

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
December 4, 2019 | 1:00 – 4:00pm
Saratoga Springs, New York

Next Steps

- EPA
 - Share the RIFS Floodplain Process flowchart, science poster and documentation on contamination threshold for floodplains with the CAG (provided following the meeting).
 - Post slides on CAG website (posted following the meeting)
 - Consider holding a stand-alone session on habitat (to be presented on at next CAG meeting).
- CBI
 - Share May 2019 and June 2019 meeting summaries with CAG for review (done).
 - Check-in with CAG members in early 2020 (survey or calls).
 - Share DEC tip line information from Dave Tromp to CAG.

Next Meeting: The next CAG meeting will take place in spring 2020. Topics suggested by the CAG: floodplain criteria, ecological risk assessment, Lower Hudson River studies, 2019 fish data and habitat response actions for 2020, and a discussion of public input options on floodplains and lower river work.

Welcome, Introductions, Review of May 2019 and June 2019 Meeting Summaries

Ona Ferguson, CAG facilitator, welcomed participants and introduced her colleague Angel Suero, who is now part of the facilitation team. Ona informed the CAG that the drafts of the May 14 and June 25 CAG meetings were available for their review and asked for any comments in the next week or two, after which they would be considered approved if no edits were suggested.¹ All CAG meeting handouts and presentations are available on the CAG website: <http://www.hudsoncag.ene.com/documents.htm>. Meeting participants are listed at the end of this summary.

EPA Review of Floodplain Comprehensive Study

Michael Cheplowitz, Environmental Protection Agency (EPA), gave the presentation, along with Gary Klawinski, who also answered questions.

Floodplains Comprehensive Study (2019 activities update)

EPA is currently working on the Human Health Screening Level Assessment (SLA) step of the floodplain Remedial Investigation/Feasibility Study (RI/FS). The SLA has been received by EPA and review is being coordinated with New York State Department of Environmental Conservation (NYSDEC). The next task for EPA is review of the Screening Level Ecological Risk Assessment (SLERA).

Phase 1 of the risk assessment involves rigorous statistical analysis of samples found on properties within the floodplain. GE is doing a verification of the statistical study and, if the weather permits, might

¹ As no edits were subsequently suggested to the May and June CAG summaries, the documents were finalized and posted on the CAG website.

conduct sampling in 2020. Verification sampling involves the examination of many samples on a subset of floodplain properties.

CAG member discussion and comments focused on the following (summary of responses from EPA are in italics):

- CAG members inquired about the timeline for the work. *EPA noted that the work is progressing as scheduled. EPA is looking for opportunities to accelerate the schedule including where work tasks can be done in parallel with one another. The RI/FS process is expected to take several more years.*
- Criteria for taking action - What is the criteria for taking action and how were they determined? *A concentration of 10 ppm in human use areas is the threshold for a short-term removal action (cover or signage). That number is based on consideration of short-term risk and a conservative human exposure assumption. EPA will again provide the criteria information with the CAG.*

Short-Term Removal Actions

Short-term removal actions (STRAs) are meant to be temporary and include covers and signage; there are a total of 68 STRAs (43 soil covers and 25 warning signs) in place along the Upper Hudson. Inspections and maintenance are conducted annually in these areas. Some of these properties will require maintenance in 2020.

Two new STRAs were installed in 2019: a new soil cover at a property in River Reach 5 (Greenwich, NY) (completed in October), and the extension of a soil cover at an existing STRA in River Reach 8 (Fort Edward, NY). Multiple inspections (every few months) take place during the first year of a cover's installation.

A CAG member asked about the difference between criteria for clean ups of in-river sediments and shoreline sediment areas. *EPA replied that the evaluations for these areas have unique considerations. The in-river sediments were evaluated using multiple criteria including a mass-per-unit removal; different criteria exist for different areas (e.g., pools, the upper river, and the rest of the river). Floodplain sediment in near-shore areas will have a different evaluation. One important consideration is that the shoreline sediment that can become exposed during low water and therefore people can come into direct contact with these areas.*

