

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

**Meeting Summary
February 5, 2004
12:30 pm to 3:30 pm
Saratoga Spa State Park**

Members Attending: Rodney Davis (alternate for Aaron Mair), Kenneth DeCerce (alternate for John Lawler), Richard Fuller, Joe Gardner (alternate for Chris Ballantyne), David Gordon, George Hodgson (alternate for Harry Gutheil), Paul Lilac, Roland Mann, Merrilyn Pulver, Sharon Ruggi, Rich Schiafo, Lois Squire, Julia Stokes, Tim Sweeney, Jock Williamson

CAG Liaisons Attending: Doug Garbarini (EPA), Dean Maraldo (EPA), Leo Rosales (EPA), Kevin Farrar (NYSDEC), William Parts (NYSDEC), John Dergosits (NYSCC), Steven Sweeney (NYSCC), Deanna Ripstein (NYSDOH), Joan Gerhardt (GE)

Others Attending: Danielle Adams (E&E), Gary Klawinski (E&E), Fred Ellerbusch (NJIT), Kathleen Bartholomay, Steve Fisil, Judy Schmidt-Dean,

Facilitators : Larry Dixon, Patrick Field

Members Absent: Chris Ballantyne, Dan Casey, Mark Fitzsimmons, Harry Gutheil, Gil Hawkins, John Lawler, Aaron Mair, Dan McGraw, Peggy Shepard, Barbara Sweet

Key Action Items

1. Members of the CAG felt it would be useful to visit another river dredging project to get a better understanding of the process. EPA will inquire on a few local sites to see if there will be dredging soon, and determine if there is funding available for such a field visit within the next couple of months when the weather turns warmer.
2. EPA will develop a revised schedule of roadmap activities by the end of April and will include more detail on public activities noted.
3. EPA will provide a list of newspapers it typically notifies regarding public meetings and the CAG will review this list and suggest additions.
4. The CAG will review the draft road map and prioritize key activities/documents that might be addressed by the TOSC grantee.
5. CBI and EE will update and correct the CAG email list. CBI and the Field Office will notice meetings via email and by regular mail.

6. CBI will revise the CAG Operating Procedures based on the discussion at the meeting and make suggested changes including delineating role of liaisons from EPA, DEC, GE, and others.
7. EPA will get back to the CAG on whether the water-based facility evaluation will be released to the public and its relation to the draft land-based facility siting report.
8. CBI will convene a conference call with subcommittee to develop a proposal to the CAG for its website.
9. EPA's Regional Administrator's Office will provide written notice acknowledging receipt of the petitions delivered last and this meeting regarding facility siting. The petitions have served as an official FOIA request.
10. DEC and EPA will prepare a presentation for the March CAG meeting, summarizing the key projects and how they link to one another in sequence. If upstream cleanup is not necessarily required before dredging begins, the agencies should seek to explain the technical justification for this.
11. TOSC coordinator will review materials pertinent to the DEC and EPA issues and be prepared to offer advice to the CAG on these issues.
12. The CAG requested that EPA explore, along with GE, how best to address community concerns about potential impacts on local voluntary services due to community health and safety plans, prior to release of the document.

Convening of Meeting

The meeting began at approximately 12:40 pm. CAG members introduced themselves and the facilitator reviewed the agenda.

Reviews

January Draft Summary. The facilitator reviewed the January draft meeting summary, solicited the CAG for corrections, and noted areas to be corrected. The CAG then finalized the summary. Members of the CAG said that the summary captured the level of detail they had hoped for.

January Key Action Items (numbers correspond to the particular Key Action Item).

1. EPA said they notified the local press on the meeting two weeks prior, and said they will provide a list of newspapers it typically notifies regarding public meetings for the CAG to review and suggest additions. EPA also explained that they use the listserv to notify interested parties (other than members, alternates and liaisons) of the meeting, and the listserv has approximately 600 subscribers.

