

**Community Advisory Group (CAG)**  
**Hudson River PCBs Superfund Site**  
**Meeting Notes**  
**Thursday December 10, 2009**  
**1:00 – 4:00 PM**  
**Saratoga Springs, NY**

**Members and Alternates Attending:** Phil Dobie, Rob Goldman, Manna Jo Greene, George Hodgson, Bill Koebbeman, David Mathis, Althea Mullarkey, Lois Squire, Julie Stokes.

**CAG Liaisons Attending:** John Davis (NYSDOJ), Kevin Farrar (NYSDEC), Doug Garbarini (USEPA), Joan Gerhardt (Behan Communications), David King (USEPA), Deanna Ripstein (NYSDOH), Kristen Skopec (USEPA), Charles Sullivan (USNPS).

**Others Attending:** David Adams (SCEMC), John Callaghan (member of the public), Ben Conetta (USEPA), Lee Coleman (Daily Gazette), Mark Greenberg (USEPA), Regina Keenan (NYSDOH), Gary Klawinski (Ecology & Environment), Tom Kryzak (Air and Earth), Joe Moloughney (NYSCC), Daniel Reh (member of the public), Larisa Romanowski (Ecology & Environment), Tom Ryan (NYS Thruway/NYSCC), John Vetter (USEPA).

**Facilitators:** Pat Field, Rebekah Smith.

**Members Absent:** Andy Bicking, Cecil Corbin-Mark, Mark Fitzsimmons, Richard Fuller, Robert Goldstein, Gil Hawkins, Preston Jenkins, Richard Kidwell, John Lawler, Aaron Mair, Roland Mann, Dan McGraw, Merrilyn Pulver-Moulthrop, John Reiger, Sharon Ruggi, Rebecca Troutman, Mary Fran Wachunas, Mindy Wormuth.

**Next meetings:** The next CAG meeting is scheduled for Thursday, February 25<sup>th</sup> in the Fort Edward Fire House.

**Action Items:**

- Facilitators – Send a draft 2010 CAG schedule and workplan to the CAG for review.
- EPA – Forward to CAG the response letter from Walter Mugdan regarding the Harper's Magazine article.
- NYSCC and DEC – Respond to CAG questions about navigational dredging at the next CAG meeting.

**Welcome, Introductions, Review October Meeting Summary**

Following the holiday lunch and social gathering preceding the meeting, the facilitator welcomed everyone to the meeting. The draft October meeting minutes were 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>.

## **Navigational Maps Overview**

Joseph Moloughney of the New York State Canal Corporation (NYSCC) presented maps illustrating areas and current channel depth in the Hudson River where NYSCC requires a deeper channel for navigation than currently exists. Shading representing navigational dredging needs was overlain on shading representing areas GE delineated for dredging in Phase 2. The maps were developed with data from NYSCC and the NYS Attorney General's office, and involved overlaying GE data on navigational channel maps. Mr. Moloughney acknowledged that there is an issue of confidentiality with interpreting the maps in detail because of ongoing litigation. The full set of maps presented at the meeting is available on the CAG website (under the Oct 22, 2009 meeting date).

Mr. Moloughney presented a brief history of navigational dredging in the Hudson River. NYSCC regulations require that it maintain the navigational channel at a depth of 12 feet. NYSCC engaged in its last significant navigational dredging in the Hudson River in the 1970s, when PCB contamination was discovered and dredging was halted because NYSCC does not have the capability to dredge PCB-contaminated sediment. There is currently one location where NYSCC continues to dredge, downriver from Lock 4 where the Hoosick River carries clean sediment into the Hudson. Otherwise, NYSCC does not currently do navigational dredging in the Hudson. NYSCC has not been able to comply with its own regulations regarding navigational depth because it does not have the resources, equipment, disposal facilities, training or expertise required to dredge areas that are contaminated with PCBs. Special handling/disposal of dredged sediment would also be necessary. Per DEC standards, concentrations of PCBs in sediments must be less than 0.1ppm for standard land disposal at a site managed by NYSCC. Concentrations above 0.1ppm will require special handling and disposal conditions to be determined by DEC.

A CAG member noted that during dredging, GE has to attain <1ppm in delineated areas and asked whether that indicated that the other parts of the river are at that level or lower. USEPA and NYSCC explained that during pre-dredging sampling, sampling points were distributed 80 feet apart over 40 miles, so there could be points with >1ppm, which creates the handling and disposal challenges for NYSCC. A CAG member asked whether GE's sediment processing facility in Fort Edward could be used for this purpose and NYSDEC responded that because navigational dredging is not a component of the Superfund cleanup, a special permit would be required in order for GE's facility to be used (which they do not currently have).