Another CAG member said the CAG wants to understand the floodplains process better and how to be part of the risk assessment process as it moves forward. She asked EPA to take the time to involve the public in the risk assessment and other aspects of the work given how enormously important this project is to property owners and the local community. *EPA agreed that it is very important to communicate/coordinate directly with floodplain property owners and to keep the CAG informed. EPA plans to have its risk assessment staff at a future meeting to answer questions and explain the risk assessment process.*

Old Champlain Canal Sampling

In late October 2019, deeper sediment core samples were collected by GE, with EPA oversight, from 18 locations along the canal. Laboratory data will be evaluated as received and used to determine what additional cores/segments will require analysis. Results from the analysis are expected in early 2020. The next step in this process will include meeting with NYSDEC, and the Town/Village to discuss the data. EPA will also coordinate with GE regarding the data and developing a report.

Depositional Sampling Program

EPA collects flood mud samples deposited on the land beside the river during high river flow events. The last high flow sampling event was late October. It included the collection of eight scrape samples and ten sediment trap samples. The results from previous 2019 flood mud sampling events ranged from not detected to about 2ppm.

Earthworm and Soil Sampling

As a part of the ecological risk assessment, GE is collecting earthworms from 20 different locations for PCB testing. Knowing the concentration of PCBs in earthworms and adjacent soil will be needed for the ecological risk assessment. This is the first step of a larger study analyzing PCBs in macroinvertebrates.

CAG member discussed the following items (summary of EPA responses are in italics):

- If the EPA dredged up to the shoreline in the river, does the property get assessed? *Yes, the area of the floodplain above the water line will be assessed. If dredging did not occur adjacent to the shoreline and the areas is used for recreation, the in-river area will be assessed as a near-shore area.*
- Why does it take so long to get sampling results? *GE uses commercial labs that take approximately 6 to 8 weeks to complete standard analysis. Following analysis, the data is reviewed for its quality and usability which typically takes about 3 to 6 additional weeks.*
- If the PCB levels are not a problem in the Old Champlain Canal, and we get the green light from EPA and NYSDEC, can we remove sediment and place it adjacent to the canal? *If that is the case, close coordination with DEC will be needed and a beneficial use determination made. Also, the Town/Village should continue to closely coordinate with EPA.*
- Why is GE doing the sampling? Are they responsible for cleaning up the problem? *GE is performing this work under the oversight of EPA. The State of New York is also observing the work. EPA is closely coordinating with DEC.*
- Earthworms don't typically live in the wet floodplains, so why are they being collected? *Earthworms are a good indicator species for many animals that eat them. Understanding the concentration of PCBs in earthworms (and the adjacent soil they live in) helps in understanding the concentration through the food chain. This study will also be considering other bugs, including spiders and grasshoppers.*
- Can farm owners and property owners provide input during the process? *Yes, including at forums such as the CAG meetings. EPA is available to answer questions as they come up.*
- EPA should reach out to property owners. *Agreed. EPA has a community involvement process for the floodplain work that includes outreach to property owners and other stakeholders.*

EPA Review of Lower Hudson River Work

The Lower Hudson River (LHR) extends from Troy to New York City (about 160 miles). EPA is currently conducting supplemental studies of the LHR. Ongoing sampling in the LHR currently includes water and fish. Information and data collection are also ongoing for the LHR. Sources of data and information include the Hudson River Foundation (HRF), the U.S. Army Corps of Engineers (USACE), and the DEC. EPA is also developing a preliminary system understanding document and a GIS database of existing data and information. It is important to continue to monitor PCB transport from the Upper to the LHR.

CAG member discussion and comments focused on the following (summary of responses provided by EPA are in italics):

- Is EPA planning a Remedial Investigation (RI) of the Lower Hudson? We need that so that the public can give input. Time is a concern. *EPA is currently conducting supplemental studies of the LHR to inform the need for an RI/FS. GE continue to collect fish and water samples from the*

Lower Hudson. DEC also collects some fish in the LHR. EPA is internally discussing the matter and evaluating potential next steps.

- *What is a preliminary system understanding document? It is an analysis that describes the river characteristics and catalogs the primary information. The Lower Hudson is tidal and has a saltwater front, among other things, so river recovery is complex in the LHR. New York state owns a significant amount of property along the river. NYSDEC and the National Parks Service have also done sampling in previous years that EPA should be reviewing.. EPA is collecting and using all available data.*

EPA Review of Upper Hudson Long Term Monitoring

EPA's 2002 remedy for the Upper Hudson River was two parts: dredging and natural recovery. Extensive recovery monitoring is required. EPA is currently discussing with DEC and working with GE to finalize the scope of work for long term water, sediment, and fish monitoring. Habitat monitoring and evaluations will continue until benchmarks and success criteria are met.

