

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
27 January 2005
CAG Meeting, 1:00 PM – 3:45 PM
Saratoga Spa State Park

Meeting Notes

Members Attending: Chris Ballantyne, Dan Casey, Theresa Egan, Richard Fuller, David Gordon, Manna Jo Greene, Harry Gutheil, John Lawler, Paul Lilac, Roland Mann, Dan McGraw, Merrilyn Pulver, John Rieger, Rich Schiafo, Lois Squire.

CAG Liaisons Attending: Bill Daigle (NYSDEC), Fred Ellerbusch (TOSC Coordinator), David King (EPA), Deanna Ripstein (NYSDOH), Leo Rosales (EPA), Steven Sweeney (NYS Canal Corp).

Others Attending: Danielle Adams (E&E), David Adams, Mark Behan (Behan Communications for GE), Tom Brady (Albany Co. Health Department), Lee Coleman (Daily Gazette), Richard Cogen, Phil Dobie (Operating Engineers Local Union 106), Joe Gardner (AMC), Robert Goldstein (Riverkeeper) George Hodgson (Saratoga County), Gary Klawinski (E&E), Tom Kryzak (Air & Earth Works), Mike McAvery, Daniel Nugent, Marian Olsen (EPA), Matt Pacenza (Times Union),

Facilitators: Patrick Field, Stacie Smith

Members Absent: Jean Carlson, Cecil Corbin-Mark, Mark Fitzsimmons, David Gordon, Gil Hawkins, Aaron Mair, Judy Schmidt-Dean, Julia Stokes, Barbara Sweet, Jock Williamson.

Key Action Items

- Explore CAG interest in inviting visitors from New Bedford or Fox River to meetings when the project design is further along.
- Provide resuspension standards from these two other projects.
- Check with Jean Carlson about filling the additional Rensselaer County seat on the CAG.
- Contact John Facto of the Washington County Business Council to fill Economic Development, Tourism. Recreation Member seat vacancy;
- EPA will show new video from Tacoma Dredging Site at next meeting.
- Include abstract and clarification letter from Dr. Baker in next packet.
- EPA and NYCDOH will find out more information about duration and timing of on-going PCB studies (the Fitzgerald study).

- Add topic of community benefits to next meeting's agenda – talk to members to determine structure and content of topic;
- Requests made from outside the CAG to the facilitator to share information with the CAG will be mentioned via email between meetings – if there is a member request, topics can be added to meeting agendas.
- NYSDEC update on the Hudson Falls site for Fall 05.
- Identify the timing for CAG discussion of labor/contracting issues.
- Provide state versus federal inhalation rates used in PCB risk assessments (from Dec.)
- Provide resuspension rates of PCBs going over the dam after the project is complete.

Convening of Meeting

The meeting began at 1:00 pm. The facilitator welcomed the CAG, invited members to introduce themselves, and walked through the agenda.

Meeting Summary and Action Item Update

The facilitator pointed out changes that had been suggested for the December Meeting Summary and were in redline-strikeout. There were no additional comments from the CAG, and the summary was approved. Action Items from December were reviewed. It was noted that the NYSDEC update on the Hudson Falls site would be planned for Fall 05. Other action items for EPA to report will be ready for the next meeting.

Membership Issues

The facilitator reminded the group that CAG groundrules provide permanent membership for the selected dewatering sites. The Town of Bethlehem (Theresa Egan) and the Town of Fort Edward (John Rieger) are now official permanent members. The CAG has the authority to replace departing members or add members as needed. The CAG was asked to consider a request from the Town of Schaghticoke to maintain its membership. It was suggested that as most counties have two seats, and currently Rensselaer County has just one, the Town of Schaghticoke could fill the existing additional Rensselaer County seat. Members felt that this would be in keeping with the standards of and categories for CAG membership. The facilitator agreed to talk with Jean Carlson of Schaghticoke about if she was willing to be the representative. In addition, it was noted that there was a vacancy for the second seat to represent Economic Development, Tourism and Recreation due to Barbara Sweet's departure. It was suggested to contact John Facto of the Washington County Local Development Corporation and/or the Washington County Economic Opportunity Council in lieu of the Adirondack Chamber.

