

Tonawanda Coke Soil Study  
Community Advisory Committee (CAC)  
February 20 2019

## **In Attendance**

- Dr. Joe Gardella (JG-UB)
- Dr. Tammy Millilo (TM-UB)
- Dr. Mike Milligan (MM-FRED)
- Rich Mpelezos (RM-Buf Resident)
- Sue Mazur (SM-ToT Resident)
- Laura Beth Hare (LBH-UB)

## **Absent**

- Kattie Little (KL-UB)
- Anne Bazinet (AB-ToT Resident)
- SallyJo Robins (SR-ToT Resident)
- Jackie James-Creedon (JJC-CSCR, Ken Resident)
- Jay Farqueson (JF-GI Resident)
- Jeanine Justen (JJ-GI Resident)
- Dave Gardner (DG-ToT Resident)

## **Community Outreach**

JG: Laura Beth Hare will be assisting to cover the gap while Katie Little is out on family leave. This will not be for all of Katie's work but focusing on CAC meetings (putting down minutes and meeting notes) and public activity.

## **December Minutes**

JG: I have updated my edits and these minutes were mainly the follow-up to the DEC meeting

- there are no objections at this time (if any mistakes are noticed please contact JG via email)

## Public Meeting for Phase 1 Release

- any thoughts, concerns, reactions to this meeting?

JG: There was an editorial along with the Buffalo News article that came out a few days after the meeting; it was about the soil study and the situation with TCC and the DEC. It was a positive editorial about how the EPA people weren't being paid due to the shutdown but the people managing the site are still there managing the site

TM: I have a link to the editorial and will send that out.

SM: How did the public meeting go?

JG: For the actual meeting there appeared to be a good-sized crowd for a public meeting. There was a facilitator from UB brought in and she critical in keeping the meeting flowing and staying on track. There was some back and forth with ToT Supervisor Emminger which was kept to a minimum thanks to the facilitator. The GI supervisor and staff are still supportive and the mayor of the CoT has been more amicable since it was determined his personal residence is in an area of interest.

## Phase 2 Update

JG: Phase 2 has 132 samples and the information is still being processed. TM is putting together some preliminary maps. Secondary permissions have to continue being collected, Katie has given a partial list and LBH (with TM) will look into continuing to collect them.

MM: How are the data looking?

TM: Some sections are rough, TCC site itself had interesting data come back.

JG: TCC site was what we were we expected: high PAHs for example. Keep in mind that the purpose of sampling on the TCC site was to try to come up with a signature for tonawanda coke. The levels there were very much higher than what the residences had - well elevated above any DEC level.

SM: Were there any samples from the mobile homes or rr tracks around there?

TM: We did get some from the rr tracks but not the mobile home park because the owner of the park did not want sampling going on there even though some of the residents in the park did.

RM: Time magazine just did an article about the mobile home business.

JG: I ran into issues in a different park in the past where residence wanted sampling but the owners wouldn't allow it. However, every place we could get close to TCC the residents participated in Phase 2.

TM: Keep in mind that deposition doesn't always happen right at the spot where the contamination was occurring. Areas of interest are trying to take into account the vulnerable areas and compared to what was found on the TCC site the nearby residences where not as bad.

JG: Any concerns about spillage? I received an email from someone who worked at TC and wanted to disclose where there had been illegal dumping and so I responded immediately but haven't heard back.

TM: Has anyone filed any freedom of information act motions?

JG: Not that I have had heard. Even with freedom of information there are restrictions, for example when a student's dissertation or degree project is involved we don't have to release it until that project is completed. We have Katlin Ordiway's dissertation which is dependent on this data.

## **Additional Concerns**

RM: There was a definite climax at the public meeting with Emminger.

JG: It's important to remember that the goal of Phase 1 is to find areas that need closer inspection. What Emminger misunderstood is that town residents of Tonawanda may want to know what was found on public land, and residents can do a freedom of information act request.

SM: Maybe we should write him a letter?

RM: Emminger knows that people in his jurisdiction are interested in the findings on the public spaces.

JG: I will consider sending a letter, the curious thing is that there isn't a unified belief among the opposition.

TM: I only saw what was posted on facebook and didn't see the whole interview but it did seem that there wasn't an agreement among those opposing how the study is being conducted.

JG: UB media people think the media covered the controversies fairly accurately. During the winter there aren't a lot of public meetings since there is a lot of work to be done and focused on.

## **Future CAC Meetings**

JG: Some people have inquired about coming to these meetings, and it was suggested that we may want to allow people to come and make statements for the first half hour.

TM: I have some concerns about if a person was determined to be disruptive how helpful would that be, or how can we have a plan in place to refocus the meeting.

JG: We could set up a time limit - such as everyone gets 3 minutes - or protocol on how to handle disruptive people.

## Looking Ahead

SM: Do you think this will go to a superfund?

JG: The TCC site itself is a superfund, the private homes most likely will not become a superfund site and if they did it would take longer to clean up. DEC is reacting to the things we determine are dangerous, and they will address them in ways that are more timely than superfund. Superfund process: cleanup options, public hearing, find anyone responsible for funds. The fastest options for clean-up are DEC and emergency cleanup specialists that don't ask for fault (TM doesn't think things are that high)

MM: Can we release any TCC site data?

JG: We are giving them the same privacy as everyone else. The data are already available and we have the extracts for the Mass Spec at UB in archive. We are also looking at chemicals that may not be on EPA list to try to do advanced testing - Katlin Ordiway is working on getting that going. Mike's team will be looking at doing additional testing in his lab. The hope is to have all the testing done by September.

JG: There will be a public release of the information - possibly maps. The judge order is to identify percentage of pollution from TCC and this must be reported to public, maps may not be the best format to use to present that information. Real concern is that there is a complicated situation with 50 companies (especially Huntly Plant and GI bridge traffic) making the same types of chemicals. The judge wants to evaluate what is from TC most likely in order to have the ability to make TC pay for cleanup.

SM: What about with them TCC being closed?

JG: Going after them now will be more difficult, there was compliance with regulations after the court case, but the place was very run-down. There were sites too dangerous for us to go to - carcinogenic risks sites.

## Air Sampling

MM: We were able to collect samples for 24 hours at TCC the day before they shut down. In January we were hoping to do air sampling in the community

while the coking plant was still in operation but that is no longer possible. We have now done 6 air sampling runs on different properties (Rich was the first). The original plan was to run sampling for 24 hours but due to the noise of the sampler this was reduced to 12 (we didn't want to be a nuisance to the neighbors). The sampler is being run from 8am to 8pm. The consequence of this is that we have half the volume of sample. Having looked at some results from tests run at FRED I am confident that this shouldn't be a problem. We have not yet sent out the samples for analysis. We have the filter media for 3 more samples which will have to be set up. I will also need to get in touch with JF when she returns from vacation.

## Next Meeting

- The next CAC meeting is scheduled for March 20th at the Kenilworth Library.

LBH: I will try to reserve the Community Meeting Room for the next meeting.

JG: Note that the probation period for TCC ends next month. Reports will still have to go to the probation office though.