

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
Thursday September 19
1:00 PM - 3:30 PM

Fort Edward Fire Hall, Fort Edward, NY

CAG Members and Alternates Attending: Manna Jo Greene, Abigail Jones, Richard Kidwell, Bill Koebelman, Roland Mann, Althea Mullarkey, Merrilyn Pulver-Moulthrop, Andrew Squire, Lois Squire, Julie Stokes.

CAG Liaisons Attending: Danielle Adams (Ecology & Environment), John Callaghan (NYS Canal Corporation), John Davis (NYSOAG), Kevin Farrar (NYSDEC), David King (USEPA), Gary Klawinski (USEPA), David Kluesner (EPA), Deanna Ripstein (NYSDOH), Larisa Romanowski (USEPA).

Others Attending: Kathleen Bartholomay (Thomson-Clarks Mills Residents Committee for a Heritage Corridor Park), Jim Caird (Cashman Dredging), Michael Cheplowitz (Ecology and Environment), William Cook (Washington County Public Safety), Peter deFur (Environmental Stewardship Concepts), Johanna Dyer (Natural Resources Defense Council), Joe Finan (Saratoga NHP), Tom Gentile (NYSDEC), Kathryn Jahn (Hudson River Natural Resource Trustees), Regina Keenan (NYSDOH), Joe Moloughney (NYS Canal Corporation), Jamie Munks (The Post-Star), Jonathan Pease (Washington County Public Safety), Bill Richmond (Behan Communications), Lewis Steele (Thomson-Clarks Mills Residents Committee for a Heritage Corridor Park), Audrey Van Genechten (NYSDOH), John Vetter (Ecology and Environment), Randi Walker (NYSDEC).

Facilitators: Patrick Field, Eric Roberts

Members Absent: David Adams, Cecil Corbin-Mark, Darlene DeVoe, Rich Elder, Mark Fitzsimmons, Richard Fuller, Brian Gilchrist, Robert Goldman, Robert Goldstein, Gil Hawkins, Christine Hoffer, Jeffrey Kellog, Edward Kinowski, Aaron Mair, David Mathis, Thomas Richardson, Sharon Ruggi.

Next Meeting: The next meeting is scheduled for December 5, 2013.

Action Items

EPA

- Notify the CAG and provide clarification of safety issues and plans for addressing work in CU 60 at next meeting.

Dr. deFur

- Provide the Hudson CAG with the toxicology literature review report.

CAG Administrative Committee

- Plan the next CAG meeting

CBI

- Create a CAG member contact sheet for distribution to the CAG members.
- Obtain information from Mr. Kluesner about using Google groups as a method to contact the CAG.

Welcome, Introductions, Review June 2013 Meeting Summary

The facilitators welcomed everyone to the meeting and reviewed the agenda. The CAG approved the draft June meeting summary without any revisions. All CAG handouts and presentation slides are available within one week of CAG meetings on the project website:

<http://www.hudsoncag.ene.com/documents.htm>.

The CAG briefly discussed a mapping project led by the Historic Hudson Hoosic Rivers Partnership, a group of town supervisors, mayors, and representatives from other organizations who meet once a month to discuss and prioritize project development opportunities. The map shows the locations of potential development projects over the next 10-15 years within the Hudson River floodplain. Kevin Ferrar, NYSDEC, offered to digitize the map using DEC's large scanner. Manna Jo Greene also offered the TAG grant for help with the map project.

Project Update on 2013 Dredging Season

David King, EPA, presented an update on the 2013 Dredging Season. Key points from his presentation include:

More than 466,000 cubic yards (>110 acres) were dredged as of September 14, 2013, surpassing the 2013 dredge season goal of 350,000 cubic yards and increasing the total cubic yards dredged to date to 1.8 million. The 2013 dredging season targeted 23 CUs (CUs 49-60 and CUs 67-78); 22 CUs were either completed or active. Dredging was in progress in CU 57 to CU 59. Capping/Backfilling was complete or underway in 17 CUs. At 5.7 percent, the capping percentage remains below the maximum limit of 11 percent, not including areas where capping was unavoidable. In response to a CAG member question about the distinction between avoidable and unavoidable capping areas, Mr. King said the unavoidable percentage was 4.27 percent.

Work will continue 24 hours per day six days per week until November, provided optimal weather and river flow conditions persist. The Moreau backfill area, the Route 4 support property, and the Route 4 crew change area will move downstream as work is completed in the current CUs. Equipment demobilization and planning for 2014 will begin in November. GE will begin to submit plans for the remaining portions of the project.

