

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
28 July 2005
CAG Meeting, 1:00 PM – 3:45 PM
Ft. Edward Fire Station

FINAL Meeting Notes

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Philip Dobie, Theresa Egan, Richard Fuller, Mark Galough, Joe Gardner, Alix Gerosa, Robert Goldstein, Manna Jo Greene, Harry Gutheil, George Hodgson, Paul Lilac, Roland Mann, Dan McGraw, Merrilyn Pulver, John Rieger, Lois Squire, Julia Stokes.

CAG Liaisons Attending: William Daigle (NYSDEC), Fred Ellerbusch (TOSC Coordinator), Joan Gerhardt (Behan Communications), David King (Hudson River Field Office), Gary Klawinski (E&E), Leo Rosales (USEPA Region 2), Steven Sweeney (NYS Canal Corp).

Others Attending: Tom Brady (Albany County Health Dept), Lee Coleman (Daily Gazette), Rick Corra (Newburgh NY), Justin Deming (NYSDOH), Robert Dickinson (Fort Edward), Kevin Farrar (NYSDEC Hudson River Unit), Hope Fluder (E&E), Joanne Fowler (E&E), Tom Gentile (NYSDEC Division of Air Resources), Jenny Noonan (USEPA), Dick Pfeiffer (Safety Tow, Inc.), William Shaw (NYSDEC-DER-HRU), Mary Ann Storr (E&E), Kamoji Wachiira (CBI).

Facilitators : Patrick Field, Ona Ferguson

Members Absent: Jean Carlson, Cecil Corbin-Mark, Mark Fitzsimmons, Gil Hawkins, John Lawler, Aaron Mair, Rich Schiafo, Judy Schmidt-Dean, Jock Williamson.

Key Action Items:

- CBI will draft additional text for CAG operating procedures regarding CAG meeting media rules and send it to the CAG for review.
- EPA will let the public and the CAG know when the public will be able to view the archaeological diving in the channel off Rogers' Island.
- Leo Rosales will present the CAG with samples of what the Commencement Bay (Tacoma) dredge site live data monitoring website looks like and how data is presented.
- Joan Gerhardt will check if GE would organize a presentation on archaeological findings for the CAG.
- CAG members should give comments to GE on the CHASP scope in the next few months.
- Fred Ellerbusch will draft his comments on the CHASP for CBI to send to the CAG to review for approval before sending them to GE on the CAG's behalf.
- CBI will invite Economic Development or Chamber of Commerce representatives from the New Bedford Project or Commencement Bay Project to come to the October CAG meeting with a project manager, or EPA may set up conference calls with people from

other projects, depending on what makes most sense. CBI may ask elected officials on the CAG to help with invitations to New Bedford officials.

- Companies or individuals that want to be added to GE's list of local resources should upload their information at www.ge.com/udson.
- CBI will determine when to have the next CAG meeting based on the CAG's feedback.
- EPA will develop the rollout plan for the Intermediate Design Report.
- EPA will send the CAG the Department of Health Fact Sheet when it is completed.

Welcome and Reminder and Review of CAG Groundrules

The facilitator welcomed people to the CAG meeting. He went through the current CAG operating procedures and asked CAG members if they wanted to make any additions or changes to the media section of the operating procedures due to the fact that some reporters, primarily those from television stations, had been approaching CAG members with microphones and cameras in the midst of recent meetings. CAG members suggested that perhaps there could be a news conference before or after CAG meetings when press attention is anticipated. Several CAG members indicated that television reporters should not be permitted to delay the agenda. One CAG member noted that in public meetings the press is sometimes asked to sit back like the rest of the public. Another wanted EPA to inform the media that they won't be permitted to disrupt meetings in the future. Another suggested that the CAG could hand out copies of the media rules to reporters who attend CAG meetings.

The facilitator stated that reporters should set up their cameras and microphones beforehand then take a seat or stay back. CBI will draft additional language to be added to the CAG operating procedures and forward to the CAG for review.

The facilitator also reminded the CAG that although CAG members have strong views on many of the subjects discussed during CAG meetings; personal attacks are not permitted during CAG meetings in order to encourage constructive and respectful conversation.