Dewatering Site Selection Update

David King, EPA, provide an update on the site selection process and overview of characteristics of Energy Park and OG Real Estate as selected sites. The presentation gave reasons for the elimination of the other recommended sites. It reviewed what a dewatering facility would likely consist of and provided pictures of the New Bedford enclosed dewatering facility. The presentation also provided an overview of strategies for minimizing impacts, site monitoring, and future community outreach. It suggested some potential future uses of sites, and provided a timeline for next steps.

Members of the CAG had the following comments and questions:

- *To what degree does the community have input on the bid document used to select a contractor to do the work?* If GE does the bidding document, EPA will still get to look at the qualifications of the contractors, and can make that information available. If EPA does the bidding document, it will be a very public process according to federal contracting laws.
- *Is the schedule presented the same as the one in the Road Map?* Yes.
- *Why not get started sooner with the dredging in 2006?* The project can get started as soon as construction of the facilities is complete.
- *Is the amount of material targeted for removal in 2006 the same?* Yes. The DAD report will have the details on the amounts, depths, etc...

It was noted that the new video from the Tacoma dredging site would be shown at the next meeting, to give members a sense of a mechanical dredging project.

Recent Investigations in the News and EPA comments

David King, EPA, talked about the recent resuspension study done by Dr. Baker. It was noted that there was a misunderstanding in the newspaper article (*Times Union*) about what amount of PCBs might become resuspended. Members requested copies of the study abstract and the clarification letter from Dr. Baker in next month's meeting packet.

CAG members had the following comments and questions, and EPA responded:

- *Dr. Baker's study simply underscores the need for the clean-up overall.*
- *The article says the agency will do "mini-dredging" and monitor that before doing more, and do any readjustments. What does that mean?* The mini or pilot was a reference to Phase 1 of the dredging.
- *Dr Baker made assumptions of a dredging rate higher than what will actually be done.*
- *There was some interest in learning more about resuspension, maybe worth setting up a morning meeting on this topic.*

Marian Olsen spoke about the SUNY-Albany study on air exposure to PCBs, to explain the study and put it into context of other research. It was noted that the SUNY study was ecological, looking at a population not individuals, which is usually used to develop hypotheses as a first step in human health studies. Marian pointed out a number of features of the study, including

what data they had and did not have. It was noted that the study did not control for whether sites had been remediated, people's socioeconomic status, smoking rates, other behaviors, or exposure to the sites. It was noted that EPA, over many years, has used numerous studies to develop their standards for PCBs, which is meant to be protective of human health.

CAG members had the following comments and questions, and EPA responded:

- *This information should be brought to the first Ft. Edward community meeting on Feb 8th.*
- *We should not hear Marion's comments in a vacuum, when Dr. Carpenter is available to engage in a dialogue. Some have tried to get NYS to do a real epidemiological study, but DOH and DEC are interested instead in a focus on education if communities express interest. A study like this should raise questions as to whether we should be doing more rigorous studies.* There are two ongoing studies by DOH. In one, 75 older residents (aged 55-74) of Fort Edward and Hudson Falls are being evaluated for long term exposure to PCBs, compared to controls. This study includes exposures, controls for occupational effects, socio-demographics, other contaminants. A second study is looking at occupational exposure.
- *When will data be known from those studies? How long have the studies been going? I don't know, but will look into it and get back to the CAG about it.*
- *Did the SUNY study look at PCBs specifically, or just POPs in general? It isn't clear exactly how they did it. It appears they looked at the whole list of chemicals of concern, but not the concentrations of those chemicals. They couldn't or didn't explain exposure concentrations.*
- *The SUNY study results seem to contradict previous studies that EPA relied on? Yes, but they are different kinds of studies.*
- *Their results were reported as fact rather than as hypothesis.* They are suggesting that there are associations, but this needs further investigation to make conclusions. At EPA, we rely on animal studies with specific exposure information.
- *Even without evidence, the EPA standard still assumes a link to human health, and that Air Quality standards are protective in case there is a correlation.*
- *Do you communicate with these other researchers and try to reconcile the differences? We have spoken with Dr. Carpenter in the past; we haven't had a chance to speak with him about this. If you want, we can talk to him about this.*
- *It sounds like the risk to human health is extremely low, about a 1 in a million. We've been trying to determine exactly what PCBs do to human beings, and we have done many studies, and still we have no evidence of human risk.* EPA disagrees on that characterization of health impacts – eating PCB contaminated fish are clearly linked to health risks. These studies are looking at inhalation, which might be more of a problem than eating fish –we still don't know. Also, what about the floodplain and settlement of PCBs there? There are plenty of reasons for concern.
- A member of the public asked the following question: *Most of the information EPA bases its standard on is from 1986, whereas the SUNY study was recent. Have you looked at the health effect studies on reproductive health? Yes, and we found low birth rates. Our standards are much below those levels.*
- *What was the mode of transmission in that study? Ingestion. The amount was 1 milligram per kilogram though this should be checked to make sure this is accurate.*

