

**Community Advisory Group (CAG)**  
**Hudson River PCBs Superfund Site**  
**Meeting Notes**  
**Wednesday June 4, 2008**  
**1:00 PM – 4:15 PM**  
**Saratoga Springs, NY**

**Members and Alternates Attending:** Dan Casey, Philip Dobie, John Dutka, Mark Galough, Robert Goldstein, Manna Jo Greene, Bill Koebberman, Betty Koval, John Lawler, Roland Mann, Merrilyn Pulver-Moulthrop, Warren Reiss, Lois Squire, Julie Stokes, Mindy Wormuth.

**CAG Liaisons Attending:** Danielle Adams (E&E), John Davis (NYSDOJ), Richard Harris (NYSCC), David King (USEPA), David Kluesner (USEPA), Carmella Mantell0 (NYSCC), Deanna Ripstein (NYSDOH), Kristen Skopeck (USEPA).

**Others Attending:** David Adams (Saratoga County EMC), David Ball (Town of Waterford), Marilyn Brown (Town of Waterford), Elizabeth Callaghan (Town of Waterford), Mary Shannon Carrigan (Town of Waterford), Lee Coleman (Daily Gazette), Shawn Connelly (Town of Stillwater), Cario Cust (Town of Waterford), Patrick Dowd (Behan Communications), Darlene Dziarcak (Town Clerk, Town of Watreford), Craig Falcone (Town of Waterford WPCF), Kevin Farrar (NYSDEC), Dom Gabriel (Town of Waterford), Jill Gulczewski (E&E), William Hubbell (Town of Waterford), John Hyson (Belshim), Mary Ann Ketts William Hubbell (Town of Waterford), Gary Klawinski (E&E), Michael Lythcott (E2), J. Bert Mahoney (Mayor, Village of Waterford), Mike Mahoney (Village of Waterford), Tony Maresco (citizen), Brian Nearing (Albany Times Union), James Peluson (Village of Stillwater), Kristen Quaresimo (Town of Waterford), Nick Reisman (Post-Star), Ben Rice (NPS), Tom Richavelso (City of Mechanicville), Raymond Rosan (Trustee, Village of Waterford), Debby Russel (Town of Waterford), Rich Thyrrins (Town of Waterford), Lois Truly (public).

**Facilitators:** Ona Ferguson, Patrick Field.

**Members Absent:** Cecil Corbin-Mark, Mark Fitzsimmons, Richard Fuller, Robert Goldman, Gil Hawkins, Preston Jenkins, Aaron Mair, David Mathis, Dan McGraw, John Reiger, Judy Schmidt-Dean.

**Next meetings:** The next CAG meeting is tentatively scheduled for September/October.

**Action Items**

- Kevin Farrar: distribute text on enforceable lead and cadmium standards to CAG.
- Robert Goldstein: prepare letter for individual CAG members who want to sign on to show their support for EPA funding of alternative water supply.
- EPA: look into getting TASC support for review of water supply technical information.
- CAG members requested that EPA provide them with an explanation of the regulations that prohibit EPA from funding alternative water supply when PCB standards are not exceeded.
- EPA: send the CAG an update on the Community Involvement Plan.
- CBI: get CAG input on wording of TASC technical directive on Phase 2 DAD questions.

## **Welcome, Introductions, Review of September Meeting Summary and Action Items**

Facilitators welcomed everyone to the meeting, and the notes from the March meeting were approved with no changes.

## **Technical Assistance Services for Communities [TASC] Review of Phase 2 Dredge Area Delineation [DAD]**

Krissy Russel-Hedstrom from E2 (Ecology and Economics) gave a review of her interpretation of the Phase 2 DAD. The full presentation can be seen at <http://www.hudsoncag.ene.com/documents.htm>.

The Phase 2 DAD identifies: areas to be dredged, PCB concentrations in those areas and depths of removal. Determinations of where and how deeply to dredge were based on sediment sampling of 8500 sediment cores that produced 50,000 samples. 168 dredge areas were identified, for a total of 400 acres to be dredged. Approximately 1.5 million yards<sup>3</sup> of sediment are targeted for removal. In most areas, dredging will be three feet deep or less.

