

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
Meeting Notes
23 February 2006
CAG Meeting, 1:00 PM – 4:00 PM
Fort Edward, NY

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Ken DeCerce, Richard Fuller, Mark Galough, Joe Gardner, Manna Jo Greene, Harry Gutheil, George Hodgson, Roland Mann, David Mathis, Dan McGraw, Neal Orsini, Merrilyn Pulver, John Rieger, Rich Schiafo, Lois Squire, Julia Stokes.

CAG Liaisons Attending: Danielle Adams (E&E), John Callaghan (NYSCC), Bill Daigle (NYSDEC), Doug Garbarini (USEPA), Joan Gerhardt (Behan Communications), John Haggard (GE), David King (USEPA), Gary Klawinski (E&E), Deanna Ripstein (NYSDOH), Leo Rosales (USEPA).

Others Attending: Bonnie Bellow (USEPA), John Callaghan (NYSCC), Rayna Caldrell (Yale University), United Marine Division, Lee Coleman (Daily Gazette), Zach Dorfman (Sierra Club), Jerry Dudding (GFD Patents), Doug Fischer (USEPA), Colleen Galligher, Rob Goldman (NYS Marine Highway Transportation), Michelle Hayes (NYS Marine Highway Transportation), David Keehn (NYSDEC), Tom Kryzak (Air and Earth Works), James Kudlack (Controlled Extraction Technology), Roberta Kudlack (Controlled Extraction Technology), Takehiko Murayama (Rutgers University), M Pairk (TV), Evangelia Palagian (USEPA), George Pavlou (USEPA), Mark Schachner (Fort Edward Town Council), Alan Steinberg (USEPA), Ann Stoehr.

Facilitators: Patrick Field, Ona Ferguson.

Members Absent: Cecil Corbin-Mark, Theresa Egan, Mark Fitzsimmons, Robert Goldstein, Gil Hawkins, John Lawler, Paul Lilac, Aaron Mair, Judy Schmidt-Dean, Jock Williamson.

Key Action Items:

- Dan Watts will present on resuspension and the dredge technology selection process at the March 23 CAG meeting.
- Next Meeting: the 4th Thursday, March 23, 2006 at Saratoga Spa State Park, Saratoga Springs.

Welcome and Introductions

The facilitator welcomed attendees to the February CAG meeting. It was noted that the TOSC coordinator could not be at this meeting due to a last minute matter, so his presentation was postponed until the March CAG meeting.

Discussion with the Regional Administrator

Alan Steinberg, the EPA Region 2 Administrator (RA) was introduced and welcomed. He shared his professional past, and stated that EPA's current goal is to increase the pace of environmental protection while maintaining economic competitiveness. He stated that the EPA alone cannot do this, but rather that EPA is doing its best to work with many stakeholders to make the project a success.

He spoke about spending two days visiting the region, and promised he would listen to the concerns and comments of the CAG and that EPA would make its best effort to meet CAG concerns. He also noted that EPA would not always be able to agree with or do everything that citizens want. However, he stressed that the Hudson River clean up is one of the highest priorities for EPA as a whole and EPA Region 2, and EPA will do its best to minimize project impacts on peoples' daily lives. EPA takes the CAG's concerns seriously and tries to be responsive.

Fort Edward representatives thanked the RA for coming, and noted that he had attended the Fort Edward Citizen Committee the night before as well as visiting the homes of several residents who will live near the dewatering facility. CAG members thanked the RA for attending, noting how important it is to people in the area for EPA to make an effort to see the project through local eyes.

CAG members raised several points:

- Historic artifacts should be preserved whenever possible.
- Resuspension must be minimized, and some have concerns that mechanical dredging increases resuspension as compared to other dredging technologies.
- The start date of 2007 should be held firm. Mr. Steinberg noted that this timeline could change if there were court intervention, but that EPA and GE are moving forward as quickly as possible while being deliberate about the design. The EPA goal is to respond to comments, get the consent decree entered, and start construction in September 2006.
- The CAG asked and the RA offered to visit other sites in the region beyond Fort Edward on his next visit.
- Please minimize impact on recreational boating and the tourist dollars that brings. The CAG Economic Development subgroup hopes to work with EPA so the Chambers of Commerce and Canal Corp can coordinate closely on this issue.
- PCBs on the land at public access places are blocking redevelopment efforts. EPA noted that the floodplain contamination isn't part of the clean up project, but falls under the Superfund Removal Authorization. Alan noted that concerned CAG members should speak with Leo Rosales and David King about this, or could meet him in his office in New York City.
- Noise will be a problem in that EPA didn't gather background noise data and some of the communities do not agree with the QLPS for noise. The RA responded that the Quality of Life standards are a huge priority for EPA and indeed this is the first time such standards have been included in a project. He said EPA, as the communities, want to avoid noise that would affect people's sleep and other activities. He also noted that

though EPA does not have the authority to regulate noise, it establishes decibel levels that are reasonable and is seeking to have in place techniques for making adjustments in response to complaints that arise.

