



January 2015

FACT SHEET

State Superfund Program

Site Name: FMC Corporation
DEC Site #: 932014
Address: 100 Niagara Street
Middleport, NY 14105

DEC ANNOUNCES PLAN TO START REMEDIAL DESIGN IN VILLAGE OF MIDDLEPORT, NY

FMC Corporation owns and operates a facility in the Village of Middleport which, as a result of historic air emissions and surface discharges of process water, 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 Nos. 2, 4, and 5). This plan is fully described in the Final Statement of Basis (FSB) which is available for public review in the Royalton Hartland Community Library and on the New York State Department of Environmental Conservation (DEC) website. The Draft Statement of Basis was presented to the community at a public meeting and comments were accepted. Prior to finalizing the FSB, careful consideration was given to comments received from the public and the remedy was modified to address public concerns. FMC has not agreed to implement the remedy described in the FSB and has challenged the decision in court. Consequently, New York State will implement the remedial actions described in the FSB using the State Superfund. DEC is now developing plans to start the remediation of several blocks in the Village. A phased approach will be implemented in order to minimize disruption to the community, with only a limited area initially targeted for cleanup. Additional properties and/or blocks will be addressed in the future.

REMEDIAL DESIGN and REMEDIAL ACTION: The primary goal of the planned work is to fully clean each parcel so that the owner will receive a No Further Action (NFA) determination from DEC, in consultation with the New York State Department of Health (DOH). An NFA determination means that the property has been cleaned in conformance with the FSB and no more work will be required. DEC and DOH are committed to working with each individual property owner to address concerns related to the cleanup and restoration of their properties. DEC and DOH will work closely with each property owner to address concerns related to preservation of property features such as mature trees and plantings that are significant to the property owner. Soil identified for remediation will be addressed by excavation. The actual soil removal areas/depths and approach will be determined as part of the remedial action design, which includes additional soil sampling and analysis, property surveys and inspections. No cleanup work will be undertaken unless the property owner signs an access agreement with DEC allowing the work to be performed.

The remedial action will be designed, planned and implemented in a manner that will:

- Include public outreach activities and public participation opportunities,
- 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.

RESTORATION: Areas that are disturbed during the clean-up will be restored to pre-removal conditions agreed to with the property owner. Property-specific features (i.e., lawns, sidewalks, driveways, garden beds, above ground pools, sheds, decks, etc.) removed by the remedial activities will be replaced in-kind, to the extent practicable, in consultation with the property owner. Trees and plantings will be replaced with similar trees/plants normally stocked in local nurseries, again in consultation with the property owner. Restoration of property-specific features will be performed in accordance with work scopes agreed to by the property owner and DEC. Any roads, utilities, or areas affected by the construction activities will be repaired or replaced in-kind. Excavated soil removed from the remediation areas will be disposed of at a permitted commercial landfill.

NEXT STEPS: DEC will be contacting individual property owners in January 2015 if their property is designated to be completed in 2015. With the owners' written permission, DEC will be collecting soil samples, surveying, and inspecting the property in preparation for preparing a parcel-specific design. It is our goal to start this work in 2015 as soon as the winter weather breaks. With this information, DEC will present a remedial plan to each individual homeowner that will allow the attainment of the remedial goal. The remedial plan will also include a plan for restoring the property. DEC will be available to discuss each remedial/restoration plan individually with each owner. After the State and the property owner agree on a plan, with written permission, DEC will implement the scope of work that has been approved.

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 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.

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.

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

Project documents are also available on the NYSDEC website at:

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

WHO TO CONTACT:

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

Project Related Questions:

Sally Dewes

Department of Environmental Conservation – Division of Environmental Remediation

625 Broadway
Albany, NY 12233-7016

Phone: 518-402-9768

email: sally.dewes@dec.ny.gov

Site-Related Health Questions:

**Charlotte Bethoney,
Region Chief**

*State Department of Health –
Bureau of Environmental
Exposure Investigation*

Corning Tower
Empire State Plaza,
Albany, NY 12237

Phone: 518-402-7860

email: bee@health.state.ny.us