

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
Saratoga Town Hall, Schuylerville, NY
Thursday, November 16, 2017
1:00 PM – 4:00 PM

Action Items:

- Admin team – plan next CAG meeting. Topics requested include: EPA risk assessor to discuss how the floodplains risk assessment will be conducted
- EPA – notify the CAG when the summary of public comments on the Five Year Review is available
- Julie Stokes – share photographs from early flooding of the Old Canal with Gary Klawinski
- Hudson River Trustees – share report on mink food sources with the CAG
- Kevin, Gary, and Mike – review Vista 1668 (a testing methodology for PCBs) data against new samples
- CBI – invite the new EPA Region 2 Administrator to an upcoming CAG meeting.

Next Meeting: The next CAG meeting will be held in early 2018.

Welcome, Introductions, Review of the July 2017 Meeting Summary

Ona Ferguson, CAG facilitator, welcomed participants. The July meeting summary was approved with no changes. CAG meeting handouts and presentations are available on the project website: <http://www.hudsoncag.ene.com/documents.htm>. Meeting participants are listed at the end of this summary.

General Project Update

Gary Klawinski (EPA) presented project updates, summarized here with notes on the respective CAG discussion.

I. Five-Year Review Update

EPA released the Five-Year Review (FYR) on June 1, 2017. The public comment period ended September 1, 2017 and yielded over 2,000 public comments. EPA is summarizing and responding to these comments, to be included either as a stand-alone document or a part of the FYR. Mr. Klawinski hopes to make the FYR available by the end of 2017, pending the internal review process.

A CAG member asked for clarification on a question from the last CAG meeting: why is the lower Hudson's slow response to upper river PCB removal not considered "new information" in the FYR? Mr. Klawinski clarified that the lower Hudson's response is not considered new information, as EPA had been looking into the response in the lower river for many years, prior

to the development of the FYR. CAG members asked if EPA is reconsidering the protectiveness statement and whether EPA had defined what it would take to cause them to reevaluate that statement. Mr. Klawinski clarified that because the Five Year Review is still being completed, and the formal comment period has ended, he is not in a position to speak to the content of the report or to specifics of the FYR process.

II. In-River Project Activities

Remedial Action Completion Report (RACR): GE submitted the RACR to EPA on December 23, 2016, after which EPA has a 365-day review period. The EPA team has been reviewing it intermittently since its submission. One key aspect of the review is making sure that the report is a comprehensive record of all remedial action. Federal Trustees comments are due on November 22, 2017. EPA has already approved the majority of the content of the RACR, as much of it was comprised of reports that were produced and approved during the project. The report is approximately 150 pages with nine appendices. Among those pieces that were missing or that the EPA didn't see were the demobilization reports and the cap and dredge boundaries. The Geographic Information System (GIS) map files of the cap and dredge boundaries, now held by New York State, will enable state permits staff to know when proposed projects might interact with caps or other aspects of the project.

CAG member discussion about RACR focused on the following questions and comments:

- *RACR and Certification of Completion* - Is EPA required to give a decision or just a response within the 365 days? (This CAG member said EPA should not give a certification of completion). Mr. Klawinski said EPA's interpretation is that they must respond within 365 days, but not necessarily give a certificate of completion.
- *Remedial Goals* - Does GE's report include any reference to achieving the remedial goals? Mr. Klawinski said he would need to check. A CAG member emphasized that GE should not be issued a certificate of completion until all of the remedial work is completed and that several groups were writing letters to this effect. Kevin Farrar noted that the NYS Department of Environmental Conservation (NYSDEC) would be submitting a letter to EPA by Nov. 22, 2017, likely recommending further remediation.
- *Physical Construction* – Is the physical construction of the remedy considered complete? EPA responded saying physical dredging has been completed, however GE has not completed their remedial action because EPA is still reviewing the report.

