

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
Meeting Summary
Thursday September 30, 2010
1:00 - 4:00PM
Saratoga Springs, NY

Members and Alternates Attending: Phil Dobie, Manna Jo Greene, Richard Kidwell, Bill Koebbeman, Roland Mann, David Mathis, Hayley Mauskapf (for Althea Mullarkey), Merrilyn Pulver-Mouthrop, Sharon Ruggi, Lois Squire, Julie Stokes, Rebecca Troutman.

CAG Liaisons Attending: Mark Behan (Behan Communications for GE), John Davis (NYS Attorney General's Office), Kevin Farrar (NYSDEC), John Haggard (General Electric), David King (USEPA), Gary Klawinski (USEPA), Carmella Mantello (NYSCC), Joe Moloughney (NYSCC), Larisa Romanowski (Ecology & Environment), Charles Sullivan (USNPS).

Others Attending: Danielle Adams (Ecology & Environment), David Adams (Saratoga County EMC), Chris Ballantyne (NYS DEC), Dario DiBoar (Cashman), John Fazzolari (Ecology & Environment), Neil Geevers (Stuyvesant Environmental Contracting), Robert Gibson (General Electric), John (Jeb) Hamilton (Saratoga County Soil and Water Conservation District), Andrew Ingels (General Electric), Tim Kruppenbacher (General Electric), Tom Kryzak (Enviro Lunchbox Technology), Jeremy Magliaro (NYS Attorney General's Office), Tom Paul, Deanna Ripstein (NYSDOH), Tom Ryan (NYS Thruway Authority), Sam Stapleton, Matt Walsh (NYSCC).

Facilitators: Ona Ferguson, Patrick Field.

Members Absent: Andy Bicking, Cecil Corbin-Mark, Mark Fitzsimmons, Richard Fuller, Rob Goldman, Robert Goldstein, Gil Hawkins, Preston Jenkins, John Lawler, Aaron Mair, Dan McGraw, Althea Mullarkey, Mary Fran Wachunas, Mindy Wormuth.

Next meeting: The next CAG meeting is scheduled for December 9.

Action Items:

- CBI – Identify any final reports or summaries from past TAG grants.
- Manna – Follow-up with CAG regarding application for TAG Grant.
- EPA or CBI – Provide information on TASC grant and available technical assistance.

Welcome, Introductions, Review June Meeting Summary

The facilitator welcomed everyone to the meeting. The draft June meeting summary was approved without any changes. All CAG meeting handouts and presentation slides are available within one week of CAG meetings at: <http://www.hudsoncag.ene.com/documents.htm>.

Project Update, Including Peer Review Process

David King, USEPA, gave an update on the overall project. His slides can be seen at <http://www.hudsoncag.ene.com/documents.htm>. The final Peer Review Report was released in September with no substantive changes from the August draft. EPA is in agreement with the majority of recommendations. Like the peer reviewers, EPA believes that additional work and changes to performance standards are needed to proceed successfully with Phase 2. EPA will continue its ongoing consultation with GE regarding improvements for Phase 2.

EPA's presentation covered the following key topics regarding EPA's response to the Peer Review Report:

