

**Middleport Community Input Group
Meeting at Masonic Lodge Hall – Meeting Part I
March 10, 2008 – 5:30 to 6:30 p.m.**

In Attendance:

Village Mayor - Julie Maedl	Margaret Droman - Resident
Village Coordinator - Dan Dodge	Elizabeth Storch - Resident
Bill Arnold – CIG Chairman	Dori Green - Resident
Elizabeth Bateman – Village Board	FMC – Dana Thompson
Jennifer Bieber – Town of Royalton	FMC – Brian McGinnis
MRAG – Dan Watts	Geomatrix – Wai Chin Lachell
MRAG – Pat Cousins	Geomatrix – Debra Overkamp
CAP - Barb Albone	Arcadis – Erin Rankin
CAP – Dick Westcott	Greg Sutton – NYS DEC (Buffalo)
CAP – Christa Lutz	Facilitator – Ann Howard, RIT
CAP – Larry Lutz	Meeting Notes – Jim Pasinski
CAP – Lisa Allen	Carr Marketing Communications
CAP - Fr. Joe Badding	
CAP - Dick Owen	
Kathy Sanok – Assemblyman Cole’s Office	
Jeff Freeland – Rep. Reynolds’ Office	
Jim Ward – Sen. Maziarz Office	

1. Welcome and Introductions

- A. Howard welcomed those in attendance and turned the meeting over to B. Arnold, the new chairman of the CIG.

2. Review Summary of 2/21 Meeting

- B. Arnold stated that they want to quickly review the results of the CIG only meeting held on Feb. 21. He stated that the notes from that meeting have been handed out and he encouraged everyone to review them. He stated that the CIG has a primary goal of getting an expeditious conclusion to the remediation project in Middleport. He stated that it is important to have an outcome satisfactory to the majority of residents, which retains the appearance of the village, and encourages economic development. He stated that after 20 years, they need to get this project finished.
- B. Arnold stated that in order to reach it’s goal, the CIG needs to take greater control of this meeting. He stated that the CIG meetings need to be village meetings with FMC representatives on hand to answer questions, not the other way around. B. Arnold stated that this change is not a reflection on FMC, rather it was made to help the CIG reach their goal.
- B. Arnold stated that the CIG wants to have a greater say in the planning of activities such as the CMS and any ICMs done in the village.

- B. Arnold stated that the CIG wants to be involved in studies, including the phytoremediation study and would like FMC to present concise updates on all projects including timelines, checkpoints and targets. He stated that the CIG would like to try this method and see how it works in the next few meetings.
- B. Arnold stated that the CIG needs to have a better dialog with the Agencies. He stated that the communication with the Agencies is broken and it needs to be fixed. He stated that the CIG needs help from elected representatives to get the attention of the Agencies and force them to have a much better dialog with the CIG. J. Ward asked if the CIG wants Agencies represented at every meeting. B. Arnold stated that the CIG believes the Agencies should have a contact person from each Agency at every meeting. J. Ward stated that the decisions in the Middleport project are being made in Albany and said it would be rare to get those individuals to Middleport.
- B. Arnold stated that the CIG needs to get more involvement from the community and that includes those who have differing views about the cleanup that is needed in Middleport. He stated that the CIG needs to educate the community. He stated that some residents are scared, because they are not knowledgeable on their options, and just want to have things cleaned up. He stated that one way to educate the community is with the phytoremediation study, which the community could learn is one possible way to clean up without destroying property.
- B. Arnold stated that there is more power with numbers and the group would have more push if more people were involved.
- B. Arnold stated that the CIG has created a proposal for clean up in Middleport. He stated that the CIG wants areas contaminated at over 100 ppm to be remediated. He stated that those levels are high and the CIG believes the cleanup of areas such as the tributary and the culvert could be remediated as ICMs. He stated that the CIG believes residential properties in the air deposition area can be remediated in a CMS using risk-based analysis to determine which properties would be above and below the cleanup number.
- B. Arnold stated that the cleanup number would be something to discuss in a CMS. He stated that they need to find a way to have property cleaned up in a responsible manner and alternative remediation processes should be considered. He stated that residents should be able to have partial remediation where only the spots on their property that are above the trigger number would be remediated and that remediation should also be available to residents whose property is below the trigger number but want it to be cleaned regardless.
- B. Arnold stated that the CIG does not believe that there is any benefit to additional testing until after a CMS has been completed.
- B. Arnold stated that among the list of questions Sen. Maziarz sent to the Agencies in October 2007 was why Albany is controlling the Middleport project and not the local region. B. Arnold stated that the question has

never been answered and stated that it would be better for communications if the Agencies in Buffalo were handling the matter. J. Ward stated that they could try to get an answer but it won't change who is managing the project. B. Arnold stated that it needs to change because if it does not this cleanup will continue for another 20 years. J. Ward stated that it appears DOH is directing the work. W. Lachell stated that FMC's consent order is signed by the DEC and EPA and FMC is obligated to answer to both.