Where to dredge horizontally was based on the ROD, mass per unit area (MPA) and PCB surface concentrations. MPA, or quantity of PCB per volume, is calculated considering the length of the core, the concentration of PCBs and the sediment density. If either MPA or PCB surface concentration conditions were met, the area was identified as in need of dredging. Once the areas where dredging should occur were mapped, the depth of dredging vertically was determined by looking at the depth of the PCBs in sediments and other characteristics. The deepest layer with 1mg/kg of PCBs was the depth to which dredging would occur in that particular area. The delineation process is based solely on physical and chemical characteristics of the river and the sediment bed.

Ms. Russel-Hedstrom stated that the reason more PCBs can be removed though less sediment will be dredged than expected in the ROD is because extensive sampling has shown that the concentration of PCBs is both higher but less deep than expected. In other words, more PCBs were found to be located closer to the surface than was originally thought.

CAG discussion focused on the following topics:

- The possibility that hazardous materials other than PCBs (such as lead or mercury) will be suspended and the comparatively smaller number of samples tested for materials other than PCBs. It was noted by EPA that full analysis was done on a statistically significant percentage of the samples and that nothing was found in high enough concentration to raise concerns.
- Whether statistical methods could have made certain areas appear less contaminated than they were. For example, CAG members wondered if each slice (or sample) of a particular sediment core was averaged. According to NYDEC staff, each sample's MPA was calculated and the samples (layers) were summed to determine the MPA for the core. This

was not an averaging or case where averaging would lower the concentration below an action limit.

- As project dredging is likely to be shallower than predicted in the ROD, the difference between environmental dredging and navigational needs may be that much greater.
- Whether the DAD calculation is within a reasonable margin of error in terms of scientific calculations. Kevin Farrar noted that DEC was present at the meetings between GE and EPA as delineation was being done and has seen the data results as they were collected over the past six years. Both Kevin and John Davis (environmental chemist from the Office of the Attorney General) stated affirmatively that they believe the Phase 2 DAD conclusions that more PCBs than the ROD anticipated can be taken out of the river by dredging the currently recommended amount of sediment even though that amount of sediment is less than the ROD anticipated would be dredged.

### **Municipal Water Supplies and Phase I Dredging**

John Lawler, Waterford Supervisor and CAG member, presented on the current water supply to nearby towns that draw their water from the Hudson River. He stated that nearly 40,000 people drink water in those towns and so are affected. He stated that EPA has agreed to pay for the incremental increase of the cost of water to the towns in instances where PCB concentration exceeds the State and Federal Drinking Water Standard of 500ppt or when it would take longer to test and analyze the water than it would take the water to get to the town intake. He finds it unreasonable for EPA to expect local people have higher PCB content in their water than they currently have due to the project. Given the current plan, Mr. Lawler noted that local people would be drinking the water during Phase 1 dredging before any analysis of Phase 1 methods has been completed. Residents do not want to be the guinea pigs due to the possibility of errors, he stated.

Mr. Lawler shared his strong concerns about the water analysis procedures. Samples are taken over 24 hours and are submitted to a lab once a day, seven days a week. The samples are back with results in 24 hours. He asserted that this means that there is a lag between actual water intake at a supply source and testing results (at least 24 hours, but probably longer due to transport of sample to lab, etc.). Mr. Lawler asked if the labs would guarantee making the 24-hour turnaround time deadline. When asked, DEC stated that in their experience on other projects, labs consistently but not universally meet their deadlines, as unforeseen circumstances can delay results.

Mr. Lawler noted that the towns are very concerned that depending on the location of dredging and the intakes, the quality of the water cannot be measured in a guaranteed fashion to notify the towns when they need to switch to alternative water supply. Mr. Lawler noted concerns about who is monitoring compliance with the 24 hour standard, who is monitoring the labs themselves, and about what towns should do if the results aren't returned within 24 hours. He stated his belief is that it is in the interest of public safety to take the conservative approach if there is any doubt to the quality of the water: i.e., provide water in Phase I. He noted that 600 people attended a meeting in Waterford on this topic in late April, showing their concern and commitment to this issue. Mr. Lawler asked that EPA fund the incremental cost of providing water from the time the dredging begins, estimated at \$600K per year. He stated that the rationale that regulations or laws

prohibit EPA from funding an alternate water supply was not a reasonable nor acceptable response to 38,000 people and their safety.

Other comments and concerns by Mr. Lawler, CAG members, and speakers from Halfmoon, Stillwater and elsewhere included the following.

