

**Hudson River PCBs Superfund Site
Community Advisory Group**

**FINAL Meeting Summary
January 6, 2004
1:00 pm to 4:00 pm
Washington County Building, Room B230**

Members Attending: Chris Ballantyne, Dan Casey, Rodney Davis (alternate for Aaron Mair), Mark Fitzsimmons, David Gordon, Harry Gutheil, Sean Kirker (alternate for Dan McGraw), John Lawler, Paul Lilac, Roland Mann, David Mathis (alternate for Richard Fuller), Merrilyn Pulver, Sharon Ruggi, Rich Schiafo, Lois Squire, Julia Stokes, Tim Sweeney, Jock Williamson

Government/Agencies Attending: Bonnie Bellow (EPA), David Kluesner (EPA), Dean Maraldo (EPA), George Pavlou (EPA), Leo Rosales (EPA); Susan Taluto (DEC), Bill Daigle (DEC), Rich Fedigan (DOH), John Dergosits (CC), Deanna Ripstein (DOH), Kate Hudson (DOJ), Kevin Farrar (DEC),

Technical Advisors: Fred Ellerbusch (NJIT)

Others Attending: Danielle Adams, Kathleen Bartholomay, Lee Coleman, Sandy Fontaine, Joe Gardner, Joan Gerhardt, Alix Gerosa, John Haggard, David Higby, George Hodgson, Judy Schmidt-Dean, Gretta Stanclift, Lewis Steele, Bertha Towns

Facilitators : Larry Dixon, Patrick Field

Members Absent: Richard Fuller, Gil Hawkins, Aaron Mair, Dan McGraw, Peggy Shepard, Barbara Sweet

Key Action Items

1. EPA will notice the next CAG meeting via the EPA listserv and will notify the local press of the time, date, and location. [To join the listserv, go to www.epa.gov/hudson and follow the instructions under "Stay Informed".]
2. EPA will review the Draft Project Roadmap regarding the timing of the design of the habitat replacement and reconstruction following dredging and note the document and timing of that effort/document.
3. EPA, CBI, and Ecology and Environment will review options for a CAG website.
4. CBI will poll CAG members via fax/email regarding a regular meeting day of the week and week of the month.

5. EPA will consider sitting down with Ft. Edward's residents affected by the recent DEC project construction to better understand issues, concerns and lessons learned for future projects.
6. EPA will consider more clearly defining in fact sheets and other publications the following:
 - Short-term versus long-term
 - Averages as related to monitoring
7. EPA will further discuss with the CAG, as productivity standards are developed, the overall project timetable and facility and dredging operations during:
 - Weekends, particularly in the warmer months
 - Nighttime
8. EPA will consider advertising project-related work opportunities in local papers and other local means in addition to federal means such as the Federal Register.
9. EPA will consider the possibility of a CAG site visit to other river dredging projects.
10. DEC will respond to questions regarding a waste site uncovered during their current remediation project in Ft. Edwards and bank stability, liability, and status.

Convening of Meeting

The meeting began at 1:00 pm. EPA welcomed everyone and announced that much to her regret, Regional Administrator Jane Kenny was unable to come to the meeting due to illness. Nonetheless, a letter from Ms. Kenny was read thanking the CAG members for their commitment to serve on the CAG and reiterating EPA's commitment to an open and transparent cleanup process, one that will work closely with the group to solicit input.

EPA then introduced the Technical Outreach Services to Communities (TOSC) grant coordinator (Fred Ellerbusch of the New Jersey Institute of Technology) and the Technical Assistance Grant (TAG) grant recipient representative (Rich Schiafo of Scenic Hudson), as well as the facilitator, Patrick Field and his associate Larry Dixon, of Consensus Building Institute.

Introduction of CAG Facilitator

The facilitator asked meeting participants to introduce themselves, and then handed out the agenda and short-term groundrules, explaining each. Rather than have the TOSC grant coordinator make a presentation at this meeting, more time will be made at the next meeting for him to explain his function.

The facilitator presented a summary of the findings that were expressed to the facilitation team during interviews with CAG members. Among these, high points of the interviews were given, as well as useful principles heard during the interviews and possible tasks and activities ahead for the CAG. It was explained that although the CAG does not have decision-making authority, it does have influence in how the cleanup proceeds. Finally, the facilitator explained that the facilitation team works for the entire group, and that if at any time the group does not feel that the facilitators are doing their jobs, it should let the facilitation team know so that they can adapt and improve their performance.

Quality of Life Performance Standards

EPA presented on the Quality of Life Performance Standards (QoL PS) and noted that they got input from the public to create the standards that the design team would have to follow when designing the project. QoL PS are intended to minimize the effects of the project on the community.

During the presentation, EPA noted that diesel exhaust and other pollutants that are a result of the project cleanup will be monitored as well, although they are not expected to be a problem. The Air Quality standard is more conservative (stricter) for residential areas than for commercial areas. In the computational model used for determining standards for residential areas, risk of exposure to children is included, while in the model used for commercial areas it is not.

