

**(Fact Sheet Begins Next)**

## **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 continue to receive information about the contaminated site featured in this fact sheet:

**You must sign up for the DER email listserv:**

[www.dec.ny.gov/chemical/61092.html](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.

**If “paperless” is not an option for you**, call or write to the DER project manager identified in this fact sheet. Indicate that you need to receive paper copies of fact sheets through the Postal Service. Include the site name in your correspondence. The option to receive paper is available to individuals only. Groups, organizations, businesses, and government entities are assumed to have email access.



Department of  
Environmental  
Conservation

# FACT SHEET

RCRA and State Superfund Program

FMC Corporation

100 Niagara Street  
Middleport, NY 14105

September 2020

SITE No. 932014

NYSDEC REGION 9

## Where to Find Information

Access project documents through the DECinfo Locator and at these location(s):

<https://www.dec.ny.gov/data/DecDocs/932014/>.

Middleport Village Library  
9 Vernon Street, Middleport, NY  
(716) 735-3281

*(\*Repositories may be temporarily unavailable due to COVID-19 precautions. If you cannot access the online repository above, please contact the NYSDEC project manager listed below for assistance)*

## Who to Contact

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

### Project-Related Questions

Nathan Freeman, Project Manager  
NYSDEC

Division of Environmental Remediation  
625 Broadway, Albany, NY  
(518)402-9767  
[nathan.freeman@dec.ny.gov](mailto:nathan.freeman@dec.ny.gov)

### Project-Related Health Questions

Stephanie Selmer, Project Manager  
NYSDOH

Corning Tower Room 1787  
Albany, NY 12237  
(518) 402-7860  
[beej@health.ny.gov](mailto:beej@health.ny.gov)

For more information about New York's State Superfund Program, visit:

[www.dec.ny.gov/chemical/8439.html](http://www.dec.ny.gov/chemical/8439.html)

## Remedy Proposed for State Superfund Site; Public Comment Period Announced

**To limit the community spread of COVID-19, Governor Cuomo issued Executive Order 202.15 suspending in-person public meetings relating to proposed site remedies. The NYSDEC remains committed to providing the public with ample opportunity to provide input on proposed remedies in your community. You are encouraged to provide comments in writing to the NYSDEC Project Manager during the 45-day comment period described in this fact sheet.**

The public is invited to comment on a remedy being proposed by the New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) to address contamination related to the FMC Corporation site ("site") located at 100 Niagara Street Middleport, Niagara County. Please see the map for the site location. The proposed cleanup is described in the NYSDEC's draft "Statement of Basis" and applies to the cleanup of soil on seven properties immediately north and south of the canal and lands east of the county line (Air Deposition Area 2 (OU3)) which has been contaminated with FMC Corporation related constituents (primarily arsenic). NYSDEC has approved the final RCRA Facility Investigation Report that describes the results of the investigation. This fact sheet also describes how the public can review and provide comments on the NYSDEC's Statement of Basis. This is the latest in a series of cleanups performed by NYSDEC and FMC, which have included residential properties, the Royalton-Hartland School, and culvert areas.

**How to Comment:** NYSDEC is accepting written comments about the proposed plan, called a draft Statement of Basis (DSOB) for 45 days, from **September 30** through **November 16, 2020**.

- Access the DSOB and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/932014/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

The FMC facility is subject to the Resource Conservation and Recovery Act (RCRA) and its implementing regulations, including New York State's

authorized hazardous waste program. The site is also listed as a Class "2" site in the State Registry of Inactive Hazardous Waste Disposal Sites (list of State Superfund sites). A Class 2 site represents a significant threat to public health or the environment; action is required

**Draft Statement of Basis:** The cleanup proposed for OU3 includes:

- Excavation and off-site disposal of contaminated soils followed by restoration of excavated areas;
- Importing clean material that meets the established Soil Cleanup Objectives for use as backfill;
- Implementing a Health and Safety Plan and Community Air Monitoring Plan during all ground intrusive activities; and
- Implementing a Site Management Plan (SMP) for long-term maintenance of the remedial systems.

NYSDEC developed the proposed clean-up after reviewing the detailed investigation of the site and evaluating the remedial options in the "Corrective Measures Study" submitted under New York's State Superfund Program by FMC Corporation.

**Next Steps:** NYSDEC will consider public comments as it finalizes the remedy for the site. The selected remedy will be described in a document called a "Statement of Basis" that will explain why the remedy was selected and respond to public comments. A detailed design of the selected remedy will then be prepared, and the cleanup will be performed.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

**Site Description:** The FMC Facility is located in the southwest corner of the Village of Middleport in Niagara County. 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, and State Highway Route 31 to the south. Properties that abut the northern property boundary are the FMC-owned North Railroad Property and the Royalton-Hartland School. OU3 includes areas immediately north and south of the Erie Canal and east of the Niagara/ Orleans County line. OU3 lands are comprised of Erie Canal Towpath, agricultural lands, railroad right of way, and undeveloped lands.