Safety concerns preempted the start of dredging in CU 60, which is near the Thompson Island Dam on the east side of the river. Last winter EPA requested that GE complete a detailed safety assessment of the dredging options for this area before deciding on an approach. Dredging may be completed from the land; but if the investigation concludes that the material cannot be dredged safely, then the EPA will check to see if additional dredging can be done elsewhere.

No exceedances of the total PCB standard in water had been detected to date during the 2013 season; the PCB load at Stillwater and Waterford remained below the in-season criteria used to assess compliance. Three percent of the collected air quality samples were above the air PCB standard at the facility and river corridor. Some of these increases were near Hotspot 28. Best management practices were implemented to minimize exposure upon detection of the exceedance. In response to a member question, Mr. King clarified that a series of consecutive measurements at the same location exceeding the standard could lead to a temporary shutdown and relocation of dredging activities.

More than 800 barges have been unloaded to date. The facility was generally not operated on Sundays as unloading and processing kept pace with dredging, which resulted in very low staging piles at the facility. Between May 18 and September 16, 2013, 46 TSCA unit trains and 6 non-TSCA unit trains containing a total of approximately 442,000 tons of material were sent to disposal facilities in Oklahoma and Ohio.

GE submitted design and work plan documents to request permission to begin dredging in CUs 79-84. Although they anticipate completing CU 84 by the end of the season, they must first address the wetland habitat in the area in cooperation with the NYSDEC. GE also submitted a design and work plan for CU 97-100. It is anticipated that the most northern subunit of CU 99 and CU 100 will be completed this year. These two areas are near eagle nests and require work to be completed later in the year, after the breeding season is over and the eagles leave the nests. GE has not yet submitted a design for the land locked area.

Cultural resource investigations, habitat reconstruction, and outreach activity continue. Upcoming outreach activities will focus on the land locked area. GE was preparing to send information to residents between CU 59 to 100 to notify them of dredging below Lock 5.

CAG members had the following questions and comments after Mr. King's update. Responses from Mr. King or other EPA colleagues are *italicized*:

- A member commented on the disturbance caused by fast moving trucks on Route 4. The member suggested the public should be permitted to provide input on truck access south of Lock 5 and that citizens in Saratoga should receive information about truck traffic caused by the project. The member also noted that the GE representatives were absent at the meeting.
- A CAG member said she is receiving complaints about sediment suspended between 4 to 7 days. *Mr. King said the backfill can remain suspended for a while and that the carbon in particular may stay suspended for a longer time. He noted that attempts were made to find methods that reduce sediment suspension, albeit unsuccessfully.*
- A CAG member asked if resuspension was due to the pace of backfilling and if any phasing of the work could be done to reduce resuspension. *Mr. King said it was not due to the pace and that GE is required to backfill within 10 days of dredging. In some spots nearly 10-12 feet of backfill is required. Although they try to accommodate river activities, the amount of backfill required causes a lot of sediment resuspension.*
- A member commented that GE seems to be dredging much more rapidly, that they are submitting dredge plans for new CUs faster than before, and that GE previously stated they were maxed out and unable to do extra work in a season. The member questioned why GE could not do extra work in upstream areas that are contaminated but not included in the ROD before moving so quickly downstream. *Mr. King said GE still must submit plans to start a new CU and that they are working more quickly within the delineated dredge areas due to experience from the past years and conditions in the CUs in the run of the river*
- The safety concern at CU 60 was discussed. One member said it seemed as if GE was attempting to receive permission to not dredge in an area that is required to be dredged and asked for clarification. *Mr. King explained that the EPA requested that GE document safety issues and propose alternative methods such as dredging from the land to conduct the work safely. If dredging cannot occur here safely, then the EPA will check to see if GE can clean up a similar amount elsewhere.*
- Peter deFur asked if documents pertaining to GE's investigation of health and safety at CU 60 will be public before it is finalized. *Mr. King said if GE says they can dredge safely, then the EPA will not stop them. But, Mr. King speculated that GE would not complete the study in time for this season and it would be completed next year. The EPA can provide the safety plan to the CAG for review before EPA approves the dredging design for this area.* Another member suggested that if GE cannot complete dredging at CU 60, then the ratio of dredging completed elsewhere should be greater than 1:1.

