

**Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
June 23, 2005
CAG Meeting, 1:00 PM – 3:45 PM
Saratoga Spa State Park**

FINAL Meeting Notes

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Rodney Davis (Arbor Hill Environmental Justice Corp.), Ken DeCerce (Town of Halfmoon), Phil Dobie (NYS Building & Construction Trades), Theresa Egan, Mark Galough, Joe Gardner (Friends of a Clean Hudson), Robert Goldstein, Harry Gutheil, Jane Havens (CEASE), George Hodgson (Saratoga County EMC), Oliver Holmes (Town of Bethlehem), John Lawler, Paul Lilac, Roland Mann, David Mathis (Hudson River CARE), Dan McGraw, Merrilyn Pulver, John Reiger, Rich Schiafo, Lois Squire, Julia Stokes, Jock Williamson

CAG Liaisons Attending: Danielle Adams (E&E), William Daigle (NYS DEC), Fred Ellerbusch (TOSC Coordinator), Joan Gerhardt (Behan Communications), Deanna Ripstein (NYSDOH), Leo Rosales (USEPA Region 2), Steven Sweeney (NYSCC)

Others Attending: David Adams (SCEMC), Mark Behan (Behan Communications), Tom Brady (Albany County Health Dept), Ben Conetta, Bobby D'Andrea (resident), Justin Deming (NYSDOH), Kevin Farrar (NYSDEC-DER-HRU), Doug Garbarini (USEPA Region 2), Tom Gentile (NYS DEC), David Keehn (NYSDEC), David King (Hudson River Field Office), Gary Klawinski (E&E), Pamela Lacy (resident), Marian Olsen, Matt Pacenza, William Shaw (NYSDEC-DER-HRU), John Vetter

Facilitator: Lawrence Dixon

Members Absent: Jean Carlson, Cecil Corbin-Mark, Mark Fitzsimmons, Richard Fuller, Manna Jo Greene, Gil Hawkins, Aaron Mair, Judy Schmidt-Dean

Key Action Items

1. CBI will clarify why GE and EPA were not invited to the jobs/sourcing pre-meeting.
2. Merrilyn Pulver will forward a copy of the EPA Job Training grant application that Fort Edward submitted to EPA to CBI to be circulated to the CAG to review. The CAG will then decide whether or not to draft a letter of support to submit to EPA.
3. Invite an elected official and EPA regional manager who have worked on a Superfund site to present to the CAG so the CAG can ask direct questions.
4. Mark Galough and Merrilyn Pulver will draft a list of regional contractors, suppliers, and labor representatives. Other CAG members may add to the list.
5. The CAG will forward all comments and input on the archeological assessment to EPA as soon as possible.

6. EPA (John Vetter) will let Fort Edward know whether or not their archeologist can work with EPA on archeological assessments resulting from the project.
7. E&E will work with John Vetter to keep the public updated on archeological work once it begins.
8. EPA will get back to the CAG on (a) whether or not any dig could be open to the community, and (b) whether any archeological/dredging work would disturb the area near the piers at Dix Bridge.
9. EPA will send its Floodplain Investigation Data presentation to the CAG.
10. CBI will invite GE (Mark Behan) to a future CAG meeting to field CAG questions.
11. The CAG will review the draft Community Health and Safety Plan and be prepared to discuss it at the next meeting.
12. EPA will update the CAG on its proposed noise and baseline air monitoring/modeling efforts to come.
13. CBI will make available to the CAG presentation materials regarding dispute resolution letter and methodology presented at the November CAG meeting.
14. CBI will send out the URL of the Tacoma project website.
15. CBI will include the jobs sourcing pre-meeting summary as an addendum to the regular meeting summary.

Convening of Meeting

The meeting began at 1:00pm. The facilitator welcomed everyone, reviewed the ground rules, and acknowledged that the meeting was being recorded in several ways. He urged that the media to seek comments only during breaks or after the meeting.

Meeting Summary and Action Item Update

The April meeting summary was reviewed and approved. The facilitator reviewed the Action Items from April. Items that still need follow-up include:

- CBI will make available to the CAG presentation materials regarding dispute resolution letter and methodology presented at the November CAG meeting.
- CBI will send out the URL of the Tacoma project website.

Brief Updates

Jobs and Sourcing Pre-meeting

The facilitator updated the CAG on the jobs sourcing pre-meeting. Next steps from the pre-meeting are numbers 1-4 in the list of Key Action Items above. In addition, the group requested a meeting between EPA and GE and the subcommittee to discuss the jobs issue.

