

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

FINAL Meeting Summary

June 24, 2004

12:30 pm to 3:30 pm

Saratoga Spa State Park

Members Attending: Chris Ballantyne, Dan Casey, Ken Decerce (alternate for Harry Gutheil), Laura DeGaetano (alternate for Mark Fitzsimmons), Phil Dobai (for Dan McGraw), George Leveille (alternate for Theresa Egan), Richard Fuller, George Hodgson (alternate for John Lawler), Aaron Mair, Roland Mann, Ryan Palmer (alternate for Manna Jo Greene), Merrilyn Pulver, John Reiger, Rich Schiafo, Lois Squire, Julia Stokes, Jock Williamson

CAG Liaisons Attending: Bill Daigle (NYSDEC), John Dergosits (NYSCC), Joan Gerhardt (GE), David King (EPA), Deanna Ripstein (NYSDOH), Leo Rosales (EPA).

Others Attending: Danielle Adams (EE), Fred Ellerbusch (TOSC/NJIT), Martin Morizio (CAC Schaghticoke), Cecile Mars (CAC Schaghticoke), Aaron Mars (CAC Schaghticoke), Carol Lessard (CAC Schaghticoke), John Delano (CAC Schaghticoke), Dana Jordan (CAC Schaghticoke), Patricia Delano (CAC Schaghticoke), David Delano (CAC Schaghticoke), Bill Taber (Battenkill RR), Shannon Kelly (University of MD), Kenneth Bogel (University of MD), Hunter Jann (Swim for the River Documentary), Tom Weidlinger (Swim for the River Documentary), Cendeine De Vis (Swim for the River Documentary), Pamela Lacy

Facilitators : Larry Dixon, Patrick Field

Members Absent: Jean Carlson, Cecil Corbin-Mark, Theresa Egan, Mark Fitzsimmons, David Gordon, Harry Gutheil, Gil Hawkins, John Lawler, Paul Lilac, Dan McGraw, Judy Schmidt-Dean, Barbara Sweet.

Key Action Items

1. George Hodgson will provide list of voluntary emergency service providers for Saratoga County. EPA will coordinate with other CAG county representatives to obtain similar lists for Albany, Warren, Washington, and Rensselaer counties.
2. EPA and CBI will review the draft agenda one week prior to each CAG meeting and inform CAG members of any last minute changes to agenda topics.
3. The CAG will include a presentation by John Veters on cultural resource issues at the July or September CAG meeting.
4. CBI will coordinate with EPA and a CAG subgroup to plan August/Sept event on Federal grantor programs. CAG members include: George Leveille, George Hodgson, Merrilyn Pulver, Julia Stokes, and Roland Mann.

5. E&E will investigate their resources for similar issues of economic impacts and development.
6. The CAG will have a site tour of the potential Ft. Edward dewatering facility site at 10 AM, July 22 prior to the CAG meeting, also to be held in Ft. Edward. EPA will work to arrange site access.
7. EPA will invite State Historic Preservation Office (SHPO) to next meeting to hear flood plain investigation update.
8. EPA will provide more detailed information on the New Bedford dewatering and dredging project in July for a possible tour in the fall (specifically when construction will be finished and a visit could happen).
9. The TOSC technical advisor will review the Community Health and Safety Plan outline with NYSDOH official Deana Ripstein and provide on-going review of this effort, including how QLPS are translated into concrete, specific actions/requirements.
10. CAG members will review CAG draft website after CBI sends URL.
11. EPA will consider how to expand the Road Map to include DEC, NRT, and other activities for comprehensive view of remediation.
12. Preston Gilbert will get examples of regional planning initiatives for the CAG to review and consider how it might try to pursue similar actions.
13. EPA will address the question as to whether PCB levels are higher near dams or not during its presentation on 2003 data.

Convening of Meeting

The meeting began at about 12:40 pm. The facilitator welcomed the CAG, walked through the agenda, and noted that because of a miscommunication within EPA, the Summary of 2003 Data Collection presentation would have to be postponed until next month. Members of the CAG expressed their concern about the delay and noted frustration, as many members are interested in the data.

Reviews

May Draft Summary. The facilitator reviewed the May meeting summary and solicited the CAG for corrections. None were needed so the summary was finalized.

April Final Summary. The facilitator noted that the April final summary was sent to CAG members showing changes that needed to be made based on EPA input. The April summary was finalized.

May Key Action Items (bullet underneath each item describes the action taken).