Overview of Environmental Monitoring Results and Toxicology Literature Review Findings

Dr. Peter deFur, TAG Advisor, presented an overview of environmental monitoring results and a toxicology literature review. Key points from his presentation include:

Dr. deFur reviewed the air quality; odor, noise, light, and navigation; PCB concentrations in water; and, water discharge reports on the Hudson Dredging Data website and compared them to reports from years past. No particular trends were identified, but he noted changes in dredging practices have reduced the number and frequency of air quality exceedances over the years. No reports of odor, noise, light, or navigation exceedances were reported on the website.

No water quality standard exceedances were reported; however, measurements were recorded above zero. Neither of the concentration trends shown on the slides are statistically significant, but there appears to be an increase in the trend in the early part of the season. This increase is likely due to increased flow conditions, which increase concentration levels. In response to a question about the apparent early pattern of PCB material settling out before traveling down the river early, Dr. deFur said high flow events do not permit the PCB material to settle out. Kevin Ferrar noted that transport of PCBs downstream is not related to solids transport. Rather, PCBs in the dissolved phase more readily move down stream. Dr. deFur noted that several tributaries are also under PCB impairment and probably contribute a low level of PCBs to the Hudson River.

CAG members had the following questions and comments after Dr. deFur's update on the environmental monitoring results. Responses from Dr. deFur or EPA representatives are *italicized*:

- A member asked if noise complaints are only for dredging or if they would also include noise from trucks. *Mr. King responded that the EPA would ask GE to set up sound monitors if complaints about road noise were received and that there are noise monitoring requirements for new equipment.*
- Another member commented that truck and heavy industrial traffic on Route 4 increased dramatically due to the facility north of Schuylerville. The member noted that noise complaints from large trucks may be more likely in the land locked portion since it is mostly agricultural.
- A member suggested Dr. deFur identify which tributaries may be contributing PCBs to the Hudson River.
- A member asked where the New York state water quality standard is applied. *Kevin Farrar said the standard is applied to all waters of New York State. However, the standard was waived by EPA as part of the ROD due to lack of technology to meet the standard.*

Dr. deFur next presented the findings of the toxicology literature review. Dr. deFur noted that the literature review process involved review of 390 toxicology and health studies from the past 10 years. The review supports previous findings that PCBs are likely to be carcinogenic and cause reproductive and neurological health effects. Exposure to PCBs can threaten immune systems and developing fetuses and children are particularly sensitive to PCB exposure. PCBs in breast milk and adipose tissue are more widespread than 10 years ago. New findings suggest PCB exposure may be associated with Parkinson's disease, contribute to low IQ and increased likelihood of ADHD in young boys, and potentially alter bird song. A study of mink that consumed PCB contaminated fish from the Housatonic (in Massachusetts) and Hudson Rivers showed that PCB exposure reduced litter size and altered development of reproductive tracts in male and female mink. No new studies of PCB exposure in amphibians or turtles were located.

CAG members had the following questions and comments after Dr. deFur's update on the toxicology literature review. Responses from Dr. deFur are *italicized*:

- A member commented on the bird song study. She said this was a long-term study completed by Cornell University and the findings have major implications because bird song is required for

mating. This issue is of large concern for The Nature Conservancy, the Audubon Society, and other conservation organizations and could be a big issue economically for bird watchers.

- A member asked for clarification that there have been no new conclusions on PCB and carcinogenicity. *Dr. deFur said the new results support what the group knew in 2002—that PCBs are probably a human carcinogen—and that the classification of PCBs has not changed by the EPA or other agencies. Dianna Ripstein, NYSDOH, commented that the International Agency for Research on Cancer (IARC) recently published a report stating that PCBs are carcinogenic. The NYSDOH is reviewing the report.*

Fish Consumption Advisory Outreach Activities Update

Regina Keenan, NYSDOH, updated the CAG members on the fish consumption advisory. Main points from her presentation follow.

The NYSDOH continued working closely with their funded partners. Since 2009, the NYSDOH has reached approximately 4,000 students and 2,000 adults through a partnership with 'River Haggie Outdoors.' A fish consumption survey conducted by another funded partner, the Cornell Cooperative Extension of Dutchess County, elucidated the consumption patterns of some low-income families. Of 327 respondents, 18 percent said they ate fish, which they or someone they know caught. Of the 18 percent who ate locally caught fish, 35% said they ate fish from the Hudson River but this percentage was 61% when it included fishermen/women who reported eating striped bass. In the survey, many respondents wrote that striped bass, which migrate to the ocean each year, are "an ocean fish and not a Hudson fish."