- Concern that out of town workers will decrease the prevailing wage. Has EPA talked with GE about wages? EPA said they couldn't require that given their authority. GE representatives noted that contractors often hire locally because it makes it easiest to be economically competitive, but that hiring would be competitive.
- Mitigation costs/host benefits were discussed in that communities will have decreased access to the river.
- CAG members want the river to be more accessible after the project, with beaches, parks etc, and that visions such as this will help residents stay hopeful during trying times.
- Communities want federal money to protect and display cultural resources. EPA suggested that people look on the EPA website (www.epa.gov/ogd/) for grants that may apply, and that different federal agencies can fund distinct types of projects, so CAG members should work with their elected representatives to find grants that are appropriate.

Alan Steinberg left the CAG meeting at the break.

Report from of CAG January Retreat and Subcommittees

CAG members were pleased with their retreat in January. They noted that it was helpful to work together to develop a work plan. They formed three subcommittees to address a range of concerns and areas in which the CAG wants to see action:

A. Technical Review Subcommittee

The technical subcommittee presented a review of their scope and work to date.

- *Members*: George Hodgson (lead), Manna Jo Greene, Dan Watts, Rich Schiafo
- *Schedule*: 1+ meetings a month, primarily through conference calls
Primary Tasks: (1) Review technical material that is put before the CAG in depth and point CAG members toward areas of interest and/or write summaries, (2) Serve as a conduit of materials to CAG members, especially on issues of noise, resuspension, and dredge technology, (3) Consider if and how to invite GE to participate on technical subjects, (4) Coordinate technical resources.

The Technical Subcommittee had several conference calls and has been in close contact with EPA staff. It just received acoustic protocol data, and will take some time to digest that. The subcommittee is focusing on air, resuspension, and the CHASP. The group put forward a proposal that EPA ask contractors to retrofit their diesel engines to decrease emissions and odor as well as requiring low sulfur fuels. It was noted that these steps could go a long way toward reducing neighborhood complaints of air quality impacts created by the project.

The Committee's purpose isn't to change standards, but to work on learning how to best minimize and mitigate impacts. The group knows that the dredge technology decision will not be changed. Dan Watts will present some information to the whole CAG at the March meeting that he presented to the Committee earlier this month on how mechanical dredging was selected.

A CAG member thanked John Haggard of GE for attending this meeting.

B. Administrative Subcommittee

The administrative subcommittee presented a review of their scope and work to date.

- *Members:* John Lawler and Chris Ballantyne
- *Schedule:* conference calls at least once a month
- *Primary Tasks:* (1) Plan agendas with EPA and facilitators, (2) Decide on outreach such as press releases; (3) attend to other administrative matters, as needed.

The Administrative Subcommittee reported to the CAG that at this time they recommend that there isn't a need for a CAG spokesperson because that person would then not be able to speak on behalf of their own organization. For now, when the CAG wants to make an announcement, it can do so through the facilitators or via a joint press release.

C. Economic Development Subcommittee

The administrative subcommittee presented a review of their scope and work to date.

- *Members:* Julie Stokes, Mark Galough, Lois Squire
- *Schedule:* Conference calls as necessary
- *Primary Tasks:* (1) Organize a one-time event for economic development agencies and waterfront revitalization efforts in the region; (2) Consider how to obtain benefits from the project via multiple sources of funding.

The Economic Development Subcommittee reported to the CAG that they would hold a pre-CAG meeting the morning of March 23 to address the issue of potential project impacts on Tourism (largely of the possible boater perception that the river will be closed) during Phase I and how to address those in advance. Chambers of Commerce and the Canal Corps and the National Park Service will be invited to come to that meeting, titled "Open for Business." In addition, Saratoga County will invite people from all their towns to a working session and develop a list of wants, then will meet with Rensselaer and Washington Counties to decide on any necessary collective action. For the longer-term, Saratoga County is organizing internally to determine its long-term planning needs and goals and would hope at a future point to combine efforts with the other Counties.

