

US EPA ARCHIVE DOCUMENT

MEETING MINUTES**Fairmont Community Liaison Panel****April 5, 2001**

Attendees: Nick Fantasia, Georgeann Grewe, Karen Gribben, Bea Hunter, William Jacquez, Kevin McClung, Bruce McDaniel, John Parks, Robert Sapp, Rick Starn, Ron Swope, Mark Thompson, Rich Wood, Marcella Yaremchuk.

ExxonMobil
Representatives: Art Chin, John Hannig.

Agency
Representatives: John DuPree, Steve Donohue, Rich Kuhn, Hilary Thornton, U.S. Environmental Protection Agency (EPA); Don Martin, West Virginia Division of Environmental Protection (WVDEP).

Guests: Andrew Sutton, Fairmont Times West Virginian; Griff Fowler; Doug Taylor; Carl Hendrick.

Facilitator: Roberta Fowlkes, Ann Green Communications, Inc.

Minutes: Dan T. Londeree, 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. Roberta introduced Don Martin of WVDEP, substituting for Tom Bass. Guests introduced themselves.

Hilary Thornton introduced John DuPree from EPA Headquarters and Steve Donohue from EPA Region 3, both involved with Project XL. He encouraged panel members to share their thoughts regarding the project with John and Steve at the break and after the meeting.

Roberta reviewed the agenda, and there were no changes. The minutes of the February meeting were approved as distributed.

Unfinished Business

Project Update

John Hannig reported the Waste Management Area (WMA) consolidation is likely to begin within the next two to three months. John said ExxonMobil has been researching a process, which would allow all waste material to be recycled, and the company has not yet made a decision regarding this option. He said more samples have been taken to determine the feasibility of recycling all material. Also, ExxonMobil is currently evaluating contractor bids for the consolidation work, should Alternative 3 be carried through. Alternative 3 is the current plan approved by EPA to recycle material that is feasible and to consolidate the remaining waste into one landfill and install a cap.

He said the Engineering Evaluation and Cost Analysis (EECA) work plan, covering both the WMA and the Process Area, is still under revision. He said the WMA response action plan is being prepared, and it includes the detailed design drawings, the construction quality assurance plan and the Health and Safety Plan (HASP) for work at the WMA. He said the drawings are complete. However, once ExxonMobil chooses the WMA contractor, that contractor may want to modify the drawings, or other parts of the plan. He said EPA will have final approval regarding the plan. He said the timing for the Process Area Report is dependent upon the timing of the work in the WMA.

John reported on the status of redevelopment. He said the broker Request for Proposal (RFP) process is in progress. He said ExxonMobil has contacted several Brownfields redevelopment experts, as well as traditional brokers. He said Brownfields refers to lands that have historically been occupied by industry and are available for redevelopment.

John said the redevelopment subcommittee report will be given by Bruce McDaniel. He said the committee has met twice so far. John thanked the members of the subcommittee for their efforts.

John reviewed a letter sent to ExxonMobil from EPA, approving the completion of work for Potential Source Area (PSA) 7. [A copy of this letter is included with these minutes.]

Update on Possibility of Recycling Material Onsite

Art reminded the panel ExxonMobil has been talking with Kipin Industries, a company that may be able to recycle a significant amount of the waste at the site. He said Kipin has a proprietary process that can recycle more waste than conventional methods. He said there is a possibility that most of the waste onsite can be removed and recycled. Art said he has a deadline of May 1 to make a final decision. He said if Kipin Industries can indeed recycle most of the waste in the WMA, ExxonMobil will then use the same process to recycle any similar waste from the Process Area. He said this would enable the remediation of both areas at the same time.

Art said he has been working closely with EPA and WVDEP on the issue of a global settlement. He said this settlement includes redevelopment and the past cost recovery regarding work done by EPA from 1993 to 1996. Art said one component of the settlement is the recycling of waste onsite. He said the Kipin Industries process enhances the energy value of the waste material, which could then be used as an alternative fuel source. ExxonMobil is currently talking with the Grant Town Power Station as a potential user of this alternative fuel source. Art said the cost for the recycling option is significantly higher than Alternative 3. Performance of the Kipin process to recycle waste at the Fairmont site will, however, be contingent on the mutual acceptance of a global settlement with EPA and WVDEP on past cost, redevelopment requirements and natural resource damages.