3. Review Proposed Agenda

- A. Howard reviewed the agenda provided. She stated that the next meeting is scheduled for April 10th and the agenda for all future meetings will be determined at the meeting prior.

4. Report on February 14th Meeting

- B. McGinnis stated that FMC met with the Agencies on Feb. 14th and two major topics were discussed. He stated that the first topic was regarding the RFI/CMS (and Agencies' September 2007 letter) and the second was to discuss a request (in an Agencies' December 2007 letter) for information about involving a previous research project with the Department of Defense.
- B. McGinnis stated that the first topic was to discuss FMC's calculation of background. He stated that since 2001, FMC has located additional aerial photographs, which led to FMC recalculating the background number. He stated that FMC discussed the issue with the Agencies and the Agencies plan to get back to FMC. W. Lachell stated that FMC received comments from the Agencies, FMC responded to those comments, and then the two sides met to discuss the topic. B. McGinnis stated that this is FMC's final opportunity to reach an agreement with the Agencies on background with respect to the RFI delineation purposes. B. Arnold stated that the CIG would like to see the response from the Agencies.
- B. McGinnis stated that the second reason FMC met with the Agencies was to discuss a December 2007 letter that FMC received from the Agencies in regards to a 1967 Department of Defense report on the components 2,4-D and 2,4,5-T, the two components that made up Agent Orange. He stated that the Agencies asked a number of questions about this 1967 report and FMC did research on it. W. Lachell indicated that FMC estimated that a total of about one gallon of materials were used in the field for research testing purposes. E. Rankin stated that a dropper was used to apply the materials to leaves in greenhouse tests to see what the effect would be, and that there was not a large gallon applied at one time. B. McGinnis stated that plants were tested at the greenhouse at FMC's R&D facility and in field test plots somewhere in the community. He stated that the location in the community is not known. He stated that scientists did field applications on 7' X 7' plots with enclosures. He said the report does not indicate where that field testing occurred.

- B. Arnold stated that if calculated it would measure to three teaspoons per plot per application. B. McGinnis stated that he believes FMC answered all of the Agencies questions. He stated that there was a commercial farm owned by FMC but they do not think the testing was completed at that location. He stated that most weed and feed products that are purchased in stores are made up of 2,4-D. W. Lachell stated that FMC has tested on the plant site and found no significant detection levels of 2,4-D or 2,4,5-T in the soil. B. Arnold asked why the Agencies were looking into this. B. McGinnis stated that a member of the community likely gave the Department of Defense report to the Agencies but FMC is very confident that the very limited research and development had no impact on the community. W. Lachell stated that FMC does not believe this warrants any additional testing. B. McGinnis stated that he believes the issue is closed. He stated that in the early 1980s a master compound list was created and narrowed down to a site-specific parameter list. He stated that there is no reason to believe there was any release of these two materials into the community.
- J. Maedl asked what happens next. B. McGinnis stated that FMC is awaiting a letter from the Agencies regarding the RFI/CMS; FMC is sending the Agencies a re-formatted letter on the Department of Defense research project. W. Lachell stated that the Agencies want FMC to do further sampling north of the Canal and east of the county line and FMC is awaiting a response regarding those discussions. B. McGinnis stated that the CMS for the air deposition area has been carved off and there is agreement with the Agencies on that. He stated that FMC does not want to slow down the CMS. D. Owen stated that, on the topic on additional sampling, the area was all orchards at one time. B. Arnold asked if the CIG as a group needs to tell the Agencies that they do not want any additional testing. W. Lachell stated that a determination on further testing should not be made until FMC completes the RFI Report for the air deposition area south of the Canal and west of the county line. She stated that the public will have an opportunity to review and comment on the RFI report. B. McGinnis stated that there would likely be a public meeting after FMC submits the RFI Report to the Agencies.
- B. Arnold stated that DEC Commissioner Grannis had sent a letter to Assemblyman Mike Cole stating that things in Middleport were moving along well.
- E. Storch stated that the community members have a right to be heard and the Agencies do not hear them.
- J. Ward stated that the most of the public participation document from EPA should be thrown back to the Agencies.

