seaman asked whether municipal zoning laws would apply; W. Lachell responded that the CAMU would be exempt under FMC’s consent order with the Agencies but that FMC would have to follow the RCRA regulations and its permit.

- In response to a question from Mr. Arnold concerning the CAMU's impact on drainage, W. Lachell said FMC would design a surface water control system to control runoff, possibly sending it to the south rather than to the existing surface water impoundment at the northwest portion of the plant site. Discharges from the plant site to Tributary One are monitored and must meet state SPDES permit requirements. E. Rankin said significant runoff modeling would be done in the design phase.
- Mr. Arnold noted that FMC should contact a Mr. Peters, whose property and home are located on Route 31 near the eastern end of the plant site. P. Fagan said she would contact him.
- E. Rankin noted that arsenic concentrations in some plant site soils under the asphalt and soil cover over the northern half of the plant site used historically for industrial activities are higher than what is in the ESI or would be placed in the CAMU.
- M. Mortefolio said soils from remediation might be appropriate to be used as "daily cover" by a municipal landfill. W. Lachell said FMC estimates that it would be twice as expensive as using the CAMU.
- B. McGinnis said FMC is seeking approval of the CAMU by the end of 2007.

**6. Agencies Announcement Regarding Letters to Property Owners in Air Deposition Study Area**

- M. Mortefolio announced the Agencies are preparing to send letters to the owners of 46 of the 233 properties in the air deposition study area informing them that no further action is required. The Agencies do not plan to send letters to the remaining property owners. He said some of the remaining properties will and some will not require remediation.
- D. Seaman noted the Village would like copies of those letters for a directory that will be kept by the Village and Niagara County Clerk.

**7. Agenda and Homework for Next Meeting on March 1, 2007 at 5:30 p.m.**

- Funding Status Report – Draft Scope for RESTORE NY Grant Application
- Update on Group Communications
- CAMU concept questions and feedback (Homework Assignment)
- General RFI/CMS Process Overview by Dan Watts
- **Subsequent Meeting Scheduled for April 2**