III. 2017 Floodplains Fieldwork & Data Collection

EPA continues to conduct the remedial investigation to determine where and to what extent PCBs exist in the floodplains. EPA has taken over 7,700 samples, which indicate that PCBs decrease in concentration as one moves further downstream and further from the river. EPA sampled soil and water in 2017. In the future, EPA will sample biota as well. Sampling began in October and 340 samples have been collected from over 150 properties. The number of samples was determined by looking at data collected previously. Work with property owners to access key sites is ongoing. As expected, the team does not have access to every private property they would like to sample. When denied access, EPA staff try to find comparable alternatives, though this is not always possible. Sampling is being conducted in conjunction with GE and will wrap up for the year in December. Once validated, the data will be shared with property owners.

CAG member discussion focused on the following questions and comments:

- *Public Land Sampling* - Will EPA be sampling in public areas? EPA said all areas in the floodplain are being evaluated including public and private sites.
- *Private Land Sampling* – How does EPA communicate with property owners? EPA responded that GE communicates by letter, phone, email, and in-person visits with landowners. GE doesn't actively talk to every landowner, but will reach out directly if there is a unique situation. While contact is up to GE, EPA steps in if GE hits a roadblock or if landowners have questions after they receive GE's letters. GE focuses mostly on logistics, EPA on content. A member suggested that there should be an opportunity for recipients of GE letters to speak with a third party (not EPA or GE staff) who can sit down with them and explain what everything means, and asked who might be able to fund this. EPA said they would like to follow up on this idea and have a more in depth conversation regarding this idea before deciding whether or not to look into this approach. Currently, anyone can contact NYSDEC, GE or EPA with questions.
- *Data Sharing* - Does New York State receive all the data from private parcel sampling? As is the case with all data gathered for the project, data is shared with NYSDEC as it is finalized.
- *Landowner Education* - Whose role is it to inform newcomers to the area of possible floodplains contamination? EPA responded that real estate agents should inform their clients of the issues, and many people call EPA to inquire about PCB contamination.

Per the previous CAG meeting, standing water areas in the floodplain were sampled (e.g. the Old Champlain Canal). After conferring with EPA and NYSDEC, GE began to collect sediment and water samples from approximately 62 areas throughout the floodplain in October, with EPA oversight. EPA also noted that this type of sampling is important for the forthcoming ecological risk assessment. A member objected to having the Old Champlain Canal called "standing water," stating that as a part of the Hudson River it should have been included in the original Record of Decision. EPA acknowledged this and the portion of the original canal will be investigated as part of the Floodplain Remedial Investigation (Floodplain RI).

EPA is conducting a number of other activities in 2017. CAG member questions/discussion are included where appropriate:

- *Flood Mud Sampling*: "The wedge" where river bottom is revealed during low-river levels is being included as part of the floodplain. EPA identified which parts are expected to have potential human exposure to make sure that when water levels drop in the summer those areas have been properly assessed. Sampling has yet to commence, but will soon. CAG members asked if the risk assessment will include a wading scenario and wading areas. EPA responded that a wading scenario would not be included in the Floodplain RI as it was already assessed for the remedial investigation of the River and was found not to be. The reason is that the wading scenario is based on water contact. The wedge scenario is the dry land companion to the wading scenario and will be included in the Floodplain RI. CAG members requested a presentation and more clarification on the risk assessment and risk calculations for a future CAG meeting.
- *Short-term Response Action Inspections*: EPA conducted inspections on properties where elevated concentrations of PCBs (10ppm+) were found. Where repairs were needed, EPA

has conducted inspections. There are currently 66 signs posted to identify areas to avoid, which are monitored yearly. CAG members asked if results are available from the Old Champlain Canal sampling completed in August. EPA responded that PCBs were detected; New York State also has the sampling results. EPA will begin collecting sediment and water samples as a part of the Standing Water Area investigation in the next few weeks.

- *Human Health and Ecological Risk* - EPA will begin conducting screening-level assessments for human health and ecological risk soon.

