

US EPA ARCHIVE DOCUMENT

Meeting Minutes
Fairmont Community Liaison Panel
August 2, 2001

Attendees: Mayor Nick Fantasia, Karen Gribben, Bea Hunter, William Fred Jacquez, Kevin McClung, Barbara Metcalfe, John Parks, Robert Sapp, Chief Rick Starn, Marcella Yaremchuk, Jay Rogers (attending for Bruce McDaniel).

ExxonMobil
Representatives: Art Chin, John Hannig, Larry Kijewski.

Agency
Representatives: Rich Kuhn, Hilary Thornton, U.S. Environmental Protection Agency (EPA); Tom Bass, West Virginia Department of Environmental Protection (WVDEP).

Contractor: Frank Markert, IT Corporation.

Guests: Al Babcock; Kelly Barth, *Times West Virginian*; Lisa Clelland; Erika Dunbar; Lark Dunbar; Griff Fowler; Donna S. Hartley; Melissa Hartley; David Jones; Pete Kipin, Kipin Industries; Tom Martin; Amanda Muchnok, WDTV; Gary Okey, Kipin Industries; Glen Rieger, Environmental Strategies Corporation; Carl Robison; Lula Robison; Cathy Rodriguez; Richard Rodriguez; Wayne Stutler; William Taylor, West Virginia Department of Environmental Protection Department of Air Quality; WBOY representative; and Dianne Wilson.

Facilitator: Roberta Fowlkes, Ann Green Communications, Inc.

Minutes: Shallon Jones, Ann Green Communications, Inc.

The regular meeting of the Fairmont Community Liaison Panel (FCLP) was called to order by facilitator Roberta Fowlkes at 5:30 p.m. Guests were welcomed.

Roberta introduced Shallon Jones who replaces Dan Londeree at Ann Green Communications.

Roberta introduced Jay Rogers, City Planning Director, who was representing Bruce McDaniel that night and Larry Kijewski of ExxonMobil.

The Purpose Statement and Meeting Agreement were reviewed. The agenda was reviewed, and there were no changes.

John announced he is being reassigned to a new position within ExxonMobil effective the end of August. He said it has been a pleasure to be part of the panel for the past three years. John emphasized ExxonMobil is still very committed to this job.

Review of Minutes

Roberta said the minutes from the last meeting were still being prepared. Art proposed changing the format of meeting minutes to follow an "issue-response" format. He said the minutes of the last meeting were 11 pages long, and they were confusing because issues were raised more than once throughout the meeting, causing responses to the same or similar questions to appear in numerous places. He said with the suggested format, the reader could find the issue being addressed and see the complete response in one place.

It was noted that tapes of the meetings will be kept on file in case anyone would like to review them. The panel unanimously approved this approach, to begin with the June 7 meeting minutes.

Unfinished Business

Project Update

John Hannig presented the Project Update. (A copy of John's presentation is attached for those not present.)

Waste Management Area (WMA) Consolidation

John said the only field activities at the site over the past two months have been some minor repairs to fencing and a gate installation. Mowing also has occurred. He said one neighbor behind the Light of Life church is going to take down trees and do some clearing. He said the company is still looking to start this year and to finish up next year. John asked Art to update the panel on the rest of the field activities.

Characterization Study of Sub-Tributary

Art gave more detailed information about the Characterization Study of Sub-Tributary. Art said there is a series of sub-tributaries, or streams, through the area. The boundary referred to as the Unnamed Tributary (now named Sharon Steel Run), leads to the Monongahela River. This is a shared property boundary between the Fairmont Coke Works Site and the Big John's Salvage Site. Art said EPA and the State of West Virginia are assessing the Unnamed Tributary and associated sub-tributaries. Also, the Responsible Parties for the Big John's Salvage Site have been conducting removal actions, as a result of contamination found in the area. WVDEP had requested that ExxonMobil conduct additional characterization of the potential contamination in this area. Samples were taken in 14 locations. Art said the primary objective was to ascertain the chemical nature of the contamination in the sub-tributaries. Also insight into the possible source(s) of the contamination in the sub-tributaries would be obtained.

Soil/sediment samples and solidified contaminants are being analyzed for polynuclear aromatic hydrocarbons and various "biomarkers" which are various chemical compounds that can provide insight into what the contamination is (e.g., coal, coke, coal tar, etc.). Art said the analysis would be finished in a couple of weeks. The results about the nature of the contamination would be presented at a future FCLP meeting if requested.

In answer to a question about Big John's Salvage, Tom Bass said the East Tributary and the Mid-Tributary have been excavated. A subsurface collection system has been installed in each of these sub-tributaries. All the water in these two sub-tributaries is currently being collected and treated. He said there are ongoing discussions with the Responsible Parties for Big John's Salvage regarding material in other areas.

