

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
November 8, 2018
Saratoga Town Hall, Schuylerville, NY

Meeting Summary

Meeting In Brief

At its November meeting, the Community Advisory Group (CAG) and the public heard updates on recent activities related to the Hudson River PCBs Superfund Site. Environmental Protection Agency (EPA) staff provided status updates on the Five-Year Review, surface sediment data, long-term monitoring activities, habitat monitoring, Lower Hudson activities, and the Floodplain Comprehensive Study. Representatives from the Village of Schuylerville presented the vision statement for the restoration and revitalization of the Old Champlain Canal. The meeting concluded with updates on materials recently released by the Natural Resources Damages Assessment Trustees and the NYS Canal Corps' application for navigational dredging of the Champlain Canal. During the meeting, there were frequent opportunities for CAG members to pose questions and provide input to EPA staff on issues of concern. Presentation slides can be found at <http://www.hudsoncag.ene.com/documents.htm>. For more information about the project, please visit <http://www.epa.gov/hudson/>.

Below is a summary of key themes discussed at the meeting. This summary is not intended to be a meeting transcript. Rather, it focuses on the main points covered during the CAG's discussions. Meeting participants are listed at the end of the summary.

Action Items

- CBI - Produce and distribute meeting summary.
- EPA - Coordinate with Jason Young about sharing information about capping activity.
- CAG members
 - Email Ona Ferguson (ona@cbi.org) by November 15 with any suggested edits for the March 2018 meeting summary that was distributed via email.
 - Contact Margaret Byrne (USFWS) at margaret_byrne@fws.gov with suggestions for potential Natural Resources Damage Assessment Trustee restoration projects.

Next Meeting: The next CAG meeting is tentatively planned for late winter or early spring 2019.

Welcome and Review of the March 2018 Meeting Summary

Ona Ferguson, CAG facilitator, welcomed participants. CAG members should let Ona know if they have any suggested edits to the March CAG meeting summary that was sent out via email within a week or they will be considered approved.

Hudson River Project Status Update

Gary Klawinski (EPA) presented updates on six topics of interest related to the Hudson River PCBs Superfund Site. The presentation slides are available at [http://www.hudsoncag.ene.com/files/General%20Project%20Updates%20Hudson%20CAG%2011-8-18%20\(Final\).pdf](http://www.hudsoncag.ene.com/files/General%20Project%20Updates%20Hudson%20CAG%2011-8-18%20(Final).pdf).

Second Five-Year Review and Certification of the Remedial Action

EPA released the draft Five-Year Review (FYR) on June 1, 2017. EPA continues to work on developing responses to the approximately 2,000 public comments received on the FYR and to revise the document as appropriate. EPA has not yet made a final decision on protectiveness for the Upper Hudson. GE submitted the Remedial Action Completion Report to EPA in December 2016. EPA has delayed its decision on this report while it continues to consider comments on the FYR and the NYSDEC surface sediment data.

Surface Sediment Data

In an effort to track PCB levels in surface sediment, EPA (via GE) and the New York State Department of Environmental Conservation (NYSDEC) collected data in 2016 and 2017, respectively. Both used a randomized, unbiased sampling design to collect surface sediment samples inside and outside the dredged areas. The GE sample program was designed to identify an approximately 5% annual change in a 10-year time period. The NYSDEC program sought to improve the spatial and temporal variability of the data with their study. With these two datasets on hand, EPA and NYSDEC are seeking to reach a common understanding of the data and to generate joint findings and conclusions. The agencies are evaluating the comparability of the two datasets; identifying potential “hot spots” of PCB levels in excess of the Record of Decision (ROD) criteria; characterizing the entire Upper Hudson, as well as by river section and by reach (pool by pool); evaluating analytical methods (Aroclor and congener methodologies); and examining the pace of sediment recovery. They are hoping to reach a common understanding as soon as possible. EPA clarified that the surface sediment data analysis is currently EPA’s top priority because the agency received comments on the importance of this data set in understanding the recovery of the river.

In response to a CAG member question, Mr. Klawinski explained that surface sediment data can help staff better understand the connection between surface sediment and fish recovery and give higher confidence in the fish recovery rate. CAG members noted their appreciation for NYSDEC collecting their own data after EPA had concluded that sampling was complete.

Long-term Monitoring: Fish, Sediment, Water, Sediment Caps, and Habitat

EPA is monitoring the Upper Hudson’s recovery from dredging. The agency is in the midst of establishing scopes of work and work plans and revising quality assurance plans. EPA monitors fish, sediment, water, sediment caps, and habitat for the recovery progress. See detailed updates for each of these monitored elements in the presentation slides. A CAG member asked about EPA’s timeline for releasing its conclusions about fish recovery. EPA wants to come to a common understanding of the surface sediment dataset with NYSDEC before evaluating the fish monitoring data alongside that dataset.

