

Consulting
Engineers and
Scientists

Citizen Participation Plan FMC Middleport Facility



NYSDEC Site #932014 USEPA ID #NYD002126845
100 Niagara Street
Middleport, New York

Submitted to:
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Philadelphia, Pennsylvania

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Project 1323740

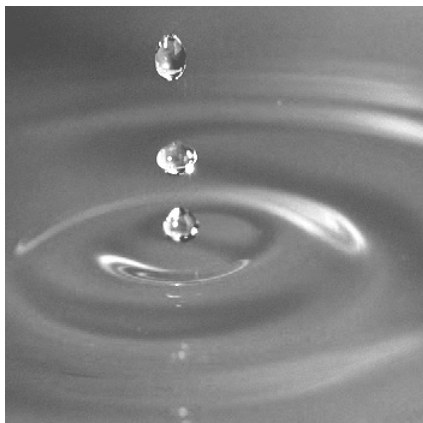


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1. Introduction

FMC Corporation (“FMC”) owns and operates a pesticide formulation facility (“Facility” or “Site”) located in the Village of Middleport and the Town of Royalton, New York. The mailing address, location, and telephone number of the Facility is:

FMC Corporation
100 Niagara Street
Middleport, New York, 14105-1398
Telephone: 716-735-6300

FMC has been conducting environmental studies and remediation within study areas, or Operable Units (“OUs”), associated with the Facility since the 1970’s, with oversight from the New York State Department of Environmental Conservation (NYSDEC) and/or the United States Environmental Protection Agency (“USEPA”). Effective June 6, 2019, FMC and NYSDEC entered into an Order on Consent and Administrative Settlement (Index No. CO 9-20140625-40) (“Order”), which establishes new terms and conditions for FMC to continue completion of the environmental studies and remedial activities within the OUs.

The OUs consist of both on-Site and off-Site study areas, and are depicted in a figure included in Appendix A. The off-Site OUs are located in the Village of Middleport and Towns of Royalton, Hartland, Ridgeway and Yates.

FMC is committed to working with the community to restore and revitalize our impacted local communities. FMC will inform and engage affected property owners, local officials and residents in meaningful participation throughout the environmental studies and cleanup activities. FMC will work with the NYSDEC, the New York State Department of Health (“NYSDOH”), and local officials to accomplish its citizen participation (“CP”) goals.

This Citizen Participation Plan (“CP Plan”) describes the CP activities that will be conducted during the remedial process for OUs, and has been prepared pursuant to the terms and conditions of the Order, including the NYSDEC’s Division of Environmental Remediation (“DER”) -23 [Citizen Participation Handbook for Remedial Programs].

1.1 Why Public Participation is Important

FMC and NYSDEC involves the public to improve the process for the investigation and cleanup of the affected areas, as well as to enable the public and affected property owners to participate more fully in decisions that affect their health, environment, and social well-being.

FMC and NYSDEC will provide opportunities for citizen involvement, and encourage early two-way communication with citizens before decision makers form and/or adopt final positions. Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's remedial process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This CP Plan provides information about how FMC and NYSDEC will inform and involve the public during the investigation and cleanup of the OUs identified herein and in the Order.

2. Background Information

2.1 Background

FMC first began performing environmental studies and remedial activities as part of a Resource Conservation and Recovery Act (“RCRA”) corrective action program required under the terms and conditions of an Administrative Order on Consent (Docket No. II RCRA-90-3008(h)-0209) signed in 1991 between the company, USEPA, and NYSDEC (the “1991 AOC”). This document guided the development of environmental studies and cleanup plans for on-Site and off-Site OUs within the community for more than 28 years.

Over this period of time, FMC has been engaged in various studies and actions to address impacts from its past operations, as well as working with local community representatives throughout the process.

Effective June 6, 2019, the Order replaces the 1991 AOC, and establishes the new terms and conditions under which FMC will continue completing the environmental studies and remedial activities in applicable on-Site and off-Site areas, and continue operating, maintaining and monitoring of Interim Corrective Measures (“ICM”) previously implemented pursuant to the 1991 AOC.

2.2 RCRA Corrective Action Process

The corrective action program required by the Order is intended to evaluate the nature and extent of the releases of hazardous waste or hazardous constituents; to evaluate Facility characteristics; and to identify, develop, and implement, as appropriate, corrective measure(s) to protect human health and the environment.