EE/CA, Work Plans and Response Action Plan

Art said plans have been to have two basic reports for the Fairmont Coke Works Site: A report of the Waste Management Area (WMA) and its associated Response Action Plan, and the Engineering Evaluation/Cost Analysis (EE/CA) report and its associated Response Action Report of the Process Area. The plans were structured in this way because plans were to deal with the site in two units. The WMA was initiated first, and that is why that report is further along. Later, it was determined it would save time to address the site as a single unit rather than generating two reports and having two review processes. He said while it is not definite, he is hopeful there will be only one report with one Response Action Plan. However, groundwater will still be addressed separately. He said working on the whole site at one time would allow them to expedite the cleanup.

Redevelopment

John said ExxonMobil will not use the site itself, but will do everything they can to facilitate redevelopment to the site. ExxonMobil released a Request For Proposal (RFP) soliciting interest from various real estate brokers and brownfields redevelopment companies to handle the redevelopment of the site. Based on the responses obtained, it was concluded that the best company for the job was North American Realty Advisory Services (NARAS), a national real estate firm located in New York City. John said two months ago when he reported on the project update he hoped they would be in a position to have NARAS come and first introduce themselves and then present their plan. Looking at their progress, John said it is really more important for them to get going with their work, it may be a couple of months before they are in a position to come to a panel meeting and to a re-development subcommittee meeting.

John introduced Larry Kijewski, with ExxonMobil's global real estate group. Larry said there are not too many companies that specialize in redevelopment of Brownfield or Superfund sites. He said they identified two that had outstanding track records for turning those properties around. A couple of the real estate brokers said they were not sure if this was a project they wanted to bid on. He said he thinks they weren't sure how to handle the Superfund piece of the project. He said NARAS has a successful track record. He said NARAS will put a number of site plans together with some assumptions. For example, they will make a site plan that shows a large manufacturing plant, associated parking, etc. They will do another plan that shows two potential users. They will do a third plan that may have as many as six or eight users. The purpose of this is to show how this property might be developed when talking to prospects.

Larry said McCabe Henley, has a prospect. This prospect also is working with West Virginia Development office. He said this is very preliminary at this point, but the prospect is real.

In discussion, and in response to questions, the following points were made:

- ExxonMobil is going to sell the property and will not lease the property.
- A sale price has not been established and may be very negotiable.
- It would be most desirable to have one single user that would bring many new jobs.
- The panel will be part of the process in answering the question about how long ExxonMobil will wait to sell to one buyer, or opt for selling to more than one buyer. The panel will be informed about the prospects and can provide input to the decision.
- While the site is two years away from being able to be used, knowing early how the site may be used can influence some of the work activity and plans.

Update on Global Settlement

Art described efforts this year on behalf of ExxonMobil, the EPA, and WVDEP to reach a "global settlement." This included representatives of these three parties discussing all issues that pertain to the cleanup, site redevelopment, liabilities, etc., in the spirit of getting the site cleaned up quicker than what normally occurs at a Superfund site. He said the three parties tried to reach a mutually agreeable resolution of all issues

He said in April, there was a meeting in Philadelphia that included the decision makers for these organizations, and they hammered out in principle the global settlement. He said there are a number of items that have made progress, and a number on which they haven't made much progress.

Art said there are a number of outstanding issues. Art said the process of getting agreement in legal form will take some time, and there are some significant issues still to be resolved.

- The first is that there needs to be a clear determination as to what liabilities/responsibilities ExxonMobil has, if any, on the portion of its property that ExxonMobil believes has been impacted from contamination from the Big John's Salvage Site. He said the sub-Tributary Characterization Study, as well as previous studies, indicates contamination has migrated from the Big John Site onto property that ExxonMobil owns. He said discussions are continuing about whose responsibility this is, and he is hopeful they will reach closure. ExxonMobil requested that this issue of responsibility be dealt with in a consent decree documenting the global settlement.
- Second, he said Hilary received a call from the Department of Justice legal counsel, who had received a call from the Department of the Interior, asking whether ExxonMobil would be interested in having discussions regarding natural resource damages at the site. He said this refers to the question of whether there was a wetland on site. Art said ExxonMobil's position is that the site has been an industrial site since 1918. He said the area the Department of the Interior is referring to as a wetland was really a wet area between two piles of coal. It had some wetlands vegetation, but is not, in ExxonMobil's opinion, a wetland. This issue continues to need to be resolved.
- The third outstanding issue involves past costs of EPA removal action—work completed between 1993 and 1996. The EPA filed a claim against ExxonMobil for compensation of those costs. Art said a settlement has been agreed upon in principle but needs to be incorporated into a consent decree.

