

# FACT SHEET

## State Superfund Program



Department of  
Environmental  
Conservation

<b>Site Name:</b> FMC Corporation	<b>DEC Site #:</b> 932014	<b>Address:</b> 100 Niagara Street, Middleport, NY 14105	<b>October 2015</b>
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## DEC ANNOUNCES START OF REMEDIAL ACTIVITIES IN A RESIDENTIAL NEIGHBORHOOD WITHIN THE VILLAGE OF MIDDLEPORT, NEW YORK

The New York State Department of Environmental Conservation (DEC), in consultation with the New York State Department of Health (DOH), will conduct remedial and restoration activities involving the removal and off-site disposal of arsenic-contaminated soils from up to four residential properties in the village of Middleport (Village), New York beginning in October 2015.

### BACKGROUND

FMC Corporation (FMC) currently owns and operates a facility in the Village which, as a result of historic air emissions, contaminated a significant number of nearby residential and other properties, predominantly with arsenic. In May 2013, a final remedy was selected to clean up a portion of those areas (known as Operable Unit Numbers 2, 4, and 5). This plan is fully described in the Final Statement of Basis (FSB), dated May 2013, which is available for public review in the Royalton Hartland Community Library and on the DEC website (<http://www.dec.ny.gov/chemical/54220.html>). FMC, the responsible party, has not agreed to implement the selected remedy. As a result, New York State is acting to implement the remedial actions in the Village using State Superfund monies. A phased approach is being implemented in an effort to minimize disruption to the community, with a limited area closest to the FMC facility initially targeted for cleanup and restoration.

Priority was placed on remediating the properties with the highest concentrations of arsenic in the soil as determined during remedial design investigations completed in August 2015, while also considering the unique features of each property and efficiency of working on adjoining properties. There are plans to remediate three homes along Park Avenue this fall, with additional homes scheduled to be completed next year beginning in the spring of 2016 once weather permits.

### REMEDIAL ACTION

The primary goal of the work is to clean each parcel so that the owner will receive a No Further Action (NFA) determination from the State. An NFA determination means that the property has been cleaned in conformance with the FSB and no more remedial work will be required. Soil samples collected by the DEC in 2015 from the first group of properties identified for remediation in the FSB confirmed and defined the extent of arsenic contamination at levels exceeding the 20-part-per-million (ppm) cleanup objective on each property sampled.

Soil identified for remediation will be excavated and disposed of off site. The extent of soil removal is property specific and has been based upon the locations, depths, and concentrations of arsenic in the soil. All areas that are disturbed during the cleanup will be restored to pre-existing conditions. Specifically, property features (e.g., lawns, sidewalks, driveways, trees, shrubs, garden beds, sheds, and decks) displaced and/or removed by the remedial activities will be replaced in-kind, in consultation with each property owner. Any Village-owned roads, utilities, or other infrastructure determined to be impacted by the cleanup activities will also be repaired or replaced as necessary.

Cleanup work on private property will be undertaken only with the prior written permission of the individual property owner. The DEC and DOH have met with individual property owners identified for remediation this fall to review and discuss their soil data, proposed remedial and restoration activities, and to seek their consent for property access. The DEC will work with each remaining owner over the late fall and winter months to seek consent to perform the work.

The remedial action will be implemented in a manner that will, to the extent practicable:

- Maximize the safety of the public and project workers;
- Minimize disturbance and disruption to the community; and
- Maintain the character and quality of life in the affected areas of the community.

The current remedial work is scheduled to be initiated in October and continue through mid-November 2015 weather permitting and pending final agreement with property owners and securing all local permits. Work and equipment operation will take place five days per week (Monday through Friday) generally between the hours of 7:30 a.m. and 6:00 p.m. The cleanup activities will be performed by National Vacuum Environmental Services Corporation of Niagara Falls, New York, with full-time oversight and inspection provided by the DEC. In addition, a Community Protection Plan for the work has been prepared and reviewed to ensure that on-site workers and the nearby community are protected during these activities. A copy of that plan has been placed onto the DEC project web page and into the document repository identified below.

