

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

**In Attendance:**

|                             |                               |
|-----------------------------|-------------------------------|
| Bill Arnold – CIG Chairman  | Robert Ruhlen – 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      | Ann Howard, RIT – Facilitator |
| Pat Cousins – Resident      | Jim Pasinski – Meeting Notes  |
| Harold Mufford – Resident   |                               |

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

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

**2. FMC Update**

- W. Lachell stated that the comment period for RFI Volume V for Tributary 1 has closed. She stated that they are awaiting the Agencies responsiveness summary and approval of the report. B. Arnold stated that he was told via email from Mike Infurna of the USEPA that the target date to approve RFI Volume V was April 16, 2010.
- W. Lachell stated that FMC plans to submit preliminary delineation figures and tables on RFI Volume X to the Agencies on April 16, 2010.
- W. Lachell stated that FMC has received comments from the Agencies (by letter dated March 23, 2010) on FMC’s risk management approach document. She stated that FMC has provided a response to the Agencies letter by letter dated April 6, 2010 stating that FMC plans to address the Agencies’ comments in the CMS report.
- W. Lachell stated that the Agencies provided six specific comments to FMC’s risk management approach document. A copy of those comments was provided to the meeting attendees. FMC provided a copy of FMC’s April 6<sup>th</sup> response to the Agencies to Bill Arnold.
- W. Lachell stated that FMC intends to proceed with the risk assessment as proposed. She noted that FMC’s planned approach was to perform both the probabilistic and deterministic risk assessments. She stated that FMC chose this approach in an effort to avoid long discussions with the Agencies at this point. In response to a question, W. Lachell stated that FMC does not interpret the Agencies comments as directives, and currently plans to perform both probabilistic and deterministic risk assessments.

- B. McGinnis stated that FMC will consider the Agencies comments and make some adjustments as they prepare the CMS.
- W. Lachell stated that the Agencies are not in favor of FMC's probabilistic risk assessment approach. She stated that FMC does not agree with the Agencies rationale for opposing that approach. She stated that the probabilistic approach uses a larger data range and better addresses uncertainties associated with the risk assessment assumptions.
- B. McGinnis stated that the concern with the deterministic risk assessment is that it uses a single data point while probabilistic uses a range of values and deterministic risk assessments often result in a very conservative estimate of risk.
- M. Hinton stated that the probabilistic approach would be a tough sell for FMC. He also questioned why the issue of using this approach was not resolved a year ago. He stated that while the risk assessment issue might not delay the submittal of the CMS by FMC, it would delay the Agencies review and approval of the CMS. He stated that the NYSDEC and NYSDOH are dead set against the probabilistic approach.
- B. Arnold stated that the CIG would discuss a response to the Agencies comments to FMC during the second portion of their meeting. A. Howard noted that the CIG has supported the idea of the probabilistic approach.
- W. Lachell stated that FMC has received and is reviewing the Agencies comments on its tree preservation technical memo. She stated that FMC will address the Agencies comments in the CMS. She noted that FMC hosted four information sessions in March regarding the memo.
- W. Lachell stated that FMC is on track for the June 15 submittal of the CMS. E. Rankin indicated that June 15 is an aggressive deadline for submittal. W. Lachell stated that FMC has proposed an October 15 submittal of the draft work plan for the Tributary 1 CMS.
- W. Lachell stated that FMC and Agency representatives will meet on April 28 to discuss the CAMU. B. McGinnis stated that the meeting will be held to discuss comments on legal issues surrounding the CAMU and FMC's draft response to the Agencies comments.
- D. Overkamp provided a brief FMC community update. She noted that the spring newsletter has been sent, there are upcoming VIP and CAP meetings, and FMC will host an open house on the plant site on May 15. She also noted that the Property Price Protection Program/Home Value Assurance Program will host a spring tour of homes on May 1. She noted that during the month of March there were 800 visitors to the Middleport website and 360 visitors to the CIG website.
- B. McGinnis stated that FMC performs community-wide surveys every few years and they are in the process of developing another survey. He stated that the survey will take place in the near future and will likely be a phone survey. He stated that FMC is planning to partner with the Siena College Research Institute.
- B. Arnold stated that in an email he received from M. Infurna of the

USEPA, it was indicated that the Agencies response to FMC's soil tilling/blending study would be late because FMC's submittal was late. W. Lachell stated that FMC was also late with its submittal of the phytoremediation study report but FMC does not anticipate any issues with the draft CMS submission related to those two reports.