Meeting Summary and Action Item Update

The June meeting notes were approved by the CAG, and the facilitator reviewed Key Action Items remaining from June.

Regarding the archeological work in Fort Edward: EPA is keeping the public updated through the normal processes. GE is in the final week of contacting property owners, and diving will begin in three weeks. Community members interested in viewing the archaeological dives might be able to view divers when they are working along the east channel of Rogers' Island, and EPA will let people know when that is happening. If anything comes forth from the dig, efforts will be made to share the findings with the community. A formal report is not scheduled regarding what is found in the archaeological dives, but by mid-September GE should have the results collected. The archaeological search will go from water's edge to 20 feet inland. The areas being assessed are areas that were chosen from a literature review that have evidence of

significance. GE isn't intending to excavate, rather this is soil analysis to see if artifacts may be present. Joan Gerhardt will check if GE might present significant findings to the CAG.

Regarding the idea raised at the last meeting of having a GE representative on the CAG: Joan Gerhardt clarified her role as liaison to the CAG, and stated that she is usually at CAG meetings and is happy to answer CAG questions on behalf of GE to the greatest extent possible.

Regarding EPA's hope to send the CAG the URL for the Tacoma Bay's dredge site with live data: EPA learned that the URL for live data from the Tacoma Bay dredge site in fact not publicly accessible. Leo Rosales will make copies of what the site looks like and how data is presented for inclusion in the next CAG packet.

Regarding the Job Training Grant application that Merrilyn Pulver is writing: Merrilyn will forward a copy of the application to the CAG for letters of support as soon as it is completed.

Regarding the idea of inviting people involved in other Superfund dredge sites to the CAG: EPA and CBI will work on inviting either elected officials or economic development people as well as EPA project managers to the October CAG meeting to answer CAG questions about the jobs that were created and the economic impact of such a project on local communities.

NYDEC Updates

Riverbank Oil Seep Project

Kevin Farrar of NYSDEC presented about Outfall 004 Area in the Riverbank Oil Seep Project being completed by the Division of Environmental Remediation at NYSDEC.

The presentation detailed past actions and history and showed photos of where shale bedrock was fractured and small amounts of oil coming out of the fractures were visible. A few hundred feet south and immediately adjacent to the former 004 outfall location, oil seeps were observed when implementing a riverbank soil/sediment removal project. Kevin presented sampling results from June 2004, in which indications of PCB oil were found in two of the six wells, with much lower concentrations in wells further from the oil seep. The presentation also described the fact that concentrations of PCBs found in surface water samples taken upstream of Roger's Island (downstream of the two GE plants in Fort Edward and Hudson Falls) are much lower than surface water samples taken at Thompson Island (six miles south of Rogers Island) which were impacted by the contaminated sediments in the Thompson Island Pool. Kevin presented plans for upcoming research that will be done to determine whether the small amounts of PCB material they detected then are still at the Outfall 004 sites. DEC is working to have GE determine how big the problem is and what types of remediation are needed. They may need to do sampling and install more bedrock monitoring wells to complete this research.

The CAG had a few questions and comments for Kevin¹ (answers in plain text are by DEC):

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

- *How far above Roger's Island was sampling done?* At the new Fenimore Bridge immediately upstream of the GE Hudson Falls plant site.
- *Where is the sampling site as compared with the Saratoga County Proposed Water Intake?* The data are miles downstream from the proposed intake. Data from the Queensbury intake would be needed to know similar information for that area.
- *We've learned of yet another year-long delay of when PCB sediment dredging will begin. Do you think that the two plant sites and associated problems will be secured before 2007, when the remediation begins?* I can't guarantee that. I can't tell you when any needed remedial work will be done, in part because we don't even know at this time whether or not this is a significant problem. The DEC's position is that we don't believe it is necessary that these projects be done before dredging given the relative importance of other projects. Areas downstream of Rogers' Island are currently much more significant sources of PCB to the river than the areas upstream of Rogers Island where the GE plant sites are located. This doesn't mean we don't think the sources north of Rogers Island need to be dealt with, just that they are less significant.
- *How will DEC involve the town in this work?* We aren't planning on being available twice a month for public input, but we'd like to do more public outreach at the start.

