

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall  
May 3, 2007 – 5:30 to 7:30 p.m.**

**In Attendance:**

Village Mayor Julie Maedl	Anne Holahan –Resident (P-Block)
Village Attorney Dan Seaman	Facilitator – Ann Howard, RIT
MRAG – Margaret Droman	DEC (Buffalo) – Mike Hinton
MRAG – Dr. Susan Crafts	FMC – Brian McGinnis
CAP – Lisa Allen	FMC – Dana Thompson
CAP – Larry Lutz	Geomatrix – Wai Chin Lachell
CAP – Police Chief John Swick	Geomatrix – Debra Overkamp
CAP – Christa Lutz	Arcadis (BBL) – Erin Rankin
CAP – Dick Westcott	Minutes – Glen White, Bob Carr
CAP – Richard Owen	Carr Marketing Comm.
William Arnold – Resident/Property Owner Adjacent to Plant	
Jim Ward – Sen. Maziarz Office	

**1. Welcome, Introductions, Agenda Review**

? After introductions, A. Howard reviewed the agenda.

**2. FMC Communications Update**

- ? B. McGinnis thanked the group for its participation to date, saying it has helped FMC in developing the recently proposed projects.
- ? B. McGinnis announced the departure of Patt Fagan as FMC Middleport Plant community relations liaison and the appointment of Debra Overkamp of Geomatrix to fill the position on an interim basis. Debra has great familiarity with the community through her work with residents on soil sampling programs since 2004.
- ? B. McGinnis also noted that Bob Carr of Carr Marketing Communications would begin taking minutes at the next CIG meeting because of Glen White's departure from the firm.

- ? In response to the Agencies' comments on the scope of work, FMC has agreed to conduct some additional sampling at Margaret Droman Park and along Culvert 105 to confirm proposed excavation depths.
- ? D. Seaman said the Village has two major concerns with the Early Actions and is writing a letter to the Agencies and FMC.
- ? He said the Village wants there to be permanent easements for access to Culvert 105 to ensure it can be properly remediated. He said the Agencies may need to compel property owners to grant access.
- ? Regarding the Coe property, D. Seaman said Mrs. Coe may not be able to grant FMC an environmental easement for the property because she does not have "marketable title" as a result of the large amount of back property taxes she owes. He said Niagara County will not foreclose on the property and the Village of Middleport does not want it. He said FMC's attorneys should address the issue.

The presentation then focused on the historic air deposition study area sampling data, including a review of the comments at the April CIG meeting and new information on various ways of interpreting that data:

- ? E. Rankin said there are various ways to evaluate the arsenic data, including using background, risk-based, and the default risk numbers of EPA and state regulatory agencies.
- ? W. Lachell explained that 30 ppm was used as the cleanup level for the schoolyard, which was the level soil was remediated to after the Agencies conducted a risk assessment to determine the area that required remediation. In response to a question from Mr. Arnold, she said the remaining soil on the schoolyard now averages much less than 30 ppm, based on soil samples from outside the remediated area.
- ? In response to a question regarding the background study done for the Lyndonville site, W. Lachell said it yielded numbers similar to the Gasport background study FMC conducted.
- ? W. Arnold said the new state brownfield "cleanup objectives" should not apply in Middleport, but M. Hinton said the objectives can be applicable to all programs.
- ? W. Lachell noted the brownfield objectives are not a cleanup "trigger," but rather a number to achieve if a cleanup is required
- ? E. Rankin explained that background refers to the arsenic level in soil that has not had other impacts, in this case impacts from the FMC plant's historic

- ? E. Rankin noted the EPA default risk numbers are “very conservative” in that they assume 30 years of exposure, 350 days per year, through incidental ingestion and dermal exposure and with 100 percent bioavailability.
- ? W. Lachell added that the EPA default residential soil screening levels of 0.4 ppm for  $10^{-6}$  human health risk and 4 ppm for  $10^{-5}$  are not reasonable or attainable goals because they are significantly less than background. She said New York State only uses  $10^{-6}$ . Brian McGinnis explained that means one extra cancer incidence in 1 million people in their lifetimes.
- ? In response to a question about cancer rates, M. Hinton said about one in three Niagara County residents will get cancer.
- ? L. Lutz asked about the difference between the air deposition area and housing developments that have been built in former orchards. W. Lachell said Monroe County mandates soil testing but Niagara County does not, and M. Hinton said developers are supposed to evaluate whether a development is being proposed in a former orchard.
- ? J. Maedl said the Middleport community is frustrated in that there may be “worse areas around us” in terms of soil arsenic levels.
- ? E. Rankin then referred to a slide showing the percentage of sampling data in ranges. W. Arnold noted that nearly half of the sample data is less than 20 ppm.
- ? M. Hinton said he thought that representation of the data was misleading because it did not distinguish between the different depth intervals that samples were taken. He said the shallower samples were generally higher.
- ? S. Crafts asked if the statistical approach was used of disregarding “outliers,” data points that fall outside the general pattern of data distribution and can dramatically affect the average and mean. M. Hinton said that was done for the Gasport background study but has not been done on the air deposition area data.