2. EPA noted that the Habitat Delineation Assessment Report will be ready sometime in spring, and would give more details on the habitat replacement process, including dates when it would be done. EPA also noted that the dredge delineation would be modified based on the Habitat Delineation Assessment Report.
3. Sharon Ruggi and Jack Lawler (if agreed since he was not present) will work with the facilitators, E&E, and EPA to scope out what a CAG website would look like.
4. Meetings will be held the fourth Thursday of the month based on the polling the facilitators did. The next meeting will be March 25.
5. EPA and the Washington County rep. noted that they had met with Ft. Edward residents to discuss concerns about recent NYSDEC project construction.
6. EPA noted that it would more clearly define short term vs. long term and averages as related to monitoring in future publications.
7. EPA said it would discuss dredging times (as regards weekends and nighttime) with the CAG as the project moves forward.
8. EPA noted it will discuss advertising project related opportunities with the CAG as the project moves forward, but noted those may be limited.
9. Members of the CAG felt it would be useful to visit another river dredging project to get a better understanding of the process. EPA will inquire on a few local sites and determine if there is funding available for such a field visit within the next couple of months when the weather turns warmer and dredging begins again.
10. NYSDEC noted that a letter went to, and was received by, the Town of Ft. Edward regarding waste uncovered during remediation by NYSDEC.

The “Roadmap”

The group reviewed the Roadmap document; there were few comments on the document itself, several discussions arose concerning the documents included in the Roadmap.

NYSDEC and EPA Project Coordination

NYSDEC noted that they are currently reviewing the record of decision (ROD) at the Hudson Falls GE site, and would negotiate with GE on cleanup after it is finalized.

The CAG inquired to the NYSDEC about what types of remediation would be considered on the plume at the outfall in Ft. Edward where the bedrock has been found to contain PCBs. NYSDEC replied that it is still too early to tell because they are not sure of the scope of the project now and as such cannot say whether it should be remediated or how long it will take to remediate. NYSDEC noted that when information becomes available, they would look at the alternatives and pick the best one. DEC has removed about 15,000 tons of riverbank contaminated with PCBs and has only found infrequent detections from the remaining contamination.

A member of the CAG said that there have been spikes of PCBs materials reported. NYSDEC said they are still not sure if the area needs to be remediated since it is unclear if there is an impact. Another CAG member inquired that since the Hudson Falls and Ft. Edward site is upriver of the area to be dredged, shouldn't the upriver source be addressed first? NYSDEC

replied that they need to understand the scope of the problem first, but from what is known it does not need to be addressed before downriver areas are dredged. EPA concurred with NYSDEC while noting ideally, it would be preferred to remediate upriver first although this is not technically necessary. Another member of the CAG explained that they were led to believe in a previous, non-CAG meeting that this area would be remediated first.

The facilitator suggested that if there was interest by the CAG, it might be useful to put this on the agenda in an upcoming meeting. A member of the CAG explained that it would be useful if the NYSDEC and EPA could make a joint presentation on this topic, and highlight how this plays into the overall cleanup picture for the area.

Community Health and Safety Plans

Upon inquiry, EPA noted that the Remedial Action Community Health and Safety Plan for Phase 1 Dredging will be ready by Summer 2005 and that the CAG and the public will be able to comment on it then. The CAG expressed concern that the capacity and skills of local emergency and health services, especially voluntary ones, are not prepared to work with the many problems that remediation might present. It was noted that in the past there have been breakdowns in communication between the Ft. Edward fire department and rescue squad when problems arose. The point was made that most communities in the remediation area depend on volunteers for crucial services, and they should be reached out to in order to hear their concerns and needs. EPA replied it would be glad to reach out to them. Likewise, it was requested that if GE has a HAZMAT Team, that they might be part of an effort to reach out to local health and emergency services. EPA said they would look into it. GE also noted they would follow-up on this issue.

EPA went on to say that they need to go to the towns in the project area with the draft Community Health and Safety Plan to get their thoughts and input, and that it would look into having GE with at the meetings with them to answer questions. EPA went on to say that much of the material in the river is at low levels in regard to direct human exposure, but that the reason it is not safe is because these materials build up in the food chain over time and are a health and ecologically hazard. The CAG noted that they were not only concerned about HAZMAT issues, but also other potential on-river problems such as spills, or boating accidents. The communities may also be concerned with road traffic accidents. It was suggested that the towns should put together a list of equipment and training needs as well as a list of concerns that they have that can be addressed. The facilitators summarized by noting that many CAG members expressed the need for EPA to begin to address these issues soon, prior to final development and release of a draft Health and Safety Plan document.

