

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
Meeting Notes
Thursday September 24, 2009
1:00 – 4:00 PM
Fort Edward, NY

Members and Alternates Attending: Chris DeBolt, Richard Fuller, Manna Jo Greene, Richard Kidwell, Bill Koebbeman, Roland Mann, David Mathis, Althea Mullarkey, Marilyn Pulver-Moulthrop, Sharron Ruggi, Lois Squire, Julie Stokes, Rebecca Troutman.

CAG Liaisons Attending: John Davis (NYSDOJ), Kevin Farrar (NYSDEC), Joan Gerhardt (General Electric), David King (USEPA), Joe Moloughney (NYSCC), Deanna Ripstein (NYSDOH), Charles Sullivan (USNPS), Kristen Skopecck (USEPA).

Others Attending: Kenneth Bitten (Texas New Mexico Railroad), Kate Carstens (Irving Tissue), Justin Deming (NYSDOH), Rebecca Dennison (EnviroClean), John Filippolli (USEPA), Jams JRD, Tom Kryzak (Air and Earth), Jeremy Magliano (NYSOAC), Brian Miner (USEPA), David Newton (Peckham Materink), Nick Reisman (Post Star), Larisa Romanowski (Ecology & Environment), David Rosoff (USEPA), Daniel Tagliento (Iyer Environmental Group), Andrew Timmins (AA Collins), Thus Trieby, John Vetter (USEPA).

Facilitators: Jeff Edelstein, Ona Ferguson.

Members Absent: Andy Bicking, Shawn Connelly, Cecil Corbin-Mark, Mark Fitzsimmons, Robert Goldman, Robert Goldstein, Gil Hawkins, Preston Jenkins, John Lawler, Aaron Mair, Dan McGraw, John Reiger, Mary Fran Wachunas, Mindy Wormuth.

Next meetings: The next CAG meeting is scheduled for October 22, 2009 at the Fort Edward Firehouse.

Action Items

- CBI to send names of Peer Review Panel members to CAG.

Welcome, Introductions, Review of July Meeting Summary and Action Items

Facilitators welcomed everyone to the meeting, and the draft of the July meeting summary was approved with no changes. All CAG meeting handouts and presentation slides are available within one week of CAG meetings at: <http://www.hudsoncag.ene.com/documents.htm>.

Phase 1 Project Discussion

David King, USEPA, presented an update on the dredging project. Phase 1 dredging will continue through mid-October. As of September 23, 2009, 224,500 cubic yards of material have been removed from the river. When dredging concludes for the year, GE will have done multiple dredge

passes (residual dredging until PCB concentration is 1ppm or less) in Certification Units (CU) 1-8, 17 and 18. CU 9-16 were slated to be dredged during Phase 1, but due to extra PCB-contaminated material found in excess of original estimates and dredged in the other CUs, dredging did not occur in CUs 9-16.

Phase 1 was designed to result in the removal of 265,000 cubic yards of sediment. During dredging around Rogers Island, an additional layer of contaminated sediment was discovered underneath a layer of woody debris which also needed to be removed. At the end of Phase One, 155,000 cubic yards of the targeted PCB-contaminated sediment will have been removed, plus an additional 100,000 cubic yards that was discovered underneath the debris. The PCB contamination level in the woody debris was found to be similar to that which was found in the sediment. The woody debris is being sent to Texas with the other dredged material.

An estimated 255,000 cubic yards of sediment will be removed during Phase 1 from 10 of the 18 CUs. Dredging was only initiated in CUs where dredging could be completed by the end of the season, so CUs 9-16 will not be dredged in 2009. Additional core sampling may need to be completed before Phase 2 to obtain more accurate estimates of contamination. As the dredges move south, EPA and GE believe that current estimates of contamination will be more accurate. Dredging in the East Channel of Rogers Island will be completed this year. Phase 2 will begin with the CUs that could not be completed in Phase 1.