EPA explained that the standards also include a control level that would trigger investigations/mitigation before the standard level is reached or exceeded. EPA said a useful analogy may be a traffic light: red would be the standard and mean stop; yellow would be the control and mean, “You are soon approaching the standard, proceed with caution.”

Regarding odor performance, EPA explained that hydrogen sulfide is the most likely agent to cause an odor nuisance. Although .01 parts per million (ppm) is set as the standard, that level does not pose a health risk. The odor standard is based on a nuisance level, rather than a health risk level. The level at which there would be a health risk is much higher. EPA noted that odor concerns vary widely from one individual to another; one individual’s strong notice of an odor may go unnoticed by another. When the presentation turned to issues around the lighting performance standard, EPA stated that they will do everything they can to minimize lighting effects while maintaining a workplace conducive to the health and safety of workers involved with the cleanup. EPA stated that the Health & Safety standards would have to take precedence over Quality of Life Standards if such conflicts arise between them.

When explaining navigation performance standards, EPA asked for assistance in reaching out to boating groups to gather input for the standard. Finally, EPA explained that a program would be in place to address complaints. Some may smell odors or hear noise in different areas while others do not. The QoL PS have a 60-day comment period that ends on February 17, 2004. Comments should be directed to Dean Maraldo, US EPA Region 2, 290 Broadway, 19th Floor, New York, NY, 10007, or to the Hudson River Field Office, 421

Lower Main Street, Hudson Falls, NY, 12839. Public forums will be held in Ft. Edward on January 14 and in Albany on January 15.

The CAG noted that when the weather gets better many people spend their weekend leisure time on the river and inquired whether there would be different standards for weekends? EPA replied there is no current distinction between weekday and weekend in the standard. The actual hours of operation are one of the many items yet to be decided during the design phase.

When asked about the turnaround time if performance standards are exceeded, EPA said that it could be around 72 hours, depending upon which standard you are talking about but that it should also be remembered that control mechanisms are in place to help prevent that scenario by constant monitoring and acting before a performance standard is reached or exceeded.

A member of the CAG also explained that there is concern about having the work done 24/7, especially for people that live on the river, and inquired whether the project could be completed in the six-year period without 24-hour dredging. EPA replied that productivity is a very important issue with implications for cost, timing, resources, and the like. EPA is discussing this issue now internally. EPA wants to do the job right and make sure that it gets done as quickly as possible but the design will dictate how long will be needed for the cleanup. Maybe it will take seven or eight years, but that cannot be determined until the peer review process occurs (productivity is an engineering performance standard, which is being peer reviewed). EPA noted that they would make the final decision and base that decision on many things, including peer review results and public input. EPA went on to say that some aspects of the cleanup might have to be 24-hour operations (such as dewatering) even if dredging is fewer hours per day, and that there are still a lot of questions that need to be addressed.

Members of the CAG explained that they thought 24 hour dredging was not going to happen. EPA replied that the numbers it uses currently are based on a 16-hour dredge day. EPA noted that if they can expand the time to be longer than six years and it will not cause more harm than benefit to the river, EPA could possibly go along with it. Upon more questions EPA noted this is the first time QoL PS have been developed for a Superfund Site and that typically there are only health and safety standards. EPA also went on to say that during the monitoring of the QoL PS residents will be able to file complaints. The workers who are on the front lines of the cleanup will likely be the first to notice something such as an unpleasant odor. It was also noted that the air monitoring standards are very conservative, risk-based numbers that have been developed through studies on animals.

One member of the CAG noted that the community should look at the benefits this project will have in the long-term and that there are already plenty of diesel trucks on the road in the area, while another expressed concern that the project area encompasses a valley and that noise and air monitoring should be throughout the valley, not just in close proximity to the project.

There was some confusion over the use of the term “average” by EPA in the standards. Does an average over hours, days, or weeks mean that at any one moment, the standard can be significantly exceeded? EPA noted that they would try to be more clear on this issue in future presentations and handouts.

EPA explained that performance standards for air were different for commercial and residential areas because children live in residential areas and they are more sensitive to risk. They also noted that if a residential area were adjacent to a commercial area the residential standard would be used. Finally, EPA noted that the QoL PS does not discuss flood plains.

Before ending the session, the facilitator summarized the discussion by noting the following concerns and questions the group had:

- Weekend hours/weekend enjoyment of the river
- Testing turnaround time and response (air and water)
- 24 hour work/7 days a week
 - Project schedule vs. Times of work (6 years; productivity; impacts)
- Improve complaint/response process from DEC experience
 - Sit with Ft. Edward residents affected
 - Beeping of trucks, other noises
- Consistency and clarity of information
- Baseline monitoring for air/water/noise (what if the baseline is high?)
- Local benefits (jobs, local products, businesses, advertise locally)

Draft Roadmap

EPA handed out the Draft Roadmap of Design Activities, a document listing the major technical documents that will be prepared during design and could be of interest to the public. EPA asked the CAG to take it home and look it over, and let EPA know where their concerns and interests lie. The Roadmap will be discussed at the next CAG meeting. EPA explained that just the text of the document had been handed out; the final version will include graphics. The final version will be posted on the website.

