

**Community Advisory Group (CAG) Meeting**  
**Hudson River PCBs Superfund Site**  
**Meeting Summary**  
**Thursday May 11, 2017**  
**1:00 PM - 2:30 PM**

**Saratoga Town Hall**  
**Schuylerville, NY**

**Action Items**

EPA

- Notify the CAG when sampling plans for the Old Champlain Canal are in development.
- Send template property owner letter to CAG.
- Present at upcoming CAG meetings: general information on property access requests, OM&M benchmarks and habitat reconstruction

Membership Subcommittee & CBI - Finalize new CAG membership (with CBI).

- Soil & Water Conservation District seat - Confer with Dustin Lewis
- Agriculture and Land Conservation seat - Confer with Dustin Lewis
- Next Generation seat – Reach out to SUNY Albany School of Public Health.
- Consider adding more CAG members with public health expertise.

Admin Subcommittee

- Plan upcoming CAG meeting agendas. Topic suggested: OM&M benchmarks and habitat reconstruction, general information on property access requests. The next CAG meeting will focus on the Five Year Review.

**Next Meeting:** The next CAG meeting will be held after the Five Year Review has been released.

**Welcome, Introductions, and Review of the December 2016 Meeting Summary**

Ona Ferguson, CAG facilitator, welcomed participants. The December meeting summary was approved with no changes. CAG meeting handouts and presentations are available on the project website: <http://www.hudsoncag.ene.com/documents.htm>. Meeting participants are listed at the end of this meeting summary.

**Project Update on In-River and Floodplain Work**

Gary Klawinski (EPA) and Mike Cheplowitz (EPA) presented project updates, summarized here with notes on the respective CAG discussion.

*Five-Year Review*

EPA continues to develop and internally review the Five-Year Review (FYR). There is no set release date but Mr. Klawinski expects it to come out soon. Some appendices have been shared with the FYR team and a few CAG members. The comprehensive report includes detailed analysis of water, polychlorinated biphenyl (PCB) mass, fish tissue, surface sediment, implementation, and other data. The report is approximately 900 pages long, including 40 pages of text, six pages of executive summary, and 15 appendices. The report's release will start a 30-day comment period, although there have been several requests for a longer one. The report will be released with a fact sheet to help readers digest all the materials. EPA will hold 1-2 public

meetings to discuss the report. When the FYR is released, the CAG Admin Subcommittee will immediately schedule the next CAG meeting for a few weeks later that will focus on the Five Year Review.

CAG member discussion about the FYR update focused on the following questions and comments:

- A member asked for clarification on the protocol that EPA uses to analyze data in the FYR and avoid biasing the results. They also asked how EPA ensures the unbiased analysis of data that lacks a pre-determined target or goal. Mr. Klawinski said EPA's protocol for this data analysis has been peer reviewed. EPA follows standard practices for all statistical reviews and evaluations. When measuring against targets and goals, EPA sets a protocol in the initial project documents and the data targets and goals are specific numbers. Not all data included in the FYR, however, have set goals to measure against.
- A member said it will be important for the CAG to have access to an independent expert when they are reviewing the FYR and other technical documents. Mr. Klawinski noted that Scenic Hudson, Riverkeeper, and the CAG have occasionally had access to this kind of support.

#### *In-River*

Remedial Action Completion Report (RACR): The Consent Decree defines the requirements for the RACR. General Electric (GE) has completed the demobilization of the dewatering facility since the December 2016 CAG meeting, though there will be more planting and surveying of habitat under the Operations, Monitoring and Maintenance (OM&M) phase of the project. The engineering documents and early site inspections are complete, though additional inspections may be necessary. GE submitted the RACR to EPA on December 23, 2016. The RACR is now under internal review and will be provided to other agencies for their review. Copies of the document were provided to the Federal Trustees and New York State (NYS). EPA is monitoring habitat reconstruction (and doing planting, seeding, and allowing areas to recolonize naturally). People should feel free to get in touch with EPA about this work at any time.

Post-dredging Property Transfer: There are four ongoing property transfer projects at the former dewatering site. EPA is in discussions with a local economic development corporation for the transfer of the facility access road. The wharf is being transferred to the New York Canal Corps. The work support marina may be transferred to either the town of New York State. Finally, the alternate waterline from Troy will be transferred from the City of Troy to the Towns of Waterford and Halfmoon when EPA completes the necessary legal and property work.