PCB Air Monitoring Study

Tom Gentile, of the DEC Division of Air Resources, presented an update on the PCB ambient air monitoring study. The goal of the study is to collect, report and analyze high quality scientific data on ambient levels of PCBs in and around the Hudson River area which has been designated for dredging and the handling of contaminated sediments prior to any river bottom dredging. DEC will sample at three sites, on one out of every six days for one year, even in winter when the river is iced over. DEC will have the samples collected in the first quarter analyzed by two methods (aroclor method and a low-resolution congener method). In addition, a few samples will be analyzed using a high-resolution congener method. The purpose for using the various methods of analysis is to determine the comparability and appropriateness of the various analytical methods for measuring airborne PCBs. DEC is getting ready to start the ambient air quality program in mid-August and is currently working on site selection and preparation.

The CAG had several comments and questions:

- *Could Tom give this presentation at the September Fort Edward meeting?* Yes, DEC will coordinate with Merrillyn Pulver to do this.
- *Have you looked into the work of David Grande (Wisconsin Department of Natural Resources) on the Fox River? He was rethinking the potential for PCB volatilization. Clearwater also did a literature review on this.* DEC has discussed this subject with Mr. Grande and has also talked with individuals who have conducted PCB ambient air monitoring work in New Bedford. Tom will read the Clearwater paper if it is sent to him.
- *Going back 20 years, we could smell PCBs miles from the river. How do you monitor down or up-wind, and is there adequate prevailing wind data?* DEC will have a portable meteorological station to measure wind direction. This will enable us to interpret the results from the monitoring stations in relation to the predominate wind conditions for the day

- *We were told 25 years ago that even ½ mile from the radius of the landfill, products couldn't be consumed by humans or animals. Is that really not a concern today along the ½ mile on either side of the river?*
- *It is a shame that this didn't start before, especially as the heat causes increased volatilization and it has been so hot.* DEC plans to start by mid-August. It has taken until now for DEC to complete a thorough review of the rich literature on this subject, establish laboratory commitments for the analysis of the samples, purchase and shake-down sampling equipment, and select monitoring sites along the river.
- *Why aren't there more than three sites?* It would be nice to do more than three sites, but DEC chose three sites for one year because we believe that it will allow us to characterize the baseline air quality in the area well. This sampling is very expensive and DEC resources were a consideration.
- *How do you determine where the sites go, including the one at the dewatering facility?* The sites will be the dewatering facility plus two other places that have sediment cores with high concentrations of PCBs. Site choice will also be influenced by criteria such as power availability, security and DEC access to the sites. DEC will bring pictures and exact site location information to future meetings of the CAG.
- *If we are concerned about community health and safety, tests should be done in populated areas where peoples' health will matter.* Because the goal is to characterize pre-existing conditions along the river, DEC isn't looking to locate monitoring sites in areas that are located near human receptors. However, the meteorological data can be used to roughly assess the impacts on the nearby communities. GE and EPA are working on air monitoring in the Community Health and Safety plan that could address this concern. This DEC study is just establishing the baseline levels of airborne PCBs in the area before the remediation project begins.
- *When will we hear the details of the remediation and dewatering monitoring related to hotspots (not baseline)?* EPA responded: some information about what type of monitoring will be done may be in the Intermediate Design Report. This report will include environmental monitoring plans about what data will be collected and when. At the energy park site itself there will be continuous monitoring. Detailed plans will be in the final (not intermediate) design report.
- *The dewatering facility is in a valley with residential homes directly above it and downwind, so the baseline study should look at those places.*
- *Thanks to DEC for stepping up to do the baseline air monitoring. Having a year's worth of that information before the project starts is valuable. Is this also a good time to do noise baseline monitoring?* EPA responded: there will be noise baseline monitoring, though it may not be a year's worth. It will be in the monitoring plan. Joan Gerhardt reminded the CAG that the way the Quality of Life Performance Standards are structured by EPA, GE is required to monitor for noise and air emissions to make sure they don't exceed a maximum level set by EPA. These levels are not based on local baselines. A CAG member replied that even so, the local community is accustomed to their current air quality and noise level, and that the CAG wants to understand how current levels and the levels in the project compare.
- *Ft Edward community members would like an additional sampling site near the dewatering site. Should there be one DEC baseline data gathering site at Lock 7 in addition to Lock 8? Baseline documentation will be important to the town of Fort Edward in determining impact when construction and dredging begin. It would be great*