The five main components of the RCRA corrective action process for the Facility OUs are as follows:

- RCRA Facility Assessment (“RFA”) - to evaluate Solid Waste Management Units, or SWMUs, at the Facility by reviewing all available records, conducting a visual site inspection to observe the SWMUs, and, if necessary, performing sampling when releases are suspected.
 - An RFA was completed for the Facility in 1989.
- ICMs - to control or abate threats to human health and/or the environment from releases and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

- ICMs have been implemented at the Facility (from the 1970's through 2005), and in some of the off-Site OUs in 1996, 1999-2000, 2003, 2007-2008, and 2011.
- RCRA Facility Investigation ("RFI") - to evaluate thoroughly the nature and extent of the releases of hazardous waste and hazardous constituents, and to gather necessary data to support the Corrective Measures Study ("CMS") and/or ICMs. This may include collection and analyses of soil, sediment, surface water, groundwater and/or vapor samples; property/topographic surveying/mapping; ecological surveys and/or sampling; photographic documentation and review of existing historical information on the study areas.
 - RFIs have been completed in some of the off-Site OUs, as discussed in Section 2.3.
- CMS - to develop and evaluate a corrective measure alternative(s) and to recommend the final corrective measure(s).
 - CMSs have been completed in some of the off-Site OUs, as discussed in Section 2.3.
- Statement of Basis ("SB") – to identify NYSDEC's remedy decision for the OUs based on the CMS.
 - NYSDEC issued a final SB for OUs 2, 4, and 5, as discussed in Section 2.3.
- Corrective Measures Implementation ("CMI") Design - to design the corrective measure(s) selected. CMI activities may include pre-design investigation sampling and analyses.
 - CMI Design for OUs 2, 4, and 5 was started in 2015, and will continue, as discussed in Section 2.3.
- CMI Construction - to construct the corrective measure(s) selected.
 - CMI Construction for OUs 2, 4, and 5 was started in 2015, and will continue, as discussed in Section 2.3.
- Post-Closure/Effectiveness Evaluations – to operate, maintain, monitor, and periodically evaluate the performance of the corrective measure(s) selected, and close-out the remedial process in an OU, if appropriate.

2.3 OUs

The Facility is situated in the southeast corner of the Village of Middleport and in the Town of Royalton, New York in Niagara County. FMC currently employs approximately 60 to 70 people

at its pesticide formulating and packaging facility in Middleport. The Facility consists of approximately 103 acres of land, including the North Railroad Property that was purchased from Conrail in May 2002.

The Facility is bounded by residential properties to the west (along South Vernon Street), agricultural lands to the east, an automobile junkyard to the southeast, commercial properties to the southwest (situated on FMC's former research and development property), and a state highway (Route 31) to the south. A drive-in theater, a church, a park, commercial businesses, and residential properties are located south of the Facility and Route 31. Properties that abut the northern property boundary of the FMC-owned North Railroad Property consist of a farm field, the Royalton-Hartland High School and Middle School, the southern right-of-way for Alfred Street (owned by the Village of Middleport), a vacant property (referred to as the "Wooded Parcel"), and other commercial/industrial properties.

Pesticide formulations and manufacturing operations were conducted at the Facility from approximately 1919 through 1985. Since 1985, manufacturing operations at the Facility have consisted of pesticide formulations (mixing) and packaging. Arsenic-based pesticides were made and/or handled at the Facility from 1928 to 1974.

As a result of historical operations at the Facility, the subsurface soil and groundwater at the Site has been impacted with pesticides and other chemicals used in the historic manufacturing process. Study areas associated with the Facility are OU1, OU10, and OU11 (a figure in Appendix A shows the OU locations). The contaminants of concern at and beneath the Facility include arsenic, lead, ammonia, methylene chloride, and miscellaneous pesticides. Various ICMs have been implemented and continue to be operated, maintained, and monitored to address, contain, and control contaminated media at the Facility. These ICMs include the North Site Cover ("NSC") and other engineered cover systems, North Railroad Property Phases 1 & 2 engineered cover systems, groundwater extraction and collection systems, the Western Surface Impoundment ("WSI") stormwater collection system and associated underdrain groundwater collection system, and waste water treatment plant for treatment of collected groundwater and stormwater. A groundwater monitoring program has been implemented for evaluation of the effectiveness of these ICMs.