In response to a CAG member question about the impact of the discovery of additional contaminated sediment on navigational dredging and habitat replacement, EPA responded that Phase 1 has not yet included any backfilling in the navigational channel. There will be some backfilling in the East Channel, but a minimum depth of 12 feet will be maintained in the channel where dredging occurs. The one area in the navigational channel that was dredged, in CU 17, will not be backfilled.

The rock dike will be removed after dredging is completed in CU 4 (likely in October). Railcar loading may continue through the end of December or January due to transportation delays earlier in the season, and backfilling in two areas will continue into early November. Most of the backfill has already been delivered to the dewatering facility site, so there are now few trucks actively moving backfill.

Transportation: The system for unloading the filter cake (dewatered sediment) in Texas initially did not run smoothly, and caused a delay in transport of dredged material. An efficient system is now in place in which (“burrito”) wrappers line a rail car, sediments are put in the wrapper, and the wrappers are tied down (at the sediment processing facility in Fort Edward). In Texas, the wrappers are unfolded and the sediments are removed. Five unit trains have transported filter cake to Texas so far, and a sixth will go out shortly. It is anticipated that the backlog should be caught up by January. Generally speaking, during dredging approximately two trains will leave the dewatering facility per week. Trains carrying dewatered sediment are placarded as required by the Department of Transportation to indicate that they are moving hazardous material, and every railcar has a sticker indicating that it is transporting PCBs. EPA is not aware of any concerns having been raised by the states that the trains have traveled through.

Production Rate: At its top rate, production reached 20,000 cubic yards per week during Phase 1. Full production would have been 22,500 cubic yards, however, the production rate was limited by

the speed in which dredged material could be removed from the barges at the unloading facility. During the post Phase 1 Interim Period and in development of the Phase 2 design, GE and EPA will be reviewing strategies for more rapid removal of dredged material from barges.

Project Timing: The six-year project timeline was based on removal of 2.65 million cubic yards of sediment, as set out in the 2002 Record of Decision. Since then, the design was refined to remove more PCBs while dredging less sediment (1.8 million cubic yards). As more contamination is found, the anticipated amount of sediment that will be removed is increasing again, towards the original estimate. At this time, the project is still estimated to take six years. During the interim period, additional information will be gathered about the amount of material to be dredged, as well as any needed improvements to the unloading rate, both of which may influence timing.

Water Monitoring: Resuspension levels remained low until the end of July, when the river flow rate increased due to heavy rainfall, and the amount of dredging increased. In early August a standard level exceedance occurred which resulted in dredging being temporarily shut down and then restarted in phases. The project team has learned that tug and prop wash, high river flows, and dredging in too many areas with high contamination simultaneously can contribute to resuspension.

Monitoring Performance Standards: There was one standard level noise exceedance in September, and several complaints were received when the project was in compliance. Project staff have learned that some noises appear to be more annoying to people than others, often related to impact and frequency and will be looking at the noise data over the winter. Regarding air quality monitoring, approximately 2,000 (24-hour) samples have been collected since dredging began, of which 65 exceeded the standards along the dredging corridor and 11 exceeded standards at the dewatering facility. Combined, that means that approximately 4% of the samples exceeded standards. Most of these exceedances were within 10% of the standard, a few were double, and a couple adjacent to the East Channel were three to four times the standard. As with water monitoring, the project team has learned that simultaneously dredging more and less contaminated areas helps stay within standards (versus dredging in only highly contaminated areas). GE and EPA have also been working to quickly eliminate sheens when they appear and absorbent material has recently been added to the scows to help limit air emissions. A CAG member requested that the air quality standard be evaluated as an engineering performance standard, rather than as a quality of life concern, as it is an issue that profoundly affects the environment locally and globally.

