

US EPA ARCHIVE DOCUMENT

MEETING MINUTES
Fairmont Community Liaison Panel
February 1, 2001

Attendees: Michael Cummings, Karen Gribben, Bea Hunter, William Jacquez,
Kevin McClung, Bruce McDaniel, Barbara Metcalfe,
Charles Reese, Rick Starn, Ron Swope, Marcella Yaremchuk.

ExxonMobil
Representatives: Art Chin, John Hannig.

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

Contractor: Frank Markert, IT Corporation.

Guests: Andrew Sutton, Fairmont Times West Virginian; Shaun Petracca; Jason
DeFrance; Griff Fowler; Larry Kijewski; Jackie Marhefka; John
Marhefka; George Berghorn; Wayne Stutler.

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 5:45 p.m. Roberta introduced Peter Ludzia of EPA and Larry Kijewski of ExxonMobil.

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

Unfinished Business

Project Update

John Hannig reported the work on Potential Source Area 7 (PSA 7) and on the former oxidation impoundment was completed prior to the end of 2000. He said the only change in these areas since the December meeting is they have now been graded and hay and seed have been spread for erosion control. He said a channel has been constructed where the impoundment was located, and it is lined with limestone rocks to neutralize any drainage from the site that may be acidic.

John reviewed the plans for Waste Management Area (WMA) consolidation. He said he estimates the work will begin in the spring and will be completed by the end of 2001. He said the timing for the characterization study of the sub-tributary is yet to be determined.

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 for work planned at the WMA. He said the drawings are complete, and ExxonMobil is engaged in the bid process for contractors to do the work. Once chosen, the contractor will be given the chance to modify the drawings, after which they would become final. He said another important component of the response action plan is the Health and Safety Plan (HASP), which Art and Frank will review. He said they will be seeking the input of panel members for the HASP. John said the Process Area EECA report will be done once the WMA field activities begin.

John then reviewed the status of site redevelopment activities. He said both the preliminary marketing and the appraisal are complete, but that he was not satisfied with the results. He reviewed work done since ExxonMobil purchased the site in 1998. John said the result of the preliminary marketing was a "soft" sense of who might be interested in the property. He said this result was not what he had expected, since he is seeking to find entities definitely interested in the property.

He said the appraisal process was delayed after the first appraiser was unable to do the job. He said he had expected this appraisal process would yield a property value of between \$2 and \$4 million for the entire property. John said the appraisal that was done yielded a number towards the lower end of this scale. Several third party representatives were asked to review this appraisal, and they raised questions about the value, and how it was determined. He said the appraisal process involves looking for current sales of other comparable sites within a certain distance of the property. The questions that were raised addressed the actual sales chosen in the analysis, and suggested they were neither current nor comparable.

John said because of the nature of the information generated to date, ExxonMobil will not be making any information regarding the value of the property public. He said ultimately, the market will determine the value of the site.

John next introduced Larry Kijewski of ExxonMobil's global real estate group to speak about the broker Request for Proposal (RFP) process. Larry said he works to sell ExxonMobil properties that are surplus to the company's needs. He said the goal for a typical sale of a surplus property involves obtaining the largest amount of money for a piece of property in the shortest amount of time. He said this is not the goal for the Fairmont Coke Works site. He said the sale price for this site is not the driving force in the company's effort to sell the site. ExxonMobil is more interested in meeting the community need of bringing commercial business that will create jobs in the area.

Larry said the primary objective of selling a property is to let as many organizations know about the property as possible. He said ExxonMobil has been working with the West Virginia Development Office and said the office will be involved in the marketing of the site. Larry said ExxonMobil will not be redeveloping the site. He said the best-case scenario would be the sale of the property to one industrial or commercial organization that would redevelop the site and create new jobs. He said ExxonMobil would not sell the property in very small chunks, but is open to selling it in larger chunks.

He explained the broker process involves identifying qualified brokers in the region who have the capability to market the property on an international scale. He said brokers then submit requests for proposals detailing how they plan to market the site. He said ExxonMobil has been contacting brokers and expects to receive proposals by mid-March. Then, the company will choose two or three brokers, review more details and finally select one broker. Larry said compensation of brokers will be taken into consideration in the selection process, but ExxonMobil is not necessarily looking for the broker who will charge the least in compensation. He said the company is searching for the best broker for this project.

John said ExxonMobil is making every effort to be creative regarding Project XL. He said the company is involved in negotiations with EPA about the recovery of past costs, which were incurred by EPA during the removal action from 1993-96. He said in the spirit of Project XL, ExxonMobil has offered to direct some or all of the settlement costs into the redevelopment of the site and improvement of the community. He said he hopes that offer will be accepted, but to date it has not been accepted by EPA.