to be able to rethink the number of sampling sites to address the concerns of the residents. DEC is looking at the Lock 7 area and Tom noted that he will be able to provide the CAG with the exact monitoring locations shortly. Anyone who wants to know the exact locations of the sites and any other information about the baseline study should call Tom Gentile at: 518-402-8402.

Community Health and Safety Plan (CHASP) Scope Comments

David King of EPA presented the CHASP scope, which is being developed by GE through a consent order. The CHASP will be a stand-alone document where anyone who is interested in community health and safety can look for answers to their questions. The draft CHASP will be finalized and submitted in the Draft Final Design Report (in approximately February 2006). It is based on Quality of Life and Engineering Standards.

The CHASP will include contingencies for air quality, odor, noise, lighting, and navigation. It will describe community notification and complaint management programs. The CHASP will include where emergency equipment will be and who will be first responders. Before the scope can be developed into its final form, the type of dredging equipment, dredging areas, transport to dewatering facilities, and associated safety issues will have to be decided and determined. The intermediate design report should provide most of the information necessary.

The CHASP is intended to:

- Ensure that there is public aware of when and where project activities are occurring;
- Describe the ongoing health and safety program for workers;
- Require maintenance of equipment and engineering controls (air emissions standards, noise conditions, etc);
- Clarify procedures for stoppage of work in unsafe conditions;
- Describe emergency response procedures: in the case of an emergency, who gets phone calls, how will local emergency teams be coordinated, what kind of emergency equipment will be available?
- Clarify training needs for adequate staffing of all systems;
- Describe routes to the first aid center or hospital;
- Detail community notification procedures (including project schedule notification to mayors, emergency notifications, the toll-free emergency numbers that will be continually staffed, regular community meetings, mail and web-based notification);
- Establish a structured complaint process about documentation, the investigation process, and response timeframes.

GE would like input from the CAG on the CHASP scope between now and Draft Final Design (in winter 2006). Joan Gerhardt noted that she welcomes all comments on the CHASP and will forward them to GE. The CHASP scope being reviewed at this meeting was created for the purpose of getting input from the CAG and community to ensure that the final CHASP will meet community needs and expectations. GE wants to know residents' preferred specifics prior to developing the plan more fully.

The CAG had the following questions and comments:

- *The CHASP should include:*
 - *lessons from the Outfall 004 Project*
 - *possible breaches of dams above the Superfund site, including Spiro Falls Dam, Clement Dam, Sakinaka Reservoir*
 - *clear notification standards like flashing signs that are used currently at Northway and Fort Ann that are shut down.*
- *In Section 2, the bottom paragraph on 2-3 should include notifying elected officials.*
- *The current process is (1) notify, (2) investigate, (3) monitor and provide reports until standard is exceeded. But if there are noise or light incidents, what should the turnaround time be? It is currently too long and not responsive to community needs.*
- *We would like baseline monitoring to help us know if the “acceptable standards” are well above what we are used to now or similar to our current levels.*
- *Standards are already set, so will baseline monitoring change them? No, but it makes sense that the community wants to know about current baselines. After Phase I there will be another opportunity to look at all of this and see how things have gone, so Phase I (10% of dredging) will be used to test the standards.*
- *We thought Fort Edward would get another opportunity to review Quality of Life Performance Standards. It would make sense to have different noise standards in places with no neighbors and places with nearby residents. There was intent to look at the layout, not the actual standard numbers. For example, considering what types of buffers can help nearby neighbors. The public can have input on location and frequency of monitoring. It is a design review issue.*
- *Some CAG members commented in length and in writing, and we thought baseline were important because if someone’s quality of life changes by 30-40 decibels, that could be significant.*
- *All complaint procedures should be consistent (across air, noise, or light emergencies).*
- *Community safety should be the priority, and it doesn’t appear to be in the current CHASP document.*
- *The CHASP should (a) be understandable, (b) be very detailed, and (c) lay out the consequences so whoever is doing the work will remedy problems by a clear deadline.*
- *The goal should be good design, not just staying within standards.*
- *Fort Edward is discussing the CHASP a lot in town meetings, and residents and local employees need to feel safe with the CHASP and be involved in its creation. They will feel the results of its implementation regularly.*
- *CHASP doesn’t give some of us a sense of safety. All CHASP decisions will affect the quality of life of citizens of Fort Edward. When a person has a problem that arises, the problem needs to be addressed immediately. Citizens deserve that level of compassion and attention by the process.*
- *Quality of life of those involved is important to everyone on the CAG. The CAG is unified in that sentiment.*