The dredging being conducted by GE for PCB remediation is not designed to and does not necessarily address navigational needs and standards in the Hudson River. In some parts of the river, GE's dredging coincides with navigational needs, but this is purely coincidental. During Phase 1, GE contractors dredged some of the channel selectively for their own vessel operations, and it was noted that in some sections of the east channel of Rogers Island, navigational needs have been met. In response to a CAG member's question about how much navigational dredging was done by GE during Phase 1, NYSDEC provided a rough estimate of 40,000-50,000 cubic yards. In response to CAG member questions about the 2009 bathymetry, NYSCC stated that it has been conducted, however, the data has not yet come in.

CAG discussion focused on the following topics:

#### Dredging Needs

A CAG member asked to be provided with the calculated discrepancy (dredge volume in cubic yards) between GE's dredging plans and NYSCC's navigational dredging needs. NYSCC stated that this number has not been calculated, but that the NYSCC volumes (as shown on the maps) could be added together to come up with an approximate number.

A CAG member also observed that there is more overlap between certification units (CUs) and navigational dredging needs in the remainder of Phase 1 and the first part of Phase 2 than in the latter part of Phase 2.

#### Costs

Several questions were raised by CAG members related to the anticipated NYSCC costs to perform the necessary navigational dredging. Similar questions were raised regarding GE's costs to perform the cleanup. Since that information was not readily available to the presenter, NYSCC requested that specific questions regarding Canal Corp. costs be forwarded to the agency in writing. A CAG member noted that stimulus money may be a good avenue to pursue for navigational dredging. Another member asked whether a cost-benefit analysis had been conducted and was told of an old Army Corp of Engineers study.

#### Importance of Pursuing Navigational Dredging

A CAG member noted that the Natural Resources Damage Assessment (NRDA) process could take up to ten years, and stated that this is too long to wait for navigational dredging to begin since it is important for the economic well-being of the region. Another CAG member expressed the belief that many if not all members of the CAG agree that navigational dredging should occur as soon as possible. Others voiced frustration that it took years to get navigational dredging information presented at a CAG meeting.

The facilitators noted specific questions raised by the members during the meeting, and DEC and the NYSCC agreed to do their best to respond to written questions from the CAG.

### **Dredging Project Update**

David King, Director of USEPA's Hudson River Field Office presented an update on GE's dredging progress. In-river dredging occurred between May 15 and October 27, 2009. Phase 1 targeted 265,000 cubic yards of sediment; however, due to contamination that was greater than expected in some areas, 296,000 cubic yards of sediment was removed. Out of the 18 planned dredge areas, 10 were completed (Certification Units 1-8, 17 & 18). In the 10 CU's that were dredged, 150,000 cubic yards was originally planned for removal, and an extra 145,000 cubic yards of sediment was removed. GE backfilled and capped 36% of the dredged area. A CAG member asked if this was more than expected and was told that due to the large amount of debris and bedrock that was encountered, more of the dredged area was capped than expected. EPA does not expect capping to continue to increase beyond what was anticipated for future dredging.

*Productivity and Transport:* Bad weather caused a slow start to Phase 1 dredging, but good weather in the fall extended the season longer than expected. One factor that affected productivity was the rate of unloading dredged sediment at the processing facility. Some delays in transport of dredged material to the Texas disposal facility occurred as a result of processing delays at the disposal site. The material remaining at the Fort Edward facility will be capped over the winter, and transport will continue in the spring.

*PCB Load and Performance Standard Monitoring:* In regard to PCB loading, Waterford remained under the annual target (257 lbs) until the final weeks of dredging (269 lbs). At Thompson Island, the numbers were further from the target. Also, the resuspension performance standard of 500 parts per trillion (ppt) was exceeded on three occasions during Phase 1. On those occasions, operations were shut down until levels went below the standard. Daily water monitoring will continue through next week, and then baseline (weekly) monitoring will resume. The project had fewer noise issues but greater air emissions than anticipated, the latter due to sheens and barge idling. EPA is looking at different types of materials that could collect sheens in Phase 2. Also, turning barges around more quickly during Phase 2 could help reduce idling. Air monitoring at the processing facility will continue until all dredged material leaves the site.

CAG members discussed the following topics in response to Mr. King's presentation:

*Suspended PCBs:* Concerns were raised about PCB resuspension potentially contaminating previously clean areas of the river. Dave King responded that Phase 1 total suspended solids (TSS) and turbidity monitoring showed that PCBs are not traveling far from resuspension sources. EPA will be recommending more PCB monitoring closer to dredging for Phase 2.

*Phase 1:* A CAG member inquired what could be done to require GE to dredge the CUs remaining from Phase 1 in 2010, prior to Phase 2. Per EPA, according to existing law, dredging in 2010 would be GE's decision or the consent decree would have to be changed. EPA noted that construction of processing facility improvements in 2010 would make handling dredged sediment difficult.