Load: One goal of Phase 1 was to keep the PCB mass load below 117kg in order to limit the mass being transported into the lower Hudson. The load number was exceeded at Thompson Island and Lock 5, but not at Waterford. The load is close to what was predicted, and project managers have learned that it is necessary to balance dredging activity in “hot” and “cold” (high and low) contamination areas. The tri-plus PCBs are the most toxic and, so far, those appear to be about 1/3 of the PCBs being removed from the river. The load criteria will be looked at during the post-Phase 1 evaluation process to see what adjustments and improvements need to be made.

In response to a request by a CAG member that the original project modeling be rerun, EPA explained that the model takes two years to run, and that several of the assumptions on which it was based have already been proven wrong (for example, in 1998 it was estimated that the half life of the contamination was six years, however, results of the dredging indicate that this has not occurred and that it has even increased). During the review process EPA will be looking at other ways of tracking mass loading.

Peer Review Panel: The seven-member peer review panel has been selected, following EPA guidance and processes for peer review panels, including an extensive review of possible conflicts of interest. The members of the panel were selected by a consultant hired by EPA. Each person on the panel is contracted with EPA to conduct the work, which is to be done independent of EPA. The panel's final report will be available to the public. Peer review meetings will take place in the Fort Edward area and will be open to the public. The panel's charge is to evaluate the Phase One Evaluation Reports, in accordance with protocols described in the Consent Decree.

Post Phase 1 Interim Period: GE and EPA have finalized the preliminary schedule for the post-Phase 1 Interim Period. This will be a continuous process from December 2009 to spring 2011 to evaluate Phase 1 and make recommendations for Phase 2. The schedule includes the following steps:

- Peer review panel tour dewatering facility (October)
- GE submit Phase 1 Data Compilation Report to panel (Oct-Nov)
- EPA and GE exchange evaluation reports on engineering standards: resuspension, residuals and production (Dec-Jan)
- EPA and GE discuss their reports
- EPA and GE discuss potential Phase 2 changes (winter-spring 2010)
- Peer review panel holds its introductory 2 day session (Feb-Mar)
- 30-day public comment
- Peer review panel deliberative process and report (spring/summer 2010)
- GE indicate intention for Phase 2 (fall 2010)
- Final design/contracting/construction
- Phase 2 begins (2011)

GE commitment to Phase 2: According to the Consent Decree (CD), GE will make their decision about opting in/out of Phase 2 after they are notified about EPA's decision regarding any changes to the performance standards. If GE opts out of Phase 2, under the CD, EPA could issue an administrative order to GE directing them to undertake Phase 2, or EPA could conduct Phase 2 and seek reimbursement from GE. It is not clear how long it would take if GE chooses not to conduct Phase 2 but is ordered to by EPA. [Per Joan Gerhardt, GE:] GE intends to follow the process EPA created for evaluating Phase 1, and will make a decision at the conclusion of the process.

Archaeological Investigation

John Vetter, USEPA, gave an update on the pieces of the Fort Edward Fort that were recently disturbed during dredging. The timbers are 12-14" in diameter and ~20 feet in length. Their large size is what has enabled them to hold up over time. The timbers removed from the river bank were likely from the original configuration of the site. They have been moved to the GE facility, kept wet and studied. Archaeologists are trying to match written accounts of the Fort with the timbers that were found.

Archaeologists are working on two different efforts:

(1) Divers from the Lake Champlain Maritime Museum are conducting underwater studies. Since this is the first time divers are moving sediment, they are following all hazmat protocols so that they are not exposed to PCB contamination. In the wetland adjacent to the river bottom, they have found

a number of interconnected timbers that look like crosspieces. The working hypothesis is that these timbers may be the initial footings for the Fort itself. A larger area around this discovery has been delineated as a standoff area for future dredging. The timbers' contaminations level will determine what can be done with them. Because these are historic artifacts from a well-documented feature on the landscape and the namesake of the Town, EPA is working to determine how best they can be preserved.