Data Collection: PCB levels in water, sediment, and fish will be monitored for the foreseeable future, as time is a critical component of determining change. PCBs in sediment are the primary source of PCBs in the river. Water data provides information related to PCB source control, release from sediments, and load. Fish are monitored for human health concerns. Water and fish are both good indicators of progress of the cleanup. EPA has reached an agreement on the scope of work for OM&M sediment sampling with GE, but negotiations for water and fish sampling are ongoing. Mr. Klawinski provided the following data collection updates on water, sediment, fish, and habitat/sediment caps:

- *Water:* GE continues routine sampling of the water column for PCBs. Water data through December 2016 was incorporated into the FYR. Three rounds of high flow<sup>1</sup> monitoring were conducted in early 2017.

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<sup>1</sup> High flow is defined as approximately three times the normal cubic feet per second passing a flow gauge.

- *Sediment*: GE's sampling data from 2016, collected outside of the dredge areas, was incorporated into the FYR. GE will sample inside the dredge areas and in the Albany/Troy area in 2017. EPA is using a statistical review<sup>2</sup> to determine if additional collection is needed outside the dredge area. The next round of data collection is anticipated to occur in 2021.
- *Fish*: Routine sampling of fish data in the spring and fall continues. 2017 spring data collection began on April 23 with striped bass collection. Fish data through December 2016 were incorporated into the FYR. NYSDEC and the NYS Department of Health (NYSDOH) review this data when generating new fish consumption advisories and signage. EPA is finalizing a special fish study about how to best test fish.
- *Habitat/Sediment Caps*: Plantings for habitat restoration were completed in 2016 and annual habitat monitoring and shoreline inspections were conducted in September 2016. Habitat monitoring will be conducted this summer. If EPA determines the plants established in 2016 are in place, the monitoring phase of the OM&M will commence. The annual habitat monitoring (i.e. OM&M) plan is in review now and this will compare habitat data against benchmarks and thresholds. Surveys of the sediment cap are proposed for 2018 unless earlier surveys are triggered by high flow events.

CAG member discussion about the data collection update focused on the following questions and comments:

- Members had a brief discussion of how EPA's use of the special fish study processing report might affect its ability to identify data trends. Mr. Klawinski said levels of PCBs were decreasing in fish tissue in the Hudson until dredging began. Dredging stirred up sediments, and fish began accumulating PCBs, which appeared in the data the following year. Two filleting techniques were used, and EPA is attentive to possible differences resulting from the varied techniques.
- A member requested confirmation that the monitoring data are being reviewed by independent scientific experts. Mr. Klawinski said that an independent peer review was completed in 2010 and that other data products have been peer reviewed at various times in the past. EPA recently presented papers at an international sediment conference to seek feedback on its data use practices.
- A member commented that communities in the lower Hudson did not receive the benefits expected from the remediation and that EPA should study the data for the lower Hudson and the full river during the FYR and before granting GE their Certificate of Completion.
- A member asked EPA to conduct another angler survey in the lower Hudson, noting its importance as new people move into the region.
- A member asked if new data collection efforts have helped refine the projected timeframe for hitting the fish recovery targets as laid out in a 2016 white paper<sup>3</sup>. Mr. Klawinski said that the delays in hitting the targets are not specifically known, and EPA does have reason to believe its estimates are off by several years, possibly by as much as 10 years. Appendix 8 of the FYR will cover this.

### *Floodplain*

The Overall Process: Mr. Cheplowitz explained the overall process for the Remedial

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<sup>2</sup> The sampling rate in the Albany/Troy area will be approximately 8 samples per mile, which equates to approximately 10-20 samples total in that area. The statistical review uses variability data to determine where further samples are needed.

<sup>3</sup> <https://www3.epa.gov/hudson/pdf/EPA%20White%20Paper%20-%20Responses%20to%20NOAA%20Manuscript.pdf>

Investigation and Feasibility Study (RI/FS) for the river floodplain work. For a detailed diagram of the process, see Slide 11 of the presentation posted on the CAG website. Unlike the in-river work, the floodplains work is at an early stage of the Superfund process. The current RI/FS phase focuses primarily on data collection.

2016 Data Gap Sampling: EPA has been sampling the floodplain since 2000. GE began collecting samples in 2008 and continues to do so. NYSDEC, the National Park Service, and the National Oceanic and Atmospheric Administration have also participated in this effort. Sample locations are based on statistical evaluation (i.e. data variability), likelihood of flooding, how an area floods, spatial distribution, land features, and if a property has been sampled before.