Members of the CAG had the following questions and comments on the jobs and sourcing pre-meeting¹:

- *GE and EPA have responded belatedly and inadequately to requests for guidance or information about the subject of jobs and sourcing. It is inefficient and frustrating to try to address these issues without guidance from GE.*
- *The Housatonic program would be a good one to look at and invite to the CAG.*
- *There is frustration that EPA and GE were not invited to the meeting.*
- *CAG meetings seem to be serving EPA rather than the interests of the CAG. Few of the tasks the CAG wants completed have been dealt with. The CAG has to step to a new level. It is important that EPA and GE be present at any future jobs meetings.*
- *Negotiations between GE and EPA don't seem transparent. There needs to be more communication between the CAG, EPA, and GE. EPA noted that the project is very transparent but some negotiations are proprietary and cannot be shared due to legal constraints. When EPA has released preliminary information in the past, rather than waiting until results and conclusions are final, people have gotten frustrated because information is inadequate for making decisions.*
- *Superfund legislation itself is the source of much of this frustration. EPA cannot force GE to do things that are outside the bounds of Superfund law. EPA has used the CAG as a sounding board and has asked the CAG for input, but CAG questions about compensation, jobs, etc. have not been answered by EPA or GE. These are becoming more and more important. What is the role of the CAG: is it just to listen to information and report back to constituencies?*
- *The CAG focus should change to Fort Edward, where the most impact will be.*

Intermediate Design Update

EPA explained that the project schedule will change. Dredging will not begin until 2007, primarily because there are critical issues related to the DAD report that required further data, analysis, discussions, and public input. Because the report was late and because of the linearity of the schedule, the whole project schedule is pushed back. EPA wants to make sure that the project is done right, and the delay will ensure that EPA has all the required data. This is the most practical decision at this time.

EPA went on to say that Fort Edward will host the only dewatering site that there will be no use of ocean-going barges for transport, and that negotiations are ongoing between GE and CP Rail and progress is being made.

The CAG had a number of questions and comments:

- *Several members of the CAG voiced frustration over delays in the project, which some said should have been completed years ago. They noted that PCBs are spreading with each passing year, and that environmental advocacy for a clean, healthy river*

¹ In bulleted lists, unless otherwise noted, italicized comments were made by CAG members and normal-font comments were made by EPA.

demonstrates a concern for the people of Fort Edward and for the health and welfare of people all along the 200 miles of this superfund site. Residents can't use the river until it is cleaned, though residents on the waterfront bear the brunt of waterfront taxes. They described GE dragging its feet to avoid the cleanup and refusing to publicly accept responsibility for the pollution and its clean up. EPA responded that it is legitimate design issues that have caused the delay rather than negotiations between EPA and GE. EPA urged the CAG not to lose sight of the fact that a lot has been accomplished, even though dredging schedule has been delayed.

- *Will barges be used? There will be no use of ocean-going barges for transport of dewatered material, but there will be barges used in the upper Hudson areas.*
- *When will design and construction of the dewatering facility begin? The design will likely be done by February 2006, and then the bidding process for construction should begin mid-summer.*
- *The Town of Bethlehem is relieved not to host a dewatering facility. Fort Edward will need the CAG's full support. It is unacceptable for EPA to say that because this is a Superfund site there can be no host benefits for the towns.*
- *Bethlehem would like to keep its seat on the CAG.*
- *The costs of the project should be re-evaluated because the \$490 million price tag is based on outdated cost projections. Might GE only pay that amount though the project will likely cost more? EPA is committed to "the polluter pays" principle. The \$490 million is not a cap figure.*
- *Current project delays mean that there is more time for baseline monitoring. Not using the Bethlehem site could mean more river traffic in the Fort Edward area. EPA should determine if dredging would be mechanical or hydraulic.*
- *Although this process has been frustrating, the CAG has been helpful.*
- *Saratoga County is committed to working with the CAG and to supporting the affected communities, though none of the sites are located there. Currently, the most important issues to the people on CAG are not on the negotiating table. Residents with concerns are being left out because no one is negotiating for positive impacts for the communities such as labor, materials, etc. Six months ago the CAG asked EPA to help the CAG on the host benefits issue, and so far nothing has come of it. It is not premature for GE to stand up and say that they are committed to helping communities with local jobs, etc. Fort Edward should be involved in every negotiation meeting with GE from this point forward. EPA has been pushing for host benefits as much as possible and has been working with Fort Edward on different opportunities.*
- *A mechanism should be established for GE to compensate affected communities their costs for lost resources, though these cannot be quantified.*
- *How logistically feasible would it be to move the contamination from the lower stretch up river to be dewatered? It does not make sense to move 80% of the contamination to the lower area when you could instead move 20% of the contamination to the upper area.*
- *The CAG needs to work in a more unified way. The Town of Fort Edward has been at every meeting possible advocating for residents of affected communities. GE needs to put Fort Edward at the table for the upcoming negotiations, since it will be significantly impacted.*

