

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary

Saratoga Town Hall, Schuylerville, NY
Thursday July 20, 2017
1:00 PM – 4:00 PM

Action Items:

- Anyone is welcome to submit comments to EPA on the Five Year Review.
- Admin team – plan next CAG meeting.
- EPA – review the question of “new information” and why the lower Hudson’s slow response isn’t considered “new information,” then bring it back to the CAG.
- Some CAG members showed interest in convening a technical meeting re: math/calculations on left behind concentrations. EPA agreed to discuss this with them. Additionally, members may request a meeting with EPA at any time.
- CBI will forward sample floodplain results letters to Julie Stokes and Peter Goutos because they were not in attendance, and they specifically requested this information.

Next meeting: The next meeting will be held in the fall.

Welcome, Introductions, and Review of the May CAG Meeting Summary

Ona Ferguson, CAG facilitator, welcomed participants. The May 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 meeting summary.

Five Year Review

Gary Klawinski (EPA) presented an overview of the Five Year Review (FYR) that is currently out for public comment. The FYR was released at the beginning of June, and public comments are being accepted until September 1, 2017. The FYR guidance determined the narrowly-focused set of questions EPA answered:

- Question A: Is the remedy functioning as intended?
- Question B: Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of the remedy selection still valid?
- Question C: Has new information come to light that would call into question the protectiveness?

A FYR is required by law for remedial sites that will leave contamination in place. This is the second FYR for the Hudson project. EPA provided an overview of the report and its conclusions and answered related questions. EPA staff asked that participants submit any formal FYR comments in writing.

Participants had a wide-ranging discussion with EPA staff asking questions about PCB exposure pathways, the FYR process, FYR conclusions, and future project activities. This conversation included discussions about the following, with topics grouped by theme and EPA responses in italics.

- FYR Findings & Protectiveness Statement
 - There is concern about the mass or volume of PCBs left behind in the river, with a belief that there could be more contamination remaining than originally expected to be left behind. *EPA responded to this concern. The project accomplished what it set out to in the design phase. EPA noted that additional contamination inside the dredge areas does*

not necessarily mean there was more contamination in non-dredge areas. EPA staff offered to discuss this question more with the interested CAG member and, if it would make the FYR easier to understand, consider additional discussion in the final FYR document.

- CAG members asked if the FYR finding was based on requirements from the Record of Decision (ROD) (*yes*). They requested a separate discussion regarding the FYR guidance, noting that EPA staff had previously indicated that the guidance is subject to interpretation.
- At a CAG member's request, New York State Department of Environmental Conservation (DEC) summarized their statements made at the earlier public meetings. In summary, DEC believes that the project is not protective because current data cannot verify that interim targets will be met, since human exposure reduction relies on ineffective consumption advisories and ecological exposure are still occurring, and that EPA should immediately order an investigation into the lower river.
- Exposure Pathways and Human Health
 - Why has EPA not done comprehensive cancer studies in the area? *EPA does not conduct studies such as this. Groups like the NYS Department of Health do, usually at a zip-code level.*
 - When is it safe to play in the river? NYSDOH noted that there are no restrictions on swimming or using the river and the health advisories only limit eating fish. *EPA noted that the greatest exposure risk to humans is ingestion of contaminated fish.*
 - Which populations are at risk? *Groups listed in NYSDOH health advisories indicate particular at-risk populations (e.g. young children, pregnant women, etc.).*
 - Exposure via air is cumulative and some who have not ever eaten Hudson River fish show PCB contamination. *Air sampling shows only low-levels of PCBs (see Appendix 6 of the FYR), and there are many pathways for exposure other than air.*
- Lower River
 - What are the next steps for the lower river? EPA stated that lower river PCB levels have not yet responded to the remediation. More data will need to be collected in this area.
 - Why does the information about the lower river not responding to the dredging not count as “new information”? *It is not new information because EPA has known about and acknowledged the lower recovery speed in the lower Hudson in both the 2012 FYR and in the Responsiveness Summary to the ROD. EPA offered to bring these questions to their FYR team and report back to the CAG.*
 - Why did the protectiveness statement for the lower river change from 2012 to 2017? *The 2012 FYR had a site-wide protectiveness statement and the 2017 FYR does not, in part because it would have been confusing given that the lower Hudson is not recovering as quickly as the upper Hudson.*
 - EPA should order an investigation of lower Hudson River data right now. *EPA will respond to written comments.*
 - What other pathways are there for PCBs in the river? *There are three known sites other than General Electric's that are potential sources of PCBs in the lower river.*
- Data and Monitoring
 - Is there a simple chart or map showing current PCB levels? *EPA has data for dredged and non-dredged areas but this data is not all on one map. DEC noted that a more user-friendly, comprehensive data display may be available in the next year or so.*
 - Has the OM&M sampling been done for 2017? *2017 samples have not yet been collected due to laboratory issues.*
 - Why did EPA not follow sediment sampling protocols recommended by DEC? *EPA and DEC have a difference in opinion about how to best sample across temporal and spatial resolutions. EPA is looking at data by river section (not reach, as DEC recommends).*

Note that sediment data was not a key factor in the FYR. EPA sees 2016 data as “year zero” for looking at surface sediment PCB concentrations into the future.

