

**FMC MIDDLEPORT
CAP SUMMARY NOTES
AUGUST 25, 2005**

Members present: Barb Albone, Christa Lutz, Larry Lutz, Rob Richards, Rebecca Schweigert, Dick Westcott, Davey Smith, Marissa Ostrowski, Alyssa Ostrowski

FMC representatives present: Brian Vain, Bob Wojcik

Agency representative present: Mike Hinton, DEC

Guest: Rev. Andy Pollock (former CAP member)

Facilitator: Ann Howard

The agenda for this meeting included an extended update on FMC activities and planning for the September meeting.

FMC UPDATE

Brian Vain reviewed the current status of several activities associated with FMC's remediation project.

North Railroad Property Interim Corrective Measure

FMC has been directed by the Agencies to perform remedial work on the northern railroad area on both the north and south sides of the railroad tracks (now FMC property). This work will be done in two phases. Phase One includes the ditches that run north and south along the tracks outside of FMC's fence line. Phase Two includes the northwest section that FMC capped and fenced in 2003. FMC has met with the railroad company to coordinate the work.

Remediation work in this area is three weeks ahead of schedule and is expected to be complete by September 9.

Air Deposition Study

Informational post cards have been sent out to affected property owners in the test area. Feedback indicates most people are familiar with the testing process and how results will be used. FMC distributed a Q&A sheet to involved property owners. Copies were distributed to CAP members.

Soil Gas Study

Two new sampling wells were installed on the school property. Soil gas sampling was performed to further investigate the nature of the VOCs in the soil. The source or sources of these compounds is unclear.

With regard to the school property, if VOCs are an issue, the school has an extensive ventilating system that would take care of any possible intrusion into the school building.

Mike Hinton explained that soil gas testing is a fairly new requirement from EPA and DEC relative to remediation projects. Remediation sites across New York are being tested for VOCs as part of new protocols. Mike noted that these tests will pick up very low concentrations of these compounds. The ultimate area of concern is indoor air that could be contaminated by VOCs in the soil. NY DEC has set indoor air guidelines for a few targeted compounds. Fact sheets on vapor intrusion and indoor air quality are available from the NY Department of Health.

The agencies will be responsible for communicating test results to the school board.

Bioavailability Study

Results of the bioavailability study (monkeys dosed with soils collected from Middleport) are expected to be available by the end of October. It has not yet clear how the agencies will view this testing or consider results for reviewing options for remediation.

Tributary One

Results from this sampling are expected to be out to affected property owners by the end of September.

July meeting with Local Officials and State Representatives

This meeting was called by the Mayor of Middleport to discuss options for expediting the process for testing and determining the final remediation activities that will be required within the Village of Middleport. There is particular concern that testing of the tributary north of Pearson Road will extend the timing of decisions regarding action to be taken within the village.

Mike Hinton indicated that this testing is less of a priority for the agencies and the focus in the future will concentrate on the Village of Middleport.

FMC officials met in Albany with agency representatives to discuss future testing and expediting the remediation process. It was decided that steps will be taken to expedite the completion of the Remedial Facility Investigation (RFI). Information from the RFI will be used to develop a final cleanup plan (Corrective Measure Study – CMS).

Price Protection Program

Brian reported that there are 15 new participants in the program. Properties are selling well and there is quick turnover once a property is put up for sale. The current MLS data does not show an adverse impact on property values relative to the remediation activities. Brian suggested it may be helpful to invite Sharrie Wartell to the October CAP meeting for a more extensive update on the PP program.

School Board Issues

Brian outlined the chronology of events and communication involving the school board. The school board and its representatives have been communicating with the agencies since January. Concerns were raised regarding potential contamination in the schoolyard adjacent to the FMC property. In response, the agencies communicated to the school board that the previously performed remediation work in the schoolyard was satisfactory and that there was no evidence to warrant re-opening investigation there.

FMC communicated in writing to the school board indicating its desire to meet to discuss the school board's concerns. The school board did not respond to this request. Agency representatives meet with agency representatives in May. The school board indicated it was not satisfied with the agency response regarding the schoolyard.

Attorney for the plaintiffs who have brought suit against FMC and who is also special counsel to the school board corresponded with the agencies, raising a number of concerns and issues. FMC responded in writing, indicating the inaccuracies in the attorney's allegations and noting that many of the conclusions were unsubstantiated. FMC repeated its request to meet with the school

board. FMC has not received a response from the school board. All correspondence from FMC is sent to all members of the school board.

NEXT MEETING – SEPTEMBER 14.

It was agreed that because the first Wednesday in September (the regular schedule for THE SEPTEMBER CAP meeting) was during a very busy week, the meeting should be postponed until September 14. The agenda will include a review of CAP membership and planning for the next CAP newsletter.