The CAG heard GE speak on some of the issues discussed. The GE representative explained that it was the CAG's decision not to include GE as a member. To date GE has made two major agreements to undertake sampling and design the project. 2/3 of the project is designed, with the design report to follow in August. GE to date has invested \$100 million in design costs and EPA reimbursements. The representative went on to say that GE has been working closely with EPA to identify a dewatering site and noted that GE made a public commitment to work on the project, and has been meeting its commitment. If it takes a little more time to make sure the project is done right, it is time well spent. GE employs 9000 people, and so knows firsthand the benefits of employing local people. Much of the work to date has been done by local people. It is GE's goal to hire people that are experienced and have a record of safety and reliability.

The CAG had questions and comments for GE:

- *The CAG has asked repeatedly for a presentation from GE and would like to extend the invitation.*
- *Would GE hire locally?* GE said it would consider companies from anywhere that have a record of experience, safety, and reliability, including local companies.
- *If GE could not find local contractors, would they consider requiring out of state contractors to hire local qualified individuals?* GE responded that they are not at the point to make this decision yet, but will certainly consider it.

Due to time constraints, and because CAG members had additional questions, the facilitator suggested inviting GE to come to another meeting to address questions from the CAG. GE said they would be willing to do so.

Archeological Resource Assessment Report

John Vetter of EPA presented on the Archeological Resources Assessment for Phase 1 Dredge Areas. The presentation outlined the archeological process as it affects the Hudson Project and explained what type of artifacts would be looked for, what the schedule is, and how they would go about searching for artifacts. EPA urged the CAG to send EPA any comments on the report as soon as possible so EPA could answer them.

Discussion on the presentation included the following CAG questions:

- *Will the team work with the National Park Service? There are some concerns regarding the area near Lock 5 and Dix Bridge.* The National Parks Service has been directly involved. EPA will follow-up on the Lock 5 and Dix Bridge issue.
- *If something like a cannon is found, who owns it?* The material in the river belongs to the State, which could choose to permanently loan any object to a local museum.
- *Could the archeologist from the town of Fort Edward work onsite this summer with EPA?* EPA will inquire about the request and get back to the CAG. Vetter said he would be on-site very often for oversight.
- *Perhaps the archeological team could do outreach every two weeks or so to show the fieldwork and present to interested groups.* EPA would be interested and will look into it.

Floodplain Investigation Data Update

Ben Conetta of EPA presented the Floodplains Investigation update. Copies of slides were not included in meeting packet and will be sent to the CAG. The presentation explained that PCBs were found in the floodplains, with higher concentrations generally found in low-lying areas, close to the river. EPA anticipated such results.

The CAG had the following questions and comments:

- *EPA needs to make a decisive response and action because some groups say the numbers are significant. Why does EPA use 10ppm when the state standards are 1ppm at the surface and 10 at the sub-surface?* 10ppm is regarded as an immediate issue of concern, while lower than 10ppm will be addressed in a stepped process.
- *The information should have been released to the public.* That is the purpose of this presentation.
- *Why did it take so long (months) to make the information available through FOIA?* The request came in before the data was completed. This information was not withheld; rather it took time to notify private individuals about their results. EPA has been distributing the results and having individual meetings with property owners. Property owners have expressed concerns about their results being made public. Some of the samples on public lands about private lands.
- *Does the data means there needs to be a new ROD?* EPA said there are two programs, the standard Superfund program and the removal program where more immediate action is needed? EPA is trying to work under a removal because on this issue because it can be done faster. EPA wants to address high hits firsts, and then look at lower areas and also some areas that were not allowed access to previously.
- *Is 10ppm the standard for recreational uses?* 1ppm is for residential standards, while 10ppm is for industrial standards. Recreational standards would be somewhere in between, based on an assessment of potential use. EPA does not want to alarm the community when no alarm is necessary and does want people to be informed.
- *How can there be lots of vegetation where there are PCB oils?* PCBs are attached to the soil and low-lying areas tend to accumulate silt, which attracts PCBs.

