

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Meeting Part I Summary  
May 12, 2008 – 5:30 to 6:30 p.m.**

**In Attendance:**

Village Coordinator - Dan Dodge	Elizabeth Storch – Resident
Village Mayor – Julia Maedl	FMC – Brian McGinnis
Bill Arnold – CIG Chairman	Arcadis – Erin Rankin
Elizabeth Bateman – Village Board	Geomatrix – Kelly McIntosh
Jennifer Bieber – Town of Royalton	Geomatrix – Wai Chin Lachell
Village Code Enf. Tom Arlington	Geomatrix – Debra Overkamp
MRAG – Pat Cousins	NYSEC – Mike Hinton
CAP – Dick Westcott	Facilitator – Ann Howard, RIT
CAP - Dick Owen	Meeting Notes – Jim Pasinski, Carr Marketing Communications

**1. Welcome and Introductions**

- The agenda for the meeting was reviewed.
- It was noted that the June CIG meeting would consist of a session between Agency representatives and the CIG. FMC will have one observer attend. The Agencies had originally requested that no FMC representatives attend due to concerns about the potential outcome of the meeting if it developed into a back-and-forth between the Agencies and FMC. The importance of Dan Watts' attendance at the meeting to provide any technical clarification was noted.

**2. Review MCIG Input to CMS Work Plan**

- B. McGinnis thanked the CIG for their feedback and the opportunity to discuss the CMS work plan and stated that that such a discussion will help to determine the best solution for everyone involved.
- It was noted that the CIG's feedback is appreciated and productive. An example of the feedback results was the CAMU. Originally FMC wanted the CAMU's height limit to be 60 feet, but it was brought down after CIG input and some other factors. FMC had originally planned on seeking a variance to allow for the height.
- K. McIntosh of Geomatrix was present to discuss the CIG comments on the CMS work plan and FMC response to those comments. The comments were provided by section:
  - Sec. 8.1 of the CMS work plan table of contents talks about the green initiative that the CIG discussed. The section explains how green criteria will be measured and noted that the CIG language was used verbatim in one section.

- Secs. 1.2.1, 3.2, 6.2, and 6.4 of the CMS work plan table of contents addresses the CIG concerns regarding maintaining the character of the village and building flexibility into the work plan.
- Sec. 7.2 of the CMS work plan table of contents deals with the CIG comment about a large-scale excavation. The work plan talks about a risk approach and FMC's desire to not have a community-wide cleanup on a fixed number. The work plan avoids having one cleanup trigger number and provides alternatives based on a risk assessment approach.
- Secs. 5.3.2., 5.3.4, and 5.3.8 of the CMS work plan table of contents talks about the risk assessment approach. It was noted that in normal situations worse case scenarios and conservative default assumptions are used but it is more complicated with arsenic. FMC proposed to compare Middleport risks to background (e.g., Gasport) risks, using a probabilistic risk assessment. A probabilistic risk assessment will statistically generate risk distributions based on numerous sets of factors and/or assumptions for Middleport and for background conditions. Corrective measures alternatives will then be developed for various risk distributions that will fall within the range of the Middleport and background distributions. The proposed probabilistic approach is a very complicated and complex method, but would better address uncertainties by using numerous sets of factors/assumptions instead on a single set. Roz Schoof from Integral and Terry Bowers from Gradient will be involved in the project. It was suggested that FMC meet with the NYSDOH to discuss the proposed approach. FMC would like the Agencies to review the plan first and then discuss it with them. The Agencies timeframe for review is currently unknown.
- Sec. 5.5 of the CMS work plan table of contents deals with ecological risk assessment. FMC representatives stated that human health risks would drive the remedy and that the plan has concepts built in to protect the community character. FMC does not feel that it is appropriate for the CMS work plan to deal with ecological risk assessment because the plan will deal with human health concerns. This specific work plan is for the Air Deposition Area only so factors around the creek do not come into play. FMC does not feel that this work plan necessarily has to look at other criteria such as special species.
- Sec. 6 of the CMS work plan table of contents deals with alternative technologies other than dig and haul, such as phytoremediation. FMC has proposed a pilot study for evaluation of soil tilling. FMC also proposed to evaluate specific methods to remove soil from underneath mature trees without harming the tree.

