

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site

Meeting Notes

Thursday, July 27 2006

1:00 PM – 3:30 PM

Fort Edward Firehouse

Fort Edward, NY

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Philip Dobie, John Dukta, Richard Fuller, Mark Galough, Joe Gardner, Rob Goldman, Michelle Hayes, George Hodgson, Betty Koval, John Lawler, Roland Mann, Merrilyn Pulver, Rich Schiafo, Lois Squire, Julie Stokes, Tim Sweeney.

CAG Liaisons Attending: Danielle Adams (Ecology & Environment), John Callaghan (NYSCC), Doug Garbarini (USEPA), David King (USEPA), Deanna Ripstein (NYSDOH), Leo Rosales (USEPA).

Others Attending: John Anthony (Maxymillian Technologies, Inc.), Colleen Calligan, Lee Coleman (Daily Gazette), Kenneth Crowe (Times Union), Greg Dixon (Saratoga Chamber), Jerry Dudding (GFD Patents), Kevin Farrar (NYSDEC), Joe Finan (Saratoga NHP), Bill Fuchs (NPS), Gary Klawinski (Ecology & Environment), Tom Kryzak (Air and Earth Consulting), James Kudlack (Controlled Extraction Technologies), Roberta Kudlack (Controlled Extraction Technologies), Brian Miner (USACE – Buffalo), John Mulligan (Malcolm Pirnie), Bonnie Naumann (PostStar), Jeanne Williams (Lakes To Locks Passage), Lloyd Wilson (NYS DOH).

Facilitators : Ona Ferguson, Patrick Field.

Members Absent: Cecil Corbin-Mark, Ken DeCerce, Mark Fitzsimmons, Robert Goldstein, Manna Jo Greene, Harry Gutheil, Gil Hawkins, Aaron Mair, David Mathis, Dan McGraw, John Reiger, Judy Schmidt-Dean.

Next meetings: Thursday September 28, 2006, Saratoga Spa State Park.

Action Items

- The CAG Technical Committee will schedule a conference call to review their list of initial concerns and comments on the FDR with EPA.
- EPA will get back to the CAG about options for water supply infrastructure improvements and funding of these for Halfmoon and Waterford, and the questions from John Lawler (see page 6).
- EPA will share floodplain sampling gathered this summer with the CAG as soon as it is available.
- Further discussions are needed with EPA and the Canal Corps and communities about navigational dredging.

Welcome, Introductions, Meeting Summary Review

Participants were welcomed, and facilitators asked for and received approval of the CAG meeting summaries from April and May. There were no membership updates.

Report Outs

Economic Development

An Economic Development committee meeting was originally scheduled for the morning before the full CAG meeting. The committee decided that this was not necessary, and that several individuals could update the CAG on significant progress being made in the area of economic development in the region. Julie Stokes described how the Economic Development Subcommittee had two meetings in the spring with others from chambers of commerce and related groups interested in economic development. The newest progress from those meetings is in two areas. Firstly, Greg Dixon, of the Saratoga County Chamber of Commerce, and Jeanne Williams of Lakes to Locks Passage reported the progress of a group of five chambers and Lakes to Locks on reviewing regional outreach. They have reviewed the collateral materials on the region (brochures, websites, etc.) and are doing research with marinas to find out what information is being distributed on the region. They will then start working on standardizing information for visitors to the region, with the goal of increasing visibility. Secondly, Julie Stokes described how as a result of the Economic Development committee meetings in the spring, Saratoga mayors and supervisor are now meeting twice a month to talk about economic development activities.

June Boat Tour

Ona Ferguson described the tour of Locks 7 and 8 run by the Canal Corp in June, to which the CAG was invited. On the tour, David King described the sites the boat passed, including the place where the unloading docks will be, Thompson Island Pool and Rogers' Island. Passengers on the boat got a sense of the canal and the river as they are today and discussed expected changes. There will likely be another tour organized by the Canal Corp later in the year to give CAG members the opportunity to see hydraulic dredging. This will not happen in the late summer because Canal Corps is repairing locks and other infrastructure harmed in extreme weather events in the past month.