- *If this were based on animals, how much PCBs would a human have to ingest?* From the animal studies, EPA develops a reference dose, get a milligram per kilogram dose, and then reference that amount for humans to determine a safe amount.
- *On ingestion, how much fish would one have to eat to get to this level of contamination?* EPA's recommendation is not to eat ANY meals from the upper Hudson. The standard is set from once-a-week 0.5 lb meals per year, at 0.05 milligrams per kilogram. The average value of PCBs in fish is 7 parts per million. The highest is 41 parts per million.
- *Talk more about 0.5 lb of fish per week. This is based on 40 years and led to a 1 in 1000 risk. The work found that in absence of remediation, 70 years later you would still not be able to eat the fish in the upper Hudson.* The study looked at young children and adults consuming fish. PCBs have been categorized as probable human carcinogens: the 2nd highest level of five levels of categorization. To gain this categorization, EPA has to demonstrate adequate evidence in animals and suggested harm in humans. Very few chemicals meet highest level ("known carcinogen") – you have to prove it causes cancer in humans. There are not many chemicals in the probable category, either – the evidence needed is very rigorous. In the case of PCBs, these effects have been studied extensively. EPA is not the only one making this determination. Other federal and international agencies have also concluded that PCBs are a probably human carcinogen.

At the conclusion of the study, the CAG agreed that: 1) they are not likely to agree on the degree, extent, and risk of PCBs' effects on human health; 2) the ROD decision as been made and the cleanup is going forward; 3) further, detailed discussions about human health and PCBs, however interesting, are not likely to be productive and forward looking for the CAG and its most important work – ensuring an effective, protective cleanup and minimizing and mitigating impacts on the affected communities.

Evening Meetings

A CAG member raised the topic of having CAG meetings where and when the public who is most affected can hear them and attend – in Fort Edward and in the evenings. (EPA responded that they are willing to attend and present at additional community meetings in Fort Edward as requested.) CAG members made the following comments:

- Night meetings would be a great idea.
- Additional community meetings to convey this information would be fine, on a community-by-community basis. That is not the goal of this body – we represent community and stakeholder interests on a broader basis.
- Some would support moving to evenings and in Ft. Edward and Bethlehem.
- This is a working group meeting, and some don't know how effective that will be with 50-150 people who can't participate. It may be more successful to hold separate community meetings on a smaller basis – EPA has proved themselves willing to be helpful in such cases.
- Have some of the topic meetings during the evenings, in convenient location to the affected communities, where people can ask questions.

The facilitator noted that the CAG serves a broad constituency and is primarily for the CAG members. Nonetheless, some communities bear a very direct burden, and the group should try to

accommodate the range of needs. On other projects, for instance, the group has sometimes held joint CAG/Public meetings on certain occasions. As another option, the CAG could co-sponsor a meeting with EPA for the public on a specific topic. Currently, EPA is already holding topic specific meetings for the CAG.

Monitoring AM Meeting Debriefing

The participants of the morning discussion on Noise Monitoring offered a summary of the main points of discussion:

- EPA gave a presentation including a GIS model for the dredging used to identify sensitive sites in advance. There are noise standards set, measured at 65 decibels at the shore to ensure no more than 55 decibels reach in the yards and 45 into the home. The goal is to identify sensitive receptors (i.e., people in homes close to the water and dredging sites) in advance, and talk with those neighbors proactively in advance.
- There is still a fundamental disagreement over whether background levels should be used to set standards rather than these numeric, standardized levels. There is also a question as to whether these are Quality of Life standards or Human Health standards. Saratoga County has noted that these standards are based on OSHA and others that are protective of human health, but not necessarily of one's quality of life.
- The discussion also clarified that the standards had to be set for GE to design its process, but there was a question that maybe we should not necessarily be satisfied by just meeting the standards, especially if exceeding the standards is acceptably cost-effective.
- A comment was made that it would be advantageous to get the GIS information out in advance to elected officials. EPA clarified that they will do these kinds of educational presentations once the Dredge Area Delineation (DAD) report is released and the GIS model is refined.
- It was noted that controlling and mitigation noise at the dewatering facilities might be easier than at the mobile dredging sites.
- A noise monitor was brought to the meeting and passed around. It was noted that the average level at this meeting so far has been 65.3 decibels, with a maximum of 84.2 decibels.