The presentation concluded with a brief overview of the proposed additional 2007 early action to begin addressing the historic air deposition study area by remediating up to 13 residential properties near the Coe property on the south side of Park Avenue. Only shallow soil would be remediated, meaning residents would not have to be relocated during the work.

- ? In response to a question on who decides whether a property is remediated, B. McGinnis said FMC makes a proposal, FMC addresses any comments from the Agencies, and then it is the property owner’s decision whether to grant

- ? W. Lachell reviewed the 2007-08 schedule for Early Actions, saying FMC wanted to determine by this fall which properties would be proposed for remediation in 2008.
- ? P-Block resident A. Holihan said the remediation will be a horrible inconvenience for residents.
- ? In response to a question regarding whether remediated properties will require further monitoring, M. Hinton said the goal is to obtain no further action letters.
- ? A. Howard requested additional feedback and questions be sent by email as homework.

#### **4. Corrective Action Management Unit (CAMU) Update**

- ? W. Lachell briefly reviewed a short presentation updating the proposed CAMU, including a summary of comments from previous CIG meetings and from the April 24 FMC public information sessions.
- ? Estimated soil volumes for the six proposed phases of the CAMU, which would accommodate post-2007 remediation soils, were presented in response to a question at the April 24 sessions.
- ? W. Arnold asked what volume of soil the remediation of a typical property would produce. M. Hinton suggested it would be helpful to estimate the soil volumes for areas that might be remediated. B. McGinnis said it is difficult to make those estimates.
- ? D. Owen asked whether FMC would propose a 60-foot maximum height for the CAMU. W. Lachell said FMC would include all six phases – including the 60-foot sixth phase – in the application, along with a comment period and approval process for each. She said FMC would take into consideration comments regarding the height.
- ? W. Lachell noted the CAMU footprint cannot be extended west of the current ESI because it would require reconfiguration of much of the site's drainage.
- ? In response to a question about zoning for the CAMU, W. Lachell said the Town of Royalton requires a variance for structures over 35 feet high.
- ? E. Rankin noted the CAMU application would be very comprehensive.
- ? J. Maedl reiterated her request from a previous CIG meeting that trees and other plantings be part of the design so it won't look like "a chemical dump." She said most people now are unaware there is a hill at the site where soil has been placed. She said she believes the positives of the CAMU outweigh the

- ? In response to a question, B. McGinnis said there would not be a vent pipe required at the top, as seen on landfills due to the methane gas produced by covered garbage, because only soil will be placed in the CAMU.
- ? J. Maedl said she believes soils from sources outside the village, north of Pearson Road, should not be placed in the CAMU. M. Hinton said such conditions could be part of the Agencies' approval.
- ? W. Lachell said that arsenic is the most predominant contaminant in the soil based on comprehensive testing.
- ? J. Maedl encouraged CIG members to talk to others in the community to get additional feedback.

**5. RESTORE NY Grant Update and Middleport Tree City USA Program**

- ? J. Maedl reported the RESTORE NY grant proposal was well received by the Village Board and by the strong turnout of downtown building owners who attended the recent meeting. An artist's rendering of the proposed improvements to building facades and exteriors was helpful.
- ? J. Maedl said Middleport was designated a Tree City by the National Arbor Day Foundation thanks to efforts of the Middleport Rotary Club about 10 years ago. As a result, the village has a tree board, conducts tree surveys, holds an Arbor Day event each year, and designates funds for tree maintenance.
- ? The village has a very limited budget while tree maintenance and replacement of trees is costly, she said. The village has invested in equipment and training for DPW workers to handle tree maintenance. There are many old trees that should be cut down and replaced in the village.
- ? J. Maedl said the village is working with a DEC arborist.
- ? A. Holahan said more funding for trees could be obtained by seeking more grants, including from rural development funding.

**6. Tentative Agenda and Homework for Next Meeting: 5:30 p.m., June 4, 2007**

- ? Communications update
- ? Restore NY update
- ? Review final scope of 2007 Early Actions, including P-Block
- ? 2008 Early Actions