Lower Hudson River: Data Collection and Supplemental Studies

EPA is gathering existing data, studies, and historical information regarding the Lower Hudson River to determine the scope of work for supplemental studies that would indicate if a remedial investigation would be appropriate for the Lower Hudson. The agency has discussed the available data with NYSDEC and the Hudson River Foundation and anticipates holding additional discussions. Fish and water data collection efforts are ongoing, and EPA hopes to conduct work in 2019. CAG members noted their concern that people are still eating fish out of the Lower Hudson.

Floodplain Comprehensive Study and Ongoing Activities

EPA is pursuing three components of the Floodplain Comprehensive Study: (1) 2018 field activities and sampling, (2) preliminary human health and ecological risk assessment work, and (3) sampling areas in the Village and Town of Schuylerville that were flooded by the Old Champlain Canal. Detailed updates for each of these activities is available in the presentation slides. EPA noted that flood mud samples ranged from no detection to a few parts per million (ppm). There were some PCBs in samples from the kayak launch at Schuylerville so GE removed sediment in that area and installed rip rap stone to keep sediment in place. The overflow from the Old Champlain Canal in Fort Hardy Park had low PCB concentrations (samples closer to the River have shown higher concentrations of PCBs, necessitating short-term removal actions).

Regarding temporary removal actions, EPA noted it uses 10ppm as its short-term exposure risk criterion. This level for action is typical for PCB sites to provide short term protection while risk assessments are being completed. EPA has taken immediate action (e.g. soil cover, signage about elevated PCBs) in the floodplain where the agency determines there is short-term exposure risk.

A CAG member expressed concern that temporary caps may prevent property owners from making improvement on their property while EPA determines the permanent remediation action. EPA responded that a property owner would be able to move forward with a project if they coordinate with EPA and GE. CAG members encouraged EPA to continue their ongoing efforts to engage with residents and regional planning bodies to stay informed about river use patterns and future planning activities. CAG members and members of the public asked for clarification on how floodplains capping activity information is shared with the public, local officials, property owners, and potential buyers, and urged EPA to keep local officials updated on their progress. EPA shares capping information with current property owners. EPA noted that existing state laws determine how property information is shared and EPA will only share information about remediation or capping work on a property with the current owner. EPA strives to keep elected officials informed about activities occurring in their districts, and officials can consult EPA about proposed projects. EPA and NYSDEC also have maps and data available to property owners and other interested citizens.¹ A CAG member asked how EPA plans to address sections of the riverbank where invasive species have grown in as a result of the dredging work. EPA replied that it will remove invasive species for a period of time if the plants are growing in faster in a disturbed area than in a reference area nearby.

¹ <https://www.dec.ny.gov/pubs/109457.html>.

Vision for the Old Champlain Canal

Dan Carpenter (Mayor of the Village of Schuylerville) and Julie Stokes (Schuylerville Area Chamber of Commerce) presented the vision to restore the Old Champlain Canal in Schuylerville. The Village envisions a restored, PCB-free canal that can support economic development, recreation, and tourism in the Village and in the greater Hudson River Valley. The complete vision plan for this project is available at <http://www.hudsoncag.ene.com/files/Canal%20Vision%20Final.pdf>. A key first step for this project is to determine the extent of PCB contamination in the canal so contaminated sediments can be removed and flow restored to the Hudson River. EPA and NYSDEC have spoken with village leaders about their plans for sediment sampling and restoration work. NYSDEC has conducted preliminary sampling, and EPA stated there are plans to sample the canal in fall 2018. The Village wants EPA to move this project forward immediately, through emergency action if needed, rather than waiting for the Floodplains Comprehensive Study to be complete, given its importance to regional economic development. CAG members expressed their support for the vision and emphasized this project's importance to current and future generations of Village residents. A CAG member suggested the Village pursue grant funding to help support the project.

Brief Updates and CAG Business

Update from the Natural Resources Damages Assessment Trustees

Margaret Byrne (U.S. Fish and Wildlife Service (USFWS)) reviewed the role of the Natural Resource Damages Assessment Trustees (NRDA Trustees), the damage determination process, and recent milestones for the Hudson River. There are three NRDA Trustees for the Hudson River Superfund Site: NYSDEC, the National Oceanic and Atmospheric Administration, and USFWS/National Park Service. The Trustees are authorized to measure harm to natural resources and determine appropriate compensation for losses and injuries. A fact sheet with more information about these roles is available at

https://www.fws.gov/northeast/ecologicalservices/HudsonRiver/docs/FactSheet_EPATrustees_041715_final.pdf. While the remediation action is a separate process from the damage assessment, the Trustees comment on remediation action reports and these letters are posted at

<https://www.fws.gov/northeast/ecologicalservices/HudsonRiver/hudsonhistory.html>. The Trustees process has three stages: injury determination (e.g. injury to navigation, fisheries, wildlife), injury quantification, and damage determination. Recent Trustee documents on the site can be found at

<https://www.fws.gov/northeast/ecologicalservices/HudsonRiver/hudsonhistory.html>, including a surface water injury determination report, a catbird egg report, and a field study on mink. EPA is considering these comments and studies as it conducts the FYR. The Trustees welcome suggestions on potential restoration projects; interested members of the public should contact Ms. Byrne at margaret_byrne@fws.gov.