The off-Site OUs consist of residential, commercial, industrial, agricultural, wooded properties situated within the Village of Middleport and the Towns of Royalton, Hartland, Ridgeway and Yates, and have been separated into eight OUs: OU2, OU3, OU4, OU5, OU6, OU7, OU8, and OU9 (see Appendix A). The primary Site-related contaminant of concern in the off-Site study

areas is arsenic, which is associated with its use at the Facility, natural conditions,¹ and other man-made uses (i.e., use in historic orchards, treated wood, etc.).

Remedial activities have been completed and/or are being completed as summarized below.

<i>Operable Unit</i>	<i>Description</i>	<i>Status as of May 31, 2019</i>
OU1	FMC Facility Soil, Sediment & Surface Water, excluding Eastern Parcel	Continue operations, maintenance, monitoring, and optimization of existing ICMs at the Facility. Previous OU1 work includes the WSI Hydrologic Evaluation, NSC Evaluation, and draft RFI submitted January 1999. The Order includes future work that will evaluate and optimize, if needed, existing Facility ICMs.
OU2	Air Deposition Area 1	A Final SB, dated May 2013, was issued by the NYSDEC for OUs 2/4/5 pursuant to the 1991 AOC. The NYSDEC has been implementing the remedy since 2015, which is partially completed. FMC will take over the remedy implementation beginning in 2021, to the extent not yet complete.
OU3	Suspected Air Deposition Area 2	The RFI was previously submitted for this OU. A draft CMS report, dated September 2015, was submitted to NYSDEC and USEPA pursuant to the 1991 AOC. Pursuant to the Order, the NYSDEC has accepted the draft CMS report for technical completeness.
OU4	Royalton-Hartland (Roy-Hart) School Property	A Final SB, dated May 2013, was issued by the NYSDEC for OUs 2/4/5 pursuant to the 1991 AOC. The NYSDEC has been implementing the remedy since 2015, which is partially completed. FMC will take over the remedy implementation beginning in 2021, to the extent not yet complete.
OU5	Culvert 105	A Final SB, dated May 2013, was issued by the NYSDEC for OUs 2/4/5 pursuant to the 1991 AOC. The NYSDEC has been implementing the remedy since 2015, which is partially completed. FMC will take over the remedy implementation for OU5 south of the canal beginning in 2021, and will start pre-design investigation activities for cleanup of OU5 north of the canal later in 2019.
OU6	Tributary One South	The RFI Report was approved in 2010. A draft CMS report, dated November 2017, was submitted pursuant to the 1991 AOC, with NYSDEC comments provided on February 1, 2018. FMC will revise the draft CMS report in 2019 and resubmit pursuant to the Order.

¹ Arsenic is a naturally occurring element that is widely distributed in the earth's crust and is naturally present in groundwater, soil and rock. There is some level of risk associated with exposure to arsenic.

<i>Operable Unit</i>	<i>Description</i>	<i>Status as of May 31, 2019</i>
OU7	Tributary One North	Certain investigation data has been collected, with additional RFI sampling in process.
OU8	Jeddo & Johnson Creeks	Certain investigation data has been collected, with additional RFI sampling in process.
OU9	Former FMC R&D Facility	The RFI report was completed and approved in 2014 pursuant to the 1991 AOC. A draft CMS work plan was submitted pursuant to the 1991 AOC, and is under review by the NYSDEC.
OU10	Groundwater	Groundwater is monitored, collected, and treated as per the WSI Operations Plan, NSC Operation and Maintenance Plan, Groundwater Extraction System Operation and Maintenance Plan, a Groundwater Monitoring Plan, and a November 9, 2007 letter regarding ammonia sampling. These activities are managed as an ICM for the Facility.
OU11	FMC Facility Eastern Parcel	The RFI report was approved pursuant to the 1991 AOC, by letter dated May 19, 2017. A draft CMS work plan was submitted pursuant to the 1991 AOC, and is under review by NYSDEC.

3. Major Issues of Public Concern

Based on input from the public during past citizen participation activities, major issues of public concern potentially related to the OUs are summarized and discussed in this section. Additional issues of public concern may be identified during the course of the investigation and cleanup process.