The plant site was used for the manufacturing of a number of chemicals used as pesticides and herbicides between the 1920s and the 1980s. In the mid-1980s, the plant shifted from

manufacturing to only formulating pesticides (i.e., mixing and packaging) and is presently operating in this capacity. During its manufacturing period, the plant released hazardous and non-hazardous wastes through production activities and disposed of hazardous and non-hazardous wastes in an on-site landfill and a number of surface impoundments.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, 932014) at:

<http://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>

**Summary of the Investigation:** The primary contaminant of concern at the site is arsenic in soil.

**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.

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

For more information about the SSF, visit:  
<http://www.dec.ny.gov/chemical/8439.html>

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*We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.*

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**Stay Informed With DEC Delivers**

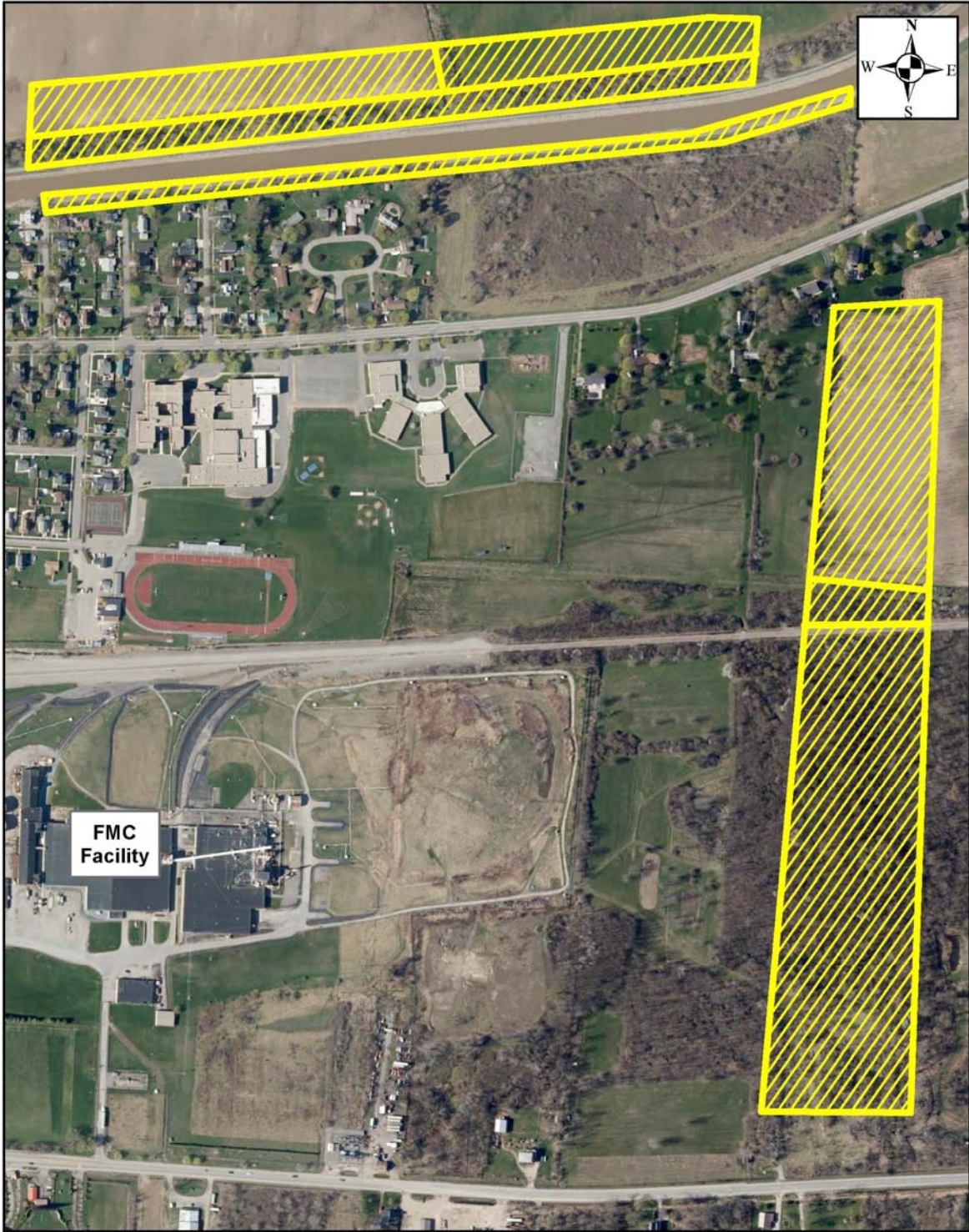
Sign up to receive site updates by email:  
[www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html)

Note: Please disregard if you already have signed up and received this fact sheet electronically.

**DECinfo Locator**

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <http://www.dec.ny.gov/pubs/109457.html>

# FMC - OU3



## Legend


 Properties to be Remediated

Figure 1  
Remediation Area Boundaries  
Air Deposition Area 2  
(Operable Unit 3)  
Middleport, New York