Other

During the discussion, EPA noted that the Treatability Studies would not address the final destination of the transported waste, which will be addressed in the Design Report.

Finally, a member of the CAG explained that it would be good if EPA could expand in the Road Map how the project moves from Phase I into Phase II. EPA stated they would update and revise the Road Map and have another version sometime in April.

CAG Meeting Protocols

The CAG reviewed the meeting protocols and offered comments, questions, and suggestions. A CAG member asked what would happen to members if they miss meetings and how many can people miss before they are removed from the group. After some discussion it was noted that for the CAG to be effective, all members should show up regularly and not “cherry pick” meetings for only their key issues so as to build understanding and group cohesion. If members do not show up, members’ constituents inevitably suffer. It was noted that having alternates could help solve the problem. It was noted that CAG members should let the facilitators know who their alternates are if they have not done so already. The facilitators also noted that if members are not coming, they will follow-up with them to find out why and try to address the situation. The CAG agreed to not at this time put more detailed attendance requirements in the meeting protocols.

The CAG had some questions about who is a liaison and why isn’t GE represented. It was clarified that EPA, the New York State Department of Environmental Conservation (NYSDEC) New York State Department of Health (NYSDOH), and the New York State Canal Corporation (NYSCC) all have liaisons that attend meetings. Joan Gerhardt of Behan Communications introduced herself and noted that she is the liaison for GE and would be happy to go to GE with issues the CAG has and liaise between both groups. Members of the CAG noted that it was good for the CAG to have liaisons attend the meetings since they can be a good tool to quickly get answers to questions and help sketch out the big picture. The CAG requested that the facilitators add a section outlining the role of liaisons as anyone with specialized knowledge that would be useful to the CAG and listing who they are. Liaisons will be provided nametags to distinguish them in the meetings.

There was some confusion around the “Providing Input” section relating to the purpose of the CAG and whether they can issue consensus agreements if they are reached. The facilitators explained that the CAG couldn’t officially make joint recommendations to the EPA because of the limitations imposed by the Federal Advisory Committee Act (FACA). However, the CAG’s individual members may and should make recommendations and provide advice. It was asked: what if each and every CAG member has the same advice. The facilitator noted that these individual views would be duly noted. A CAG member asked: what about joint advice to non-EPA liaisons or agencies. It was noted that the state and other non-federal entities are not bound by FACA; thus, the group would be free to do so.

The facilitators agreed to revise the protocols given the discussion and circulate a revised draft.

TOSC Grant Program

Fred Ellerbusch of the New Jersey Institute of Technology, (NJIT) Center for Environmental Engineering and Science presented on the services that he and his institute could provide the CAG as the technical outreach services to committees (TOSC) grant recipient. The institute has

a research focus and works in the areas of brownfields, field analysis, and pollution prevention with industries, risk assessment, and risk communication. The TOSC coordinator's role is to provide non-advocacy, neutral expertise on technical matters to the community. Mr. Ellerbusch expects to attend all CAG meetings and provide technical expertise to the CAG upon request. After his presentation, Mr. Ellerbusch answered questions. The CAG inquired about risk assessment and the feasibility of doing a risk assessment. Mr. Ellerbusch replied that to do a full assessment would take a great deal more funding. However, they can review documents like risk assessments. He went on to explain some of the differences between regulatory definitions such as hazardous material, hazardous waste, and hazardous substances and noted that the definitions vary by state, agency, and federal jurisdiction. Acceptable risk is a policy determination that depends on the situation and the scale of risk.

The CAG inquired how they can best use Mr. Ellerbusch's services and he said that he is here to serve the CAG, and that if it as a group asks him to look at something he will do it. It was suggested that the CAG review the Road Map before the next meeting and identify studies where it would like technical assistance from Mr. Ellerbusch. CAG members asked if NJIT would review the issues raised concerning DEC and EPA project timing and sequencing. The group discussed concern about not knowing the limits of the TOSC grant in terms of scoping work, but agreed to have NJIT start by looking at the DEC-EPA issues. Finally, it was noted that rather than a liaison, Mr. Ellerbusch is resource for the CAG.

Quality of Life Performance Standards (QoLPS)

Time was set aside for additional comments from the CAG on the QoLPS. Upon inquiry, it was noted by EPA that there is no peer review process for these, but there is the on-going public comment period.