<i>Local Project Specific Stakeholders</i>	<i>Potential Major Concerns</i>
Village of Middleport, Towns of Royalton, Hartland, Ridgeway and Yates	<ul style="list-style-type: none"> • Public safety and health of Village/Town residents and Village/Town workers • Compliance with local codes • Impact to Village/Town-owned property, roads and infrastructure • Quality of life (e.g., disruption of regular neighborhood activities, added noise, and traffic) • Preservation of the existing character of the Village/Towns (e.g., historic appearance, presence of mature trees, plantings) • Public image of the Village and Towns • Institutional controls which may be part of corrective measures • Impact to property values and economics of the area • Schedule for a decision (e.g., the length of time until a final CMA decision is made concerning the affected properties) • Construction/Implementation schedule for the selected corrective measure alternative
Owners of affected Properties within the off-Site OUs	<ul style="list-style-type: none"> • Public safety and health of residents of affected properties • Quality of life (e.g., disruption of regular neighborhood activities, added noise, and traffic) • Impact to property values • Preservation of trees, other plantings, ecosystems, and physical characteristic on affected properties • Impacts to farming operations and/or other commercial business activities • Schedule for decision (e.g., the length of time until a final CMA decision is made concerning the affected properties)

<i>Local Project Specific Stakeholders</i>	<i>Potential Major Concerns</i>
	<ul style="list-style-type: none"> • Construction/Implementation schedule for the selected corrective measure alternative
Royalton-Hartland Central School District (“Roy-Hart”)	<ul style="list-style-type: none"> • Public safety and health of students, teachers and district employees • Quality of life (e.g., disruption of regular activities, added noise, and traffic) • Construction/Implementation schedule for the selected corrective measure alternative
Neighbors or public near affected properties within and near the OUs, including the Facility	<ul style="list-style-type: none"> • Public safety and health and ecological impacts • Quality of life (e.g., disruption of regular neighborhood activities, added noise, and traffic) • Impact to property values • Schedule for decision (e.g., the length of time until a final CMA decision is made concerning the affected properties) • Construction/Implementation schedule for the selected corrective measure alternative
FMC	<ul style="list-style-type: none"> • Public safety and health and ecological impacts • Compliance with the terms and conditions of the Order and applicable rules and regulations • Schedule for completion of the cleanup process • Potential project-related concerns of the Village/Towns, owners of affected properties and other stakeholders • Constructability/implementability and effectiveness of the selected corrective measure alternative • Cost effectiveness of performing the work • Impact on ongoing Facility operations
NYSDEC	<ul style="list-style-type: none"> • Public safety and health and ecological impacts • Compliance with the terms and conditions of the Order and applicable rules and regulations • Potential project-related concerns of the Village/Towns, owners of affected properties and other stakeholders • Constructability/implementability and effectiveness of the selected corrective measure alternative

4. Citizen Participation Activities

4.1 Goals

The goals of the Facility's CP program are as follows:

- Provide Information - Balanced and objective information will be provided to assist the community and stakeholders in understanding the project scope of work, the problems, the process for addressing the problems, and the alternatives and the solutions to the problems. Information will be provided to the public and stakeholders by fact sheets, newsletters, web sites, open houses, availability sessions, and/or meetings.
- Obtain Feedback - Community and stakeholder feedback on the project scope of work, potential problems, process for addressing the problems, alternatives and solutions to the problems will be obtained. Comments and feedback will be obtained by maintaining open communications; holding public comment periods, public information sessions, and/or public meetings; conducting surveys community-wide mailings with return/reply comment cards and/or web-site discussion forums.
- Provide Opportunities for Involvement – Opportunities will be provided to the community and stakeholders for involvement during the implementation of the project and not just at the end of the project. Opportunities will be provided by holding meetings, workshops, information sessions and/or public meetings. Surveys or other forms of outreach may also be used to solicit information regarding activities conducted by residents within the study area.

4.2 General Outreach Activities

During the course of the RCRA corrective action process being implemented in the OUs, a variety of CP activities will be used to communicate with affected property owners and stakeholders. These communications activities may include: meetings, comment periods, newsletters, fact sheets, mailings, notices in the newspaper, placement of materials in the document repositories, and correspondence via the compiled mailing list of affected property owners and interested parties.

4.3 Document Repositories

Paper copies of project-related documents are available at the document repositories identified in Appendix B and some electronic copies of documents are available on the web sites listed in Appendix B.