CAG members expressed a desire to see NRDA restoration projects move forward regardless of the assessment process and requested more information about the Trustees' timeline for making decisions about specific restoration projects. Ms. Byrne noted that restoration funds are only made available after there is a negotiated settlement or litigation, though this could happen at any time if a responsible party chose to settle. Decisions about specific projects cannot be made until those funds become available. A CAG member urged the Trustees to create a plan to compensate

fishing-related businesses for their losses and another member expressed frustration that the Trustees are only authorized to focus on wildlife and environmental health, rather than economic and public health. This member felt that agricultural lands should count as natural resources and said that an agency staff person told him that residents would be made economically whole from the effects of the contamination.

Update from the New York State Canal Corps

James Candiloro (NYSCC) updated the CAG on the Canal Corps’ navigational dredging plans for the Hudson River. In 2016, NYSCC submitted an application to the U.S. Army Corps of Engineers (USACE) to dredge key parts of the navigation channel in the Hudson River from Fort Edward to Waterford, NY. NYSCC is currently waiting for USACE to deem the application complete and has responded to requests for additional information. The USACE must deem the application complete before NYSDEC can take further action. Potential dredge spoil deposit locations for this dredging project will be determined based on USACE’s response to the application. Mr. Candiloro also noted that NYSCC submitted two permit applications for dredging above Lock 8 but USACE has not yet responded to those applications. CAG members expressed support for this dredging effort and asked how they can help encourage USACE to finalize its permit decision. Mr. Candiloro replied that individuals and organizations can send letters to USACE supporting the permit, although the CAG itself cannot send a letter to USACE.

Upcoming Meeting Dates and Topics

The next CAG meeting is tentatively scheduled for late winter or early spring 2019. Potential agenda topics for that meeting suggested by CAG members include: criteria for PCB action, short- and long-term actions for risk assessments, and the ongoing floodplains work and its timeline. Due to time constraints during this meeting, a discussion of the CAG’s operating procedures will be postponed to the next meeting. The group also discussed CAG meeting locations: while some voiced support for holding all meetings in Schuylerville, Mr. Klawinski (EPA) noted that rotating the meeting locations to different affected communities is important.

Meeting Participants

CAG members and alternates

Name	Affiliation
Daniel Carpenter	Village of Schuylerville
Erin Doran	Riverkeeper, Inc.
Kalea Ellis	Schuylerville Schools
Emily Flores	Schuylerville Schools
Peter Goutos	Saratoga County Chamber of Commerce
Manna Jo Green	Hudson River Sloop Clearwater
Pamela Landi	Washington County
Dan Lundquist	Ad Hoc, Floodplain
David Mathis	Hudson River CARE
Althea Mullarkey	Scenic Hudson
Claire Sacks	Schuylerville Schools

Lois Squire	Town of Easton Resident; representing Agriculture and Land Conservation interests
Andrew Squire	Town of Easton Resident; representing Agriculture and Land Conservation interests
Julie Stokes	Schuylerville Area Chamber of Commerce
Linda von der Heide	Rensselaer County Economic Development and Planning
Thomas Wood	Town of Saratoga

Liaisons

Name	Affiliation
Danielle Adams	Ecology & Environment, Inc.
Amy Bracewell	National Park Service
James Candiloro	NYS Canal Corporation
John Davis	NYS Office of the Attorney General
Susan Edwards	NYS Department of Environmental Conservation
John Fazzolari	Ecology & Environment, Inc.
Gary Klawinski	USEPA - Region 2
Angela Martin	NYS Department of Health
Chris Martin	National Parks Service
Bill Richmond	Behan Communications
Larisa Romanowski	USEPA - Region 2

Other attendees

Name	Affiliation
John Armitage	NYS Department of Environmental Conservation
Charlotte Bethany	NYS Department of Health
Margaret Byrne	US Fish and Wildlife Service
Michael Cheplowitz	EPA
Gwendolyn Craig	Post-Star
Joe Finan	Former National Park Service
Barbara Firebaugh	NYS Department of Environmental Conservation
Alana Gerus	NYS Department of Health
Rob Goldman	Former CAG member
Brittany Haner	NYS Office of the Attorney General
Chelsea Krieg	Louis Berger
Jessica LaClair	NYS Department of Environmental Conservation
Sean Madden	NYS Department of Environmental Conservation
Mike Traynor	Louis Berger/EPA
David Tromp	NYS Department of Environmental Conservation
Audrey Van Genechten	NYS Department of Health
Cindy Wian	Hudson Crossing Park

James Woods	NYS Office of the Attorney General
Jason Young	Village of Schuylerville Trustee, local business owner

Facilitation team

Name	Affiliation
Ona Ferguson	Consensus Building Institute
Rebecca Gilbert	Consensus Building Institute