- *Lab Turn-Around Times.* The labs cannot guarantee sufficient turn around time. Furthermore, even if they did, the analytical methods are less accurate for faster turn around times. This is too much uncertainty for public safety. NOTE: The results from faster turn around are not less *accurate* in that the measurements of total PCBs are comparable; they are less *specific* in that they do not break the results down into specific congeners of PCBs.
- *Assumptions* – Assumptions have changed as the project developed, making standards such as the Engineering and Performance Standards, established previously, wrong and out of date. *EPA stated that the standard is the same for resuspension in a 24-hour period and in 15 min increments no matter how many hours a day dredging is occurring. EPA staff stated that the number of hours per day of dredging has no bearing since the monitoring is based on a 24-hour composite sample.* Someone also asked whether the Engineering and Performance Standards have been updated since their approval, given project changes.
- *Flow* – The speed at which the river flows changes daily and seasonally, traveling 0.5 mph in summer and 1-3mph in spring and fall. This means that time of travel of any resuspended particles will vary dramatically and introduces significant uncertainty into timing, lab turn around times, and safety. *EPA responded that when the Hudson flows at 10,000 cubic feet per second or more, dredging will halt. In addition, when the river is flowing rapidly, the project will shift from sampling methods with 24 hours turnaround to those that show results in only 12 or six hours. The methods of sampling with faster turnaround time are just as accurate, although less specific (see above) and more costly. Time of analysis and time of travel, as well as river flows have been considered in the modeling and will be a factor in deciding when the towns should use alternate water supplies.* EPA was asked to convert its cubic feet per second calculations into more easily understood miles per hour. NOTE: Cubic feet per second is a volume measurement, while miles per hour is not.
- *Risk Calculations* – Risks were calculated for non-action and eating fish from the river (which is optional), not for the remedial action and drinking the water (which everyone does).
- *Monitoring Other Contaminants* – Fear that other contaminants of concern are not being monitored such as lead and cadmium. *A DEC staff person said there are lead and cadmium standards that will be enforced and these standards could be provided to the CAG.*
- *Changing Knowledge of PCBs* – Scientific knowledge of PCBs and their effects has changed substantially in the past few decades and is likely to keep changing. Given the unknowns, Mr. Lawler asked why anyone would put residents at risk by having them drink water with any level of PCB contamination.
- *Public Wells Close to the River* – Stillwater's wells are, in some cases, within 50 yards of the River and upstream even from Waterford. Since the extent the River influences these wells is currently unknown, the 24-hour turn around time and other measures are not sufficient to

guarantee Stillwater's water safety. *It was noted that EPA and DOH are investigating this matter currently.*

- *Missing Information* – Mr. Lawler stated that the Town of Waterford has issued a Freedom of Information request for water supply-related documents. He indicated that 400 of almost 600 pages were withheld by both DOH and DEC. The Town Board is in the process of filing an action against DEC asking a judge to look at those documents and determine what is and is not protected by attorney/client privileges. How can one assure us if much of the record is closed?
- *Overall Uncertainty* – All of the above factors add up to great uncertainty: a new, complicated, yet untried dredging project; a protocol with numerous caveats and triggers that cannot guarantee water supply safety; a changeable, fluxing natural resource in the river; a set of contaminants that we do not fully yet understand in terms of human health risk. All in all, this is too much uncertainty and water should and must be provided during Phase I.

The CAG concluded the following actions should be taken:

- CAG members individually and voluntarily should have prepared and sign a letter supporting towns in their request to have EPA fund alternative water supplies during dredging.
- Some CAG members asked about using TASC support to look at water quality and health concerns. Others requested that EPA provide an explanation of the regulation or law that prevents EPA from funding alternative water supply during the entire project.

## **Public Comment**

In addition to the concerns expressed above, attending public participants noted the following.

- 30,000 people are being put at risk and that dredging impacts are currently full of great unknowns.
- Mechanicville children (who attend schools in Halfmoon) could suffer unknown mental and health effects due to contaminated water.
- Too little information has been shared with the public.
- Everyone must work together to protect future generations of children by finding the necessary capital to guarantee healthy drinking water.
- What about the less accurate results for faster lab turn-around? Is it really acceptable to have less accurate results precisely when PCBs may be threatening the water supply more quickly? *EPA stated that 24 hour testing would still be carried out when alternative, faster testing was being utilized. The faster turn around times give comparable total PCB results to the longer turn around time tests, although they will be less specific by not breaking the results down by PCB congener.*

## **Adjourn**

The meeting was adjourned at 4:15pm.