Final, approved project-related documents available for public review include the following:

- The Order;
- Final CP Plan;
- Project-related fact sheets or other information sheets;
- RFI work plans and reports;
- CMS work plans and reports;
- NYSDEC's draft and final SB or remedy decision documents;
- Closure documents for SWMUs, OUs and/or RCRA-regulated units;
- ICM-related plans and reports;
- Pre-design investigation work plans;
- Remedial action or CMI design documents and/or work plan; and
- Notices for public comment periods, meetings, or availability sessions.

The public can contact the FMC and NYSDEC project contacts with any questions or comments on the documents in the repositories.

4.4 Project Contacts

The public may contact NYSDEC and FMC representatives included in Appendix C for information on the Facility environmental investigation and remedial program. The general roles and responsibilities for implementing this CP Plan are as follows:

NYSDEC Project Manager – The NYSDEC Project Manager is responsible for enforcement, oversight and management of the remedial work being performed under the Order. Typical citizen participation-related activities include making presentations at public meetings, reviewing project documents, and providing technical assistance in preparing the responsiveness summary or answering public inquiries to NYSDEC.

NYSDEC Citizen Participation Specialist - The citizen participation specialist assists the NYSDEC project manager in implementing the CP activities. Typical activities include preparation and/or review of information sheets and the responsiveness summary, and coordination of public meetings and availability sessions.

FMC Project Manager – The FMC Project Manager is responsible for implementing the overall remedial work being performed under the Order in cooperation with NYSDEC. The FMC Project Manager is supported by qualified environmental consultants, contractors, and experts contracted by FMC to perform the remedial work.

FMC Community Liaison – The FMC Community Liaison is located at the FMC Community Office (8 South Vernon Street in Middleport) and addresses inquiries from the public concerning the Facility and the OU remedial program. In addition, the Community Liaison assists the FMC Project Manager in implementing CP activities, including maintaining the primary document repository and the FMC Community Office document repository, providing updates to the public, and coordinating public meetings.

4.5 Community Contact List

Appendix D contains the community contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the OUs (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

Note that a list of the names, address, and email addresses of private property owners and residents is maintained confidentially in NYSDEC and FMC project files and are not included in the CP Plan or repositories.

4.6 Citizen Participation Activities

The community will be informed by fact sheets, newsletters, letters, website notices (see Appendix B) and/or newspaper notices at significant points during the RCRA corrective action process. Fact sheets, letters and notices help the public understand the issues and the nature and progress of the efforts to investigate and cleanup specific areas.

Public meetings, availability sessions, open houses, comment periods, and contact with NYSDEC and/or FMC representatives provide opportunities for the public to contribute information, opinions, and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The minimum CP activities for the various components of the RCRA corrective action process are summarized in Appendix E.

If FMC distributes a fact sheet specified in Appendix E to the site contact list, FMC will provide a certification of mailing to NYSDEC within five (5) days of mailing. *NYSDEC Citizen Participation Support Materials for DER-23* (dated January 2010) provided a certification form,

which is included in Appendix F. The form will be completed and will certify that the fact sheet was mailed by Regular First-Class mail and/or by email distribution.

The public is encouraged to contact NYSDEC and FMC project representatives (Appendix C) at any time during the investigation and cleanup process with questions, comments, or requests for information. Public comments or suggestions about this CP Plan and the CP program are welcomed.

The public may contact the FMC Community Liaison by telephone (716-735-9769) or in-person at the FMC Community Office located at 8 South Vernon Street in Middleport from 9 am – 2 pm on Mondays, Tuesdays, Thursdays or by appointment.

Appendix A

Operable Units Location Figure

Appendix B

Locations of Reports and Information

APPENDIX B
LOCATIONS OF REPORTS AND INFORMATION
FMC MIDDLEPORT FACILITY

The facilities and websites below are being used to provide information to the public with convenient access to important project documents.

1. **Royalton Hartland Community Library** (Primary Document Repository)
9 South Vernon Street
Middleport, NY 14105
Phone: (716) 735-3281
Hours: Mon.-Thu. 11am-5pm & 7am-8:30pm; Sat. 11am-4pm; Fri. & Sun. closed
Website: <http://royhartcommunitylibrary.com>

2. **NYSDEC Region 9 Office**
270 Michigan Avenue
Buffalo, NY 14203
Phone: (716) 851-7200
Hours: Mon.-Fri. 8:30am-4:45pm
Website: <http://www.dec.ny.gov/about/619.html>