- *Resuspension*: It is important that PCB analysis and presentation be standardized for the project so data can be compared. Information should be evaluated on the basis of Tri+ concentrations, as expressed in the ROD. The peer reviewers also recommended that data be collected at additional near- and far-field sites to relate operational activities to sediment resuspension. During the next season of dredging, EPA intends to include near-field and far-field studies on the nature of PCB release, fate, and transport including using near-field PCB transects to isolate resuspension impacts from operational activities and using sediment traps to evaluate sediment deposition.
- *Threshold*: The peer review report recommended that a 500ppt total PCB threshold at far-field monitoring stations should trigger operational changes, but not necessarily stoppage of all dredging operations, as in Phase 1. EPA will use the 500 ppt threshold as a basis to require actions be taken to reduce water column concentrations, as recommended by the panel, and will retain a 350ppt threshold as an "advisory level".
- *Physical Barriers*: The peer review cautioned against the use of silt curtains and other physical barriers for resuspension moving forward due to limited effectiveness. EPA noted that there are a small number of river areas where engineering controls can be effective and should be considered, such as West Griffin Island channel.
- *Depth of Contamination*: The Peer Review Report stated that more accurate, reliable information on the Depth of Contamination (DoC) is needed in order to proceed with dredging effectively. EPA agrees. A core sampling program began in mid-September. To define DoC, cores will be taken until two 6" layers with total PCBs below 1ppm are identified. Samples will be taken from previously un-sampled locations as well as low or no-confidence areas (e.g., areas where samples were determined to be incomplete). Approximately 20 percent of high confidence cores (which make up about 60 percent of the total) will also be re-sampled. During this effort, two alternative sampling methods are being tested to see if they can get below the woody debris that has made accurate sampling difficult: vibracoring with a core catcher and sonic drilling.
- *Modeling*: EPA is working with GE to evaluate GE's model. If determined to be a strong predictive tool, after peer review, it will inform relevant decisions during Phase 2 providing insight into, for instance, the impact of resuspension downstream.
- *Transport Load Standard*: The peer review panel recommended that Tri+ release rates measured at the Thompson Island Dam and Waterford should be 2% and 1% respectively, of Tri+ mass removed. EPA explained that the standards will be

translated into estimated yearly and daily load standards based on estimated mass removal rates. Model forecasts and fish impact measurements will also be considered in potential adjustment to the standards. Standards will be used to trigger operational changes, as occurred in Phase 1, rather than operational shutdown.

- *Adaptive Management:* EPA is in agreement with the peer review panel that an adaptive management approach should allow for adjustments to the project to be made as additional information is obtained. GE and EPA will work together to agree on an adaptive management structure moving forward. EPA expects to engage with the wide community of stakeholders, possibly to include the peer review panel members, in periodic assessment of data.
- *One Pass Program & Elevation-Based DoC:* EPA agrees with the peer review panel that a single-dredge pass would be ideal, however, this requires a more accurately defined DoC. As dredging progresses, EPA may require changes in approach depending on the success of attainment. There will be a four-inch dredge tolerance (where the dredges remove sediments to four inches below DoC) in order to attain DoC elevation in 95% of the area within a certification unit prior to backfilling or capping. EPA will evaluate the success of DoC attainment based on the results of the confirmation core sampling.
- *Volume Productivity:* The Peer Review Panel recommended dropping total volume productivity EPA criterion and setting the initial annual volume at 350,000 cy/yr. EPA believes that productivity should be maximized while meeting resuspension and residual standards and will continue to seek improvements in productivity rates during the life of the project. EPA expects that the project will require more than five more dredging seasons, with current estimates at seven.
- *2010 Field Activities:* This year, the off-season baseline monitoring program will be continued, as will off-site shipment of dewatered sediment. Air sampling at the processing facility is ongoing. Habitat reconstruction work took place this summer, as did various survey and other work such as floodplain sampling, floodplain removal actions, and phase 2 cultural resource investigations.
- *Schedule:* EPA will make its decision about any changes to the Phase 2 Design by November, and GE will notify EPA of their intent to opt in or out of Phase 2 by the end of 2010. Discussions between EPA and GE are ongoing.

CAG members discussed the following topics in response to EPA's presentation:

Upper limit trigger: A CAG member stated that there should be a hard and fast upper limit of resuspension that triggers a halt to operations as there's concern it could reach a level that would become a health hazard as they believe there are people who continue to take water from the river, despite EPA and GE's outreach efforts to prevent it. EPA noted that if there are people who continue to drink water from the river, EPA would like to know who they are and would encourage them to contact EPA.

Archaeology: If DoC coring efforts identify debris fields, EPA or GE should take a close look at the possibility that there might be archaeological artifacts in those fields.

Modeling: A CAG member voiced support for the idea of a single peer reviewed model.