CBI Mid-Year Check-In with CAG Members

Ona Ferguson talked with many CAG members and alternates in June to find out on how they think things are going and to hear any suggestions or concerns. This informal survey was designed as a follow up to the January CAG Executive Session. Ona Ferguson and Pat Field reported to the CAG on their primary findings.

Members and alternates noted many successes, including an increasing ability to speak with one voice, an effective committee structure, the chance to develop good working relationships across interest groups, good meeting notes and information sharing, and that EPA and GE seem to be listening more and more carefully to CAG concerns. The

primary challenge identified by CAG members during the calls was a perceived lack of CAG influence on the project itself, including EPA and GE not addressing or acting in response to CAG concerns and CAG members not being sure that their contribution has impact. CAG members also felt that EPA should strive to be increasingly transparent by being straightforward about what is possible, sharing information in a timely fashion, and not being afraid to address hard issues. CAG members cited their own challenge of sometimes getting mired in too much detail, of individual members sometimes acting too politically on behalf of themselves at CAG meetings, and of a lack of racial diversity. Suggestions for going forward included having a structured process for welcoming new CAG members, documenting CAG successes to share with other advisory groups, and ensuring that CAG meetings are occasionally held in Fort Edward.

National Research Council

Patrick Field shared documents from the third meeting of the National Research Committee on Sediment Dredging at Superfund Megasites, which is preparing a report due in March 2007 on the expected effectiveness of dredging contaminated sediments at Superfund megasites.

Clearwater Sail Invitation

Invitations from Clearwater were distributed for two sails on September 9. The first is a Hudson River PCB Cleanup Sail from 10-1, the second a Public Sail from 2-5. Both leave from the Rensselaer Riverfront Park. Reservations are required. For information call 800-67-SLOOP x116.

Overview of EPA Comments on Final Design Report (FDR) Contracts 3, 4 & 6

David King presented an overview of EPA's comments and GE's responses on FDR Contracts 3, 4 and 6. Comments on contract 5, Habitat, are still being developed. EPA will meet with the CAG Technical Committee as needed to go through the comments in more detail. David shared GE's answers on a range of issue areas. Approximately 260 public comments were received on these contracts. Public comments were forwarded as received and compiled into the Agency's formal comments to GE.

Contract 3: The Facility: Sediment will be sampled pre-dredging. Replacement parts for trommel screens will be on site, so equipment redundancy shouldn't be needed. Remedial Action Workplans will be submitted by contractors with details on equipment and procedures for review. Regarding the request that the equipment, staging areas and stockpiles all be covered, it was noted that GE will act based on compliance with the Quality of Life Performance Standards, which require that filter presses, fine material, and staging presses be covered. Loading of rail cars will occur during daylight hours, so lighting the railyard is not necessary. EPA will have oversight of trains when they are on-sight. Once they are moved off-site, they become the responsibility of the rail company under DOT Hazardous Materials transportation laws. Stormwater runoff will be treated by an on-site treatment plant, with the exception of stormwater that does not come in contact with sediment or PCBs. The trains will be covered.

Contract 4: Dredging Operations: Most comments from the public concerned yacht basin access, cultural and archaeological resources, noise, resuspension, residuals, the feeder canal, Rogers Island water line, backfill along the shoreline, the rock dike, docks, and navigational depth after dredging. Answers to these comments and concerns included:

- There will be 30 minutes each in the morning and evening of access to the Fort Edward Yacht Basin, ideally scheduled in advance.
- There is ongoing investigation into archaeological and cultural resources. The next step is to look into mitigation measures for the seven distinct underwater sites that will be directly impacted during dredging.
- The Quality of Life Standards for noise will be used, with expected exceedences during sheet piling and mooring dolphin installation. GE will look for data on possible mitigation measures for Phase II.
- The Engineering Performance Standards will be used for resuspension, and GE will impose more restrictive requirements on contractors.
- GE will follow the Performance Compliance Plan for residuals, though the wording in the contract for contractors is a bit different.
- GE has determined that the Glens Falls Feeder Canal has adequate capacity to supply to extra water needed for the number of daily passages through lock 7.
- Precautions are in place to prevent Rogers Island water line damage. The village sometimes runs a temporary line to residents when the line occasionally breaks. [CAG members noted concern that the waterline not be residents' only source of water.] If the water line is damaged due to dredging activities, it will be repaired. There are no plans to replace or relocate the water line prior to dredging.
- EPA told GE that the FDR on shoreline backfill didn't follow the consent decree. GE is disputing this. An EPA division director will make the final decision.
- EPA will have more discussion with GE about a proposal to disperse rocks from a dike used to retard stream flow generally, as suitable river habitat.
- The dredging contractor will be required to provide 21-days advance notice to the project manager that dredging will occur near private docks in a particular area. It is up to the project manager to inform the public/private dock owners.
- Navigational depth post dredging is not required. EPA requested that GE do this. The Canal Corps is required to keep the navigational channel at 12' of depth, but after dredging if there is residual contamination higher than state law allows (but beneath federal standards), the Canal Corps won't be able to dredge because of its disposal methods and aged equipment. CAG members noted that supervisors and mayors along the river put navigational dredging to 12' as one of the two top outcomes they want from the project.
- EPA is discussing the sequencing of resuspension controls near Griffin Island to determine if the order of sheet pile, silt curtains and no control is appropriate.
- GE has disputed some aspects of nearshore backfill and water supply contingencies with EPA. EPA expects the division director to make decisions on these soon.

CAG members asked that Navigational Dredging and Cultural Resources be slated for discussion at the next CAG meeting. Fort Edward is concerned that artifacts in the floodplain or river banks are not being adequately investigated or protected, and recently met with EPA to discuss this issue. GE sent Saratoga County additional noise information as requested, showing some changes that had been made. Additional comments have been submitted to GE on noise, and progress is being made.

Contract 6: Rail Yard Operations: Few comments were received on Contract 6, and these were very specific.

CAG Updates and Issues

Contingent Water Supplies for Downstream Communities

EPA staff noted that they are in ongoing meetings with DEC, DOH, and the systems operators in the downstream communities to learn what upgrades might be needed to backup water supply should resuspension become an issue for those communities drawing their water from the river. EPA noted that for Phase 1 it is very unlikely resuspension would become an issue due to the distance between Phase 1 dredge areas and the intakes and that shut down requirements in place if resuspension performance standard are exceeded. EPA also noted that the DOH sampling program at the intakes will sample both untreated and treated water at the plants. Water treatment plants would remove some of the PCBs. GE has disputed funding the water supply infrastructure, and the dispute resolution process is underway. EPA provided a statement to towns that EPA and/or GE would provide the incremental cost increase if necessary of an alternative water source, and EPA stands by this.

John Lawler spoke about the issue for Halfmoon and Waterford, laying out his concerns as follows. The concern about resuspension moving downstream and into public water supplies affects 27,000 people. Purchasing water from Troy is not an easy emergency backup because of implementation problems. He and other supervisors believe that improvements will take several years and so need to be started very soon. He acknowledged that his main concern was for Phase 2 work which will be closer to the intakes but he was also concerned about Phase 1.

John Lawler indicated that in Phase II, when dredging resuspension river-travel time is short, the towns want to shut down their water plants and buy their water from Troy. They will not be able to wait for DOH to determine that they should stop drawing river water even if the river water appears to be safe to drink because it takes 12 hours or more for PCB tests to show results, because of the short travel time, this could mean residents drinking PCBs in their water before it is detected by testing. Absent real-time testing, the public officials will not risk the health of their residents. Halfmoon uses 2.5M gallons/day, Waterford uses 1.5M, for a total of 4M gallons needed. The pipe that carries water from Troy is 10" in diameter, with a capacity of 3M gallons/day. The cost of increasing pipe capacity to 4M gallons/day would be \$2M. Waterford doesn't have the hydraulic capacity to move 2.5M gallons/day to Halfmoon, and the cost to increase

Waterford's storage and capacity would be \$7M. Currently the most water that can be moved from Waterford to Halfmoon per day is 1.5M gallons/day. It will cost \$3-4M to improve those transmission lines.