Fred Ellerbush (TOSC Coordinator) joined the conversation with the following comments:

- *Baseline data should be included in the CHASP because they will give you some idea of how many complaints to expect, because people will use a qualitative baseline in*

deciding when to complain. Baselines will be a good standard of reference that people will use and can trigger review.

- The entire CHASP is based on the scope document being reviewed today, so if the scope isn't complete, the CHASP won't be either.
- Natural disasters would affect the operation of the dredging or dewatering, so they should be reflected in the CHASP.
- The contingency plans in Section 2 are not implementation-oriented. There is too little on possible implementation strategies under each component (air, noise, lighting). This is the time to develop contingencies – before Phase I begins.
- There are at least six places in the CHASP that note caveats, which I find redundant. These provide an opportunity to discuss changes, but no practical way to implement changes. Yet there has to be a way to make things fixable if there is a major concern or a major problem in Phase I. The document should not reiterate that project management would look at but not do anything about concerns. The language makes it sound as though changes will be impractical and impossible.
 - EPA responded: This language was inserted to reassure GE that there wouldn't be a change from one type of dredging to another mid-way through Phase I, for example. But this doesn't mean there can't be any changes in the field.
- The currently listed response time for notifying EPA of emergencies is too long at 24 hours. This should be changed to something closer to eight hours, preferably “immediately.”
- Complaint procedures and complaints themselves should be placed on a website. This could serve as a base for a FAQ documents and for transparency in EPA responses.

Fred Ellerbusch will draft his comments, and send them to CBI to be sent to the CAG for their comments and then to EPA.

Outstanding Items from Last Meeting

Remaining Questions on Floodplain Investigation June presentation

The facilitator asked if there were remaining comments from the Floodplain Investigation presentation given in June, as due to time constraints it had been covered briefly. CAG members asked about whether the EPA would release information to the public about sites that were highly contaminated, rather than keeping such information private. EPA will be completing a report on this subject in the next few months. EPA is considering testing additional low-lying areas that are frequently flooded. Towns should bring areas of concern to the attention of EPA.

Schedule of release of Intermediate Design Report, next CAG meeting, and public outreach

The Intermediate Design Report is due from GE on August 22, 2005. In order to give GE, EPA, and other interested parties time to respond to press and prepare responses internally, the next CAG meeting will likely be held on Wednesday August 31 in Waterford.

Local Employment Issues: (A) Update, (B) September/October Meeting: Invitation to New Bedford Project Manager and Mayor to attend CAG

A. The pre-CAG meeting about jobs in June was held just for CAG members in order to see if there were actions the CAG wanted to take as a group regarding jobs. At that meeting, there was a sense that chamber of commerce lists of businesses could be useful resources for a compilation of available local businesses available to be hired during the dredging project. In the past month, Mark Galough has done a preliminary search for contractors in the region from one Chamber's members and found a list of approximately 100 names. As soon as the CAG knows the types of work that will be required, CAG members can search for additional local resources. Joan Gerhardt noted that GE and EPA are still negotiating who will be in charge of contracting and implementing the work. She stated that she knows a lot of local businesses are frustrated and that this stage in the process is hard, but also said that GE has a link on their site through which local businesses can contact GE directly (www.ge.com/HUDSON).