- FMC has proposed issuing a report without a recommended alternative (CMS Report Part A) and having a part B with a recommended alternative. This would give the community an opportunity to review and comment prior to the recommendation for an alternative being published. The CMS Report Part B would identify a recommended alternative based on Agency and community comments. The community would provide comment and FMC would respond. The Agencies at some point would likely have a public meeting and solicit comments and at that time hopefully everyone will be on the same page. Community acceptance is one of the six main criteria in the Agencies acceptance process.
- FMC feels that the CMS work plan is very complicated and they are open to holding a meeting to answer questions on the proposed plan. The CIG has volunteered to review. FMC's main criterion is community acceptance of the plan. FMC would need to involve all property owners in the Air Deposition Area.
- It was noted that this CMS would mark the first time the community has had a chance to be part of the decision process since decisions have been made previously regardless of the community input received. Even though the CMS is only for the Air Deposition Area, that area is the "heart of the community."

### **3. Report from FMC**

- An FMC project status report was distributed to everyone at the meeting.
- An FMC Coffeehouse event has been scheduled for May 29<sup>th</sup> regarding the CAMU application.
  - FMC representatives noted that they had read the CIG Web site comments about the CAMU. In regards to concerns about the lack of a liner for the CAMU, it was noted as a reminder that the CAMU is only going to be used for soil, not industrial or hazardous wastes. The CAMU is intended to isolate soils with some levels of arsenic from residents. The CAMU would be built above the water table and the arsenic would not leach from the soil. FMC is focused on preventing erosion via wind or runoff and a liner would serve no purpose since no leachate generating materials would be in the CAMU.
  - It was noted that arsenic binds to soil and for that reason it is difficult to release arsenic from soil and it will not leach. The chairman stated that he was told by Tamara Girard from the NYSDOH that arsenic moves in soil. M. Hinton stated that arsenic only moves if it is disturbed (e.g., via erosion of soil). It was recalled that, during the April meeting, Matt Mortefolio from the NYSDEC stated that the Agencies did not believe there would be a need for a liner for the CAMU. FMC explained that the reason for

the alternative design is that the application needs a variance because FMC would not be putting hazardous wastes in the CAMU, only soils from yards. FMC representatives clarified what is meant by hazardous wastes. In technical terms that are sometimes used, people may get confused. The arsenic levels in Middleport do not meet the regulatory definition of a hazardous waste. FMC refers to it as remediation waste. Soils will be tested and if the levels of arsenic meet the regulatory definition of a hazardous waste, they cannot go in the CAMU and would have to be transported to a landfill. It was noted that the Coffeehouse on May 29<sup>th</sup> will answer the questions and concerns residents may have and urged the community to attend.

- It was noted that once soils are moved onto FMC property, FMC is responsible for those soils. FMC must continuously provide for 30 years of financial assurance for the CAMU. If something happened to FMC Corporation, the responsibility would revert to the federal government who would use the financial assurance that FMC would have been providing. This assurance is usually provided for via a letter of credit from a bank.
- In regards to questions about the transportation of soils north of Pearson Road into the CAMU, it was noted that truck traffic would not come through the village because village roads cannot support the trucks that would be used. Truck traffic would have to go around the village onto Route 31, which is a truck route.
- The annual FMC open house is Saturday (May 17) at the plant from 11 a.m. to 2 p.m.

#### **4. Next CIG Meeting**

- The June CIG meeting is scheduled for Wednesday, June 18<sup>th</sup>.
- It was determined that the July meeting of the CIG would take place on Tuesday, July 8<sup>th</sup>.

#### **5. Adjourn**

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