By this reasoning, the towns are looking at \$13M to make this a viable backup option, and wonder if EPA will commit to providing this. EPA will get back to the towns on this. CAG members asked that EPA provide cost and option information in the next three months to the CAG. EPA indicated that a first step will be to evaluate the water supply systems to determine what would be needed for an appropriate alternate water supply.

In open discussion, EPA noted that for Phase I there will be several days travel time for water to these towns, and when the river is flowing at more than 10,000 CFS (cubic feet per second) there won't be dredging. One CAG member asked if the proposed county-wide water system could provide this backup. John Lawler replied that the question is when it will be completed. The Town of Fort Edward is working with DOH and EPA on water supplies for seven miles on Route 4 and those residents who use river water in their homes or from wells right by the river. Fort Edward estimates that putting a backup water system in place could cost \$7-10M, and wonders who will pay.

John Lawler had the following questions for EPA:

1. Does EPA's commitment extend to improving the plant and transmission systems for drinking water, and how will they fund this (reimbursement? EPA pay?)
2. How does EPA intend to deal with the disparity between the time it takes for PCBs to reach communities and to test for PCBs?
3. If there is an exceedence of the 500ppm limit and PCBs get into our water treatment plants in Phase I, who will pay, and will repairs be covered?
4. When will EPA answer questions 1-3?

EPA staff stated that they intend to have contingency plans in place for Phase I. Lloyd Wilson of DOH noted that this is a needed contingency plan, and that all evidence says it will never have to be used. DOH strongly supports Waterford and Halfmoon, and has been working with EPA over the last month to answer many of the questions posed and to determine how long an emergency system will have to be operating, if it has to be used. CAG members responded that the issue of backup water supplies will stay in the foreground. It was raised two years ago, and their impression is that DOH and EPA have just started looking into the issue now, which they do not view as a timely response to CAG and community concerns.

Schedule: Consent Decree, Phase I and II

The Consent Decree was lodged as of October 2005. The document went before a judge in May of 2006, and there is a hearing in early August on Fort Edward's desire to intervene in the Consent Decree. The judge has taken the issue of intervention under advisement. Those items under dispute by GE are not expected to stop the forward motion on the Consent Decree. In general when/if the CD is approved by the court, access to the property will be needed (i.e., lease agreement). Fort Edward has also

initiated the process to take the Energy Park site and surrounding area through eminent domain, which could also affect project timing.

The current plan, announced on July 27, 2006 by EPA, is for dredging to begin in 2008. It will take approximately 15 months to build the facility. The change of start date from 2007 to 2008 occurred due to the time it takes to get power to the site and the long lead time on equipment, which EPA has verified. Construction is hoped to be underway by late summer. The next steps will be to award a contract, after which the contractor has 30 days to submit a Remedial Action Workplan, which EPA reviews prior to construction.

If the courts approve Fort Edward's desire for local review of the facility, a town review process would affect the start date. Early construction and certain elements of construction cannot happen during the winter, so hopefully it will happen this fall.

GE has received bids back most of the six contracts, and hasn't let EPA know of any difficulty finding qualified contractors for contracts 1-2, so EPA expects things to be set to move quickly once the Consent Decree is accepted. Once leases for the land are in place, construction of the railyard and sitework (contracts 1-2) can go forward. The rest of the design needs to be approved by EPA prior to any additional movement on contracts 3-6.

Floodplain Investigation

EPA will meet with GE in two weeks, and additional testing is being done. The first step in remedial removal actions is to scope the RI/FS for the floodplain between Fort Edward and Troy. Weekly sampling and special hydraulic surveying were done in June-July, during peak flow events. CAG members would like to see the results of that sampling at a CAG meeting. EPA expects remedial action plans in the coming weeks for places that tested high in the floodplain. Most floodplain work will be done further south. Some data on the Phase II floodplain has been collected. It will become available to the public.

DOH Water Monitoring Update

Lloyd Wilson of DOH noted that sampling was started in May 2006.

Adjourn

The meeting was adjourned at 3:45 p.m.