- *If data shows the targets are not going to be met, a new approach to the remedy should be chosen. EPA does not believe that the monitoring is not showing what we want, just that it is early in the data collection and monitoring period. Should they get to a point where they think the remedy is not showing what they hope for, they will make a plan for adjustments.*
- *FYR Format – A member mentioned that the FYR report could be more user-friendly. EPA is open to suggestions for improving the format.*
- *Project Timeframe – Participants expressed frustration with the idea that EPA chose a longer timeframe and fewer samples to track progress rather than a shorter (e.g. 5 year) timeframe. EPA recommended distinguishing between fish and sediment data and timeframes, and noted that a decade-long timeframe to reach full power is reasonable. They noted that in 2003 DEC, GE, and other partners all concurred on this.*

Other Business

Floodplains results letters: As previously requested by the CAG, EPA distributed samples of the results letters that are sent out to floodplain property owners after samples are taken on their property.

Other project activities: Gary Klawinski gave a very brief update on non-FYR related project activities:

- EPA is coordinating with the state on the Remedial Action Completion Report.
- Approximately 400-500 samples will be taken in the floodplains in the early fall.
- Standing water investigations will include areas like the Old Champlain Canal in Schuylerville. This is something CAG members and others have requested.
- EPA continues to work on the Short Term Remedial Actions – another cover will be installed and routine maintenance will be performed.

CAG membership: Marc Greenberg (EPA) stated that it is terrific to have high school student representation on the CAG. Ona Ferguson (CBI) noted that there are still a few seats that the facilitation team is trying to fill but they have largely finished the CAG membership update process. Some members are stepping down, either voluntarily or based on their lack of response to numerous efforts to reach them to confirm their commitment. She expressed appreciation for the new faces at the table.

Next CAG meeting and possible topics: There will likely be one more CAG meeting this year. CAG members requested that updates be provided on the following topics at upcoming CAG meetings: the OM&M Plan, habitats benchmarking, and floodplain sampling.

Meeting Participants

CAG Members and Alternates

Name	Affiliation
Dan Carpenter	Schuylerville, NY
Hayley Carlock	Scenic Hudson
Erin Doran	Riverkeeper, Inc.
Manna Jo Greene	Clearwater
Timothy Holmes	Schuylerville Area Chamber of Commerce

Dustin Lewis	Saratoga County Soil and Water
David Mathis	Hudson River CARE
Althea Mullarkey	Scenic Hudson
Katie Petronis	Open Space Institute
Merrilyn Pulver-Moulthrop	Town of Fort Edward Resident
Andrew Squire	Town of Easton Resident
Alice Voell-White	Schuylerville Schools
Linda von der Heide	Rensselaer County Economic Development and Planning
Richard Webster	Riverkeeper, Inc.
Thomas Wood	Town of Saratoga

Liaisons

Name	Affiliation
Danielle Adams	Ecology & Environment, Inc.
Bridget Boyd	NYSDOH
Amy Bracewell	National Parks Service
James Candiloro	NYS Canal Corporation
Michael Cheplowitz	USEPA - Region 2
John Davis	NYS Office of the Attorney General
Kevin Farrar	NYS Dept. of Environmental Conservation
John Fazzolari	Ecology & Environment, Inc.
Ona Ferguson	Consensus Building Institute (facilitation team)
Gary Klawinski	USEPA - Region 2
Chris Martin	National Parks Service
Deepali McCloe	Ecology & Environment, Inc.
Bill Richmond	Behan Communications
Larisa Romanowski	USEPA - Region 2

Others Attending

Name	Affiliation
Corrina Aldrich	Washington Co. Soil and Water Conservation District
Donna Davies	National Parks Service
Bob Foster	Floodplain property owner
Marie Foster	Floodplain property owner
Marc Greenberg	USEPA
David King	USEPA
George Lukert	Ecology & Environment, Inc.
Angela Martin	NYSDOH
Chuck Nace	USEPA
Marian Olsen	USEPA

Mike Traynor	Louis Berger Group
Marion Trieste	Scenic Hudson
(Reporter)	Politico