

US EPA ARCHIVE DOCUMENT

**Meeting Minutes**  
**Fairmont Community Liaison Panel**  
**September 6, 2001**

Attendees: Mayor Nick Fantasia, Georgeann Grewe, Karen Gribben, Bea Hunter, William Fred Jacquez, Kevin McClung, Bruce McDaniel, Barbara Metcalfe, John Parks, Robert Sapp, Chief Rick Starn, Tom Vincent, and Richard Wood.

ExxonMobil  
Representatives: Art Chin and Larry Kijewski.

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

Guests: Al Babcock; Lisa Clelland; Griff Fowler; Donna S. Hartley; David Jones; Pete Kipin, Kipin Industries; Tom Martin; Gary Okey, Kipin Industries; Cathy Rodriguez; Richard Rodriguez; Andrew Sutton, *Times West Virginian*; Doug Taylor, Environmental Strategies Corporation; 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 5:35 p.m. The agenda was reviewed. The Purpose Statement and Meeting Agreement were reviewed.

**Review of Minutes**

The minutes of the June meeting were approved as distributed. Roberta said the August minutes (distributed to those present and attached for those not present) will be reviewed at the October meeting.

## Unfinished Business

### Project Update

Art Chin said he would highlight current issues, and in the future when there is movement on outstanding issues that have been carried over, this will be reported. (A copy of Art's presentation is attached for those not present.)

### *Update on Global Settlement*

Art explained that attempts to negotiate a "global settlement" between ExxonMobil and the U. S. Environmental Protection Agency (EPA) have been terminated. He said it was hoped the global settlement would deal with issues such as (a) EPA's past cost recovery action against ExxonMobil for the removal activities that occurred in the early 1990s, (b) resolution of liability associated with the contamination in the Unnamed Tributary areas, (c) the issue of natural resource damages, and (d) settlements with the State of West Virginia. However, only an agreement on the past cost recovery could be reached. He said this limited agreement is being incorporated into a consent decree. ExxonMobil already has executed the consent decree, and it is undergoing approval within the Department of Justice. It is hoped the review will be concluded within two months. This will be followed by a thirty-day period for the public to comment. After the thirty-day period, it becomes formalized. Any agreement reached with the State of West Virginia will be concluded separately from the terminated global settlement.

With regards to the possible use of the Kipin approach, it is ExxonMobil's perspective they would be making a product that would be sold commercially. In that case, there is some protection afforded anybody who manufactures a product as far as the misuse or use of that product.

In response to questions, Art said:

- The consent decree deals with how much ExxonMobil will pay to the U. S. government in compensation for work performed between 1993 and 1995 at the site.
- Several things were discussed, including what ExxonMobil may do to develop the land. Issues such as this will be settled with the State of West Virginia, hopefully over the next two months.
- The litigation will be ended when the consent decree is entered into the court.
- The liability issue already is dealt with in existing regulations and laws. However, because the planned re-use is innovative, it may not be specifically addressed by these regulations. In that case, there could be a ruling from the federal government about what liabilities exist, if any. The issue of liability

resides primarily with EPA, with input from WVDEP. Hilary noted the federal government is definitely still involved.

- A notice of the public comment period for the consent decree covering past removal action cost will be published in the Federal Register. Hilary said specific information will be brought to the panel. After discussion, it was determined interested residents will be put on a mailing list to receive notification sent to panel members, including future meeting reminder notices.

*Activities to be implemented by End of 2001*

Art said ExxonMobil completed its audit of the Grant Town facility and determined there isn't anything that would cause them any concerns using the Grant Town facility. Therefore, ExxonMobil has made the decision that they would like to move forward with the Kipin process and potentially taking that material to Grant Town. He said they are also looking at other options of what they can do with the Kipin material.

He described activities proposed for implementation by year-end, including the following. (See attached Activities for Implementation in 4Q01 sheets.)

- Finalize the Response Action Plan, which will explain in detail what will be done with the materials at the Fairmont facility, the Kipin process, options for dealing with that material.
- Package the Response Action Plan with a Health and Safety Plan and a Construction Quality Control Plan. Art said he would like to complete the plan and submit it to EPA and West Virginia by the end of September. He said then it must undergo a review process within EPA and WVDEP. When the plan is approved, a Response Action Memorandum will be issued by EPA. If the Response Action Memorandum is received before year-end, initiation of the recycling of the material in the landfills using the Kipin process could possible occur this year.
- Art said he has begun to evaluate potential removal actions in the light oil storage area and adjacent areas, including studies on the nature of contamination of the Unnamed Tributary area, as well as associated sub-tributary areas. He said a report will be submitted to EPA and WVDEP.
- Redevelopment activities will continue. A redevelopment consultant will give a presentation at the next panel meeting, if there is something substantive to report.
- Some housekeeping activities will be completed at the site, including removal of some drums and chemicals left onsite by the EPA removal action. He said the materials don't present a hazard.

In response to questions, Art said:

- After the Kipin process, material that meets the specifications will be sent to Grant Town Power Station. Material will be tested to make sure it is non-

hazardous. Any material that is not non-hazardous will be dealt with appropriately (for example, sent to a hazardous waste disposal facility).

- Materials found in the light oil storage area that can be sent through the Kipin process will be processed.
- Questions about potential liability have nothing to do with this process. He said consensus was not reached regarding liability, but this does not mean ExxonMobil can't move forward with whatever liability it may have, if the company chooses to do that.
- The burning of material and any liability lie with the Grant Town facility. ExxonMobil will comply with the facility's specifications.
- The Department of Air Quality within the WVDEP is involved, and there are ongoing discussions.
- ExxonMobil has reviewed the Kipin process with the Grant Town facility, and they have come to the opinion that it is appropriate, safe, and superior to the landfill option. WVDEP and EPA have an opportunity to pass judgment on that when they receive they receive the Response Action Plan.