Between October and December 2016, EPA and GE collected 530 samples from 270 properties in the floodplain.<sup>4</sup> Typically, the highest concentrations of PCBs are found on properties located near the river and further upstream, though not all near-river properties have PCB contamination. In the past, sampling focused on identifying areas of concern for people. In this round of sampling, EPA is focused on lesser-used areas such as backwaters, wooded areas, and less frequently flooded areas such as higher elevations. Approximately 60% of the landowners EPA reached out to provided access to their property for sampling, approximately 5% of landowners said no to the request, and the remainder did not reply. For properties where EPA could not gain access, EPA will rely on data collected nearby and will plan to contact the property owner again in the future. If there is a serious data gap, EPA will do more direct outreach. EPA cannot disclose how many property owners it has contacted, but Mr. Cheplowitz will give the CAG a summary of the numbers at an upcoming meeting.

EPA is currently in the process of sending letters containing sampling results to property owners. The letters include the specific sampling results, a summary of the entire 2016 sampling effort, and precautions about using the floodplain.<sup>5</sup> EPA notified town supervisors that the batch of letters was mailed. Two properties with floodplain contamination above 10 parts per million (ppm) were identified for short-term response actions such as capping or signage.

CAG member discussion about the 2016 floodplain data collection update focused on the following questions and comments:

- Does EPA believe 10ppm (the current PCB threshold for short term response actions) is protective of human health? Mr. Cheplowitz said 10ppm is the limit for industrial or remote areas in New York State. EPA is using this number as a short-term target and plans to move toward the residential limit once the initial sampling and response actions are completed.
- In their letter to landowners, EPA should address potential future liability for those property owners who do not allow sampling on their land. This issue needs to be addressed now so people understand the potential legal consequences when they decline sampling. Mr. Cheplowitz recognized the member's concern but explained EPA's difficulty with responding to it. He noted that EPA keeps a file for each property it asks to sample, regardless of the owner's response, but EPA cannot disclose results to non-property owners.
- What happens to soil that was moved from the floodplains, for example dirt that is dug out of ditches? EPA should be trying to sample such dirt.

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<sup>4</sup> As of December 2016, approximately 7,500 samples have been collected from approximately 670 properties in the floodplain.

<sup>5</sup> A member asked to see copies of these letters. Mr. Cheplowitz offered to provide the CAG with a generic copy of the template letter, but said specific letters contain private information for the property owner.

- Who pays for sampling and response actions? Mr. Cheplowitz said GE is the responsible party, but GE has not yet decided whether to pay for clean up in the floodplain. They have, however, paid for the property sampling completed so far. Another CAG member described the process: EPA will determine how it would like the sampling and cleanup work done. EPA will then negotiate with GE to convince them to pay for the design identified by EPA, which may take several years. If GE and EPA agree on a design, then the work will start.

2017 Floodplain Field Activities: Based on the results of a gap analysis, EPA hopes to sample approximately 400 locations in 2017. Project staff will begin mailing letters requesting access soon and hope to start fieldwork in the early summer. Based on a subsequent gap analysis, additional rounds of sampling may be needed in the fall or in 2018.

EPA is also beginning to talk with GE and NYSDEC about how to sample standing water areas in the floodplain (e.g. the Old Champlain Canal). EPA is hopeful these areas can be sampled in 2017 or 2018, but it has not yet designed a sampling plan. A member commented that they would like EPA to test for a set of contaminants, not just PCBs, in the Old Champlain Canal. Residents would like to revitalize this area with bike trails and other infrastructure, which requires a full picture of any contamination. The member asked that the CAG be notified when the discussion about sampling the canal moves ahead.

EPA is also planning a number of other activities for 2017, including:

- Backwater flooding elevations data collection (fall 2016-summer 2017): These data will help the team understand backwaters and the role of culverts in PCB distribution.
- Flood mud sampling: Flood mud sampling has been conducted for a number of years, first by NYSDEC, then by EPA. Following high flow events, 18 samples of flood mud were collected this spring. The results are expected soon, though historic results have shown very low levels of PCBs in redeposited sediment.
- Short-term response action inspections: EPA will conduct inspections in June. Where repairs are needed, EPA will coordinate with the property owner.

#### *Next steps*

EPA will finalize the Floodplain Characterization Report and begin conducting screening-level assessments for human health and ecological risk.

All members and alternates are welcome to join the CAG Admin Committee. Their primary responsibility is to set CAG meeting agendas, and they meet by phone usually once between CAG meetings. Members and alternates should let the CAG Admin Committee or facilitation team know if there are topics they would like to see on the next meeting agenda. The CAG website contains all presentations and meeting summaries since the CAG's formation. It also contains contact information (the membership list will be revised soon). Those interested in being added to the CAG's email list should contact Rebecca Gilbert at [rgilbert@cbuilding.org](mailto:rgilbert@cbuilding.org).

#### **Brief Updates and CAG Business**

The last portion of the meeting focused on an update by the subcommittee working on revising CAG membership. A small group of CAG member volunteered in December to work with CBI to update the membership list.