Briefing on 2006 Schedule and Milestones

EPA presented the upcoming project schedule:

- Final Design Report submitted by GE to EPA – March 21, 2006
- Project bids for Phase I work let by GE – March 21, 2006
- Consent Decree Approval (necessary for actual construction)
- Start of Facility Construction – Late summer/fall, 2006 (dependent upon CD)
- Start of Dredging – June 2007

The Final Design Report (FDR) will be in the form of bid documents in six distinct contracts, prioritized in review by EPA starting with the construction of the dewatering site. The six pieces will be: civil site construction, rail-yard construction, processing facility construction and operation, dredging operation, habitat restoration, and monitoring. They will go out to bid the day they are released in order to expedite the process. No contracts will be signed until the FDR is completed and signed and necessary modifications will be made subsequently should EPA require changes. This parallel process is being done upon encouragement from EPA in the hopes of getting construction underway in order to meet the goal of a 2007 dredge start date. There was discussion of the difficulty of having adequate time for the EPA and the public to review the FDR while getting bids in to start construction in a timely fashion.

CAG members stated that they like GE to wait until one month after the FDR is released to put out bid specs so that EPA or others reviewing the documents could raise any major “red flags.”

GE will be writing executive summaries of the very detailed bid documents to provide easier access for CAG members and the public. For instance, GE noted that one area of interest in the FDR for those concerned with quality of life issues would be the performance standards compliance plan.

Other document release details beyond Phase I:

- March 22 - Phase 2 Dredge Area Delineation (DAD)
- Spring/Summer 2006 – in-river and terrestrial archaeological follow up
- Fall 2006 – draft Phase 2 Habitat Report
- Fall 2006 – draft Phase 2 Archaeological Report
- Late 2006 – draft Phase 2 Intermediate Design Report
- Early 2008 – draft Phase 1 Peer Review Process

The plan is to have peer reviewers onboard in 2007 so they can see the site in operation. The makeup of the peer review panel may include some members of the engineering performance standards review group that was originally convened, but the details of this process are still being worked out. A group of independent people will be tasked with choosing participants for this review process. EPA and GE will review each other’s peer reviews and combine them if appropriate.

Several CAG members asked why the IDR for Phase 2 is coming out in 2006 prior to any learning from the dredge process in 2007 and the peer review in 2008. They are concerned that this seems out of sequence. EPA noted that there is some concern that the 2008 dredging season could be lost if the design for Phase 2 isn’t already underway. If the design is good, then it can be implemented smoothly with few changes, and if larger changes are required after the peer review process, the design will be changed, as will probably the schedule.

CAG members encouraged that the peer review start in fall of 2007 since by then there will be a great deal known about what is and isn't working and in order to expedite Phase 2 based on sound information.

Planning CAG/Technical Subcommittee Review of Final Design

The CAG started discussing the form for FDR review to be carried out in the next few months. CAG members noted that they want EPA, GE and state agencies to help them identify what mitigation measures are included in the FDR on some of the issues of most concern to the CAG. The Technical Subcommittee, EPA, and GE, possibly, may have a meeting on those issues of most concern to the CAG so that CAG members can find the right sections of the FDR to review. EPA would like to discuss those areas the CAG cares most about to avoid too much or too broad an overview.

EPA will respond to FDR comments. As with the IDR, EPA will accept public comments on the FDR, though there is no formal public comment period. EPA suggests that those reviewing the FDR prioritize their review in a similar way as EPA (i.e. starting with the facility construction). CAG members should combine comments if possible. The CAG will be looking for areas where GE has responded to community comments and addressed those issues that the CAG cares most about. GE will focus on those in their summaries.

Brief updates, Next Steps and Action Items

GE reported that the HudsonWorks Marketplace Program has just started is an opportunity for prime contractors to make themselves known to GE. GE envisions a need for many services and materials, and so has created both a website (www.hudsonworks.net) and a paper form to enable companies to submit information about the services and products they provide. The website will allow GE to sort profiles, and as of this meeting 175 businesses have already entered their information into the website. GE encourages CAG members to spread the word about the site, and there will be a public information session on the HudsonWorks Marketplace Program on February 28, 2006 in Fort Edward.

CAG members thanked GE for giving local people a chance to make themselves known in this way.

Wrap Up

The meeting was adjourned at 3:50pm.