A member of the CAG inquired whether there were precursor documents for the important documents listed that should also be considered and reviewed. EPA explained that some documents listed in the Roadmap are more important than others, but that all documents are distinct components, and all are important in the design process.

EPA was asked about recent sampling efforts. EPA replied by saying that they expect the sampling report for Phase I (the date was collected in 03) to be ready by March of this year. Phase II sampling data should be ready around February/March of this year and the CAG would see the results when they are available. EPA noted that there is some outstanding data that still needs to be gathered. EPA stated that for Phase I dredging there would be some data gaps at the time of delineation. EPA was asked about what actual document reflects an approach for restoration after dredging. EPA said they would review the Roadmap regarding

the timing of the design of the habitat replacement and reconstruction following dredging and note the document and timing of that effort/document.

Upon a series of questions, EPA explained that it is possible that peer review feedback could impact the schedule of the Roadmap and that after the peer review is done, EPA will see if any changes need to be made. EPA clarified that the Roadmap as given at the meeting, is up to date and from that date onwards, in other words, it already accounts for any delays or schedule adjustments encountered to this point. EPA clarified that it cannot have a policy on using local labor – it is against the law to make location a condition of employment, and noted it may not have control over hiring if GE does the work, which is still being negotiated. A member asked and EPA agreed that for EPA projects it would put notices in local papers so local businesses could bid on them in addition to listing bids in the standard federal publications such as the Federal Register.

Update on Upcoming Activities

EPA made a number of brief updates on upcoming activities:

- Sediment sampling will be happening again in Spring 2004 and be done using boats on the river. This is to fill in data gaps from the 2003 sampling.
- The engineering performance standards are being peer reviewed; the peer review meeting will be held in Saratoga Springs January 27-29.
- Seven sites have been identified as possible sites for dewatering facilities. Ecology and Environment, Inc. (E&E) has conducted field studies including testing soil samples, and will produce a comprehensive report detailing which of the 7 Final Candidate Sites (FCS) remain viable options as locations for dewatering facilities. There will be meetings held to solicit public comment on the findings. A member of the CAG inquired whether any of the seven could be removed, to which EPA replied yes, but it is too early to know which, if any. EPA went on to say that the site for Phase I will be chosen from those identified in the report.

DEC made the following brief update:

- It is in the process of looking at the Hudson Falls site and developing a record of decision (ROD). It is hoped that the ROD will be ready soon. At the Ft. Edward outfall #004, 15,000 cubic yards have been removed but the work is not yet complete; there are still an estimated 1700 cubic yards to remove, which will be done in spring.

DEC went on to explain that an historic dump that has been unearthed is contaminated with PCBs, lead, and asbestos and noted that the area where this was found is not part of the Superfund process. DEC went on to say that if they could identify a responsible party they would pursue that route for cleanup. DEC went on to explain that the area where this dump is encompasses about 30 yards and has been installed with jersey barriers to stabilize it. DEC also noted it is responding to a letter from the Town of Ft. Edward's attorney about their actions and town concern about the stability of the bank and liability.

Questions from the Public

A resident from Greenwich read a letter signed by some residents inquiring why their town is on the list to host a dewatering facility and requested to receive all documentation that EPA used to determine the seven sites, as well as an explanation why EPA rejected the other sites. At the resident's request EPA said they would give the petition to the Regional Administrator. Regarding the request for a waiver of fees associated with the FOIA request, EPA went on to explain the Freedom of Information Act (FOIA) and noted that there are forms to fill out which are not meant to be roadblocks, but are part of the law. EPA offered to help the citizens through the process.

Another member of the public expressed concerns about sources of contamination in the bedrock at the Hudson Falls plant and inquired whether those sources would be remediated before dredging begins. EPA noted that this is under state jurisdiction; DEC explained that a tunnel system has been proposed for the cleanup. EPA stated that at the present time there is no reason to think that the State and GE will not perform the cleanup and would continue to monitor progress

Agenda for Next CAG Meeting

The facilitator presented a draft agenda for the next meeting and took comments on it. Topic areas to cover for the February meeting include:

- Quality of Life Standards
- Road Map
- Peer Review update
- Meeting Protocols
- TOSC Grant Assistance

After some discussion, it was decided that the next meeting would be held February 5, 2004, from 12:30pm to 3:30pm in Saratoga Springs. Once the meeting location is determined, EPA will notify the local press and Hudson listserv of the time, date, and location. It is expected that in the near future the facilitator will determine a regular meeting date after consulting with the CAG members.

Adjourn

EPA thanked everyone for their commitment to the process and hard work. The meeting ended at 4:00pm.