(2) An on-land archaeological excavation is underway with URS (who is conducting the archeological work for GE) on the adjoining land area. This excavation, which is several yards inland, is trying to determine if the area was the footing for the Fort or if it was the result of a collapse of the fort in a random arrangement, or both. EPA is sharing information with the community about the studies that are underway. Next steps include completing exposure of the timbers, an analysis of the configuration of timbers above and below water, acquiring the results of the PCB testing on the timbers, and preparation of detailed reports.

A CAG member asked whether in addition to unexpected contamination, there might not also be undiscovered archaeological finds under the woody debris on the river floor, especially near the battlefield areas. Vetter explained that protocol dictates that any unusual objects from dredged sediments are set aside at the storage facility to be documented, photographed and measured. In response to a CAG member's concern that dredged material containing artifacts may initially not be noticed by dredge operators, thereby making it impossible to know where other significant artifacts are located, Vetter explained that the dredge operators use an electronic computer GPS system so each bucket of dredged material that contains anything of archeological significance can be tracked to the precise location where it was found. All archeological finds will be documented in the summary report for Phase 1. There was a request by a CAG member that the interim review period include discussion of what further archeological studies may need to be conducted as a result of finding the additional buried sediment below the layer of woody debris.

Brief Updates

Floodplain Sampling – David Rosoff, USEPA, provided an update on the EPA floodplain sampling work currently underway. In August 2009, GE completed its first round of 2009 floodplain soil sampling. This effort included 390 samples in use areas on 45 properties. GE is now working on its second round of 2009 sampling, which will include approximately 267 samples in use areas along the river from 39 properties not previously been sampled. EPA also completed a first round of 2009 sampling in August. Its sampling included 127 samples on 23 properties, including 45 samples taken in agricultural lands. EPA's second round of sampling in 2009 will take place this fall and will include approximately 150 samples at 50 locations on 20 properties, including approximately 30 samples in agricultural fields. At the end of this season, in total, the State, EPA and GE will have collected approximately 4,500 floodplain soil samples on 365 properties.

Intermediate Removal Actions (IRMs) this fall include eight properties being capped and other properties receiving signage. GE and EPA are discussing next steps in the performance of the remedial investigation. Eighty miles of floodplains, where the river may have contaminated the soil, are in need of investigation. This is the same process of data collection and analysis that was used for the in-river work. There will be a remedial investigation using all the data collected, then a risk assessment and evaluation of property type. Remedy options will be considered and then EPA will develop a proposed plan. At that point there will be a Record of Decision (ROD), the clean up will

be designed, and action will be taken. Much of this will occur several years from now. EPA hopes to come to an agreement with GE in the next year or so on data analysis, risk assessment and the summary report of all the floodplain data.

Private Water Supply Sampling – Justin Deming at NYSDOH gave an update on continuing private well water sampling. DOH is working to sample water from a group of wells along the river that are representative (shallow, deep, use different technologies, are at different distances from the river). They have sampled 21 wells north of Stillwater for PCBs and bacteria. They have not found PCBs in private wells to date. They hope to have samples from between 40 and 50 properties by the end of the data collection effort. Deanna Ripstein, NYSDOH, said that this work is being done to respond to public concerns that floodplain or river PCB contamination might be contaminating well water. DOH will also do some testing of wells below Stillwater.

TAG Grant – EPA received a letter of intent from Riverkeeper to apply for TAG funding which triggers a 30 day opportunity for other groups to submit a letter of intent to apply for funding either in conjunction with Riverkeeper or separately. One CAG member requested an update on the results of the previous \$50K TAG grants.

Committee Business

CAG Agenda Topics and Next Meeting – The next CAG meetings will be held on October 22nd and December 10th. The October 22nd meeting will be held at the Fort Edward Firehall. There was a request to recommence varying CAG meeting locations. There will be an EPA-hosted public meeting in Fort Edward in early November. CAG members requested presentations and discussions at upcoming CAG meetings on Contract 5 (habitat replacement) in both Phases 1 and 2 and navigational dredging.

Adjourn

The meeting was adjourned at 4:00pm.