

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

**Thursday, February 22, 2007**

**1:00 PM – 4:00 PM**

**Saratoga Spa State Park, NY**

**Members and Alternates Attending:** Chris Ballantyne, Dan Casey, Ken DeCerce, Philip Dobie, John Dutka, Richard Fuller, George Hodgson, Joe Gardner, Robert Goldman, Michelle Hayes, Manna Jo Greene, Harry Gutheil, Roland Mann, David Mathis, Merrilyn Pulver, Rich Schiafo, Lois Squire, Julie Stokes.

**CAG Liaisons Attending:** Danielle Adams (Ecology & Environment), John Callaghan (NYSCE), William Daigle (NYSDEC), Doug Garbarini (USEPA), David King (USEPA), Deanna Ripstein (NYSDOH), Leo Rosales (USEPA), Dan Watts (NJIT).

**Others Attending:** Brian Anderson (Baker Tanks, Pumps & Filtration), Wanda Ayala (USEPA), Kenneth Blanchard (Hudson River Otter Stewardship Program), Rick Cara, Lee Coleman (Daily Gazette), Kevin Farrar (NYSDEC), Peggy Farrell (Ecology & Environment), Tamara Girard (NYS DOH), Collen Gullig, Gary Klawinski (Ecology & Environment), James Kudlack (Jim-Ber Farming Association), Roberta Kudlack (Jim-Ber Farming Association), Pam Lacy, Jeannine Laverty, Lisa Manzi (Rep. Gillibrand), Tim Moore (Maxymillion Technologies), Jim Murray (Baker Tanks), Brian Nearing (Times Union), Marilyn Reisch (Behan Communications), Mark Schachner (Ft. Edward Counsel), William Shaw (NYSDEC), Sarah Sutton (Post-Star), Paul Tibbets (Baker Tanks), Andrew Timmis (DA Collins).

**Facilitators:** Ona Ferguson

**Members Absent:** Cecil Corbin-Mark, Mark Fitzsimmons, Mark Galough, Robert Goldstein, Gil Hawkins, Betty Koval, John Lawler, Aaron Mair, Dan McGraw, John Reiger, Judy Schmidt-Dean.

**Next meetings:** The next CAG meeting will be held on Thursday, March 22, 2007 from 1:00 – 4:00 pm at the Saratoga Spa State Park.

**Action Items**

- EPA will check on any possible disruptions of walk/bike trails by the project or construction and report back to the CAG.
- CBI will work with the CAG to decide about a presentation about the Housatonic.
- CAG requested an update from GE on the Hudson works website.
- CAG requested more discussion of navigational dredging.
- CAG requested that a Technical Subcommittee meeting be convened soon.

- DEC will follow up on whether the reach of river between the outfall in Fort Edward and Rogers Island has been reevaluated since the DEC work done on the outfall caused product to enter the river.
- DEC will look into the possibility of releasing the draft RI/FS (for disposal sites) documents as they become available (as opposed to when they are finalized.)
- CAG requested an update on the DEC work when there is new information.

## **Welcome, Introductions, Meeting Summary Review**

Participants were welcomed, and the facilitator asked for and received approval of the CAG meeting summaries from November 2006. Leo Rosales announced that he would be leaving EPA as of March 2 and that EPA will keep the CAG informed as to his successor.

## **Annual CAG Membership Check-in**

Ona presented a review of the CBI annual check-in interviews with CAG members. (See CBI presentation Annual Member Check-In on the CAG website <http://www.hudsoncag.ene.com/default.htm> )

Ona spoke with approximately a third of CAG members and alternates. People were asked what is working well for the CAG right now, what isn't working well, for suggestions, and for topics that should be discussed at upcoming meetings. The major points made by those interviewed were:

*A. CAG Successes:* relationships among participants as well as EPA and participants has improved and strengthened, people are increasingly comfortable speaking frankly and constructively at meeting, meetings are on task and focused, subgroups have worked well and been productive, civility has increased, meetings are a good place for information sharing, EPA staff are working hard and good at community relations, people liked the boat trip, and CAG members seem to agree on many issues.

*B. CAG Concerns and Challenges:* CAG has limited influence with GE and EPA, CAG may be a community relations venue rather than a place for community input, interactions with GE are limited, EPA could be more transparent with the CAG, some feel they are wasting their time, having television cameras present sometimes increases grandstanding and unpredictable behavior, project delays and a desire for substantive progress, EPA hasn't gotten back to people about their comments on the FDR, and low community awareness of the project.