3. **FMC Community Office**
8 South Vernon Street
Middleport, NY 14105
Phone: (716) 735-9769
Hours: Mon., Tue., Thu. 9am-2pm or by appointment
Website: <http://www.fmc-middleport.com/>

Appendix C

Project Contacts

APPENDIX C
LOCATIONS OF REPORTS AND INFORMATION
FMC MIDDLEPORT FACILITY

For information on the environmental investigation and cleanup program for the FMC Middleport Facility and Operable Units (OUs), the public may contact any of the following:

New York State Environmental Conservation (NYSDEC)	
<p>Nathan Freeman, Project Manager NYSDEC Division of Environmental Remediation 625 Broadway, Albany, NY 12233-7016</p> <p><i>Phone:</i> 518-402-9767 <i>Email:</i> nathan.freeman@dec.ny.gov</p>	<p>Megan Gollwitzer, Citizen Participation Specialist NYSDEC Region 9 Office 270 Michigan Avenue Buffalo, NY 14203</p> <p><i>Phone:</i> 716-851-7201 <i>Email:</i> megan.gollwitzer@dec.ny.gov</p>
New York State Department of Health (NYSDOH)	
<p>Stephanie Selmer, Public Health Specialist NYSDOH Bureau of Environmental Exposure Investigation Corning Tower, Room 1787 Albany, NY 12237</p> <p><i>Phone:</i> 518-402-7870 <i>Email:</i> stephanie.selmer@health.ny.gov</p>	
FMC Corporation (FMC)	
<p>Elizabeth Madara, FMC Project Manager FMC Corporation 2929 Walnut Street Philadelphia, PA 19104</p> <p><i>Phone:</i> 215-299-5833 <i>Email:</i> elizabeth.madara@fmc.com</p>	<p>Jessica Heideman, FMC Community Liaison FMC Community Office 8 S Vernon Street Middleport, NY 14105</p> <p><i>Phone:</i> 716-735-9769 <i>Email:</i> jessica.heideman@fmc.com</p>
<p style="text-align: center;">FMC Community Office 8 S Vernon Street Middleport, NY 14105</p> <p style="text-align: center;"><i>Walk-In Hours:</i> 9am – 2pm on Monday, Tuesday, Thursday <i>Additional Hours:</i> By appointment</p>	

Appendix D

Community Contact List

APPENDIX D
COMMUNITY CONTACT LIST
FMC MIDDLEPORT FACILITY

The following contact list has been developed to help keep the community informed about and involved in the project activities relating to the OUs. The list includes local, regional, and state officials; local media; and others local stakeholders.

Note: The property owners and resident portion of the list is maintained confidentially in project files, not in a CP Plan or repositories.

<p><u>Local Organizations</u></p> <p>Middleport Remediation Advisory Group (Village of Middleport)</p> <p>FMC Community Advisory Panel Members (Current and past members)</p>	<p>Middleport Community Input Group http://middleport-future.com/cig/</p>
<p><u>Media</u></p> <p>The Lockport Union-Sun & Journal PO Box 503 Lockport, NY 14094</p>	<p>Buffalo News One News Plaza, P.O. Box 100 Buffalo, NY 14240</p>
<p><u>Village of Middleport</u></p> <p>Honorable Richard Westcott Mayor Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p> <p>Wayne Blumrick, Village Trustee Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p> <p>Dennis McAvoy, Village Trustee Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p>	<p>Tom Conley, Deputy Mayor Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p> <p>Diane Edwards, Village Trustee Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p> <p>Rebecca Schweiger, Clerk-Treasurer Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p>

<p>Bryan Bobbitt, Village Coordinator Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p>	<p>John J. Swick, Police Chief Village of Middleport 24 Main Street, P.O. Box 186 Middleport, NY 14105</p>
<p><u>Town of Royalton</u></p> <p>Daniel Bragg, Supervisor Town of Royalton 5316 Royalton Center Road Middleport, NY 14105</p>	<p>Lee Criswell, Deputy Supervisor Town of Royalton 5316 Royalton Center Road Middleport, NY 14105</p>
<p><u>Town of Hartland</u></p> <p>W. Ross Annable, Town Supervisor Town of Hartland 8942 Ridge Road Gasport, NY 14067</p>	<p>Joseph Reed, Deputy Supervisor Town of Hartland 8942 Ridge Road Gasport, NY 14067</p>
<p><u>Town of Ridgeway</u></p> <p>Brian Napoli, Supervisor Town of Ridgeway 410 West Avenue Medina, NY 14103</p>	
<p><u>Town of Yates</u></p> <p>James Simon, Supervisor Town of Yates 8 South Main Street, P.O. Box 484 Lyndonville, NY 14098</p>	
<p><u>Royalton-Hartland Central School District</u></p> <p>Dr. Hank Stopinski, Superintendent Royalton-Hartland Central School District 54 State Street Middleport, NY 14105</p> <p>Timothy Pietrowski, Director of Facilities Royalton-Hartland Central School District 54 State Street Middleport, NY 14105</p>	<p>Board of Education Members Royalton-Hartland Central School District 31 State Street Middleport, NY 14105</p> <p>Andrew Lang, School Administrator Royalton-Hartland Central School District 4972 Royalton Center Road Gasport, NY 14067</p>

