

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
Saratoga Spa State Park, Saratoga Springs, NY
Thursday March 31, 2016
1:00 PM – 4:00 PM

CAG Members and Alternates Attending: Misty Duvall, Peter Goutos, Manna Jo Greene, Timothy Holmes, William Koebberman, Roland Mann, David Mathis, Althea Mullarkey, Andrew Squire, Lois Squire.

CAG Liaisons Attending: Danielle Adams (E&E), Bridget Boyd (NYSDOH), Amy Bracewell (NPS), James Candiloro (NYSCC), Michael Cheplowitz (USEPA – Region 2), John Davis (NYSAG), Kevin Farrar (NYSDEC), John Fazzolari (E&E), Joan Gerhardt (Behan Communications), Gary Klawinski (USEPA – Region 2), George Lukert (E&E), Deepali McCloe (E&E).

Others Attending: Donna Davies (NPS), Brittany Haner (NYOAG), Kathryn Jahn (FWS/DOI), Dan Reh, Paul Post (Saratogian), Jerry Silverman (Bloomberg BNA), Stephen Williams (Daily Gazette), James C. Woods (NYOAG).

Facilitators: Eric J. Roberts

Members Absent: David Adams, Cecil Corbin-Mark, Laura DeGaetano, Darlene DeVoe, Rich Elder, Richard Fuller, Brian Gilchrist, Robert Goldman, Robert Goldstein, Timothy Havens, Gil Hawkins, Abigail Jones, Jeffery Kellogg, Richard Kidwell, Edward Kinowski, Aaron Mair, Laura Oswald, Merrilyn Pulver-Moulthrop, Thomas Richardson, Lois Squire, Julie Stokes.

Action Items:

CAG Members

- Review the list of local elected officials on EPA's distribution list and let EPA or CBI know the names of additional people to add to the list.
- CAG member to submit comments on the December summary to CBI.

EPA

- Provide percentage of reconstructed habitat that had to be re-planted
- Provide a list of elected officials who are on EPA's announcement distribution list
- Hold Five Year Review workshop

CBI

- Incorporate comments on December summary and distribute for review.
- Coordinate scheduling of Five Year Review workshop and the next CAG meeting

Welcome, Introductions, and Review of the October and December 2015 Meeting Summaries

Eric J. Roberts, facilitator from the Consensus Building Institute, welcomed those in attendance, led introductions, and reviewed the agenda and the draft summaries from October and

December 2015. A member said she would provide edits to the draft December meeting summary via email to Mr. Roberts. Mr. Roberts agreed to incorporate the revisions and distribute the revised notes to the group for final review.

CAG meeting handouts and presentations are available on the project website:

<http://www.hudsoncag.ene.com/documents.htm>

Project Update

Gary Klawinski, EPA, presented an update on the project. His main points are summarized below.¹

Facility Demobilization/Restoration – Much of the equipment at the processing facility has been cleaned and is stored on site; some equipment was sold and removed from the site. EPA and GE are addressing cracks in sections of concrete to determine the best approach to clean and retain as much infrastructure as possible for future use. EPA continues to conduct oversight of the demobilization process.

The wharf will be returned to NYS Canal Corp. EPA and GE are currently working with NYSCC to determine which electrical infrastructure will remain onsite. The Town, Village, and County continue to discuss who will acquire responsibility for the access road. Most marine equipment and nearly all the land-based support areas (RBLA, SBLA, crew change areas, etc.) have been demobilized.

Habitat Reconstruction – EPA is reviewing 2016 habitat reconstruction work plans and expects work to start in June, pending agreeable weather. High river flows are not expected to impact habitat reconstruction efforts since there is little snow pack in the Adirondacks.

Fish Sampling – 2016 fish sampling will start in April. EPA expects to present the 2015 fish data, including lower river fish data, later this year. EPA and NYSDEC are collaborating to revise and clarify the sample processing procedure to further standardize the approach. As discussed at previous meetings, Mr. Klawinski noted that the NYS standard fillet procedure was not followed, and said EPA and NYSDEC are also revising the procedures to ensure consistent representative fish samples, which will increase confidence in the results of the analysis.

Operations, Maintenance and Monitoring (OM&M) – Some CAG members participated in an OM&M workshop in February during which EPA reviewed the 2010 OM&M scope of work. EPA extended the March 15 work plan submission deadline. Soon, EPA and GE will meet to discuss comments and considerations on the work plan before GE submits the plan. The plan needs to be finalized soon so that EPA can include 2016 sediment sampling data in the Five Year Review.

¹ For additional detail, please see the Project Update slide deck here:
http://www.hudsoncag.ene.com/files/EPA_ProjectUpdate_CAG_Mar2016.pdf

Five-Year Review – The second five-year review of the Hudson Dredging Project has begun. 2016 data will be included in the review. EPA is continuing discussions with NOAA, the Trustees, the CAG and other members of the public. A series of public meetings/workshops will begin in late April/early May. EPA is assembling the review team, which will include representatives from NOAA, the USFWS, the CAG, and EPA staff from the Hudson River Field Office, Region 2, and Headquarters.

