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**FMC - MIDDLEPORT, NEW YORK FACILITY  
ENVIRONMENTAL INVESTIGATION REPORTS  
AIR DEPOSITION AREA #1 AND CULVERT 105  
SOIL & SEDIMENT**

**GOVERNMENTAL AGENCIES' FACT SHEET  
MAY 2009**

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**Introduction:**

The United States Environmental Protection Agency (USEPA), the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) would like to provide you with the findings of FMC environmental investigations. This fact sheet is intended to provide a summary of environmental information contained in FMC Draft Reports on the historic background of facility operations and environmental impact, and on the results of soil and sediment sampling in two off-site areas. This fact sheet also describes how the public can review and provide comments on these reports.

**Background:**

Past pesticide production operations at the FMC Middleport facility resulted in releases of chemicals which have impacted soil and sediment in off-site areas. These chemical releases occurred as a result of air emissions and discharges from production processes, as well as surface water run-off from on-site waste disposal areas. In 1991, FMC signed an Administrative Order on Consent (AOC) with the USEPA and NYSDEC under the Resource Conservation and Recovery Act (RCRA) to perform a comprehensive environmental investigation as a result of past chemical releases from the site. This AOC requires FMC to conduct a RCRA Facility Investigation (RFI) to determine the nature of the chemicals released and the extent of their impact on soil and sediment. FMC has now completed the RFI pertaining to compilation of historic information and soil / sediment chemical contamination in two off-site areas, and has submitted Draft RFI Report Volumes. The historic information on past FMC Middleport facility operations and waste disposal practices, as well as releases to the environment, are contained in Draft RFI Report Volume I. Draft RFI Report Volume II contains the results of soil / sediment sampling and chemical analyses within "Air Deposition Area #1", which is an area of off-site properties in the vicinity of the FMC Facility that is bounded by the Erie Canal to the north and

the Niagara / Orleans County Line to the east, and which includes off-site properties traversed by the Culvert 105 storm sewer south of the Canal. Draft RFI Report Volume IV contains the results of soil / sediment sampling and chemical analyses along the flood zone of the Culvert 105 storm sewer north of the Canal. Additional details on the findings and contents of these Draft RFI Report volumes are summarized below.

### **Draft RFI Report Volume I - Background and Related Information:**

Draft RFI Report Volume I provides historic background information on FMC facility operations and potential environmental impacts, as well as introductory information on the overall scope of the FMC RFI. Information in Volume I includes the facility's historic pesticide production processes, its spill and air emissions history, and its on-site waste disposal areas, as well as its regional setting (e.g., community, geologic and hydrologic setting). Volume I summarizes FMC environmental investigations and Interim Corrective Measures (ICMs) performed to date.

### **Draft RFI Report Volume II - Air Deposition Area #1 & Culvert 105 (south of Erie Canal):**

Draft RFI Report Volume II provides information on the nature and extent of FMC related chemical contamination of the soil / sediment on off-site properties within Air Deposition Area #1 and along Culvert 105 south of the Erie Canal. This information suggests that FMC facility particulate air emissions containing chemical compounds (e.g., lead arsenate, calcium arsenate) from past pesticide production processes, migrated by wind dispersion resulting in deposition of these compounds on some of the off-site properties within Air Deposition Area #1. Additionally, past storm water run-off from FMC facility waste disposal areas which flowed through Culvert 105 has deposited chemical compounds in soil and sediment on off-site properties along Culvert 105.

As indicated in Volume II, over 5600 soil / sediment samples were collected from just over 2400 locations within Air Deposition Area #1 and along Culvert 105 south of the canal. These samples were analyzed for chemical constituents associated with past operations at the FMC facility. Results indicate detections of arsenic, lead and chlorinated pesticides in some of these soil / sediment samples. Arsenic was found to be the predominant chemical constituent both in terms of the magnitude of its concentrations in soil / sediment and the number of locations where elevated concentrations were identified. As a result, arsenic was selected as the chemical constituent to be used to define the extent of FMC related soil / sediment contamination.

Since arsenic is a naturally occurring element and may also originate from man-made activities other than those related to the FMC facility, FMC conducted a soil sampling program in 2003 to estimate regional arsenic concentrations in soil not affected by FMC facility releases. Approximately 100 soil samples were collected from properties with a variety of land usage histories in the Gasport, New York area, and analyzed for arsenic. Based on the results of these analyses, the aforementioned governmental agencies selected an arsenic concentration of 20 parts per million (ppm) to conservatively represent the upper bound of the non-FMC related arsenic

concentrations in soil / sediment. This arsenic background concentration was used to help determine the properties/areas with elevated arsenic concentrations in soil / sediment as a result of FMC related releases. Other factors (e.g., wind, flood limits, etc.) were also considered in determining the properties/areas impacted by FMC related releases. These FMC impacted properties/areas will be included in an FMC Corrective Measures Study (CMS). The attached **FMC Figure 9.1** depicts the properties/areas within Air Deposition Area #1 and along Culvert 105 south of the canal which will be included in the FMC CMS. It should be noted however that additional properties/areas north and/or east of Air Deposition Area #1 may be identified as having been impacted by past FMC facility air emissions, depending on future soil sampling results.

