

**Meeting Minutes**  
**Fairmont Community Liaison Panel**  
**July 8, 2004**

Attendees: Mayor Nick Fantasia, Karen Gribben, Bea Hunter, Bruce McDaniel, Barbara Metcalfe, John Parks, Robert Sapp, Rich Wood.

ExxonMobil  
Representative: None.

Agency  
Representatives: Carrie Deitzel, Fred Mac Millan, U.S. Environmental Protection Agency (EPA); Tom Bass, West Virginia Department of Environmental Protection (WVDEP).

Contractor: John Sigler, Kipin Industries; Frank Markert, IT Corporation.

Guests: Kelly Barth, Times West Virginian; Janet Bailey, Larry Norman, George Werkman, Jim Buzzard, Phyllis Koyal, Connie Mellish, Dave Mellish, John Metcalfe, Griff Fowler.

Facilitator: Tricia Clendenen, Ann Green Communications, Inc.

Minutes: Misti Flynn and Tricia Clendenen, Ann Green Communications, Inc.

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The regular meeting of the Fairmont Community Liaison Panel (FCLP) was called to order by facilitator Tricia Clendenen at 5:30 p.m. Tricia welcomed everyone and asked members and guests to introduce themselves. Tricia reviewed the agenda and ground rules. She explained the new chair arrangement was to reenergize the group and to give the guests a better view of the slides and panel.

Tricia said Art has been traveling and the minutes from the June meeting would be distributed as soon as possible. Nick Fantasia motioned to disburse with the minutes.

Members present at the June 3, 2004 meeting noted attendance was declining and some members are finding it difficult to stay the entire meeting. Several issues at the last meeting need further discussion and resolution for the project to continue moving forward. The group decided it would be best to meet consistently on the first Thursday of every of other month except July which is the second Thursday of the month. The next meetings are tentatively scheduled for September 2, November 4, 2004 and January 6, 2005.

With regard to attendance, Tricia provided an update on the letters sent to all members of the panel to reaffirm everyone's commitment to the panel process. As a result, 15 out of 20 members have recommitted to panel process. Kevin McClung resigned from the panel due to a schedule conflict and four members did not return cards. Misti reviewed the attendance of those members that did not respond and it was decided to send a letter thanking them for their time on the panel.

Tricia asked members for potential new member recommendations. Griff Fowler stated he would be interested in joining the panel, since he routinely attends as a guest. Bob Sapp suggested drawing from guests who have attended the panel from previous meetings. Tricia then asked the guests if anyone was interested in becoming a member. Jim Succuro stated he would be interested. Bob Sapp also suggested Jim Martin who is a frequent guest, but could attend this evening. Frank Markert suggested nearby neighbors and Bob Sapp agreed to check with them. Griff Fowler suggested Tom Vincent who used to work at the plant and also is a nearby neighbor. Misti is updating the member list to include occupational category representation. From this list, Tricia will work with Art to invite additional members.

## **Unfinished Business**

### Project Update

John Sigler said the weather is helping the excavation process and there have been no complaints regarding the site. He added that the shipment of the synfuel product derived from the recycling of the landfill waste to Grant Town Power Plant is running on schedule. Frank Markert added that recycling of the South Landfill had also commenced. De-sludging of the construction water treatment system would also be initiated in three to four weeks. Frank said air monitoring is ongoing and local residents are not reporting problems at this time. With regard to a previous complaint from a local resident about the dust, Frank said this issue appears to be resolved, the resident came to thank them for not generating any dust and the problem seems to be alleviated. He reported the perimeter air monitoring stations are within limits.

Bob Sapp asked how the size of the North Landfill compared to that of the South Landfill. Frank responded by stating that the South Landfill has 50 percent more material than the North Landfill. Bob Sapp asked for clarification about the black dust. Frank Markert said complaints were from about one year ago when there were potential sources for the dust from truck traffic, diesel fumes, spores and processing on the site. Frank said they implemented some engineering changes as a precautionary measure and local residents are reporting no problems. He added that the three perimeter air monitoring stations have not detected anything.

John Parks asked how many hours a week the workers are on the site. Frank Markert said the workers are on the site 10 hours per day Monday through Friday and have a shorter day on Saturday. They work approximately a 60-hour week.

#### Status of the Covenant Not to Sue

Fred Mac Millan said the Perspective Purchaser's Agreement has been signed and was on its way to Washington, D.C. The agreement will be published in the Federal Registry with instructions for a 30-day public comment period. Fred said if there are no comments, it is very close to a done deal. He added that the Department of Justice was contacted by a Fairmont resident which moved the process along. Frank Markert asked how long is this process. Fred responded by stating EPA must respond to comments and he will check with the attorney and report back to the panel regarding a timeline.