Public Comment

One member of the public asked from where PCBs in the flood plains come. EPA said they come from flooding in the river.

Community Health and Safety Plan (CHSP) Scope

The draft scope document was included in the packets, but because of time constraints was not discussed. EPA asked CAG members to review it for discussion at the next CAG meeting.

The CAG will meet next on July 28, at a location TBD.

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
June 23, 2005
Jobs/Sourcing Pre-Meeting, 11:00 AM – 12:15 PM
Saratoga Spa State Park

Draft Notes

Present: Danielle Adams (E&E), Chris Ballantyne, Lawrence Dixon (facilitator), Phil Dobie, Mark Galough, Robert Goldstein, Christine Margiotta, Merrilyn Pulver, John Rieger, Rich Schiafo, Julia Stokes

CAG members in attendance discussed many aspects of how local community members and local businesses might be involved in the upcoming dredging project. Among the comments made were:

Recommendations for the CAG:

- Any CAG effort should focus not only on jobs, but also on supplies, services, and equipment needed during dredging.
- Much of the agenda of CAG meetings is often in response to EPA issues. The CAG should be more proactive about defining its own agenda.

Process:

- Jobs, local services and community benefits are important issues and should be discussed during the main CAG meeting rather than at a pre-meeting so as to receive the group's full attention.
- Why were EPA and GE not invited to this meeting? They should be here.

Recommendations for the dredge effort/EPA/GE:

- *Focus:* The dredge effort should emphasize the use of skilled personnel and adherence to safety standards.
- *Hire locally:* GE should hire locally at prevailing rates rather than outsource operation and construction of the facilities. Local hires have a vested interest in doing the job correctly and safely since unlike outsiders they and their families live in the project area.
- *Keep the CAG informed:* The CAG needs to know when activities will begin and what materials, jobs, and support industries might be needed so they can work with citizenry, community colleges, and trade schools to build the skills of the workforce. It will take time to develop the required courses.
- *Keep the CAG informed:* The CAG should be included in on-going discussions with EPA and GE so it can be better in the loop and prepare for the likely scenario of dredging.

- *Emphasize community benefits:* In addition to hiring and sourcing from the affected area, community benefits should be emphasized with the money from GE.
- *Coordinate with relevant groups:* GE and EPA are making decisions in a vacuum without coordinating with the towns, the state, and the CAG when it should. For example, a bridge is being repaired and enlarged but will still be too small for trucks in the dredge project to use, so it will have to be redone a second time for the dredge project, resulting in a lot of wasted time, money, and resources.
- *Favor local applicants:* EPA grants and programs should give preferential treatment to applicants from the Hudson site. Fort Edward applied for the EPA Job Training Grant and has likely not received it. Notice of awards was supposed to go out in May and they still have not heard anything.
- *Be timely:* EPA needs to be more forthcoming with information and reply to all requests and letters in a timely manner. The Saratoga County Chamber of Commerce had some difficulties here.
- *Be responsive:* GE also needs to reply to requests. One chamber of commerce sent a letter to GE regarding a policy on hiring local employees and requesting a meeting with the CAG and GE to discuss how towns should prepare for the project. The reply letter received by the chamber did not address the need for a meeting.

The group developed the following next steps:

1. *Process Clarification:* The CAG should understand why EPA was not invited to the meeting.
2. *CAG Guests:* Invite officials, local elected officials, and EPA project managers who have already gone through such dredge projects to an upcoming CAG meeting. Ideally these people would be at the same CAG meeting and would be able to answer questions on how the community secured jobs and contracts related to all aspects of the project, safety issues, etc. This should be held during a regular CAG meeting so the entire CAG benefits. One suggestion is to invite the EPA Region 1 project manager for the Housatonic River dredge project in Pittsfield.
3. *EPA Grant:* Marilyn Pulver will send CBI a copy of the EPA Job Training Grant that Ft. Edward submitted, to be circulated to the full CAG. The hope is that the CAG would send a letter to EPA stating their support for EPA funding the grant. The grant will be resubmitted for consideration next year. Chris Ballantyne will also try to mobilize congressional support.
4. *List of Resources:* Mark Galough and Marilyn Pulver will draft a list of regional contractors, suppliers, and labor representatives. Other members of the CAG might want to add to this. Once the list was complete, the CAG could draft and sign a letter urging GE and EPA to use local goods, services, and labor throughout the project. There should be time on the next CAG agenda for this issue.