*C. Ideas for the CAG:* CBI and EPA do a face to face orientation for new members, keep subgroups active, have CAG members plan when the CAG meets, invite Alan Steinberg (EPA Region 2) again, reach out to new congressional leaders, schedule CAG meetings in advance, change meeting locations sometimes and have one meeting in Albany or

further south, spend time at meetings planning for future benefits and economic development, provide a new project roadmap.

*D. Topics Identified for Discussion at Future CAG meetings:* new roadmap, resuspension, air and noise pollution, community benefits and economic development, navigational dredging, update from GE on the HudsonWorks website, Phase II floodplains, impact to wildlife and habitat, Hudson Falls Plant, water supply, how PCBs affect human health and traffic.

CAG members then discussed various issues. One CAG member asked why Saratoga County hasn't yet received written response to comments on the Final Design Report. Dave King said that there was no plan for EPA to prepare written responses to questions on the FDR. The CAG Technical Subcommittee discussed comments on the FDR with EPA in a morning session prior to the April 2006 CAG meeting, and the subcommittee's opinions were shared with the CAG at the afternoon session. Additional meetings were held by phone and in person during September of 2006. If CAG members feel there are outstanding issues, EPA could schedule another meeting or technical session to discuss them.

Concern was raised that contaminated materials from outside of the superfund site might be processed at the Fort Edward dewatering facility. It was noted that Fort Edward does not want to see navigational dredge spoils, floodplain materials or other similar materials be added to a list of materials the facility must process. EPA responded that they have no plans to process material from other federal, state or local projects and that the only material eligible for processing at the facility is material to be dredged pursuant to the 2002 Record of Decision (ROD) for the Hudson River PCBs Superfund site. They also stated that the dewatering facility will not be used to process Saratoga Lake or Upper Hudson sediments related to a plan for an alternate drinking water source for Saratoga. As far as possible material from the floodplains, no decision has been made whether or how to address contaminated floodplain soils that may be identified in the future floodplains investigations (RI/FS); before any decision is made on a remedy for the floodplains the EPA would need to go through a public participation process [NOTE: a draft RI/FS would be made available for public review and EPA would need to hold public meetings and address public comment on a proposed remedy].

Regarding navigational dredging not necessary to carry out the ROD, the Natural Resource Trustees have indicated that such dredging could be incorporated into a settlement on natural resource damages and that they are willing to meet with GE to negotiate such work. The concept of performing navigational dredging in concert with EPA's dredging project was endorsed by many CAG members. EPA has indicated that it is willing to participate if the Trustees and GE begin discussions regarding navigational dredging. However, EPA's primary focus is to successfully implement the dredging remedy in accordance with the ROD. If navigational dredging is performed as a component, or in concert with any of the 2002 ROD dredging work there are many issues that would need to be worked out and would also likely require public participation; any potential use of the processing facility would certainly come before the public.

## Update on Project Schedule/Work Plan #1

Dave King gave an overview of the Schedule and Remedial Action Work Plan #1 (RAWP#1), which concerns Contracts 1 (Facility Site Construction) and 2 (Rail Yard Construction). The construction schedule is dependent on assumption that items specified in the RAWP#1 are completed on a timely basis. The excavation of the wharf, which must be done in the winter when the canal has been drained, has been moved from 2006-07 to 2007-08. The complete presentation can be viewed at <http://www.hudsoncag.ene.com/default.htm>.

### Basic Schedule:

- Construction begins April 2007
- Rail construction – Summer 2007
- Wharf excavation – Winter 2007-2008
- Wharf construction – Spring-Summer 2008
- Moorings – Summer 2008
- Work Support Marina – Summer 2008

CAG members discussed a range of issues on the project and scheduling. Upon reviewing the schedule and organization of the construction activities, several CAG members said that the project could be designed more efficiently. One CAG member noted that the Real Works (rail construction) crew is being brought in from Ohio rather than hiring local workers. The local labor union(s) said they have tried to negotiate with Real Works and GE on the issue to no avail. It was also noted that another contractor, DA Collins, is local and will be using local labor to fulfill their contract. There was a discussion about the traffic problems around Route 4 Corridor reconstruction. David King stated that the new access road into the dewatering facility, slated to be completed in June 2007, will allow project traffic to completely bypass the village and town of Fort Edward.