Single Dredge Pass: A CAG member voiced their support for EPA's assertion that there should be the option of a second pass if the first dredge pass doesn't get down to DoC

and noted that this is crucial to keep available as an option, instead of requiring immediate backfilling or capping.

Reducing Resuspension: In response to a question from a CAG member regarding what EPA thinks can be done operationally to reduce resuspension, EPA stated that the range of options includes reducing the number of dredge passes (the most significant component), fewer dredges working in one area simultaneously, loading barges to optimal levels, limiting decanting of buckets, closing buckets holding debris more fully, and using booms for NAPL sheens on the surface.

Project Authority: CAG members sought clarity on whether EPA has final authority in making decisions based on the Peer Review Report and other input and knowledge (yes).

Flood mud: In response to a question regarding floodplain sampling results, EPA explained that the results of sediment trap sampling (new flood mud) hasn't typically shown high concentrations.

Timeframe: A CAG member inquired about what will happen to the project timeframe if GE opts out of Phase 2. EPA explained that the probability that dredging would take place in 2011 would then be quite small unless EPA ordered GE, via unilateral order, to dredge and they complied. If it went to litigation, 2011 dredging would be unlikely.

Peer Review Process: A CAG member expressed disappointment that there was no opportunity for the public to comment on the draft Peer Review Report.

GE Status Update, including Sediment Coring Program

John Haggard, General Electric, gave a presentation about GE's current perspective on the dredging project. The slides can be seen at <http://www.hudsoncag.ene.com/documents.htm>.

GE would like to see the Peer Review Report recommendations, which were arrived at unanimously by the panel, implemented in 2011. They agree with the Peer Reviewers that the performances standards were not and could not be met due to the need for more data on PCB Depth of Contamination (DoC) and redeposition during dredging. GE explained that the project also needs a peer-reviewed model to predict what would happen in different scenarios prior to setting limits for and implementing Phase 2.

GE noted that the Peer Reviewers didn't believe that there was enough available data nor the tools needed to set an allowable load limit for the project. GE has initiated a sediment sampling program that will occur this fall to get a more accurate picture of the DoC. GE is also proposing conducting dredging in 2011, collecting more data on PCB redeposition and loss, and collaborating with EPA on the creation of a single, defensible model the Peer Reviewers said was needed. GE has provided EPA with a next-generation computer model developed by AnchorQEA, which the peer reviewers believe may be a useful foundation for a joint model. EPA is currently evaluating the model. The model would provide insight into likely fish impacts, loss rates, etc. In addition to collaborating with EPA on the computer model, GE is conducting the sediment sampling program this fall with EPA oversight, evaluating potential modifications to the processing facility, evaluating contractors for 2011, evaluating three disposal facilities for 2011, and transporting remaining Phase 1 sediment off-site (to be completed by the end of 2010).

The current sediment sampling program uses two technologies to attempt to obtain more accurate DoC data. The first method still uses vibracoring but uses a core catcher to trap sediment that previously fell out the bottom of the core (cores are being attempted three times to get 80% recovery). The second method, sonic coring, allows coring through debris 2" thick or less. During the sampling event this fall, GE will collect thousands of samples between Rogers Island and Snook Kill. The sampling program is being initiated to capture a more accurate DoC.

GE proposes to do full-scale dredging in 2011 (full-season, full-scale, 24/6, May 15-October) while collecting data, as recommended by the peer reviewers. GE wants EPA to let them proceed with their proposal to collect data and continue the cleanup in 2011 before setting final performance standards and proceeding with Phase 2. They feel that this strategy, including interim standards, provides certainty that the clean up will progress, prevents time from being lost, employ hundreds of local companies and people, and ensure continued progress and that the Phase 2 standards are based on the best science available. GE noted that the goal posts cannot be moved once set, though strategies for achieving those goals can be changed through adaptive management. It is GE's position that EPA should not set final performance standards until after 2011 dredging, and noted that the Peer Reviewers felt this was the way to proceed. GE would then opt in or out for Phase 2 at the conclusion of the 2011 dredging season.