Art said the Kipin process is a proprietary technology that will not be disclosed to ExxonMobil, so he must ensure that it is technical and economically feasible before ExxonMobil invests in it. He said new samples of the material in the landfills revealed a higher potential energy level than original samples. He said another reason for taking the samples was to find out whether the material in the landfill is hazardous. He said out of 14 samples, only one was classified as a hazardous material.

Art identified potential limitations of the Kipin process. High levels of benzene, or other hazardous substance, will increase the cost of using the process. Other substances, which may present challenges, are iron oxides and agitator sludge.

Art said Grant Town is being considered because the plant was constructed specifically for incinerating materials similar to what will be produced by the Kipin process. He said if the Kipin process is used, the energy value of the waste would be increased, the material would be rendered non-hazardous and it would then be taken to the Grant Town facility.

He said that, while using the Kipin process would cost more, it would remove most future liabilities associated with the site. Art said all factors must be considered and the decision rests with senior management within ExxonMobil.

In response to a question, Art said the hardest aspect to overcome regarding redevelopment is the perception of the land as a Superfund site. He said if Alternative 3 is completed and EPA approves the site for future industrial use, the site will be as marketable as a site where all conditions are fully protective of human health and the environment.

Art said that ExxonMobil is ready to move forward with the cleanup of the site, and he does not want to miss the 2001 construction season because a timely decision regarding the Kipin process cannot be made. He said the global settlement is a complex issue and several steps must be taken before it is resolved. He said ExxonMobil has evaluated the timeframe and has decided if the global settlement cannot be reached by the end of April, work to implement Alternative 3 will begin. He said he would consider delaying that decision if the panel requests him to wait.

A discussion followed regarding what the panel would like regarding the global settlement and the Kipin process. Panel members agreed they are willing to risk a delay in the work to further explore the Kipin process and allow global settlement issues to be resolved. Art said he will take this information to his management.

Hilary said EPA approved Alternative 3 about one year ago. He said EPA, WVDEP and ExxonMobil hoped work would begin last construction season, but several items caused delays. He said ExxonMobil and EPA agree the Kipin process could be an excellent choice. He said while Alternative 3 is still a very safe choice, the Kipin technology could make a more positive impact on the site. He said that he and Art are in agreement about taking time to research the option of the Kipin technology.

Bea Hunter said she believes the panel has reached consensus that the Kipin technology should be used if possible. She said that, at the outset of the panel process, it was said that the liaison panel would play an important part in making decisions regarding the site. She said she believes this consensus sends a strong message to ExxonMobil management, and to EPA and WVDEP.

In response to a question, Art said the global settlement issues are between ExxonMobil and EPA, and the State of West Virginia also is involved. Hilary said the litigation taking place involves only the issue of past cost. He said ExxonMobil is seeking to resolve all issues through the global settlement. Art said the State of West Virginia has approached ExxonMobil to seek compensation for impacts upon natural resources.

John summarized the message from the panel regarding the global settlement and the option of using the Kipin technology. He said he has heard the panel say it wants ExxonMobil, EPA and WVDEP to take some time to attempt to reach an agreement, but not to drag out the

process. He said he has understood the panel to say that it still wants to see the site completed in half the time of a typical Superfund site. The panel agreed with John's summary.

Redevelopment Subcommittee Report

Bruce McDaniel reminded those present that the Redevelopment Subcommittee was formed at the February panel meeting, and members include himself, Karen Gribben, Charlie Reese, Kevin McClung, Rich Wood and Lotta Neer from Congressman Mollohan's office. He said at its February 28 meeting, the subcommittee determined it believes one large, clean, business or industrial job-producing user is preferred. He said this may be difficult to find, but it still is considered to be the best future use of the property. He said the possible uses identified by the subcommittee include manufacturing, distribution and technology. He said the subcommittee thought retail was not a likely future use.