John said he would like to hear ideas from the panel regarding redevelopment efforts. Griff Fowler suggested it may be helpful to extend the property to the river. He said he believes this would raise the value of the property. Panel members offered the following suggestions:

- look to local area for redevelopment possibilities; consider smaller “lots”
- market to local businesses who may want to expand or relocate
- consider constructing a shell building onsite to attract potential industry
- look for tie-ins to education and technology
- contact entire congressional delegation
- create incentives for industry
- learn what worked to attract Toyota, Quad Graphics and Coldwater Creek
- contact West Virginia Governor Bob Wise

Hillary Thornton offered to research how other Superfund sites have been successfully redeveloped. Bruce suggested a subcommittee from the panel work with ExxonMobil regarding this issue. Volunteers for the committee include:

- Bruce McDaniel
- Karen Gribben
- Charlie Reese
- Kevin McClung
- Larry Kijewski
- John Hannig

In response to a question, Art said donating the property to a non-profit organization is an option the company has considered. He said ExxonMobil wants to bring choices to the community regarding redevelopment. He said these same choices and the panel’s input on them will be presented to ExxonMobil management.

John said the Big John’s tributary area removal action is in progress. He said part of the task for the responsible parties from the Big John’s site was to remove some contaminated soils from the Fairmont Coke Works site, and this was completed. He said another part of the task is for them to install a groundwater treatment system, and this work is in progress. He said the trench system has been installed to collect groundwater on the Fairmont Coke Works site and pump it to the Big John’s site where it will be treated. John said currently there is no electricity in that area to run the pumps. He said ExxonMobil anticipates the need to have electricity on that part of the Fairmont Coke Works site, and is planning to run electricity there. He said the pumps should be functional sometime in March. Tom Bass said the Big John’s site has a temporary system in place to treat the water until the electric pumps are functional. He said the goal was to stop any migration of waste to the unnamed tributary, and this goal has been met.

Art presented a brief update on future plans for remediation work on the Fairmont Coke Works site. He reminded the panel ExxonMobil has been talking with Kippin Industries, a company that may be able to recycle a significant amount of the waste onsite. He said Kippin

has a proprietary process that can recycle more of the onsite waste than can be recycled using conventional methods. He said while the current plan is to consolidate the waste into one landfill and install a cap, there is a possibility that most of the waste onsite can be removed and recycled. Art said he has a deadline of March 1 to make a final decision. He said if Kippin Industries can indeed recycle most of the waste in the WMA, ExxonMobil will then use the same process to recycle waste from the Process Area. He said this will enable the remediation of both areas at the same time. He said he is optimistic about this possibility, but is not sure yet whether this will be workable.

Art also gave a further update on the EPA past cost issue. He said ExxonMobil has been taking the Project XL approach to seek a way to invest the past costs into Fairmont and the redevelopment of the site. Art said EPA has filed suit against ExxonMobil to litigate past costs. He asked the panel not to read too much into this action. He said this happened within the 24 hours previous to the panel meeting. Hilary said EPA had to file suit against ExxonMobil because the statute of limitations was near its expiration. He said EPA is still hopeful to reach a settlement with ExxonMobil. He said the EPA had run out of options because the agency would have had to drop the recovery of past costs altogether if the statute of limitations had expired. Peter Ludzia said the filing of the suit will have no bearing on EPA's efforts to work with ExxonMobil on the cleanup of the site. He said ExxonMobil has been doing a good job with the site and he believes they will continue to do so.

Health and Safety Plan for Waste Management Area

Art presented an overview of the health and safety plan for work being done in the Waste Management Area. [A copy of Art's slides are attached to these minutes.] He said once work begins, access to the site will be very restricted, and there will be several different zones onsite with different restrictions regarding access. Art reviewed decontamination procedures, exposure monitoring and air sampling, training requirements, medical surveillance, emergency response plans and record keeping/data management. Art said more details regarding the health and safety plan will be available when the response action plan is submitted to EPA. He said these details will be in the repository (Marion County Library).

Frank explained several details regarding exposure monitoring and air sampling, and what will be done in response to the results gathered while work progresses. He also explained the various levels of permissible exposure limits (PELs), which are levels of concentration regarding substances in the air. He said these levels are based upon a worker being exposed to substances for eight hours without health effects. He said these levels are used to determine what protective gear should be used for doing work and what response actions should be taken in various situations.

John said the health and safety plan must cover conditions that are not expected, as the workers must be prepared for any situation. Art said if the waste consolidation plan is chosen, the work should begin sometime in April. Rick Starn said he met with Frank, and said the Fire Department is ready to work with IT to respond to a possible situation.

Communications Update

John presented an updated cover letter and fact sheet to the panel. He said the current versions reflect panel input received since the December meeting. He acknowledged the work of Dan Londeree for producing the more appealing format. The panel agreed the publications are good and should be sent to residents. John said the publications will be sent to approximately 600 residents living near the site.

Rich Kuhn reviewed the survey to be conducted by EPA. He said one survey will be sent to panel members, and a separate survey will be sent to other community members. He said he has incorporated most of the changes suggested by the panel, and is looking forward to receiving responses. He encouraged panel members to fill out the surveys and asked members to encourage their neighbors to complete the survey and send it in. He said he anticipates the survey will be sent by the end of February.

Wayne Stutler asked about the status of EPA's Fairmont Coke Works site Project XL website. He said the information has not been updated for more than a year. He said he has sent two e-mails and has not received a response. Hilary said he has recently been working on this issue and has identified several staff members at EPA headquarters who are committed to updating the site. He said he expects the site to be updated by the next panel meeting.

Next Meeting

The next meeting will be March 1, 2001, and will include a project update, a redevelopment subcommittee report, a communication update and an update on the possibility of recycling material onsite.

The meeting was adjourned at 7:45 p.m.

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