Floodplains Comprehensive Study – EPA is reviewing GE’s Floodplain Characterization Report. EPA and GE reached agreement on the study area boundaries, the local region boundaries, and delineation of backwater areas. Floodplain and backwater area mapping was completed in 2015 and a Field Sampling Plan for 2016 is in development. EPA anticipates collecting multiple samples at approximately 1,000 locations in fall 2016 and they will coordinate outreach with GE to gain access to as many sampling locations as possible. GE and EPA continue to discuss the statistical approach that will be used, and how to address tributaries and the former Fort Edward Pool area. Copies of the Floodplains Cultural Resources Work Plan were available in hard copy.

Next Steps – Next steps in 2016 include finalizing the Floodplain Characterization Report, drafting a Community Involvement Plan for the floodplains work, starting the Screening Level Human Health and Ecological Risk Assessments, preparing the field sampling plan, and conducting sampling. Flood mud sampling will continue and EPA will follow up on field verifications.

Follow-up on past meeting requests: Mr. Klawinski addressed some of the requests from previous CAG meetings:

- *Definition of local vendor* – GE’s definition of a local vendor is a vendor from the Capital District (Albany, Rensselaer, Saratoga, Washington, Schenectady, and Warren counties).
- *TSCA vs non-TSCA dredged from the navigation channel* – EPA does not have this information readily available but could calculate it.
- Hard copies of the maps of processing facility parcels and the Floodplains Cultural Resource Work plans were available.
- *List of support properties* (see slide) – EPA is closing out these sites; the last one to be closed will be the processing facility. Sites that did not have PCBs on site are mostly closed out.
- *“Reasonably anticipated future use determinations”* – The process for determining reasonably anticipated future use will be defined in the floodplain pathway analysis report, which EPA will present to the CAG. EPA, NYSDEC, and GE will create the process together over the next several months. The process will describe the steps to complete (e.g. who to talk to, what information to review, etc.) to make the determination.
- *Fort Hardy Park inspection and response* – EPA talked to GE about the timing of cap repairs such as Fort Hardy Park (discovered in spring but not repaired until fall) and agreed GE would quicken response to areas like parks.

CAG discussion of the presentation focused on the following topics:

- *Collection and disposal of contaminated materials after demobilization* – CAG members asked how contaminated material would be collected and disposed of after the dewatering facility is deconstructed. They also said it may be premature to decommission the dewatering facility since the backwaters will also need to be dredged. Mr. Klawinski said the removal of localized deposits in the floodplain could be done on a much smaller scale and on an individual basis. For example, if materials were excavated from a yard, the material would be placed directly into a container and transported off-site for disposal. Dewatering of dredged material from the floodplains will not be needed at the same scale as before. If dewatering is needed, additional material can be added to the excavated material to soak up the water; unfiltered water will not be released into the river. Decisions that would lead to removing materials from the floodplains are at least 5 years into the future. Mr. Klawinski added that GE is legally obligated to decommission the facility and that the town and surrounding community members are eager to use the site after it is cleaned up and demobilized. A member suggested EPA coordinate the facility decommissioning with the Canal Corps.
- *Habitat Reconstruction* – A member asked if habitat reconstruction would occur at the processing facility. Mr. Klawinski said the site was previously a cornfield and not much, if any, important habitat was on the site prior to construction. He did not anticipate much habitat reconstruction would occur at the site.

A member asked if the floodplains work would impact areas where habitat reconstruction had already occurred. Mr. Klawinski said some of the reconstructed areas could be impacted but efforts would be made to avoid it. If a reconstructed area is impacted to access a floodplain area, EPA will require the habitat be reconstructed again.

A member asked how much habitat reconstruction had failed and how much replanting was required. Mr. Klawinski said he would check to see how much replanting was required as a percentage of total work, and noted that some plants had been vandalized and others had not remained in place. Kevin Farrar, NYSDEC, added that first year habitat reconstruction was not as successful as subsequent years.

Mr. Klawinski responded to a question about working with a property owner who did not want plants restored in a particular location. He said that EPA worked with property owners as much as they could to adapt to property owner needs. For example, instead of replacing some plants by a dock, the plants were replanted in an alternate location. However, in some cases the wetland was important enough that the plants had to be restored in their original location.

- *Fish Sampling* – A member requested a detailed explanation of lipid normalization and clarification on which fish will be added to the fish consumption advisories during the

next fish sampling presentation. Mr. Farrar clarified that fish species would not be added to the consumption advisories but that species may be added to the list of fish that are monitored.

- *OM&M* – A member suggested all CAG members review the 2010 OM&M scope and send comments to EPA as soon as possible, noting that this is an important opportunity to provide input. The member also requested EPA hold another workshop to review the plan submitted by GE. Mr. Klawinski said timing is critical and if another workshop is convened, it would have to be in the next two weeks before EPA meets with GE. He suggested CAG members submit comments to EPA as soon as possible, and added that EPA would present the final OM&M plan to the CAG.
- *Five Year Review* – A member suggested that EPA add to the review team a representative from the New York Department of Health who could provide input on institutional controls; she noted EPA would receive a letter detailing this suggestion soon. Mr. Klawinski said EPA will lead the review team and that they are committed to being inclusive. He added that they hope to set up a process where parties can provide feedback throughout the review.