Updates

Liaisons provided updates.

- *Peer Review of Engineering Performance Standards.* EPA reported that the peer review team would complete its report and submit it to EPA by late March. EPA will then circulate it to the CAG and the public. EPA noted there were many comments and that they hope to issue the revised performance standards by late March.
- *Facility Siting.* EPA said it was close to putting out a draft facility siting report which will serve as a comprehensive, very detailed document on issues surrounding cultural, wetlands, environment, etc., with regard to siting of the dewatering facilities. The report will give detailed reasons why some sites were dropped and others kept. EPA hopes this document will be ready by March/April, and noted that the deadline is different than what the Roadmap says due to challenges to completing the work. Once this document is out, there will be a 30-day public comment period and meetings will be held at each town listed. Comments will be taken and then EPA will make its final decision on where the

dewatering facilities will be located for Phase I and II. EPA noted that this document would identify the feasible sites for Phase I and II facilities from the current list of seven, which may include one or more sites that ultimately are not used.

A member of the CAG inquired on the number of Phase I dewatering facilities that would be identified. EPA said it is still unclear if it will be one or two, but noted that Phase I facilities could also be used for Phase II, and the latter phase could include an additional facility. EPA said there is likely to be a facility North of the Thompson Island pool, and if so, there still could be another further south. Another member asked: how long would uncertainty prevail as to the final site selection. EPA noted that by late spring 2004 the Phase I sites should be selected and that by Summer 2004 the Phase II sites should be selected. EPA noted that they don't want to preclude possibilities too early given all the information that has to be considered in siting, but also want to provide certainty and clarity as soon as they can.

A CAG member asked about the water-based facility siting review. The Draft Facility Siting Report for Sediment Processing, which will have a public comment period, will include the summary and conclusions from the water-based facility siting review document. The water-based facility siting review document itself was not planned to have a formal public comment period. The public is welcome to make comments on water-based issues as part of the comment period on the complete Draft Facility Siting Report for Sediment Processing. A member of the CAG suggested that the Water-Based Facility Siting document be given a public comment period as well.

Finally, EPA, in response to the signatories of the Georgia Pacific Site Petition (from the last meeting), said they are working on a fact sheet of specific reasons why that site was kept. This fact sheet should be ready soon.

Public Comment

One member of the public made comment. A resident from Greenwich offered corrections to the meeting summary. The CAG concurred with the changes. She explained that the signatories of the petition would like all documentation on the decision, not just a fact sheet, as noted by EPA. She also explained that they had not heard from the office of the EPA Regional Administrator that EPA had received the petition and would like verification. The representative noted that the petitioners wished they could communicate directly with Ecology and Environment (EE), and that a peer review of the QoLPS could be done based on a presentation from an acoustical engineer from RPI. EPA responded that they would check on the follow-up note of receipt from the Regional Administrator. Likewise, EPA said the petition submitted at the last meeting is being treated by EPA as a Freedom of Information Act (FOIA) request and noted that this will take time and there is no date certain yet for delivery since the request was for all information leading to the decision, which includes voluminous materials such as emails, reports, correspondence, and so forth. EPA went on to explain that they started the fact sheet as a response to the group's specific concerns.

Agenda Items for Next Meeting

A number of items came up that could be agenda items for the next meeting or subsequent meetings.

- Preliminary Design Report should be ready by the next meeting. EPA could present on it. This report will be very large and bulky and will be available to CAG member on request.
- Treatability Studies may be ready by March/April, depending on the review process.
- Background info on dewatering facilities, including what it is; impacts it has on surrounding community; sights, smells, looks, sounds of one. This presentation would serve as a frame of reference to the CAG since no one has had any contact with one in the past. The CAG asked for this presentation in the March meeting prior to release of facility siting further documents.
- Natural Resource Trustees Council could make a presentation to the CAG. However, it was noted that this is not as time sensitive like some of the other possible items.
- DEC projects, timing, schedule, etc, and the link to EPA Hudson project, including upstream implications of the Hudson Falls and Ft. Edward site to the downstream dredging. TOSC grant recipient to act as resource to the CAG.

Adjourn

The next meeting will be held March 25, 2004, at a place and time to be determined. The meeting ended at 3:35 pm.