DOH staff have begun a Hudson fishing consumption survey, which is a convenience sample conducted at outreach events they attend. This project is still in the early phase of the data collection process and about 50 have completed the survey. Data from this survey will indicate where people tend to fish, the type of fish they catch, and the fish they eat from the Hudson. Preliminary data, which Ms. Keenan stressed is from a very small sample, indicates that people are catching and eating striped bass more than other fish. The survey data also may suggest that people in the upper Hudson near the Capital District are aware they should not eat fish from the Hudson and people in the Lower Hudson near Kingston consume Hudson River fish more frequently. The NYSDOH will partner with the New York/New Jersey estuary program to raise awareness of the fish consumption advisory at an upcoming event in New York City in October.

The NYSDOH continues to work with property owners to post signs to inform anglers of the potential harm posed by eating fish from the Hudson River. There are two types of signs, one for the river north of the Rip Van Winkle Bridge and another for South of the Rip Van Winkle bridge, and both are in Spanish and English. The difference in the signs above and below the bridge is intended to reflect the different fish consumption advisories for the two river segments. Ms. Keenan said the NYSDOH is also conducting sign reconnaissance and noted that it is challenging to get municipalities and private organizations to erect the signs. To overcome the challenge and persuade municipalities to post the signs in specific locations, the NYSDOH visits the riverfront to provide municipalities with specific locations and GPS coordinates where they would suggest sign placement. This approach has been more successful than past efforts.

The NYSDOH also created new materials for distribution. County maps for the Hudson corridor counties illustrate the locations of consumption advisories on DEC public access waters, and also show DEC access waters without advisories where a family can eat the fish; these are currently in draft form. The Northern Hudson Brochure provides readers with consumption advisory information specific to Saratoga, Warren, and Washington Counties. Through an agreement with the DEC, order forms for the advisory materials are distributed with licensing information. Some bait and tackle shops have ordered the materials and are distributing them in their shops. A new Crab Card informs readers of the risks

associated with eating crabs. This information is particularly useful because no license is required to harvest crabs and 32 percent of the Hudson fishers are eating them. Furthermore, 25 percent of those who eat the crabs also eat the tomalley, the organ where PCBs tend to accumulate in greater concentrations.

Outreach activities occur at a variety of public venues. In 2013, the NYSDOH conducted outreach at county fairs, fishing and yachting association meetings, high schools, and other public festivals. The NYSDOH plans to work with Hudson Health Plan, a health provider which accepts migrant worker vouchers, to reach an audience that may potentially fish in the Hudson. While working with another migrant program through the Columbia County Health Department in 2011, the NYSDOH discovered that migrant workers in the Columbia County area are fishing on farms since they do not have time or transportation to access the Hudson River.

Moving forward, the NYSDOH will launch a request for application for funded partners. Selected partners will receive grants to conduct outreach in partnership with the NYSDOH. Brochures and signs will be produced in Chinese. The DOH will support from the DEC on Catch and Release signage from Troy to Hudson Falls. The DOH may also start conducting outreach at boat and outdoor shows in the fall, winter, and spring.

In conclusion, Ms. Keenan briefed the CAG on the DEC announcement of PCB concentrations found in waterfowl. The DEC collected approximately 200 birds from along the Hudson River and a location upstream of Hudson Falls and tested the tissue for PCBs. The findings indicate that waterfowl in and around the Hudson River from Hudson Falls to the Troy dam are likely to have greater PCB concentration levels than waterfowl from other areas of the state. The public is advised to not eat waterfowl from along the Hudson River from Hudson Falls to the Troy dam.

CAG members had the following comments and questions about the consumption advisory outreach update. Ms. Keenan's responses are *italicized*.

- In relation to the consumption surveys, Mr. King asked about data from the people in the 40 miles of river around Ft. Edward. *Ms. Keenan said they have some information and a little data from the Saratoga County fair, but the entire population in this area has yet to be surveyed. Technically it is illegal to harvest fish from there since it is designated as a catch and release area; but anecdotal information indicates that some people are taking fish from near the Peeble's Island area.*
- A CAG member applauded the effort of the DOH and asked about the grant process for funded partners. *Ms. Keenan indicated the DOH has the funds and will again request applications for local organizations to partner with them. The DOH usually does not fund one-time projects. Instead, they prefer longer commitments but may consider one-time projects this time. Ms. Keenan indicated they would like to find community partners in places they do not have current partners, such as in the dredging area, in New York City and Newburgh, or who can address consumption of specific fish species such as catfish.*

Brief Updates and CAG Business

The CAG members received a brief update from Kathryn Jahn of the Hudson River Natural Resource Trustees. Main points from her update include the following.