In addition, Volume II provides details on the ICMs performed by FMC on properties/areas within Air Deposition Area #1. These include removal / replacement of contaminated soils on the Royalton-Hartland School athletic fields in 1996 & 1999; removal / replacement of contaminated soils on 14 residential properties west of the FMC facility in 2003; removal / replacement of contaminated soils on 12 residential properties north of the FMC facility in 2007-2008; and removal and covering of contaminated soils on a commercial/industrial property north of the FMC facility in 2007.

#### **Draft RFI Report Volume IV - Culvert 105 (north of Erie Canal):**

Draft RFI Report Volume IV provides information on the nature and extent of FMC related chemical contamination of the soil / sediment on off-site properties along Culvert 105 north of the Erie Canal. As indicated in Volume IV, over 1400 soil / sediment samples were collected for analysis from just over 330 locations along Culvert 105 north of the canal, with results again showing arsenic to be the predominant contaminant. North of the canal, sections of Culvert 105 are or were open ditches. This may have contributed to the lateral migration of contamination as a result of past flooding events.

The arsenic background concentration of 20 ppm was also used along Culvert 105 north of the canal to help determine the properties/areas impacted by FMC related contaminants which will require evaluation in a CMS, in conjunction with flood zone topography. The attached **FMC Figure 8.1** depicts the properties/areas along Culvert 105 north of the canal which will be included in the FMC CMS. It should be noted however, that additional properties/areas east of Culvert 105 may be identified as having been impacted by past FMC facility releases, if indicated by future soil sampling results. In addition, Volume IV provides details on the ICMs performed by FMC on properties/areas along Culvert 105 north of the canal. These include removal / replacement of contaminated soils and culvert pipe installation on 7 residential / public properties along Culvert 105 in 2007.

#### **Public Involvement:**

The aforementioned governmental agencies have reviewed FMC's Draft RFI Report Volumes I,

II & IV, and have made a **preliminary** determination that FMC has adequately completed RFI environmental investigations regarding soil / sediment contamination within Air Deposition Area #1 and along the Culvert 105 flood zone, and as such we intend to approve these portions of FMC's RFI Report. However, before we take final action, the governmental agencies would like to provide the public with an opportunity to review and comment on these RFI Report volumes. Details on how to review and comment on these documents is presented below:

**Document Availability:**

FMC Draft RFI Report Volumes I, II & IV are available for public review through the NYSDEC web site at <http://www.dec.ny.gov/chemical/54220.html> or more directly through the Middleport Community Involvement Group's (MCIG's) web site at [www.middleport-future.com/rfi](http://www.middleport-future.com/rfi). Also, hard copies of Volumes I, II & IV and other FMC environmental documents, are available for public review at the FMC Document Repository located at:

Middleport Village Library  
9 Vernon Street  
Middleport, New York

**Public Input Opportunities:**

The governmental agencies will be holding public sessions on FMC Draft RFI Report Volumes I, II & IV at:

<b>Place:</b>	<b><u>Middleport Fire Hall</u></b> <b><u>28 Main Street, Middleport, New York</u></b>
<b>Date:</b>	<b><u>Wednesday, June 10, 2009</u></b>
<b>Times:</b>	<b><u>2:00 pm to 4:00 pm and 6:30 pm to 8:30 pm</u></b>

The afternoon session will be informal, where members of the public can ask questions of staff from the governmental agencies and/or of FMC personnel and its consultants, on a one-on-one basis regarding the content of the Draft RFI Report volumes or other FMC environmental matters. The evening session will begin with brief presentations by FMC and the governmental agencies and then will be opened to members of the public to make verbal comments on the record. Also, written comments can be provided to the governmental agencies during both the afternoon and evening sessions.

In addition to these sessions, the governmental agencies will be accepting written comments from the public during a 45 day period which begins on May 18, 2009 and runs through July 2, 2009. Written comments should be submitted to:

Mr. Matt Mortefolio, P.E.  
NYSDEC Project manager  
625 Broadway  
Albany, New York 12233-7258

**Next Steps:**

Upon completion of the written comment period (after July 2, 2009), the governmental agencies will review all written comments as well as those recorded during the public session. Based on our review of these comments, we will either approve, disapprove or require FMC to modify RFI Report Volumes I, II or IV. Agencies staff will also prepare a Responsiveness Summary which will provide our responses to the public's comments. This Responsiveness Summary will be made available to the public through the previously mentioned web sites, and a hard copy will be placed in the above mentioned FMC Document Repository. Those who receive this fact sheet or who provide their address to the governmental agencies, will receive written notification of our final determination on FMC RFI Report Volumes I, II & IV, and of the availability of the Responsiveness Summary.

For those properties/areas within Air Deposition Area #1 and along the Culvert 105 flood zone that are determined by the RFI to have soil / sediment impacted by past FMC releases, FMC will be required to conduct a CMS to determine what, if any, corrective measures will be necessary to rectify soil / sediment contamination. This CMS process will be conducted in a manner to allow substantial public involvement prior to any final decisions by the governmental agencies regarding corrective measures.

**Governmental Agency Contacts:**

If you have any questions on topics in this Fact Sheet, you may call the Agency contacts listed below:

Michael Infurna, USEPA	(212) 637-4177
Matt Mortefolio, NYSDEC	(518) 402-8594
Michael Hinton, NYSDEC	(716) 851-7220
Tamara Girard, NYSDOH	1 (800) 458-1158, Ext. 2-7860