

**Middleport Community Input Group
Meeting at Masonic Lodge Hall
April 2, 2007 – 5:30 to 7:30 p.m.**

In Attendance:

Village Mayor Julie Maedl	William Arnold – Resident/Property Owner Adjacent to Plant
Village Attorney Dan Seaman	Scott Pritchard – Culvert Resident
Village Coordinator Dan Dodge	Facilitator – Ann Howard, RIT
Village Code Enforcement Officer Tom Arlington	DEC (Buffalo) – Greg Sutton
Village Trustee Liz Bateman	DEC (Buffalo) – Mike Hinton
Village Trustee Terry Kirkpatrick	FMC – Brian McGinnis
Village Trustee Frank Sarchia	FMC – Patt Fagan
MRAG Co-Chair Pat Cousins	FMC – Dana Thompson
MRAG – Margaret Droman	Geomatrix – Wai Chin Lachell
MRAG – Dr. Susan Crafts	Arcadis (BBL) – Sue Tauro
CAP – Lisa Allen	Arcadis (BBL) – Erin Rankin
CAP – Larry Lutz	Secretary – Glen White Carr Marketing Comm.
CAP – Police Chief John Swick	
CAP – Barb Albone	
CAP – Dick Westcott	
CAP – Father Joe Badding	
Jim Ward – Sen. Maziarz Office	

1. Welcome, Introductions, Agenda Review, New Information

- After introductions, A. Howard reviewed the agenda.
- Later in the meeting, D. Westcott of the CAP passed out a flyer and invited other members of the group to attend the CAP's May 16 meeting for a presentation by Dr. Rosalind Schoof of Integral Consulting, a consultant to FMC, regarding the recently completed arsenic oral bioavailability study completed for FMC.
- P. Fagan also announced FMC will hold two public information sessions on the 2007 Early Actions, the CAMU, and preliminary results of the confirmatory testing for soil vapor intrusion at the Roy-Hart campus on April 24 from 1 to 3 p.m. and 6 to 8 p.m. at the Middleport Fire Hall.

2. Restore NY Grant Application Update

- D. Dodge reported the Village administration has been working with FMC on a scope for the Village's 2007 Restore NY grant application, incorporating aspects that the CIG suggested, and is finalizing the scope for presentation to the Village Board on April 16.
- J. Ward of Sen. Maziarz' office said the senator is ready to support and promote the application with the state.

3. Update on the Proposed 2007 Early Actions and the Air Deposition Area

- W. Lachell presented an update via a PowerPoint.
- The presentation noted an additional early action proposed for 2007 of remediating open ditch sections of Culvert 105 between Sleeper and Mechanic streets. She said FMC has begun discussing the project with residents whose properties would be affected and invited them to attend CIG meetings.
- One resident attending the meeting, Scott Pritchard, said he was concerned with how the project would affect his the drainage on his property, which is already low lying.
- W. Lachell said FMC will be surveying all of the properties to determine whether additional catch basins will need to be installed.
- B. McGinnis said it is the company's objective not to worsen the existing drainage and that it is possible FMC's work could improve drainage in some areas.
- W. Lachell said FMC will work with residents concerning work on their properties once FMC does the surveying.

W. Lachell said FMC's goal is to address the Air Deposition Area by the end of 2008:

- B. McGinnis said FMC is addressing its proposal to move forward with the Agencies.
- W. Lachell said some properties that received Agencies' No Further Action (NFA) letters had some samples above 20 ppm.
- Mr. Arnold asked whether 20 ppm is the right number? He said the schoolyard was 30 ppm.
- W. Lachell said FMC does not think 20 ppm should be the number.
- M. Hinton said 30 ppm was not the number used at the schoolyard. He said the Agencies are using 20 ppm because of the Gasport background study or else they would have to use 16 ppm from new state (brownfields) regulations, which he said would make matters worse.
- Asked about soil arsenic standards in other areas, M. Hinton said they have been higher across the country but have been coming down over the years.
- W. Lachell said the Gasport study established a process that also accounted for orchard property. She said FMC calculated a number for Middleport, but there hasn't been the opportunity to use it.
- Mr. Arnold asked what impact on the air deposition area using 30 ppm would have in terms of number of homes that would require remediation?

- M. Hinton responded that it would mean a lot fewer homes would require it.
- W. Lachell reiterated that even the NFAs have some data above 20 ppm.
- M. Hinton said there is a natural variability in the data because arsenic is a natural element found in soil. He said there were a few data points above 20 ppm because it's not a hard and fast number, but something the Agencies can use to base decisions.