The group discussed data and analysis included in the five year review and the disagreement between NOAA and EPA about the speed with which the remedy will reduce PCB concentrations. A member commented that the first five year review included statements that were not supported by data or information in the report. She urged EPA to include supporting documentation for all statements made in the second five year review report. Another member expressed concern with EPA being both an interested party and overseer of the review process and asked if an independent peer review panel could be used, especially given that NOAA and EPA disagree on how fast dredging will reduce PCB concentrations. Mr. Klawinski said that while an independent panel is not being set up, many parties will be involved in the review, and they will check each other's work similar to the current example of NOAA reviewing EPA's analysis. He added that the agencies will continue to discuss differences and seek agreement. A member requested a meeting devoted to understanding the differences between NOAA and EPA's perspectives on the technical analysis.

The group discussed public outreach and engagement with public officials in the five year review process. A couple of CAG members stated that public officials had not been notified about the start of the five year review process and suggested public officials should be more involved. Larisa Romanowski, EPA, said local officials were notified of the start of the five year review process and that EPA routinely fields calls from elected officials. In response to a request, EPA agreed to distribute the list of public officials who receive notices sent by EPA. CAG members were requested to review the list to look for elected officials who are not included but should be receiving updates, and to send to EPA or CBI the names of individuals to add to the list. Ms. Romanowski clarified that there is not a community involvement plan specific to the 5 year review process. Mr.

Klawinski said public officials could be engaged in five year review workshops/other meetings, and that CAG input will inform the structure of public workshops/other meetings or updates about the five year review. He added that outreach for the five year review process could be discussed at the first five year review workshop.

- *Floodplains* – A member asked EPA to describe the level of usage that would trigger remediation at a site. Mike Chepowitz, EPA, said it is too early to know at this point since so many variables must be considered. He added that if use areas are found to have PCBs in concentrations greater than 10 ppm, then short term response efforts such as signage or capping will be completed.

A member asked if EPA had received many comments from the public on the floodplain characterization report. Mr. Klawinski reported that state and federal agencies have commented but EPA has not received comments from the public or from local officials. A CAG member stated it is important to hold CAG meetings in the evening so that public and elected officials could more easily attend. She also suggested EPA attend and present at meetings of the Hudson Hoosic Partnership since many elected officials attend those meetings.

- *Other* – CAG members also discussed resources the public could check to see if an area of the river is safe to wade into or use on an on-going basis. Mr. Klawinski requested municipalities and others to let EPA know of community development plans so that EPA can provide guidance. Mr. Farrar added that the NYSDOH provides advice about the use of the river and that there are very limited restrictions on river use.

A member asked about the safety of using the island halfway between the yacht basin and the airport for camping and other recreation. Mr. Klawinski said he believes there is signage on the island but he will double check and follow up with the CAG member.

A member suggested creating a map showing areas of concern that the public could review to know if an area is safe for use. Mr. Klawinski said there is a program in place to check the placement of signage on a regular basis and suggested people review the NYSDOH fact sheet on river usage. He noted there would be an additional factsheet produced for the floodplains.

Brief updates

The following brief updates were provided:

- *Technical Assistance Grants (TAG)* – A member reported the CAG could apply for a TAG for the five-year review; it would take at least two months to get the TAG consultant in place, which may make it an unfeasible to pursue for the year-long review. The member suggested the CAG explore a TAG for the floodplains work.

- NOAA has published some reports and factsheets regarding fish analysis. EPA prepared a paper in response, and is prepared to present the findings at a future meeting.
- SKEO will present findings from the CAG assessment at next CAG meeting.

Next CAG meeting/Five Year Review

The group discussed the structure and frequency of the Five Year Review meetings or updates, and upcoming CAG meetings. Mr. Roberts, CBI, noted that a member had suggested more frequent meetings during the five year review process. He described a few approaches that could be used to provide information and updates on five year review and solicited CAG member feedback and input on other approaches, and their preferences for how to be engaged in the five year review. Potential approaches included: 1) workshops or meetings focused primarily on the five year review which would be open to the CAG and the public, 2) A smaller group of interested CAG members could meet to discuss the five-year review and provide updates on their discussions at CAG meetings, or 3) Add a five year review agenda item to future CAG meetings. Mr. Klawinski said the first meeting would likely be an overview of the process and subsequent meetings would be more technically driven.

The group seemed to agree that the next meeting should be focused solely on the five year review, be open to CAG members and the public, and held as soon as possible. A member suggested a portion of the meeting could focus on the process moving forward, taking into consideration the level of attendance at the meeting. She also suggested monthly meetings on the five-year review would be useful, if possible.

The group discussed dates for the Five Year review workshop. Possible meeting dates included April 28, and either May 4 or 5. The full facilitation team was not available on April 28 but could be available on May 4 or 5. CAG members suggested holding the meeting as soon as possible with the full facilitation team. The project team agreed to check dates and availability and confirm the date as soon as possible.

Members suggested assuming that a summer CAG meeting would be convened. The administrative committee will convene to discuss potential agenda topics.