5. Review of Phytoremediation Work Plan

- W. Lachell stated that a work plan was submitted on Dec. 5, 2007 and FMC has received comments from the Agencies. She stated that a

conference call to discuss the Agencies comments is scheduled since they need to iron out some issues with the Agencies.

- W. Lachell stated that Cornell is performing a bench scale study at their laboratory and the university is assisting with identifying additional plants to test. She stated that FMC has ordered 1,000 ferns and is in the process of ordering other plants.
- E. Storch asked when homeowners involved in the phytoremediation would be contacted, as she expected to be a part of the testing. W. Lachell stated that she needed to speak with E. Storch because the Agencies want a tighter spacing of the ferns, which would double the quantity of ferns needed. W. Lachell stated that thus far plans call for phytoremediation testing on B. Arnold's and D. Dodge's property and they were still looking to fit E. Storch's property into the plan. E. Storch stated that she was under the impression that her property was going to be included in the testing. B. Arnold stated that the Agencies want fencing placed around all testing areas. E. Storch stated that she would put up fencing if it meant saving her tree. She stated that she was angry that this is the first time she is learning that she would not be a part of the testing. She stated that without her efforts Cornell would not be involved in the study.
- W. Lachell stated that the plan currently calls for a one-year study because ferns do not grow well in this climate. She stated that Cornell is looking at some perennials and other root-bearing plants. B. Arnold asked if there were concerns about water and drainage. W. Lachell stated that the Agencies do have some specific concerns that need to be discussed. D. Watts stated that he believes the Agencies will want to carry out the study in phases or cycles, which he believes could cause some delays.
- W. Lachell stated that in Spring Valley, Md. ferns grow well and they can be mulched and grow back again. She stated that Cornell has not been able to do that because the growing season is too short in western NY. D. Owen stated that he feels the Agencies could use this information as a potential stall tactic. W. Lachell stated that she is optimistic that some of the other plants may work but she is not too confident about the ferns.

6. Q & A with FMC Representatives

- J. Ward asked that the elected officials representatives in attendance identify themselves. K. Sanok stated that she was in attendance on behalf of Mr. Cole who is in Albany. J. Freeland stated that he was in attendance on behalf of Rep. Reynolds. B. Arnold asked each representative to provide his or her email addresses.
- A. Howard stated that similar to the February meeting FMC has created a project update document, which has been distributed.
- W. Lachell stated that anyone with questions about the update should feel free to ask them. She mentioned that the update includes information on the CAMU application and phytoremediation. She stated that FMC plans to submit the CAMU application sometime in the next few weeks. She stated that the application would identify areas and phases. She stated that

the maximum height will be 35 feet and all of the requirements are being addressed in the application.

- W. Lachell stated that an open house would be held on March 29th, which will include a walking tour of the CAMU site for anyone interested. The open house will be held at the FMC Neighborhood House.
- A. Howard asked if the CAMU application would be open to public comment. W. Lachell stated that the Agencies and FMC have not discussed the method and timing for public comment. W. Lachell mentioned that FMC is holding a “coffee house” information session on March 29, 2008 to answer questions on the CAMU.
- B. Arnold asked what FMC’s opinion is on completing ICMs in high contamination areas since the CMS for the air deposition area will not be done immediately. B. McGinnis stated that he was not sure yet because it would depend on the allocation of resources. W. Lachell stated that other work is already scheduled for this year including work on the bank-owned P-Block property, the root area of the Coe property, and the railroad property. B. Arnold asked that FMC return next month with an official position on completing ICMs in high contamination areas this year.
- D. Green identified herself as a new resident of Middleport. She stated that she was not even aware that there was an environmental problem in the village until after she moved in. She stated that from listening at the meeting she assumes that most people believe FMC is making a conscientious effort to make things better in Middleport. She stated that she resides at the trailer court on Jeddo Creek and wanted to know where she could find out more about the issues and see maps of land that is contaminated. D. Green stated that there appears to be plenty of reasons to stay in Middleport but people should be able to see the data for the area. E. Storch suggested she go to the Middleport and CIG web sites. W. Lachell stated that information and reports are available at the library and at FMC’s Neighborhood House at 17 Vernon Street (appointments can be made with Debra Overkamp at 735-7939 to answer any questions or to obtain any information on the environmental studies). It was also suggested visiting the Teapot Hollow Web site at <http://www.teapothollow.com/middleport>) and the CIG website at <http://middleport-future.com/index.php>, along with <http://www.middleport-ny.com>. D. Green stated that there should be a packet of information for new residents.

7. Adjourn

- A. Howard stated that there would be a break and the second part of the meeting would commence without FMC and Agency participation.