Operations, Maintenance, and Monitoring (OM&M)

EPA provided information on operations, maintenance and monitoring progress.

Caps Workplan

Phase 1 established a cap workplan which began in 2015. GE has been capping areas where dredging was unable to remove enough contamination from the river bottom. The cap metric requires cap surveying in years 1, 5, 10, and then in perpetuity (i.e. if a cap were installed in 2011, would be surveyed in: 2012, 2016, 2021, etc.). GE is required to do this work, specifically monitoring for cap disturbance using remote sensing. Monitoring helps to determine why and where the cap was disturbed. In 2017, caps from '14 and '15 were the only caps disturbed; these were repaired. Armored caps were placed at 14' depth in the navigation channel, often with several feet of material on top of them. The NYS Canal Corps maintains that notice of mariners is required at depths shallower than 12', so there isn't a need for a notice to mariners.

Surface Sediment Workplan

EPA began sampling in Fall 2016. Outside of the dredge areas 215 samples were taken. Currently, for in-river collection the remainder includes 149 samples outside the dredge area, and based on statistical analysis EPA decided to add 100 more locations in response to areas where there weren't enough. This round of sampling is consistent with the way downstream sampling was conducted. The samples collected this year were taken and put on hold because there was a change in labs. EPA has to make sure that standard operating procedure (SOP) for these samples is consistent with previous ones and GE's SOP. NYSDEC also took an additional ~1400 samples following a similar approach as EPA. The State is continuing to evaluate the data, and is collecting information not only on PCBs, but also about the make-up of bottom of the river, and they are continuing to map it. Questions and discussion were as follows:

- Why did you have to add more samples? EPA decided how many samples to take based on experience from other sites and knowledge of the river. This was a baseline until it was time to collect and determine how variable the samples were, which would determine the final number of samples. EPA was particularly interested in checking variance outside of the dredge area.
- Update on the samples that were already taken: current timeline is January/February since they were validated 11/15/2017 and will now need to be checked again.

- How many samples are on hold? All samples are on hold due to the Schenectady lab closing and a necessity to revisit and standardize SOP at the new lab.
- CAG members requested a visual aid for next meeting that illustrates clearly the areas that are being described (e.g. River Section 3 – Troy to Schuylerville).
- Is this data public? EPA detailed the timeline for processing samples is usually one month to two months depending on quality control. However, the 2016 data is available and public.

Water Collection Workplan

The water collection workplan is still being finalized because of ongoing discussions about where and how frequently monitoring should occur. Additionally, several factors have necessitated altering the sampling from the procedure used during dredging (e.g. high flow, lab change). Testing protocols are also shifting from automated station sampling to relying on bridges and testing on total suspended solids, because this method is best as PCB concentrations decrease. Kevin Farrar (NYSDEC) asked about GE's status running water samples this year. EPA said data should be ready by March 2018.

Fish Sampling Workplan

The workplan for fish sampling is still being finalized because of ongoing discussions between NYSDEC and EPA about a corrective action memo from GE. Furthermore, sampling protocols regarding which species of fish should be collected, when, and where are also under discussion. GE continues to collect fish as required, and the 2017 samples are at the lab, pending EPA approval of the corrective action memo and the aforementioned sampling protocols. (See presentation slides from the previous CAG meeting for details on fish collection data.)

Habitat Restoration Monitoring and Benchmarks

A habitat replacement program is underway. The goal of the program is to reconstruct impacted shoreline after dredging. EPA is monitoring backfill placement, reconstruction areas, and areas where dredging happened upstream. There was a preliminary characterization of pre-dredge habitats to understand what would be impacted and how restoration would occur after dredging. The annual cycle is:

- Spring: Plans for what will be monitored are released
- Summer: Data collection occurs
- Winter: Monitoring, Maintenance, and Adaptive Management (MM&AM) reports are released containing the results of summer monitoring and proposals of anything new to include in the next report

EPA monitors four habitat types: Shoreline (SHO), Riverine Fringing Wetland (RFW), Submerged & Floating Aquatic Vegetation (SAV/FAV), and Unconsolidated River Bottom (UCB).¹ EPA also noted that in the submerged part of the river where they are unable to see vegetation, they used video transects capturing 15 second intervals with an underwater camera.

