

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Part I Meeting Summary  
May 6, 2010 – 5:30 to 7 p.m.**

**In Attendance:**

Bill Arnold – CIG Chairman	Dori Green – Resident
Elizabeth Storch – Resident	Brian McGinnis – FMC
Dick Westcott – Resident	Andrew Twarowski – FMC
Gary Peters – Resident	Wai Chin Lachell – AMEC
Michael Miano – Resident	Debra Overkamp – AMEC
Christa Lutz – Resident	Erin Rankin – Arcadis
Janet Lyndaker – Resident	Mike Hinton – NYSDEC
Herb Koenig – Resident	Dan Watts, NJIT – Technical Advisor
Bob Everett – Resident	Ann Howard, RIT – Facilitator
Harold Mufford – Resident	Jim Pasinski – Meeting Notes

**1. Welcome and Introductions; Agenda Review**

- A. Howard began the meeting, led introductions and reviewed the agenda.

**2. FMC Plant Update**

- A. Twarowski provided an update about activities at the FMC plant site. He noted a couple of capital improvement projects coming this summer including the dismantling of the smokestack at the boiler house and the demolition of a section of the former office building, also known as Building 49.
- A. Twarowski noted that the FMC plant Open House is scheduled for Saturday, May. 15<sup>th</sup> from 11 a.m. to 2 p.m. Tours of the plant, water treatment plant, and proposed CAMU site will be among the events.
- A. Twarowski stated that No Trespassing signs will be placed along the perimeter of the plant.
- A. Twarowski noted that FMC vice president Milton Steel visited the Middleport plant recently and helped employees celebrate the success of safety at the plant. The plant recently celebrated one year without a recordable injury.

**3. FMC Project Update**

- W. Lachell stated that updates are provided in the Keeping You Posted handout provided at the meeting.
- W. Lachell stated that FMC is awaiting Agency approval of draft RFI Volume V.
- W. Lachell stated that FMC has submitted preliminary delineation data to the Agencies for the suspected air deposition areas north of the Canal and east of the Niagara/Orleans County Line and they are awaiting approval. The RFI report for this study area will be submitted 75 days after receipt

- of Agencies approval of the preliminary delineation.
- W. Lachell stated that FMC continues to work towards the June 15 submission of the draft CMS report. She noted that FMC intends to provide responses in the draft CMS report to public comments received on the Reasonably Anticipated Future Land Use map, the Risk Assessment approach document and the Tree Preservation Technical Memo. She stated that FMC also plans to address comments provided by the Agencies and identify how FMC will or will not change the document based on the feedback.
  - B. McGinnis stated that FMC met with Agency management on April 28 to discuss FMC's CAMU proposal. He stated that the Agency indicated that they would evaluate the CAMU proposal on its merits and on criteria being met. He stated that FMC met with representatives from the NYS Departments of Health and Environmental Conservation and the USEPA. The meeting attendees consisted of senior management, project leads and attorneys.
  - W. Lachell stated that the meeting was meant to discuss the CAMU process and the Agencies Nov. 2009 comments to FMC. W. Lachell stated that there is a list of items in the CAMU regulations that the Agencies need to consider when deciding whether or not to designate a CAMU. She noted that the Agencies will make a decision on the CAMU, as part of a corrective measure alternative, as part of the CMS.
  - W. Lachell stated that FMC revised the CAMU proposal from that proposed in the March 2008 application. The revised proposed CAMU will have previously discussed 35-foot maximum height of the unit, a possible extension of the 50-foot buffer at the south end of the CAMU, two phases instead of three phases, a liner on the south end of the unit and no liner on the north end of it. She also noted that the revised CAMU proposal will include a 2-foot thick impermeable cover, meaning no trees can be planted on it but FMC will look at opportunities to plant shrubs or other plants on or around the CAMU. She stated that the details of the design changes would appear in the final CAMU application and it will go out to public comment.
  - B. Arnold raised a concern that the MCIG is not allowed to be represented at the meetings between FMC and the Agencies. In the past D. Watts has offered to attend meetings as an MCIG representative but this was turned down. B. Arnold reminded FMC representatives that what is being discussed is the future of private properties not FMC's.
  - In response, B. McGinnis stated that meetings between FMC and the Agencies provide both parties with the opportunity to discuss issues and questions candidly. W. Lachell noted that FMC is entitled to meetings with the Agencies as part of the Administrative Order of Consent it signed with the Agencies.
  - B. McGinnis stated that the April meeting between FMC and the Agencies was not documented. B. Arnold said he could not understand how a meeting of this importance, where decisions were made concerning the

CAMU and the CMS would not have been documented.