Bruce said the subcommittee discussed the following steps to help redevelopment take place:

- public or private funding that may be available to help the process
- the possibility of the resolution of the global settlement playing a part in helping to fund the redevelopment effort
- tax incentives (agreeing caution should be used in formulating incentives)
- outreach to political leaders (noting that bringing high-ranking officials, such as Governor Wise, Senator Byrd, Senator Rockefeller and Congressman Mollohan, into the process would help)

He said outreach from the panel and individual panel members would be needed to bring government leaders into the process. He said the subcommittee agreed this outreach should begin after a planned meeting took place between ExxonMobil and the West Virginia Development Office. He said that meeting has happened, and asked Art to give a report regarding that meeting.

Art said he, Don Esch and Larry Kijewski of ExxonMobil met with John Snyder and Tracey Gossard of the West Virginia Development Office, and Mike Callahan, Ken Ellison and Tom Bass of WVDEP to discuss the Development Office's role in the redevelopment of this site. He said John Snyder believes it is too soon for the Development Office to become involved. He said the Development Office would need to know more details to begin seeking potential buyers. He said representatives of the Development Office said potential buyers would need to see either a Record of Decision or a Prospective Purchaser Agreement from EPA. He said the Record of Decision is not issued until the site is complete, and EPA cannot issue a Prospective Purchaser Agreement unless it is requested by the purchaser of the site. He

said the Development Office believes it should not become involved in the process until either a Record of Decision or a Prospective Purchaser Agreement is issued by EPA. He said he reported this to the subcommittee, and subcommittee members have committed to research this further. He said the meeting allowed the Development Office to gain more knowledge of the site and ExxonMobil's commitment to redevelopment. He said he does not believe the Development Office will be a leader in this effort, but will instead be a participant.

Bruce said the subcommittee discussed working on redevelopment as the property is being cleaned up. He said ExxonMobil and the Fairmont community need to attempt to find a future user for the site while cleanup work is being done so that grading and infrastructure work can be done now to meet the needs of a future user. He said the marketing process cannot be done in the same way as a developer would, and although the exact available acreage cannot yet be determined, and the exact date the property will be available is not yet known, estimates can be formulated and communicated. He said that, although ExxonMobil has not had a great deal of success with normal real estate developers, the company has received encouraging information from Brownfields redevelopers. He said the subcommittee will continue to meet monthly and will proceed with political outreach before the May panel meeting.

In response to a question, Bruce said the subcommittee believes an industrial user for the site would be the best future use, regardless of whether the Kipin technology is used.

Communications Update

Panel members said they have heard no concerns or comments regarding the site. Karen Gribben said she has been distributing the Fact Sheet from the February meeting and would like to have more. Dan said John has requested more copies be brought to the next meeting.

John Parks said that he has been contacted by two community members who have given him information regarding alleged occurrences onsite from 1940-1946. He said this information deals with hazardous material that may have been transported from Morgantown to the Fairmont Coke Works Site. He said he has given this information to Art and Hilary, and he is still working to find out more regarding this issue. He said some people who were sources of information are now deceased, and this is making it difficult to find details. Art said John has been working very hard to find facts regarding this, and he is appreciative of his efforts.

Rich Kuhn said 14 panel members and 95 community members returned the surveys an EPA contractor sent several months ago. He said the response rate from the community is approximately 20 percent, and he is very pleased with this return. He said he is now waiting for the final report. He said he would like to present the final report at the next panel meeting.

Steve Donohue said EPA's Project XL Fairmont Coke Works Site website is now updated. He said minutes from all panel meetings are now on the website.

Next Meeting

The next meeting will be May 3, 2001, and will include a project update, an update on the possibility of recycling material onsite, a redevelopment subcommittee report, and a communication update, which will include a presentation from Rich regarding the survey report.

The meeting was adjourned at 7:30 p.m.

Next Meeting: **Thursday, May 3, 2001**
 Circle W Building
 5:00 p.m. – Refreshments
 5:30 p.m. – Meeting