

Community Advisory Committee (CAC) for Soil Study Wednesday, September 19th 2018 Meeting Notes

In attendance: Dr. Joe Gardella (JG-UB), Dr. Mike Milligan (MM-SUNY Fredonia), Dr. Tammy Milillo (TM-UB), Katie Little (KL-UB), Rich Mpelezos (RM, Buffalo Resident), Anne Bazinet (AB-ToT Resident), Sue Mazur (SM, ToT Resident)

Absent: Jeanine Justin (JJ, Grand Island Resident), Jackie James-Creedon (JJC-CSCR, Kenmore Resident), Jay Farqueson (JF, Grand Island resident)

Review last month's notes

August notes were reviewed and approved

TCC Hearing Update

(KL) Gave impression of court proceedings: Judge Skretny is impartial and fair. He made his decisions based on the evidence that was presented to him and kept the scope of the hearing to the topic of opacity. The Judge was unable to make a decision about whether the community's health was being affected by increased opacity of emissions based on the evidence provided. In his decision the Judge ordered that samples of emissions should be taken from the stack to determine what is being released. Based on the DEC air monitors the levels of chemicals of concern, such as benzene, are at acceptable levels.

Remarks on CSCR/JJC

(JG) There has been chatter from elected officials in the Tonawanda Sun and on Channel 2.

- Mayor Davis/JJC claims that UB owes CSCR \$25,000
 - Not correct from JG's point of view. Lawyers representing CSCR and SUNY Research Foundation are talking and are working toward resolution.
- Mayor Davis claimed that CSCR/JJC has not been paid one dime.
 - This is false. JJC has been paid for invoices that show work products related to soil study tasks.
- Claim for a need for an independent review
 - UB is using a certified environmental testing laboratory, quality assurance, and quality control methods for checking data, have consulted with EPA, DEC, and members of the community for technical and general advice about the study.
 - The elected officials can't explain the specifics of what they feel needs to be reviewed.

Update on DEC/EPA review of maps

(JG) Maps have been shared with DEC and EPA. We are getting ready to have a meeting with them. The DEC and EPA preliminary evaluation of contamination agrees with TM's interpretation of the data. The DEC was not surprised by the areas of interest that TM selected for Phase 2 sampling. We are proposing that the DEC and EPA representatives come to a CAC meeting to discuss before releasing the Phase 1 maps.

Update on Phase 2 Sampling

(JG) We know where we want to sample and have begun the sampling process.

(KL) 72 samples have been sent to ALS. Some of those represent composite samples that were taken from school properties. 38 data reports have been completed by ALS, we are beginning to format and compile reports. Phase 2.1 participants are not responding to calls and emails; we are having to go door to door to get permissions from non-responsive people.

(JG) The City of Tonawanda (CoT) school district wants to shut down some schools to consolidate their campuses. This plan first has to pass a community vote. We sampled on CoT school property and made sure to sample in areas that made sense for current and potential future building plans.

(MM) Could soil study maps be published in places like the Buffalo News?

(JG) Yes.

Sampling at TCC

(JG) TM is creating a map that shows sampling locations on TCC property. We will be taking a composite of 15 samples. (Showed aerial photo of TCC site) [*update* total number of samples has been changed to 6 based on the signed agreement UB made with TCC. This was overlooked by JG – change noted 9/27/18]

(SM) Will you be sampling on the 'burned' area where they mixed the coal?

(JG) Yes.

(AB) What depth will samples be taken?

(JG) Samples will be taken in the top 2 inches.

(**TM**) The recent installation of the filters at TCC may affect the concentration of different chemicals at different depths. We should collect samples at different depths to test if there is a difference.

(**SM**) Asked about the tunnel collapse and if/how that would affect where samples would be taken.

(**JG**) We will be taking air samples near the waste heat stack

(**KL**) If 15 samples are taken and composited into one sample could that wash out the results from one location?

(**JG**) We have to follow the Judge's order and collect 1 sample

(**JG**) TCC did not balk at a composite sample. Over the past couple months we have developed and reviewed forms for access to the site. We have tweaked the conditions of those forms and have agreed to follow their guidelines for safety on site.

We will collect samples on a Thursday and Friday. We will scope out places to put the air sampling equipment when we are on site for soil sampling. Air sampling equipment will take place the week after soil sampling.

(**MM**) We will meet at TCC, go through the safety training, and collect samples. The sampling team should wear sturdy boots and long pants. My role would be one of a supervisor/principle representative of the soil study. I would also scope out locations for the air sampling equipment.

Consequences if TCC shuts down

(**JG**) We need an air sample for source apportionment. If we aren't able to get an air sample from TCC the source apportionment part of the study would not go as smoothly.

If TCC shut down and went bankrupt cleanups would be less likely. When Detroit Coke went out of business there were not cleanups. They were the poorest city in the country at the time.

(**RM**) Tonawanda doesn't want the burden of being responsible for a cleanup.

(**JG**) I am not advocating for keeping a polluter open, but a forced bankruptcy would not be good. Closure of the facility should be done in a way that supports the workers at TCC.

(**JG**)The treatment that we've gotten from the management at TCC is completely professional.

(**MM**) UB is not "in collaboration" with TCC, as some elected officials have put it.

(**JG**) We are cooperating with TCC; the Judge ordered us to. TCC is forced to cooperate with us.

Air sampling update

(**MM**) We are in the closing stage of negotiation with a lab who will test the air samples. The lab is in Burlington Ontario. We have worked out a system for the courier to pick up and drop off samples. We are hoping to be able to sample multiple places so we can send more than one sample at a time.

(**KL**) We have all 9 permission forms for air samples at resident's homes.

What is the holding time for the air samples?

(**MM**) Not sure about holding time.

We will be testing for an expanded suite of PAHs. We will test for around 40 PAHs, the usual suite of PAHs only tests for 16. The extracts will be preserved and sent to us.

We will be testing for SCOCs, which is different than the chemicals the DEC monitor tests for.

We are hoping the DEC will be here at the 10/17/18 CAC meeting.

Meeting location preference

(**KL**) Asked if anyone had objections to meeting at the Kenilworth Library.

No one expressed issues with holding meetings at the Kenilworth Library.

**Next meeting Wednesday October 17th, 2018
6pm – Kenilworth Library, 318 Montrose Ave, Buffalo, NY 14223**