*Community Health and Safety:* A CAG member asked if the CHASP had functioned well during Phase 1. EPA responded that based on initial feedback, the emergency response procedures worked well, noting that local responders did an excellent job.

## **Habitat Restoration**

Marc Greenburg, USEPA, presented an overview of Phase 1 habitat replacement and reconstruction. Habitat restoration work should re-establish diverse river, floodplain and wetlands habitats, as it is designed to mitigate the impacts of dredging activity on those habitats. Restoration activities focus on four types of habitats: unconsolidated river bottom, submerged aquatic vegetation beds (SAVs), riverine fringing wetland (RFW), and shoreline (SHO).

The EPA targeted ~5.7 acres for planting in 2010. The specific locations will be determined in the spring. Both target and contingency planting areas have been identified. Through time, there will also be natural re-colonization of plant life. Vegetation used in this effort was collected upstream prior to dredging and cultured in a nursery. Stability is important for shoreline habitat integrity, and stabilizing material, such as biologs, is installed during the dredging phase.

Activities in 2009 included dredging, backfill, biolog and fabric installation, and shoreline stabilization. Planned activities for 2010 include re-planting inspections, seeding and planting of the SAV and RFW, and end of season re-plantings where needed. The shoreline did not require any reconstruction during Phase 1, a testament to the minimal shoreline impacts from dredging. Shoreline replacement is required below the elevation of the shoreline. A CAG member inquired about whether habitat replacement would be successful, given outstanding navigational dredging needs. EPA explained that as replanting will occur only in the photic zone (which is outside of the navigational channel), no habitat replacement is needed in navigational areas.

A CAG member inquired as to why biologs were being used instead of tree trunks. EPA is using biologs, which can be made of different types of organic matter, because they have several advantages over real logs: they provide a matrix for organisms to infiltrate immediately (in real logs it takes some time for this to occur underwater), and they can be shaped to help stabilize the shoreline. Like tree trunks, they disintegrate eventually.

A CAG member asked whether fall planting will have a high potential for success. Mr. Greenburg said most planting will be done in June and inspections will be in early September. During the month of September, replanting is possible, but if for some reason it must be delayed, EPA would wait until spring. CAG members also asked whether discrepancies are likely for floodplain versus in-river habitat restoration and were told that the area between the floodplain line and the in-river areas will have to be discussed since this is a two-phased clean up, beginning with in-river work.

## **RIFS Upland Disposal Sites**

Kevin Farrar of the Department of Environmental Conservation (NYSDEC) continued his prior CAG meeting presentation on New York State dredging disposal sites and the ongoing remedial investigation/feasibility study (RI/FS). For each site (Newland Island, Old Moreau Dredge Spoil Area, Special Area 13, Moreau Dredge Spoil Disposal Site, Buoy 212, and Site 518), DEC has either completed the RI/FS, or the RI/FS is nearly complete. Some areas have more widely distributed contamination than previously known. Multiple rounds of groundwater sampling were performed at each site (groundwater PCB levels were found to be very low or non-detect). There was some potential direct contact exposure to people and wildlife at each site, though the degree of exposure varies. There have been limited impacts found on the Hudson River from these sites. The process included looking at different remediation alternatives for each site, and the status of each project was discussed. For Site 518, the selected remedy called for a soil cover and monitoring, a method that will be considered for the other sites during remedy selection. DEC is currently developing the Record of Decision for the Newland Island site near Lock 4.

## **Brief Updates and Committee Business**

*Technical Assistance:* A CAG member stated that a December article in Harper's Magazine cast confusion over the issue of recontamination of the river from the GE plant sites. NYSDEC and EPA staff stated that the article's assertions are not supported by the facts and indicated that they would forward CAG members a December letter from the Director of EPA's Region 2 Emergency and Remedial Response Division addressed to one of the article's primary sources. The member inquired about whether the CAG can receive independent technical assistance to review the state's cleanup of the GE sites. EPA stated that the technical assistance available (TASC) is only for interpreting EPA plans and documents related to Superfund projects. GE has have posted a response to the article on their website: [www.hudsondredging.com](http://www.hudsondredging.com).

*Workplan for 2010:* CAG members discussed upcoming project-related events, including scheduling CAG meetings for February, April, June or July, and October, connected to the review of Phase 1 and planning for Phase 2. EPA would appreciate receiving any CAG member comments regarding Phase 1 as soon as possible.

*Archaeology:* One CAG member asked about preserving archaeological objects during Phase 2. EPA's archeologist explained that data gathering and additional studies are underway for Phase 2. Due to the natural movement of objects in the river, identifying archeological sites can be challenging. EPA will present to the CAG about the archeological work in 2010.

## **Adjourn**

The meeting was adjourned at 3:45pm.