CAG members also asked the following questions, in italics:

- *Where will effluent from the plant go?* It will be treated in the on-site water treatment plant and then returned to the canal.
- *Are emergency response plans integrated in the workplans?* Yes.
- *Will construction or ongoing operation of the access road interfere with the hike/bike trails in Fort Edward? Will (planned) trails from Waterford to Fort Edward be disrupted by any of the project?* EPA thought there would be no impact, but said they would check. John Callaghan noted that one of the reasons that Canal Corp. supported the building of the new access road to the site was to keep trails accessible. The hope is to be able to use the access road in the future as a trail, but concurrent use is unlikely due to the small footprint available for the road.

## **Update on NYSDEC Projects – GE Hudson Falls and Fort Edward Plant Sites**

Kevin Farrar of NYSDEC presented on the GE Hudson Falls and Fort Edward Plant sites. Please see the presentation “GE Hudson Falls and Fort Edward Plant Sites” at <http://www.hudsoncag.ene.com/default.htm> for additional details.

### Hudson Falls Project

HF Soil Remedial Design Status:

- The supplemental data recovery is underway
- The final design is due in March of 2007

HF Groundwater Remedy Status:

- Expansion of the existing wastewater treatment plant design was approved and work has begun
- The proposed Tunnel Drain Collection System (TDCS) design was approved and some modifications proposed
- TDCS construction slated to start in Summer 2007 and take about 2 years
- GE will likely awards contracts for the tunnels in May/June 2007

One CAG member asked if there would be on-site treatment and was told that PCB oil product would go off-site for treatment and contaminated water would be treated at the on-site water treatment plant. Another CAG member asked what type of treatment will be used for the soils. This is not yet known since the project is not yet at the technology decision phase, but during that phase there will be public participation.

### Fort Edward Project

The Operable Unit 4 remedy (excavation and removal of soils/sediments along the riverbank in the vicinity of the former 004 outfall) was implemented in 2003-2004 by DEC. PCB oils seeps from the bedrock were observed when this work was done. DEC installed some collection wells, and monitoring has indicated that there are PCBs. An order for further investigation was issued to GE.

Status

- GE installed additional bedrock monitoring wells and conducted surface water sampling in 2006
- PCB oil has been found at depth in the area near the former 004 outfall
- Further investigation is needed and GE is proposing installing more monitoring wells and doing more sampling in 2007

A CAG member asked if the PCB oil was getting into the river and was told that DEC does know that at least some of the wells are in communication with the river. Another CAG member asked if this problem could be the reason behind the water column PCB spikes shown during the summer when DEC did the work, and was told yes, DEC did not know there was PCB product in that specific area until the soils had been removed. Kevin

Farrar when on to explain that this was not a case of resuspension; in this case there were pockets of PCB oil held between layers of shale. When equipment was moved across the shale during the installation of the flow diversion barriers, the layers were disturbed and the oil was released.

A CAG member asked how it is known how much contamination is in the water. Kevin Farrar said that the Baseline Monitoring Plan calls for weekly surface water sampling, and during the project, sampling was done on a daily basis. A CAG member asked about the location of the NiMo Queensbury site and was told it is significantly downstream of the proposed water intake for Saratoga County. Another CAG member asked if the reach of river between the outfall and Rogers Island has been reevaluated regarding possible deposits due to the seeps discovered during the DEC work. Kevin responded that the water in that area is fast flowing and there is no appreciable sediment for PCBs to adhere to, but he also promised to follow up on the question.

### **Update on NYSDEC Projects – Hudson River Upland Dredge Spoil Disposal Areas**

William Shaw of NYSDEC presented on the Hudson River Upland Dredge Spoil Disposal Area. Please see presentation for details at <http://www.hudsoncag.ene.com/default.htm>.

There are six “upland disposal areas” at which Remedial Investigation/Feasibility Studies are underway. These RI/FS are intended to evaluate the current conditions at and around each area, and to define the type and degree of any contamination that might be there due to the disposal areas.

Status:

- Remedial Investigation work began in 2005
- Initial field work is complete
- Groundwater monitoring program for each site is complete
- Draft RI/FS reports are being written
- Public outreach is planned for when the reports are finalized as well as when any appropriate actions are proposed.

CAG discussion addressed several different issues. One CAG member asked where the Fort Edward water supply was in relation to the upland disposal areas. It is considerably North and West of those areas, and also at a much higher elevation. CAG members were also told that the Fort Miller site is not an upland disposal site and was not on the list of RI/FS sites because it is already in maintenance stage.