1. EPA will coordinate with George Hodgson to get a list of voluntary emergency service providers that could discuss with GE/EPA potential health and safety issues prior to release of the health and safety document.

- George Hodgson is developing the list for Saratoga County. It was discussed that other impacted counties should be included as well. EPA will coordinate with other CAG county representatives to obtain similar lists for Albany, Warren, Washington, and Rensselaer counties.
2. CBI will work with EE to develop a draft CAG website for the CAG to review in the coming months.
 - CBI announced a draft site was done and it would send out the web address to the CAG to get their feedback.
 3. The CAG will include a presentation by those working on cultural resource issues at a future CAG meeting.
 - The CAG will include a presentation by John Veters on cultural resource issues at the July or September CAG meeting. It was also discussed that the state cultural and historic resources departments should present jointly.
 4. CBI and EPA will discuss and suggest to the CAG possible agenda topics/presentations to address agricultural issues raised.
 - EPA will meet with farm stakeholders to discuss. In July time will be on the agenda to address agriculture issues and risk.
 5. CBI will contact Preston Gilbert - a referral of David King - and invite him to present at the next CAG on socio-economic issues, brownfield redevelopment, and other topics he is familiar with through his SUNY work.
 - Preston Gilbert presented at the meeting.
 6. EPA to investigate what kind of federal grantors might give presentations and E&E will investigate their resources for similar issues of economic impacts and development.
 - EPA and EE explained this is in the works. A suggestion was made by the CAG to joint sponsor an event highlighting federal grant programs. CBI will scope this with EPA and coordinate with a CAG subgroup to plan an August/Sept event. CAG members include: George Leveille, George Hodgson, Merrilyn Pulver, Julia Stokes, and Roland Mann.
 7. EPA will arrange a tour of one of the final preferred sites for the dewatering facility.
 - EPA will provide more detailed information on the New Bedford dewatering and dredging project in July for a possible tour in the fall (specifically when construction will be finished and a visit could happen).

Dewatering Facility Site Tour. The CAG said it would like to tour the potential dewatering facility site at Ft. Edward. EPA reported that it would coordinate with the property owner to arrange a tour the morning of the July 22 CAG meeting. The meeting will be held in Ft. Edward to make logistics easier.

A Swim for the River. The crew of a documentary film, *A Swim for the River*, was on hand at the meeting and briefly explained the concept of the film. The crew filmed part of the meeting.

Economic and Social Impacts and Opportunities

Preston Gilbert, Director of SUNY Center for Brownfield Studies, presented on processes to improve economic and social impacts of affected communities. Much of his presentation

focused on visioning and strategic planning processes that communities can utilize to reach their long-term goals.

Questions and comments are noted below.

- A member of the CAG noted that community and government planning are not necessarily the same and that the process is important.
- *Are Superfund sites eligible for brownfield funding and status?* No, but its important not to get too concerned about where the funding will come from. The first step is to create a good plan through community development processes and define what your vision is. Politicians are looking for great projects and process. Getting community consensus on a project is difficult work, but getting funding is easy. The Hudson Superfund site is in the limelight—it would be easy for it to capture the attention of politicians if the communities involved came together on a plan.
- *Are there any determinations on what is considered superfund and what is considered a brownfield?* We have some community development plans in place, but we need funding now. EPA replied that if an area is on the national priorities list (NPL), as Superfund sites are, than it is not a brownfield site. Although it is clear what the north-south boundaries of the site are, it is not so clear what are the east-west boundaries. This needs to be defined so communities will not be excluded from other funding opportunities and it is clear where source contamination is and is not.
- One member of the CAG commented their community had gone through a visioning effort with Congressman Sweeney and that over the course of the project they received over \$6 million in funding. The challenge is to try and stitch all the different community planning efforts together.
- The facilitator noted that there are regional and town planning processes in place. Are there other processes or examples to refer to that could link these together? Preston Gilbert said yes, and will get examples of such initiatives for the CAG to review and consider how it might try to pursue similar actions.
- One CAG member asked why they should consider developing plans with people further south on the river, in areas that will not see dredging? Another CAG member said that there are strong communities of interest along the river, including environmental justice interests, and that politician's look only at their constituent interests. The member emphasized that these communities of interest recognize that there will be a burden for communities hosting the cleanup, but that there are constituents not at the table that still need to be represented and that the river belongs to the citizens of the state and it is a tool for everyone to use.
- Preston Gilbert noted that money could be acquired through congress and appealing to the area's representatives, or through current legislation in the works, including the

new highway bill, coastal zone improvement program, and the new state Brownfield law in the works.