<p><u>New York State Elected Officials</u></p> <p>Assemblyman Michael Norris New York State Assembly District 144 8180 Main Street Clarence, NY 14221</p> <p>Senator Robert Ort New York State 62nd Senate District 175 Walnut Street, Suite 6 Lockport, NY 14094</p>	<p>Assemblyman Stephen Hawley New York State Assembly District 139 121 North Main Street, STE 100 Albion, NY 14411</p>
<p><u>Niagara County Officials</u></p> <p>Honorable Michael Hill Niagara County Legislature, 15th District 3464 Stone Road Middleport, NY 14105</p> <p>Senator Robert Ort New York State 62nd Senate District 175 Walnut Street, Suite 6 Lockport, NY 14094</p> <p>Daniel Stapleton, Director Public Health Niagara County Department of Health 5467 Upper Mountain Road, STE 100 Lockport, NY 14094</p>	<p>Assemblyman Stephen Hawley New York State Assembly District 139 121 North Main Street, STE 100 Albion, NY 14411</p> <p>Paul Dicky Director of Environmental Health Niagara County Department of Health 5467 Upper Mountain Road, Suite 100 Lockport, NY 14094</p> <p>Niagara County Department of Public Works Philo J. Brooks County Office Building 59 Park Avenue Lockport, NY, 14094</p>
<p><u>Orleans County Officials</u></p> <p>Paul Pettit, Director Orleans County Public Health Department 14012 Route 31 West Albion, NY 14411</p> <p>Orleans County Highway/B&G Department 225 West Academy Street Albion, NY 14411</p>	<p>Lynne M. Johnson District 2 of Towns of Ridgeway, Yates & Shelby, Orleans County Legislature 12118 E. Yates Center Road Lyndonville, NY 14098</p>

<p><u>Other Interested Parties</u></p> <p>NYS Canal Corporation Mr. Kevin Kerins 455 Cayuga Road, Suite 800 Cheektowaga, NY, 14225</p>	
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Appendix E

Minimum Citizen Participation Activities

APPENDIX E
MINIMUM CITIZEN PARTICIPATION ACTIVITIES
FMC MIDDLEPORT FACILITY

The minimum CP activities for the various components of the RCRA corrective action process are as follows:

Citizen Participation Activities	Timing
<ul style="list-style-type: none"> • Prepare site contact list • Establish/Maintain document repository • Prepare CP Plan • Place signed copy of the Order in the document repository • Notify site contact list of availability of the document repository 	<ul style="list-style-type: none"> • Within 30 days of effective date of the Order
Before Start of an RFI	
<ul style="list-style-type: none"> • Place approved RFI Work Plan in document repository • Distribute fact sheet to site contact list that announces availability of RFI Work Plan and describes upcoming RFI field work 	<ul style="list-style-type: none"> • Before start of RFI
When NYSDEC Approves the RFI Report and/or the CMS Report	
<ul style="list-style-type: none"> • Place approved report(s) in document repository • Distribute fact sheet to site contact list that describes RFI and/or CMS results. Note: Mailings sent by FMC require submittal of Certification of Mailing to NYSDEC within five (5) days. 	<ul style="list-style-type: none"> • When NYSDEC approves RFI and/or CMI Reports
When NYSDEC Releases a Draft SB	
<ul style="list-style-type: none"> • Place Draft SB in document repository • Distribute fact sheet to site contact list that describes Draft SB and announces 30-day comment period and public meeting • Conduct 30-day public comment period • Hold public meeting about the Draft SB 	<ul style="list-style-type: none"> • When NYSDEC releases Draft SB • Comment period begins/ends per dates identified in fact sheet • Public meeting is held during the comment period