Removal of the contaminated soil will be performed using conventional excavation equipment, such as backhoes and small dump trucks. For the protection of the structural integrity of property features, such as building foundations, non-mechanical excavation means will be used where necessary. This may include vacuum excavation or manual digging. To minimize potential impacts to municipal infrastructure, small, single-axle dump trucks and truck/trailer combinations will be used to the maximum extent possible. Truck weights will comply with local and state requirements. DEC is committed to the successful remediation of affected properties as well as to the protection or repair and replacement of any infrastructure damaged as a result of remedial activities. Truck traffic on Village-owned roads will be minimized to the maximum extent practicable and monitoring will occur to ensure the protection of private and municipal infrastructure.

Trucks will be lined with plastic sheeting and covered to prevent materials from escaping from the trucks while in transit. Small trucks will be "clean loaded" at each property and will travel to a temporary staging area along a

State-owned highway where larger trucks may be loaded to transport the contaminated material to a permitted landfill. To ensure that construction activities do not cause undue congestion to local roads and that the safety of residents is maintained, truck traffic will be minimized when school buses pick up and drop off students near work zones.

Air monitoring will take place during all excavation and backfilling activities in accordance with a DEC- and DOH-approved community air monitoring plan (CAMP).

The purpose of the CAMP is to ensure that areas outside of the construction area are not impacted by potential airborne contaminant releases as a result of remedial activities. Dust monitors will be located up- and downwind of work zones to provide continuous air monitoring. In addition, dust monitors will be used to continuously check conditions near houses and other areas. Work activities will be halted and re-evaluated if dust concentrations exceed action levels. Erosion-control measures will also be implemented to prevent storm water and soil from potentially migrating off of each property during work activities.

Following completion of soil removal, clean soil will be brought on site for backfill, restoration, and landscaping activities. Prior to being brought to the site, all backfill materials will be tested to demonstrate that they meet DEC soil cleanup objectives.

Following completion of remediation and restoration of the initial properties, the DEC will review the work with the property owners and Village officials to evaluate the means and methods used to complete the work, and to identify procedures that may be implemented more efficiently during future remedial activities.

## NEXT STEPS

DEC will initiate remedial activities at three residential properties in October 2015. Remedial and restoration activities are expected to be substantially complete by mid-November. DEC and DOH will review remedial action designs with more than 20 additional property owners in fall 2015 in preparation for resuming remedial actions at these properties beginning in spring 2016.



SCALE  
0 300 600 Feet

Project Areas and Anticipated Truck Routes

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL REMEDIATION  
625 BROADWAY  
ALBANY, NY 12233-7017

## ACT NOW TO CONTINUE RECEIVING INFORMATION ABOUT THIS SITE!

### DEC's Division of Environmental Remediation (DER) now distributes information about contaminated sites electronically by email

If you would like to receive information about the contaminated site featured in this fact sheet electronically **please sign up** for the DER email listserv:

<http://www.dec.ny.gov/chemical/61092.html>

*DER cannot register your email address - only the email address owner can do so.*

*If you already have signed up for the listserv for the county in which the site is located, you need to do nothing.*

Why You Should Go "Paperless":

- Get site information faster and share it easily;
- Receive information about all sites in a chosen county - read what you want, delete the rest;
- It helps the environment and stretches your tax dollars.

## FOR MORE INFORMATION

Project documents are available at the following location to help the public stay informed.

### Royalton Hartland Community Library

9 South Vernon Street  
Middleport, NY 14105  
Phone: 716-735-3281

<http://royhartcommunitylibrary.com/>

Project documents are also available on the NYSDEC website at:

<http://www.dec.ny.gov/chemical/82611.html>

### State Superfund Program:

New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring.

DEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

## WHO TO CONTACT:

Comments and questions are always welcome and should be directed as follows:

### Project Related Questions:

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### Site-Related Health Questions:

#### Stephanie Selmer

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