- In response to a question regarding why FMC is pursuing the probabilistic risk assessment approach even though the Agencies appear to be against it, B. McGinnis stated that FMC would rather just perform the risk assessment now instead of using the time to argue the points with the Agencies. W. Lachell stated that FMC believes the Agencies do not quite understand FMC's approach and they might get a better understanding once FMC has data to show them.
- B. Arnold stated that in his opinion the Agencies have become derelict in their responsibility to communicate with the community and the CIG. A. Howard reminded the CIG that FMC offered the Agencies the option to cover costs associated with a project expediter but the idea was rejected by the Agencies.

### **3. Soil Tilling/Blending Study Discussion**

- W. Lachell stated that FMC has performed a soil tilling/blending pilot study on two parcels of land in Middleport. She stated that one parcel was on Maedl Lane and the other parcel was on B. Arnold's property. She stated that FMC is planning to host an information session (tentatively scheduled for May 20) to discuss the study and its results. Two pieces of equipment (a specialized mixing head and a tractor mounted rote tiller) were used as part of the study.
- W. Lachell stated that the study concluded that soil tilling/blending is a viable alternative for larger pieces of property in Middleport based upon results that indicate there was a reduction in arsenic in the tested areas.
- A resident stated that they were concerned that the technique results in dilution and could actually raise arsenic levels. W. Lachell stated that FMC does not believe the technique represents dilution. E. Rankin stated that the total amount of arsenic in soil remains the same but it is mixed in place with existing soil.
- B. Arnold stated that the technique decreases concentrations at the surface but increases it deeper in the surface and is concerned how the Agencies will view this.
- B. McGinnis stated that the highest concentrations are at the top of the surface in the majority of the air deposition area.
- W. Lachell stated that there are few if any residential properties in Middleport where the equipment used for the study would be able to be used on. She stated that they would have to look at residential properties on a case-by-case basis.
- M. Hinton stated that the Agencies have no objections to FMC performing the study and the goal is to lower the exposure at the soil surface. He stated that they do not see the option as viable for residential properties.

#### **4. Phytoremediation Pilot Study Discussion**

- W. Lachell stated that FMC has submitted its report on the 2009 phytoremediation pilot study activities. She stated that the results were consistent with the 2008 results. She stated that FMC does not believe phytoremediation is a viable technology to use in Middleport for several reasons. She stated the technique would take too much time to reduce arsenic concentrations in Middleport soil, the ferns are too small because of the shorter growing season and the uptake of arsenic in the ferns is too low. She stated that it would take approximately 37 years to see a 5 ppm reduction in arsenic.
- In response to a question, W. Lachell stated that they took measurements at several spots next to the plants. She stated that based upon the amount of arsenic removed by the ferns there would not be a notable difference in the soil arsenic levels in one growing season.
- W. Lachell stated that FMC does not believe phytoremediation will be evaluated as a Corrective Measure Alternative in the CMS. She stated that the Agencies will provide comments on the report to FMC. She stated that FMC informed the Agencies that they do not believe there is a reason for continuing the study.

#### **5. CAMU Discussion**

- B. Arnold asked if FMC still intends to pursue the CAMU. W. Lachell stated that FMC will be evaluating the CAMU in the CMS. She stated that FMC received the CIG's comments and will try to address the comments in the CMS. She stated that FMC will include a summary of comments received to date about the CAMU and FMC's responses in the draft CMS report.
- D. Westcott stated that the Village of Middleport would be sending a letter of comment regarding the CAMU. He stated that the overall rejection is simply that the village does not want the CAMU here and they believe it would generate negative publicity.
- B. Arnold stated that he noticed Agency comments on the tree preservation memo included a side discussion about using rail cars to transfer soil out. He stated that FMC should consider that. B. McGinnis stated that FMC is looking at rail and will have to evaluate it if they have the appropriate specifications. W. Lachell stated that they would need to find a facility that has the ability to accept materials via rail car. She stated that if the specifications are met it would be included in FMC's analysis.
- W. Lachell asked what "at this point" meant in the CIG's recent comments to FMC about not supporting the CAMU. A. Howard stated that the group would be willing to look at any new information that might come along in the CMS but at this point the CIG does not support the CAMU.
- A resident stated that they see the CAMU as more of a benefit to FMC than the community.
- A resident stated that they see short term benefits for the CAMU but not

long term benefits and they want as few long term effects as possible.

#### **6. Meeting Schedule**

- The May meeting is scheduled for Thursday, May 6.
- The June meeting is scheduled for Tuesday, June 8.
- It was determined that additional meetings would be scheduled in May.
- M. Hinton informed the CIG that at the end of the CMS the Agencies will enter a statement of basis based on the CMS with the recommended remedy. He stated that this would be a summary with logic of why the Agencies have selected that remedy. He stated that the CIG will start to hear the phrase statement of basis and wanted them to have an understanding of what it meant.

**THE NEXT MEETING OF THE CIG IS SCHEDULED FOR MAY 6, 2010. ALL REGULAR MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**