In order to confirm continued interest in serving on the CAG by people currently listed as members or alternates, CBI sent every existing member or alternate an email, hard copy mailing,

and, if needed, called them to confirm their interest in continuing to serve on the CAG. Many members indicated their ongoing commitment to participate while others stepped down or identified replacements. For those who stepped down, the membership group decided whether it is an essential voice at this time on the CAG. The group also identified new key perspectives that should be represented on the CAG given its new focus on the floodplain (rather than in-river work).

Ms. Ferguson distributed the current membership list, noting proposed seat changes, as follows:

<b>Seats added or changed</b>	<b>Seats removed</b>
Agriculture and Land Conservation (changed name and hoping for a total of 5 reps)	Labor
Economic Development, Tourism, and Recreation (increased number of seats)	Academia
Next Generation (new seat, number of seats TBD)	Commercial Boating
Soil and Water Conservation Districts (new seat, hoping for 2nd rep)	Subsistence Fishing
Public Floodplain Property Owner (new seat)	Community Group
	Emergency Services/Public Safety
	Dewatering Facility Community

Ms. Ferguson mentioned that the proposed Public Floodplain Property Owner seat could be incorporated into another seat or could be a stand-alone seat. For example, a representative from the Stillwater School District has been suggested as a new member because approximately two-thirds of the school district's property lies in the floodplain.

The subcommittee proposes removing seven seats for a variety of reasons (e.g. a member asked to step down as the focus changes, an interest group asked for a seat many years ago but has stopped attending meetings or disbanded). Ms. Ferguson noted that the subcommittee has discussed the CAG's operating procedures which, when revised soon, will indicate the need for regular attendance from members. The membership group is proposing a requirement that either the member or the alternate for a given seat attend at least half of the meetings in a single year in order to maintain that seat. She said it does not serve the group well to have interests represented on paper but without anyone speaking for them or serving as a conduit among constituents and the project over time.

Ms. Ferguson noted that there have been staffing changes within Riverkeeper and Behan Communications (the GE liaison) and welcomed those new members to the CAG. She concluded by acknowledging the efforts of everyone who helped with the membership update, and particularly Julie Stokes' persistence and patience on this initiative.

A member commented that the CAG should consider adding more seats for towns with property along the river and residential property owners. Other members expressed an interest in this, particularly as the floodplain becomes the CAG's focus. Dustin Lewis, a member of the new Soil and Water Conservation Districts seat, would like to see more members from the farm bureaus and will reach out to his contacts.

## Meeting Participants

### *CAG Members and Alternates*

<b>Name</b>	<b>Affiliation</b>
Mike Bartis	Stillwater School District
Freya Birkas Dent	Schuylerville Schools
Chris DeBolt	Washington County
Samantha Ellis	Schuylerville Schools
Maureen Ferraro-Davis	Sierra Club
Peter Goutos	Saratoga County Chamber of Commerce
Sidney Gregorek	Schuylerville Schools
Timothy Holmes	Schuylerville Area Chamber of Commerce
Dustin Lewis	Saratoga County Soil and Water
David Mathis	Hudson River CARE
Althea Mullarkey	Scenic Hudson
Merrilyn Pulver-Moulthrop	Town of Fort Edward Resident
Lucas Rogers	Albany County Executive Office
Andrew Squire	Town of Easton Resident
Julie Stokes	Schuylerville Area Chamber of Commerce
Alice Voell-White	Schuylerville Schools
Linda von der Heide	Rensselaer County Economic Development and Planning
Richard Webster	Riverkeeper, Inc.

### *Liaisons*

<b>Name</b>	<b>Affiliation</b>
Amy Bracewell	National Parks Service
James Candiloro	NYS Canal Corporation
Michael Cheplowitz	USEPA - Region 2
John Davis	NYS Office of the Attorney General
Kevin Farrar	NYS Dept. of Environmental Conservation
John Fazzolari	Ecology & Environment, Inc.
Ona Ferguson	Consensus Building Institute (facilitation team)
Rebecca Gilbert	Consensus Building Institute (facilitation team)
Gary Klawinski	USEPA - Region 2
Chris Martin	National Parks Service
Bill Richmond	Behan Communications
Larisa Romanowski	USEPA - Region 2

### *Others Attending*

<b>Name</b>	<b>Affiliation</b>
Donna Davies	National Parks Service
Laurie Griffen	Saratoga Sod
Max Martin	Ecology & Environment, Inc.
Kathleen Moore	The Post Star
Mark Sergott	NYS Department of Health
Mike Traynor	Louis Berger Group
Marian Trieste	Scenic Hudson
James Woods	NYS Office of the Attorney General