Citizen Participation Activities	Timing
<p align="center">When NYSDEC Releases a Final SB or Remedy Decision</p> <ul style="list-style-type: none"> Place Final SB in document repository and any responsiveness summary of significant comments about Draft SB Distribute fact sheet to site contact list that announces availability of Final SB and responsiveness summary 	
<p align="center">Before start of CMI</p> <ul style="list-style-type: none"> Distribute fact sheet to site contact list that describes upcoming CMI or remedial action. Note: Mailings sent by FMC require submittal of Certification of Mailing to NYSDEC within five (5) days. 	
<p align="center">When NYSDEC Certifies Cleanup Requirements Achieved</p> <ul style="list-style-type: none"> Distribute fact sheet to site contact list that announces cleanup requirements achieved If Certificate of Completion (“COC”) is issued, announce in fact sheet If COC is issued, place copy in document repository 	
<p align="center">If NYSDEC Reclassifies the Site</p> <ul style="list-style-type: none"> If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements 	
<p align="center">If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites</p> <ul style="list-style-type: none"> Publish notice in Environmental Notice Bulletin about proposal and 30-day public comment period Distribute notice to site contact list. May announce proposal in fact sheet announcing achievement of cleanup requirements Conduct 30-day public comment period about proposed delist Distribute notice to site contact list when site is delisted 	

Appendix F

Certification of Mailing Form

APPENDIX F
CERTIFICATION OF MAILING FORM
FMC MIDDLEPORT FACILITY

If FMC distributes a fact sheet specified in Appendix E to the site contact list, FMC will provide the following completed certification of mailing to NYSDEC within five (5) days of mailing:

Site Name: **FMC Corporation, 100 Niagara Street, Middleport, NY**

NYSDEC Site No.: **932014**

USEPA ID No.: **NYD002126845**

CERTIFICATION OF MAILING

I certify that I mailed on *[insert date]* a copy of the attached *[identify purpose of fact sheet and attach]* fact sheet by first class mail to the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at *[insert street address]* in the *[insert Village, Town, or City]* of *[insert name of municipality]*, New York, which box is under the exclusive care and custody of the United States Post Office Department:

Signature

Date

Attachments



FMC Corporation
FMC Tower at Cira Centre South
2929 Walnut Street
Philadelphia, PA 19104
USA

215.299.6000
fmc.com

June 7, 2019

Dear Neighbor:

This update letter is to inform you that FMC has just signed a new Order on Consent and Administrative Settlement (Order on Consent) with the NYSDEC. Under the Order on Consent, FMC will continue to maintain the areas of the Middleport Plant and around town that previously have been cleaned up. The Order on Consent, along with many other study and clean-up-related documents associated with FMC's activities in the area, are available for review in the Middleport document repository at the Royalton Hartland Community Library located at 9 S. Vernon Street in Middleport.

FMC will continue to fund off-site environmental studies and clean-up activities. Moving forward, NYSDEC will continue the clean-up work in certain areas of the Village of Middleport through the 2020 construction season, and FMC will take over the remediation work after 2020.

FMC is committed to remediate, restore, and revitalize our local communities. FMC will continue to engage and work with the community and NYSDEC to resolve environmental remediation matters as quickly as possible. The company looks forward to the successful implementation of the new Order on Consent with NYSDEC to the benefit of residents and businesses.

Contact Information: If you have any questions, comments, or concerns, please contact Jessica Heideman, FMC's Community Liaison, at 716-735-9769 or visit her at the FMC Community Office at 8 S. Vernon Street in Middleport. Our walk-in hours are 9 a.m. – 2 p.m. on Mondays, Tuesdays, and Thursdays. Other times are available by appointment. Special evening hours will also be available to area residents over the next few weeks.

Additional information can be obtained by visiting the FMC Middleport website at www.fmc-middleport.com or the document repository at the Royalton Hartland Community Library, 9 S. Vernon St., Middleport.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Madara'. The signature is written in a cursive, flowing style.

Elizabeth Madara
Remediation Project Manager

cc: J. Heideman, FMC, Middleport
L. Davis, FMC, Philadelphia
N. Freeman, NYSDEC

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June 7, 2019

S. Selmer, NYSDOH
J. Haklar, USEPA
W. Lachell, GEI Consultants
D. Wright, PE, GHD