- The CAG noted that the question of mitigation is a tricky one. Would mitigation assistance be tied to the community that hosts the site, or would other communities along the river also be eligible for the funding? The CAG would have to wrestle with this question before money is available rather than later. Other members noted that it would be important to keep communities that do not receive funding involved in the process.
- EPA commented that mitigation is only one piece of the puzzle, and that it would likely be limited and targeted. However, the area is stigmatized, and the CAG can work together to overcome that, especially since the site is such a high profile area.

Brief Updates

Final Quality of Life Performance Standards (QLPS). EPA noted that the QLPS has been finalized for air, odor, noise, and navigation. These have been given to GE so they can develop the plan. A number of changes were made based on public comment. EPA noted that even though they are “finalized” there still is some flexibility to make adjustments to them.

A CAG member commented that Saratoga County was disappointed that modeling was not done for the QLPA.

Community Health and Safety Plan. EPA explained that in about a year the Community Health and Safety Plan would be released. At the July CAG meeting EPA will give the CAG an outline of what will be in the plan in order to take into account the needs and concerns of the community.

Clarification on Floodplain Investigation. By next meeting EPA hopes to have more detail on the floodplain investigation. They reiterated that to date there has been little if any evidence of PCB uptake by agricultural products, including corn and dairy. More on agricultural risk will be discussed at the next meeting.

Update on the Road Map. There were no changes made to the document this month. EPA reminded the CAG that it is a living document and will be updated when needed.

A member of the CAG inquired on the possibility of expanding the current EPA Road Map into a more comprehensive document that includes other relevant Hudson River PCB Superfund site processes, including NYSDEC, Natural Resources Trustee Council (NRTC), and others. After some discussion the CAG agreed that it would be a useful tool to have. EPA will consider how to expand the Road Map to include DEC, NRTC, and other activities for comprehensive view of remediation.

Another member asked why the Summary of 2003 Data was removed from the agenda. EPA explained that this was a miscommunication within EPA headquarters, and went on to say that data collection is occurring now, and that a fact sheet should be ready for release by the next CAG meeting.

Discussion of CAG 5-Month Review

The facilitator reviewed the results of the CAG 5-Month Review, conducted at the May meeting. Some members of the CAG expressed their desire to work more cooperatively with as a group, and noted that much of the findings on possible future ideas to work on together would be positive for the group as a whole. The group brainstormed other ideas to work on together, including:

- Field trip to a dewatering facility, as well as other area that have gone through similar situations to learn from others' experience
- Develop a CAG statement on economic impacts
- Utilize the TOSC grantee to work on the Community Health and Safety Plan (CHAS)
- Work together to address compensation and mitigation benefits (identify the issues and put together a committee to look into the matter)
- Identify types of jobs that will be unavailable and recommend ways that local businesses can bid on contracts; make federal business practices more user-friendly; gain a better understanding on whether or not GE needs to conform to minority bidding and other specific programs
- Generate Natural Resource Damages Restoration project ideas

Public Comments

Marty Morizio, resident of the Town of Schaghticoke, explained to the EPA that the town felt the potential dewatering facility site should not be in Schaghticoke. He explained that residents have organized themselves to oppose the potential siting and said that EPA did not follow its siting criteria. He noted that the community has started a website, www.nopcb.com.

Member of the public Cecil Morris commented that the QLPS should have utilized computer modeling and peak performance standards rather than settling for 24-hour averages. Likewise, Morris would like to see faster turnaround times in the final QLPS.

July Agenda

The facilitator outlined a number of agenda items for the July CAG meeting, including:

- 2003 Data Review
- Agricultural issues
- Community Health and Safety Plan update
- Cultural Resources briefing
- Flood Plain Work plan update

- Dredge Delineation update

EPA noted that the New Bedford harbor dewatering facility is still under construction and will likely be ready in the fall. EPA will go to the site to get an idea of when the CAG may be able to visit it in the fall. EPA reiterated that the site and facility would be similar to potential facilities to be constructed on the Hudson, but stressed that they would not be the same.

The CAG asked whether PCB levels would be higher near dams. EPA said it could not say with any certainty at this point, but would be able to address the question during its presentation on 2003 data.

Adjourn

It was noted there would be no meeting in August, since many people are on vacation that month. The meeting ended at approximately 3:20pm.