EPA showed a slide of the GIS model to the group and explained the sample image.

The CAG had the following questions:

- *Have there been studies on facility noise levels?* It's too early, since we don't know what will be part of each facility, but as soon as we do, we can start doing that. It is easier to control noises at the fixed facilities than at the mobile, dredging locations.
- *When will this be ready with our specifics?* Once the DAD report comes out. EPA will use this as a tool for design.
- *Do you have any idea of the duration?* 65 dB doesn't seem so bad here, but if continuous in my home all day, might be more annoying than this conversation. It depends. Sometimes, days to weeks, sometimes they might dredge there longer.
- *Exposure at 65 dB seems fine here, but if they are trying to have a BBQ or taking a nap, that seems a difficult impact on quality of life. Even at 65 dB, if it's there long enough, it will be an impact on the quality of life of those people.*

- *And from a facility, much worse duration! We have to pay attention to that too.*
- *It is important to ensure that the community can sleep at night. The nighttime standard is 45 dB or less inside the house.*
- *Is 65 dB the reading from house itself or the shoreline? With the current model we assume the point of reference is the house, not the shoreline. But all this will be refined as we work on this model and begin to use it in design. Again, the levels are to ensure no more than 65 decibels at the shoreline.*
- *You are going to be dredging in the summer, people will have windows open, and people are outside at night. You are talking about these as quality of life. EPA originally set these, and consultants saw them as minimums to protect human health and hearing.*
- *Were there discussions about mitigation of when the noise gets really loud? There will be a complaint program in place and every complaint will be investigated. The goal is to minimize or prevent complaints as well as have a detailed procedure in place*
- *How quickly will EPA or GE respond? The details will be determined in the CHASP.*
- *What is the quantitative formula EPA will use to deal with noise complaints? Number per hour?*
- *Both noise and air monitoring issues should be revisited as we go along further.*
- *Impacts won't be known until it starts. Elevations could have an effect. We've had problems with the chemical plant because of the higher elevation. We have to have a mechanism to address these when they happen.*

Brief Updates and Discussion Items for Future Meetings

- Debriefing of the Interagency Working Group Meeting. Bethlehem presented, and felt that many of the suggestions for funding were already known and underway and wished there was more agency participation. They noted that IWG doesn't address host community benefits, and they are looking for tangible results that will benefit the community. EPA stated that the meeting should be seen as a beginning.
- Floodplain investigation update. It was noted that EPA is still awaiting data, and will try to present at the March meeting.
- Outside requests to the CAG. The facilitator asked the group how they would like him to handle requests from outside the CAG to raise issues with the CAG, such as Innovative Technology requests. The group suggested passing items along to the CAG via e-mail between meetings, and adding them to the agenda only if interest is shown by a number of members.
- Contracting. There was a request for more information from EPA and GE on how contracting and labor issues will take place. This might be a morning workshop topic or for the whole CAG. The facilitator agreed to find out from EPA/GE the appropriate timing for this topic. It was noted that Fort Edward applied for a job-training grant to involve their community in the work.

Public Comments

Members of the public made the following comments:

- An attendee noted disappointment with EPA for refusing to develop a new noise standard based on background, and think it will lead to many complaints
- An attendee noted concern about how the neighbors of the selected facility sites will be protected, and how their interests will be factored in and accommodated.
- An attendee told Dr. Carpenter he would get back to him about coming to a CAG meeting. What should be reported back? The CAG responded that they want to move on regarding PCBs and health issues, so to tell Dr. Carpenter thank you, but not at this time given the CAG's overall focus.

Next CAG Meeting

The group discussed timing for the next meeting, and decided to cancel the February meeting and have a more full agenda in March. Potential agenda items include:

- Dredge Area Delineation Report – unlikely to be ready, but there may be an update.
- Community benefits, mitigations, impacts – facilitator will talk with members about what this should consist of.
- Other updates.

The meeting adjourned at 3:40 pm.