- In response to a comment that the CIG is not fully aware of the issues, B. McGinnis stated that FMC is under a legal obligation to the government. FMC voluntarily provides copies of correspondence between FMC and the Agencies to the CIG and Village and town officials. He further noted that FMC project management is in attendance at each CIG meeting, answers questions and provide overviews in an effort to keep the group informed and to maintain open communications with the community.
- In response to a question, W. Lachell stated that the Agencies cannot provide a decision on the CAMU proposal until the CMS is submitted by FMC.
- D. Watts questioned if the Agencies are still requiring that, in addition to the CAMU, FMC would have to include other soil removal and storage options. W. Lachell stated that FMC would be required to evaluate multiple options.
- D. Watts questioned who would have the jurisdiction on the CAMU decision. W. Lachell stated that it would be based on NYS regulations.
- In response to a question, W. Lachell stated that any comments or concerns over the Town of Royalton and Village of Middleport government's role in the CAMU decision should be provided to the Agencies during the public comment period on the CMS and the CAMU application.
- In response to a question concerning FMC's commitment to the Middleport community, B. McGinnis stated that FMC is committed to open communication with the public and that the company does much more community involvement activities in Middleport than at any other site. He stated that there will be issues that FMC and community members do not agree about in regards to the remediation project but that is to be expected. He stated that FMC has been in Middleport since 1941 and maintains its long-term commitment to the community and stated that they care about Middleport. W. Lachell noted FMC's commitment to the community by voluntarily performing the biomonitoring study and having the Property Price Protection and Home Value Assurance programs as well of the other communications efforts (i.e., Neighborhood house at 17 Vernon Street).
- A resident stated that FMC has gone well above and beyond the call of duty in Middleport.
- A. Howard noted that it appears any additional Agency comments likely will not come until after the draft CMS report is provided by FMC.
- In response to a question, W. Lachell stated that FMC might have to submit portions of the CMS draft after June 15, especially sections that reference the CAMU. She noted that FMC is still on track for the June 15<sup>th</sup> submission but some supporting indexes likely will be submitted after that date.
- B. McGinnis stated that he is 95% certain that FMC would meet the June 15 scheduled CMS submission date.

- W. Lachell stated that FMC has no less than four consulting firms working on the draft CMS. E. Rankin stated that this CMS is like no other CMS that has been drafted under RCRA.
- In response to a question, M. Hinton stated he does not believe any delay in the submission of supporting documentation such as indexes would delay the Agencies review and response to the draft CMS.
- In response to a question, W. Lachell noted that Bill Arnold, Dan Watts, Pat Cousins, the village and town attorneys and the village mayor will all receive a copy of the draft CMS when it is submitted.

#### **4. FMC Community Update**

- D. Overkamp noted that the FMC House at 17 Vernon St. is open from 9 a.m. to 4 p.m. on Thursdays or by appointment.
- D. Overkamp noted that FMC made a \$100 donation to the Middleport Area Tourism and Beautification Committee.
- D. Overkamp noted that FMC printed and mailed postcards for this CIG meeting to 360 homes in the study areas.
- D. Overkamp noted that FMC is hosting a coffeehouse event on May 20<sup>th</sup> at 15 Main St. to recap the phytoremediation and soil tilling pilot studies.
- D. Overkamp noted that a CAP meeting was held on April 21.
- D. Overkamp stated that the Middleport Website had 550 unique visitors in April while the CIG Website had 250 unique visitors.
- D. Overkamp noted that FMC held a VIP update meeting on April 8.
- D. Overkamp noted that approximately 300 people visited the six homes in the Property Price Protection and Home Value Assurance programs Tour of Homes on May 1.
- D. Overkamp noted that FMC mailed a reminder for the May 15 FMC plant Open House.

#### **5. Meeting Schedule**

- The June meeting is scheduled for Tuesday, June 8. NOTE: During the second portion of the CIG meeting it was determined that the June meeting is tentative and if it occurs it will be a CIG-only session.
- The July CIG meeting is scheduled for July 15.
- The August CIG meeting is scheduled for August 17.

**THE NEXT MEETING OF THE CIG IS TENTATIVELY SCHEDULED FOR JUNE 8, 2010 AND WILL BE A CIG-ONLY SESSION. ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**