Update on Recycling of Material On Site

Art reviewed the two main options for cleanup of the site: Option one is consolidation of the two landfills into one landfill unit, putting a RCRA (Resource Conservation and Recovery Act) Subtitle C cap over the landfill (a synthetic material). This option has always included the plan to recycle coal materials that can be recycled before the landfill is capped. Originally, it was thought this would mean about 10 percent of the material could be used. He said this option would take five to six acres of land out of productive use forever or until someone has a better technology than available now. He said this would impact how the site can be redeveloped.

Art said after studying the landfills more, it was determined much more coal and coke material is there than originally thought, and potentially 80 or 90 percent of the material could be reused. He said WVDEP made them aware of the Kipin process. He said he has confidence that the Kipin process is technologically feasible to render the material non-hazardous. In addition, Art said tests already determined that all but one area of the landfilled wastes is non-hazardous. He said this provides an added level of safety.

Art added that the material that would be recycled is coke and coal waste in the landfills; he said he is not talking about other chemicals that might be found on a hazardous waste site or toxic storage in a disposal facility. He said the coal and coke waste were put in the landfill because they did not have any commercial use at that time. He said processing the coal and coke materials is required to meet the BTU, particle size and nonhazardous waste requirements for it to be used at Grant Town. He said the materials will be retested after the Kipin process to make sure it meets all specifications required. In addition to samples taken by Kipin, the EPA and WVDEP also will take random samples for quality assurance. Grant Town Power Station may also test material arriving at their location.

Guests expressed concerns about emissions reporting of Grant Town Power Station. In addition, guests expressed their concerns about the safety of using the material at Grant Town Power Station and the perceived potential for negative impact on neighbors of Grant Town. The following information was shared in response to questions:

- ExxonMobil is looking into the issue of liability associated with sending what the company feels is a product to Grant Town facility. He said this also is being evaluated by WVDEP and EPA.
- ExxonMobil does not control how Grant Town facility is operated. However, ExxonMobil evaluating the plant to determine whether its operations are being conducted in a safe and appropriate fashion.
- The Grant Town Power Station is monitored by the State of West Virginia, Department of Environmental Protection, Air Quality division.

- The material from the site will be mixed with other fuel sources at the Grant Town Power Station. Both materials will have to meet the plant's required specifications.
- Hilary Thornton addressed a question regarding a recent judge's ruling about EPA's standards for burning wastes. Hilary said that ruling refers directly to incinerators, so it is not technically the same thing. The Grant Town Power Station is not an incinerator.
- Coal tar separated is different than coal tar, coke and coal, but technically the composition is exactly the same--on a chemical-by-chemical basis. Test data indicate the material, when burned, produces a cleaner ash, and there are less harmful compounds in that form than in whole coal that had not been through the Kipin process.
- ExxonMobil is funding the cleanup process; it is not coming from federal Superfund money.
- The goal of Superfund has always been to find permanent remedies, rather than remedies that would require future maintenance, monitoring and/or oversight (such as a landfill). There is a need to put more emphasis is on waste minimization and to get away from creating more landfills. The reason the panel felt the Kipin alternative would be best is because it is a permanent solution which allows some beneficial use of the material, rather than landfilling useable material and eliminating land from beneficial re-use..
- Low levels of PCBs (polychlorinated biphenyls) were found at one end of the Big John's Salvage site; there has been no migration of PCBs other than to a stream, which is being addressed now. Multiple samples have been taken, and there are no PCBs at the Fairmont Coke Works Site.

Art presented an outline of an audit of the Grant Town Power Station being conducted by ExxonMobil. (A copy of the elements of the audit is attached.) He said the audit is being conducted by an ExxonMobil group based in Houston. When complete, the information will be presented to ExxonMobil's upper management. Then ExxonMobil will make a decision about whether to approve use of the facility.

Next Meeting

Karen Gribben asked if panel members would be provided a presentation by Kipin Industries. After discussion, it was determined Kipin will make a presentation about the work that would take place at the site either at the September or October meeting. Also at one of these meetings, there will be a presentation by NARAS on redevelopment efforts.

Fairmont Community Liaison Panel

August 2, 2001

Page 8

Those present were reminded of a public meeting to be held by the WVDEP regarding the Grant Town Power Station Monday, August 6, 7 p.m., at the Rivesville Community Center.

After closing discussion and comments by panel members and guests, the meeting was adjourned at 8:18 p.m.

Next Meeting: Thursday, September 6, 2001
Circle W Building
5:00 p.m. – Refreshments
5:30 p.m. – Meeting