CAG topics:

- *Productivity*: A CAG member asked if GE thinks they can hit 350K productivity rate as recommended, and GE replied that they intend to try and that they expect facility improvements and a quicker start could make that possible.
- *Phase 2 Commitment*: CAG members noted their support for GE's commitment to 2011 dredging and encouraged GE to commit to all of Phase 2.
- *Depth of Contamination*: A CAG member asked what happens if GE finds greater PCB mass in its 2010 coring program than expected? GE replied that no change in inventory is expected, just in DoC. The areas defining edges are high confidence cores and GE is also confident in the assessments of the dredging footprint.
- *Single Dredge Pass*: A CAG member noted that a single pass followed by capping would be desirable if the DoC could be determined more accurately and if 95% of contamination is indeed removed and there is ongoing monitoring on each acre.
- *Next Steps*: GE has begun working on contracting, evaluating facility upgrades, and working with EPA on getting plans approved, etc. Contracts would be in place in early 2011, and GE is already looking at qualifications and will go through procurement. Contractors are being invited to apply. GE hasn't decided if contracts will carry through 2011 only or if they will be extended.
- *Adaptive Management*: In regard to GE's comfort level with adaptive management, GE responded that there are certain to be operational changes to maximize efficiency, but the goals will be fixed.
- *Opt In/Out*: A CAG member noted that the Peer Review Panel did not call for a delay in GE's opt in/opt out decision for Phase 2 of the project, and that there would be substantial opposition if GE choose not to opt in this year.
- *ROD*: One CAG member said the Peer Reviewers might have missed a distinction between what is in the Record of Decision (ROD) and what is in the performance standards. She said there should be a way to leave flexibility in the performance

standards but not in the final amount of contamination left in the river. The peer review panel said that productivity should be secondary as long as dredging is occurring efficiently and is protective with regard to resuspension and residuals.

- *Fish Sampling:* GE recently finished sampling fall fish.

Brief Updates

Navigational Dredging: Carmella Mantello, Director of the New York State Canal Corp, raised the issue of navigational dredging, noting that she and Joe Moloughney have been working to actively educate people about the issue. Twenty-three resolutions supporting navigational dredging during the remedial dredging process have passed in counties and communities from Albany to Essex County. Mantello noted that completing navigational dredging is important to the state, the Canal Corps, and the future of the Champlain Canal for communities and their economic development. Joe Moloughney noted that there is approximately 600,000 cubic yards of contaminated sediment (over the DEC standard of 1ppm total PCBs), which they are not currently able to dredge. Carmella thanked many CAG members for working with the Canal Corps on making sure this issue stays in front of the CAG and others.

CAG Business

Meeting Date: The next CAG meeting is scheduled for December 9.

Invitation to Agency Heads: On behalf of the CAG, the facilitators sent letters to several agency heads inviting them to attend upcoming CAG meetings. Carmella Mantello, Director of the New York State Canal Corp attended this CAG meeting, and CAG members noted her presence with appreciation. Judith Enck, EPA's Region 2 Administrator, has indicated her interest in attending an upcoming CAG meeting and apologized that she was unable to attend the September meeting. There has not been any word back from Commissioner Richard Daines of the NYS Department of Health, Commissioner Carol Ash of NYS Parks, Recreation & Historic Preservation or Commissioner Peter Grannis of the Department of Environmental Conservation.

Technical Assistance: CAG members requested information on how technical assistance funding provided to the CAG has been used in the past. It was noted that TAG grants require substantial effort to administer to the extent that many who would qualify have chosen over the years not to apply. CAG members requested an overview of what technical assistance programs are available to them so they can independently ask questions of someone about dredging, transport, modeling and the like.

Membership: There are discussions underway among the facilitation team, CAG members and others to identify people to represent stakeholders currently missing from the CAG. Members noted the importance of having Saratoga County and Fort Edward represented at meetings.

Adjourn

The meeting was adjourned at 4:00pm.