B. Inviting someone to the September or October meeting: Because the New Bedford dredge site is relatively nearby and somewhat similar to this dredging project, the CAG would like to invite several people who are involved in that project to an upcoming CAG meeting. The CAG suggested the possibility of inviting the EPA manager, the town mayor or other elected officials, such as an economic development person or someone from the chamber of commerce. The CAG is interested in learning how expectations and actual outcomes compared, so that the CAG can help prepare local business sectors in this area. Some also discussed the possibility of inviting someone to present from the Commencement Bay project in Tacoma Bay. Several members stated that they already had a sense of the New Bedford project because of the visit there in 2004, but EPA suggested it still might be the best one to learn from because it has mechanical dredging and the only dewatering facilities in the country. Others suggested that phone interviews with people in communities who have had similar experiences could be useful to the CAG. EPA stated that they would set up whatever type of information sharing makes most sense to the CAG.

The CAG had several comments and questions:

- *Not knowing whether it will be GE or EPA that will be making hiring decisions is hard. We should discuss the subject of jobs more when the negotiations between GE and EPA are completed. We hope to know that within a month. Joan Gerhardt stated that GE hopes to know that in the short term.*
- *The EPA Job Training Grant that Fort Edward is applying for wouldn't just be for town residents? The training is for people to work on brownfields, not just local people. There are ten \$200K grants nationwide, and the grants are for a region, not just one town.*
- *Would EPA or GE consider writing a project labor agreement? This is a contract that is negotiated with the site owner, area businesses and the building trades. Under such an agreement, everything is open to negotiations and there can be guarantees of as much local work as you'll ever get. If this isn't done, GE can bring in contractors from anywhere. There are many examples of this, and it is a strategy that pretty much guarantees local work. Would GE Consider this? Joan Gerhardt stated that GE will consider anything if it is in the position of implementing this project. EPA isn't sure if the FED covers this or not.*

Brief Updates

- The Department of Health is in the process of updating their health fact sheet based on community comments. It will be ready for distribution in the next few weeks. EPA will send it to the CAG when it is available.
- EPA update on future noise modeling: Noise modeling will be part of the Intermediate Design Report.
- Jenny Noonan introduced herself to the CAG. She will be completing a project through the month of August in which she'll be studying how the EPA in the Hudson River is perceived in terms of public involvement. She may contact CAG members for their thoughts and ideas.

CAG Issues, Concerns, General Discussion

CAG members shared the following comments and questions:

- *Clearwater is concerned about quality of life for the community. They want people to bear in mind that current baselines are contaminated and that the real baseline is what the community was like before the river and shorelines were contaminated with PCBs. One CAG member stated that she believes she speaks for the whole CAG in stating how seriously they object to the one-year EPA delay. PCBs in hotspots do wash downstream to the lower Hudson River, which is never scheduled for remediation. They would like EPA to reconsider the one-year delay. The delays have real impacts for those areas below the Troy dam that are being increasingly polluted. They register their strong opposition to the delay. Not only have they now been handed another unacceptable delay, but also there is no agreement with GE, and no way to force EPA to move faster than it is currently moving.*
- *Why is there only 1 dewatering facility? Does this mean that the project will be completed with hydraulic dredging? And does this make it harder for GE to meet performance standards? Having one dewatering facility doesn't preclude one technology per se. The Fort Edward site is closer to 80% of the dredge material than the other site would have been.*
- *Can we have GE assurance that there will be no more delays? We can't guarantee that. We want to design the best possible project.*
- *As elected Town officials in Ft Edward, we won't sacrifice the health of our residents. Making a mistake in Fort. Edward would affect all river communities. The most important thing is to do this project well, because peoples' lives and safety are at stake. Quality and successful execution is more important to us than timing.*

Public Comment

There was one question from a member of the public, about how much activity there will be in River Section Two. EPA responded that that particular area is to be dredged in Phase II, not Phase I, so further details aren't yet known about dredging of that part of the river.

3:30 Adjourn

The meeting was adjourned at 3:30pm. The next CAG meeting will be held in Waterford on Wednesday August 31, 2005 in the Waterford Town Hall.