¹ See slide 2 of Habitat Reconstruction presentation [*Habitat Reconstruction Overview: Habitats*]
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The benchmark phase was used to evaluate reconstruction areas to determine if potential response actions will be needed, with the goal of determining if the project is on track to enter the success criteria phase. During the benchmark phase, project staff decided which areas of the river met criteria for dredging. These areas were divided into one hundred 5-acre certification units (CU). Monitoring is still in the benchmark phase, which could last another 7-10 years based on performance of the individual CUs.

Only River Section 1 (RS1), from Reach 8/Thompson Island Pool, is close to transitioning to the success criteria phase. However, several areas were only recently planted, so benchmark monitoring will continue in those areas for 2-3 more years.

Most RFW and planting areas are meeting or exceeding benchmarks, with SAV natural recolonization areas indicating mixed results (most are early in monitoring stages). Additionally, recent data suggest that SAV recruitment has been occurring.

CAG member discussion focused on asking for clarification on how to understand the slides.

Brief Updates and CAG Business:

- A CAG member expressed concern that there is no signage at Hudson Crossing warning people not to use the trails or go in the water. EPA said that they were previously instructed not to put the signs back up and also that they have a consistent problem with signs being taken down. A CAG member said the Chamber of Commerce requested that sign posting be evaluated for its value versus detriment (e.g. deterring people from engaging in safe recreational opportunities).
- CAG members restated a few key topics of concern to EPA:
 - Will EPA be giving a certification of completion to GE?
 - How will CAG members be able to oppose such a decision?
 - The Champlain Canal should not be referred to as standing water, given its historic hydrological connection to the rest of the Hudson.

Meeting Participants

CAG members and alternates

Name	Affiliation
Freya Birkas Dent	Schuylerville Schools
Chris DeBolt	Washington County
Samantha Ellis	Schuylerville Schools
Peter Goutos	Saratoga County Chamber of Commerce
Sidney Gregorek	Schuylerville Schools
David Mathis	Hudson River CARE
Althea Mullarkey	Scenic Hudson
Julie Stokes	Schuylerville Area Chamber of Commerce
Erin Doran	Riverkeeper, Inc.
Andrew Squire	Town of Easton Resident
Linda von der Heide	Rensselaer County Economic Development and Planning
Thomas Wood	Town of Saratoga

Others attending

Name	Affiliation
Audrey Van Genechten	NYS Department of Health
Regina Veener	NYS Department of Health
Mike Traynor	Louis Berger Group
Max Martin	Ecology & Environment, Inc.
Bob Foster	R.L. Foster & Associates, Resident River Canal
Donna Davies	National Park Service
James N.	NYS Office of the Attorney General
Kathryn Jahn	US Fish & Wildlife Service
James Woods	NYS Office of the Attorney General

Liaisons

Name	Affiliation
Amy Bracewell	National Parks Service
James Candiloro	NYS Canal Corporation
Michael Cheplowitz	USEPA - Region 2
John Davis	NYS Office of the Attorney General
Susan Edwards	NYS Dept. of Environmental Conservation
Kevin Farrar	NYS Dept. of Environmental Conservation
John Fazzolari	Ecology & Environment, Inc.

Ona Ferguson	Consensus Building Institute (facilitation team)
Gary Klawinski	USEPA - Region 2
Angela Martin	NYS Department of Health
Sofia Soto Reyes	Consensus Building Institute (facilitation team)
Bill Richmond	Behan Communications
Larisa Romanowski	USEPA - Region 2