#### Communication Update

Roberta said that one communication need has been identified, which is to put some of the guests who have an ongoing interest, on the mailing list.

#### **Presentation: The Kipin Process and Kipin Industries**

Pete Kipin and Gary Okey were introduced. Gary said Pete started the company in 1978 with an idea of satisfying a need. He said Pete started out solving environmental problems at manufacturing sites that weren't taken care of very well. Later, they focused on issues that surround coke plants and became very good at managing the wastes associated with coke plants. He said a lot of their work is just like that found at the Fairmont Coke Works Site. He said early on, the solutions were largely to dig up the material and take it to a landfill. In the 1980s and 1990s, EPA realized landfills were not the best solution for wastes. They decided on specific wastes that shouldn't be landfilled. Among those wastes were the byproducts of coke plants, similar to the ones at Fairmont Coke Works Site. He said it was Pete's desire to find more creative ways to manage waste, ideally by recycling, rather than disposing of it. He said Pete was directly involved as a technical advisor for the EPA in 1992 when they began specifically addressing the coking industry and naming specific waste streams resulting from coke plants.

Kipin Industries developed abilities to recycle wastes, a specific niche that allowed them to give coke plants a way out of some very expensive options. He said in addition to their remediation work, they operate at four operating coke plants around the

U.S. where they recycle those wastes back into the coke plants. Gary said this process was developed over 15 years.

Pete showed what a coal molecule looks like. He said there are two types of coal: metallurgical (the type at the coke plant) and steam coal (the type used at power plants). Volatility is very important, and it consists of primarily the oils and tars. He said that by adding the tars and oils to the steam coal they actually increase coke's strength.

Pete showed a tree diagram with the uses of coal (attached for those not present). Pete said there is low-volatile, mid-volatile and high-volatile coal. He said you need all three of those to make coke. (See attached Kipin Coal vs. Natural Coal sheet.) He gave typical yields you would get from coke plants and showed the breakdown of the yields.

Pete showed a typical flow diagram of a coke plant and described the coke process. He described the various steps that the wastes from the landfills at the Fairmont Coke Works site will undergo in the Kipin process. He said if the materials processed do not pass the Toxic Characteristic Leachate Procedure (TCLP), developed by the EPA, the materials are put back through the process again. Gary showed some examples of projects completed by Kipin. Hilary said there are 1,400 sites like this around the country.

Gary described a site in Chattanooga, Tenn. He said this site was similar to the Fairmont site. He said there was a middle school within 200 feet of this project. He also discussed Keystone Coke in Philadelphia. He said the plants were similar to the one in Fairmont: the material was processed, creating a fuel product which was sent offsite to an end user, similar to Grant Town. Gary said it was the same project, just a different town. He also discussed the Saegertown GATX Superfund site, near Erie, PA. GATX is a rail car leasing company. He said GATX did rail car cleaning at this site. Hilary noted Steve Donohue with EPA, a visitor to the April panel meeting, as EPA's project manager for the cleanup of the Saegertown GATX site. That was how he was familiar with Kipin.

Gary showed several letters Kipin Industries received regarding projects from other states. One letter said the Kipin process "is environmentally friendly, set a national precedent, and would show industry and government working together." He also noted Kipin Industries received the 1995 Pennsylvania Governor's Award for Waste Minimization. Gary said the Kipin process has been recognized in the past as environmentally sound, safe, economical way to clean up all these thousands of Superfund sites.

In response to questions, Gary and Pete said:

- There have been no bad incidents at any of the power plants that were related to burning any of that material from sites they have worked on.

- The process is not one of dilution because you will not achieve the proper chemistry you need in the final product. He said that is why you sometimes have to add additives to it to achieve the right chemical specification for the end user.
- The process includes putting material back in to simulate the kind of coal that the power plant requires. He said to remember that came out of coal as they made coke and the coke byproducts. The Kipin Process puts it back together and makes the chemistry perform like coal would.
- Pete said everything that comes through the process is analyzed and tested to see if there are any contaminants. Benzene is the only thing that would cause this material to be sent back through the process.
- No odors are expected as part of the process, but if there are odors, there are methods in place to control them, outlined in the Health and Safety Plan.
- Tom Bass said an air quality permit is not needed, by law, although the substantive requirements of the law must be met.
- The resulting product will be like a steam coal.
- It is not known yet whether additional coal will need to be brought in.
- Art added Grant Town requires that the material produced by the Kipin process have a specific BTU to be a functional product. He said coal is one potential additive source of that BTU, and there are other sources they are looking at. He said it will not be tires.
- Only one other site is under consideration to send material to Grant Town Power Station at this time. That site is the Morgantown Ordnance Works Site.
- The material from the Chattanooga Creek project was sent to another state for use, but there weren't any issues there, either. Also, the Fairmont site is not the first instance where material from a Superfund site has been used at a power station.
- At one time, Kipin had a partnership with a power plant in Illinois where material from some sites was sent. Kipin does not have any such partnerships now.

### Next Meeting

Roberta said the next meeting may include a presentation by the redevelopment company, NARAS. Other agenda items will include a review of the Response Action Plan and an update on activities planned for implementation this year.

Roberta informed the panel that Rich Kuhn has taken a sabbatical from the EPA to start law school.

There was no further business, and the meeting was adjourned at 7:50 p.m.

**Next Meeting:**            **Thursday, November 1, 2001**  
                                 **Circle W Building**  
                                 **5:00 p.m. – Refreshments**  
                                 **5:30 p.m. – Meeting**