There was a question about whether there was any leakage from the disposal areas to the river. These investigations are being undertaken to have a better understanding of what, if anything, is being released to the river from the disposal areas. It is known that sampling done in 2005 by NYSDEC Division of Fish, Wildlife and Marine Resources in the river upstream and downstream of the Old and New Moreau Landfills found an

increase in the PCB concentrations in the water near these disposal areas, but it is not yet known why; it is currently being evaluated.

A CAG member asked when the RI/FS reports would be available for public review and was told that it would likely be late summer 2007, and the plan is to have combined public outreach meetings on all the sites, with the possible exception of a separate meeting at Stillwater for the Lock 4 area site (Newland Island). In response to a follow-up, the CAG was told that the disposal site near Lock 4 (Newland Island) is currently still in use as a disposal area, although recent materials are being segregated from old materials by a layer of geo-textile fabric, in the event that a beneficial use determination is granted by NYSDEC for the recent materials. In response to a follow-up, Bill Daigle promised to look into the possibility of DEC releasing the RI/FS documents as they become available to DEC, as opposed to waiting until they have been finalized by DEC.

A CAG member asked if DEC was working with GE on the RI/FS work and was told that GE declined to work on it, so DEC got appropriations from the state to begin the work. When the RI/FS is complete, DEC will ask GE to be involved in the remedy; if they decline, DEC could seek appropriations again to complete the project.

## **Brief Updates**

### Water Contingency Planning

GE was ordered to prepare an options analysis for water contingency planning, and they are currently working on it. GE asked for and received a 45-day extension, which means the analysis is due at the beginning of April. Merrillyn Pulver requested the creation of a new water district for Fort Edward. Ken DeCerce expressed concern that there isn't enough time to put in the required infrastructure for Waterford and Halfmoon to use an alternate water source.

### Habitat

Doug Garbarini gave a brief presentation of the habitat considerations that are being resolved by EPA and GE. The presentation can be viewed at <http://www.hudsoncag.ene.com/default.htm>. He stressed that the real challenge lies in reaching a balance between engineering concerns and habitat concerns, e.g., keeping the river banks and other backfilled areas relatively stable while also making them suitable for habitat regrowth. A significant amount of discussion has focused on the type and availability of backfill material to be used, as well as how dredged shorelines will be reconstructed. Success criteria are being set up to ensure that the reconstruction/replacement of various habitat types is successful. These criteria have been the subject of extensive discussion and modification. EPA, GE and the resource agencies have also had significant discussion on where to best use approximately 23,000 cy of backfill specifically allocated for habitat reconstruction/replacement of submerged aquatic vegetation (SAV). This material supplements the one foot of backfill that will cover almost all the dredged areas. EPA and GE will be doing more work on habitat in the next month.

CAG questions about habitat included the following, in italics:

- *Why doesn't the plan aim to remove rip rap and replace it with active habitats?* Especially in Phase 1 areas, there is quite a lot of rip rap. The rip rap is likely there for a good reason. There is concern over liability if rip rap is removed and the replacement failed. It would take a long time to for the many parties and with perhaps conflicting interests to come to agreement on whether or not to replace each particular stretch of rip rap.
- *Will backfill for habitat replacement be used in the navigational channel?* There are no plans to use the backfill for habitat replacement in the navigation channel. In addition, as a general rule the 12 inch layer of backfill planned for almost all dredge areas will not be placed in the navigational channel. [Note: backfill could be placed in the channel under very limited circumstances, but only if the channel had been dredged such that the finished elevation after backfilling is 104.5ft (below the depth for navigational dredging) or deeper; similarly, caps could potentially be placed in the channel, but only if the finished elevation is below the navigational dredge depth]
- *What are the impacts to local quarries and roads of supplying backfill material?* Approximately 180,000 cy of backfill material will be needed for Phase 1. This material will be placed from the river, not land. The suppliers of the backfill have not yet been selected. The backfill material will not be trucked to the processing facility, but might need to be trucked to other locations on the Hudson before being loaded on a barge.
- *Has the navigational dredging issue been settled so there will be uniform depth for the navigation channel?* This is not part of the current remedy or design, but navigational dredging will be discussed further at a later meeting.

### Floodplains

Dave King reported that EPA got the RI/FS in January and it is currently under review.

### Agenda Planning Committee

Merrilyn Pulver will join Chris Ballantyne and John Lawler on the agenda planning committee. The group agreed to discuss Pittsfield via conference call in two weeks or so, and that navigational dredging should remain as an agenda item. It was suggested that Rob Goldman could help demonstrate the economic benefits of a clear navigation channel.

### **Adjourn**

The meeting was adjourned at approximately 4:00 p.m.