Four new items were posted recently on the Natural Resource Trustees website. The Hudson River Status Report from January 2013, which is based primarily on data collected between 2002 and 2008, provides an overview of the PCB contamination in the Hudson River. The Mink Modification Report outlines proposed changes to the study plan based on a 2012 pilot study. The List of Restoration Project Proposals Submitted by the Public (September 2013) includes all of the projects proposed through the restoration project proposal form and projects suggested at public meetings. The freshwater mussel restoration

planning pilot study fact sheet describes the study goals and the anticipated outputs from the investigation. Ms. Jahn welcomed feedback on the four items.

CAG members made the following comments. Ms. Jahn's responses are *italicized*.

- A CAG member said they would like to see a detailed presentation on the impacts to wildlife as well as a presentation about how the Hudson River Trustees conduct Natural Resource Damage Assessments and how they contract and work with project partners on restoration projects.
- Another CAG member expressed concern that the NRDA's are not linked to economic impacts. She described how Global Foundries needed a piece of equipment and the best way to transport it was by river; but the lack of dredging in the navigation channel prevented the shipment. The member refuted GE claims that the river is not used for economic purposes and therefore there is no need to dredge the navigation channel. The member said the economic impact of river use must be addressed before the dredging project concludes. Another member agreed with these statements.
- A member asked if restoration projects can still be proposed. *Ms. Jahn said people can still submit restoration project proposals and they can update projects they have already proposed.*

Public Comment

Kathleen Bartholomay and Lewis Steele, members of the Thomson-Clarks Mills Residents Committee for a Heritage Corridor Park, commented on their attempts to obtain information from the EPA regarding cultural resources, provide input on the clean-up process, and contact CAG members.

They expressed frustration with the Section 106 process and their ability to participate in it. They said the rate at which the EPA responded to their email requests, the quality of the information provided to them, and the format in which it was provided was not acceptable to them. They indicated that emails to the EPA went unanswered for over a month and after meeting with the EPA, they received a black and white map that was illegible and outdated. However, a better map was recently provided. Additionally, other data was provided in electronic format; but they wanted hard copies. They said the Section 106 process is supposed to enable the public to participate in advance of the dredging operations, but they had not been able to participate. They commented that they wanted the CAG to hear about their challenges participating in the process and talk with the CAG and the public about how to interact and engage in the process; and suggested that the EPA provide the CAG with monthly community engagement reports to inform the CAG about who was contacted, why they were contacted, and the result of the engagement.

In response, a CAG member commented that longevity is a challenge of this project. She said the dredging locations were identified 6-8 years ago when the Section 106 process was started and that the CAG reviewed the cultural resources information and received presentations on the issue at that time. She noted that the consultation happened long before people realized the impact it would have on their daily lives. Mr. Steele replied that he thought the Section 106 determinations were still needed for the sampling in the floodplains and shorelines and that he hopes the program will work harmoniously with the public to complete it.

Ms. Bartholomay said she hopes the contaminated material, which lies outside of CU boundaries nearest to her home, will be cleaned up during the shoreline remediation process. In response to this comment, a CAG member said they too are aware of several locations outside of the CUs they hope will be cleaned up and noted that the CAG does receive community engagement reports. Regarding the CAG member contact information, Ms. Bartholomay and Mr. Steele indicated that they would like to directly contact the CAG and requested that either CAG member contact information or a public CAG address be made available on the website.

CAG members asked the following questions or made the following comments:

- A CAG member said she also receives electronic resources from the EPA and that she was unaware there were still determinations to make. She supported adding her name to a public contact list.
- Another member said he would rather the public relay messages to the CAG through CBI staff.
- Mr. David Kluesner, EPA, said other CAGs have created Google groups that are administered by the CAG. Mr. Kluesner will send CBI information about the Google groups.

Mr. deFur requested an update on the floodplain remediation planning. Mr. King said discussion on the draft work plan continues. Technical comments were provided to GE and GE will conduct limited sampling this fall in new places where people are using the river. The EPA hopes to share the next work plan they receive with the public.

The meeting adjourned at approximately 3:30 pm.