#### Redevelopment of Site

Fred Mac Millan said the reason redevelopment has been delayed is because there are workers on the site. He added the best approach for moving forward from EPA's perspective is to focus on the Coal and Coke Storage Area, but this area has not been sampled. He said this 10-acre area would need to be sampled to deal with contaminants and material before moving forward with its redevelopment. He reported there have been high hits on metals in the past in this area. Fred said EPA needs some sort of workplan and the area would have to be stabilized. He added the role of the Potentially Responsible Party (i.e., ExxonMobil) would be to submit this workplan.

Nick Fantasia said we did take eight samples and removal occurred in 1999. Fred stated these samples were taken from the periphery according to EPA's records. Fred stated the only thing holding this redevelopment is sampling and dealing with the hot spots. Frank Markert stated October of last year there were samples taken and Nick agreed. There was confusion about the acreage and sampling.

Bob Sapp asked specifically where this area was located on the site. Frank stated it is the area on the hillside. Nick again asked if relevant data had already been taken and if there is really a need to resample. Nick said there were talks about delisting that portion of the site one and one half years ago and asked why is EPA asking for samples

now. Fred said nothing was collected in the Coal and Coke Storage Area and samples are needed to move forward quickly. Bob Sapp asked if surface samples were needed and Fred said soil samples would be taken as well. Nick said the panel met 13 months ago with potential customers along with the Development Office and it was determined the risk assessment was complete and delisting of this area would follow behind it.

Fred stated he was not a part of these meetings. Bruce McDaniel asked why the plan has changed. Fred reiterated that the Coal and Coke Storage Area was the area to redevelop quickly. Nick Fantasia said he did not understand if the rules are the same then why are the guidelines changing. Bob Sapp then asked about the timeline. Tom Bass said the site was separated to begin work on the landfills followed by the Process Area. He added the workplans are in place and there is a procedure for verifying the completeness of any cleanup action taken. Nick Fantasia asked how could this be different in 13 months ago when the XL guidelines have not changed. Fred again stated Exxon would need to develop a workplan for the Coal and Coke Storage Area and then it would be approved and reviewed by EPA. The land would need to be stabilized and then ready for redevelopment. Tom said that environmental data did exist for the Process Area. Fred stated that any further discussion of this issue be postponed until ExxonMobil submitted a work plan. Fred was requested to clarify his request. Fred asked the membership to consider EPA's proposal about focusing on the Coal and Coke Storage Area of the property. Frank Markert pointed out this area on a map for the group. Nick Fantasia stated it was his understanding that this area was the lowest risk area of the site. Fred stated he will take Nick's and others concerns back to his management at EPA. The panel agreed they are interested in delisting the Process Area in order to progress its redevelopment. Frank Markert asked if this will be the future process for other areas. Fred responded by stating they are waiting on the workplan for the Process Area first.

#### Next Steps

- Fred Mac Millan will contact ExxonMobil (Art Chin) about a workplan for the Coal and Coke Storage Area and further confirmation sampling.
- Fred Mac Millan was asked to research previous sampling and again review EPA records and report his findings back to the group.
- Fred Mac Millan will report on the other two areas comprising the Process Area at the September meeting.
- The panel requested timeframes for delisting parcels of land.

The panel is interested in EPA's recommended approach for delisting the Coal and Coke Storage Area of the site.

### Real Property Management Committee Update

Bruce McDaniel reported the committee met on June 18 to discuss the site assessment with Terradon Corporation. He said they continue to identify potential uses and are working on major categories such as industrial/commercial. Bruce stated there is now a Covenant Not to Sue (i.e., Prospective Purchaser's Agreement) so they will start the budget and be prepared to submit it to Tom Bass' office in the near future.

Rich Wood added that we have two really good work sessions with the consultants and I feel good about the direction. Bruce said they need as much land as soon as possible to market it.

### **Communication Update**

Tricia reported the media advisory was distributed to notify the media about the panel meetings. Kelly Barth, Times West Virginian, was in attendance and stated she would be writing an article about the meeting.

Tom Bass, reported DEP will be airing an environmental update on public television. He added Nick Fantasia, Bruce McDaniel, Karen Gribben, Art Chin and himself were all interviewed.

Carrie Deitzel, EPA, stated she continues to work on getting a contractor.

### **Next Meeting**

Tricia reminded the panel they will meet every two months and the next meeting would be September 2. There was no further business and the meeting was adjourned at 7:15 p.m.

<b>Next Meeting:</b>	<b>Thursday, September 2, 2004</b>
	<b>Circle W Building</b>
	<b>5 p.m. - Dinner</b>
	<b>5:30 p.m. – Meeting</b>