W. Lachell asked what concerns residents and the community had with the 2003 remediation of 14 residential properties on Vernon Street, noting that FMC's goal is to be less intrusive in the air deposition area:

- L. Lutz said the front yards on Vernon Street are now ugly and filled with weeds; he questioned the quality of topsoil used.
- W. Lachell said residents were supposed to keep watering and fertilizing the sod.
- P. Fagan said there was a process to be followed of watering and applying weed-and-feed for four years.
- J. Swick said residents were most concerned with the removal of trees and shrubs.
- D. Dodge said residents' input was not considered and there was not enough time for them to provide input; he said there is a need for more input and meetings next time.
- B. McGinnis noted FMC had to excavate more deeply on Vernon Street because of the culvert – 6 feet deep in spots.
- B. Albone said remediating half of the village would be a disaster if it were to be stripped down like Vernon Street.
- D. Westcott said such a remediation might take 25 years to complete.
- L. Bateman asked why data is higher where a tree was removed from her yard than a spot where she had regularly sprayed insecticide.
- B. McGinnis said that because every property is different, FMC wants to review property by property to determine the appropriate remediation plan.
- D. Dodge said the vision people have with remediation is Vernon Street. So FMC needs to keep reminding people it's going to be different in the air deposition area.
- B. McGinnis noted FMC had to use a track hoe on Vernon Street for the deep excavation, while only smaller equipment would be needed with the approach FMC is discussing. He said FMC had to relocate residents during excavation on Vernon Street because of the deep excavation.
- P. Fagan noted people complained about relocation and that it was stressful for them.
- M. Droman said there needs to be more communication throughout the process.

W. Lachell next stated that FMC's goal is to finish the air deposition area by the end of 2008. She asked what the group thinks about that, including whether it could be disruptive to the community:

- P. Cousins said he thinks FMC will need more time for buy-in from the Agencies.
- D. Dodge said the small size of the streets could be a problem. He said it sounds like a lot to complete the remediation by 2008.
- D. Westcott suggested taking four years and doing it in quarters is more realistic. There would not be as much congestion, he said.
- L. Lutz asked whether work would begin in July like it did on Vernon Street.
- W. Lachell responded that work would have to start in May and go through September to do all the properties.
- B. McGinnis and W. Lachell said FMC would have to look at the school bus routes and work around them. FMC would work with the school district to review each block and what homes have kids so that access could be managed.
- D. Owen said the community is concerned with the negative impact and perceptions of doing the whole village in one year. He said it would be tough to sell a house during that period.
- S. Crafts said FMC would have a tough time dealing with so many property owners, wondering how much staff FMC could devote. She said a single season is not realistic for a number of reasons.

4. Additional Feedback on Proposed Onsite Corrective Action Management Unit (CAMU)

- W. Lachell briefly reviewed a short presentation on feedback the group had given FMC at the February and March meeting on the proposed CAMU and FMC's revised initial scope. She said there would be a formal review process because the CAMU is a permanent remedy.
- B. Albone said she does not think remediation soils from outside the village north of Pearson Road should be allowed in the CAMU.
- G. Sutton said the Agencies will weigh the community's desire in determining whether to approve the CAMU.
- D. Seaman asked about the review process. B. McGinnis said the formal process would begin April 24 with discussion of the proposed CAMU at FMC's public information sessions and continue for a year or more.
- W. Lachell noted the Agencies' approval would not require SEQR (State Environmental Quality Review) or a permit, but rather is spelled out in RCRA.

- D. Seaman said the CAMU would be a “big step,” and that getting buy-in for a 60-foot height might be difficult. He cautioned the group to be careful about the downside of negative perceptions of the CAMU as a landfill. He said its appearance is more important than where the soil came from.
- P. Cousins said he hoped the cap for the CAMU would allow landscaping that would camouflage it.
- W. Lachell said the CAMU would not be a landfill and therefore would not need a liner per the regulations or from an environmental protection standpoint.
- D. Seaman noted there is a village code prohibiting structures over 35 feet high, though the CAMU would be located in the town of Royalton.
- W. Lachell noted that the need to review all of these issues is why the review process will be long.
- P. Fagan said FMC will begin to get feedback on the CAMU proposal from others at the April 24 information sessions.

5. Report on Community Wildlife Habitat Program Opportunity for Middleport – S. Crafts

- S. Crafts presented information on the Community Wildlife Habitat program of the National Wildlife Federation (www.nfw.org/community) that might be of interest to the group.
- She explained that the program involves forming a dedicated Habitat Team, conducting a number of habitat education activities, and promoting residents and others to establish backyard and other habitats in the community. Goals for certifying a community as a “Habitat Community” are based on the size of the community.
- She said besides being an environmentally beneficial program in the “re-greening” of Middleport, it could be a positive public relations initiative as the first RCRA community in the program.

6. Tentative Agenda and Homework for Next Meeting: 5:30 p.m., May 3, 2007

- Communications update
 - Restore NY update
 - Feedback on April 24 public information sessions
 - Update on 2007 Early Actions
 - Begin discussion of possible 2008 Early Actions
 - CIG schedule for remainder of 2007
- **Subsequent Meeting Scheduled for June 4**