High Flow and Water Column PCB Concentration Monitoring

Data collected suggests that the concentration of PCBs in the water have decreased after dredging, and that high flow events in the Hudson may not be as intense in their PCB-carrying power as they were before and during dredging. Generally, four years post-dredging, PCB concentrations in the water are 50% lower than before dredging.

Caps and Surface Sediment Monitoring

GE's OM&M also includes periodic monitoring of installed caps. The last survey of the caps was done in 2018, another survey is planned for 2023, and caps will be surveyed every ten years thereafter (note: as mentioned earlier in the meeting, newly-installed caps are surveyed multiple times on their first year and every five years thereafter).

Habitat Monitoring

The habitat OM&M began after habitat reconstruction. Riverine Fringing Wetlands (RFW) monitoring includes a survey of species in select areas underwater. EPA has completed a subaquatic vegetation buoy study and a replanting attempt.

Survey data from 2019 is being used to inform 2020 response actions. In 2020, some areas will have met the benchmark criteria and will move to larger scale success criteria monitoring.

CAG member discussion and comments focused on the following (summary of EPA responses are in italics):

- *What is the practical lifetime of a cap? Caps are designed to withstand the 100 year storm. Caps in River Section 1 have already survived a 100 year storm. They are monitored and maintained regularly as required.*
- *Even though habitat restoration processes are led by two public agencies, landowners and USACE, one CAG member indicated they felt ignored.*
- *One CAG member commented that they felt EPA is not talking to the people who live along the river.*
- *Property owners have some questions and concerns regarding habitat reconstruction. A CAG member suggested that it would be helpful for EPA and NYSDEC to meet with them the morning of a CAG meeting. EPA commented that they will consider any request to meet and look forward to ongoing interaction with CAG members and the public.*

Fish Data Update

EPA presented on fish data results from 2018 sampling by GE. This process (as described in previous CAG summaries) is extensive and generally represent fish population on the Upper Hudson. The CAG had requested wet weight results also be included in fish trend presentation. EPA continues to present both wet weight and lipid normalized trends.

Overall, PCB concentrations in fish appear to have largely recovered to pre-dredging conditions. Nevertheless, more years of data are necessary to assess trends. 2019 fish data has been collected and analyzed and will be ready to share in spring 2020.

CAG member discussion and comments focused on the following (summary of EPA responses are in italics):

- A CAG member stated that the fish eaten in the Lower Hudson River (LHR) in large quantities are not represented in these studies. Some populations of people that have moved into the LHR over the last ten years are eating fish in large quantities.
- One CAG member stated that they have observed people fishing off Lock 5 on the weekends and late at night. They have not seen any game wardens present to ensure enforcement of catch and release, so people are taking the fish home to eat. Signs do not work; for some reason they are taken off or vandalized. Some people do not believe there are PCBs in the fish. *EPA noted that signs are inspected each year to ensure that they're in place.* NYSDEC staff said they would let DEC enforcement staff know there's a need for enforcement and will share the tips hotline with the CAG.
- One CAG member commented that EPA needs to stop saying that these will be protective remedies. The remedy is not protective if people are still eating fish.

Meeting Participants

CAG Members and Alternates

James Barnet, *Albany County Executive Office*
Erin Doran, *Riverkeeper*
Richard Elder, *Rensselaer County Public Health Department*
Kaela Ellis, *Schuylerville Schools*
Corey Hayman, *Village of Schuylerville*
Timothy Holmes, *Schuylerville Area Chamber of Commerce*
Manna Jo Greene, *Clearwater*
Pamela Landy, *Washington County*
Daniel Lundquist, *Resident*
David Mathis, *Recreational Boating Rep*
Althea Mullarkey, *Scenic Hudson*
Lois Squire, *Town of Easton*
Julie Stokes, *Schuylerville Chamber of Commerce*
Timothy Holmes, *Schuylerville Chamber of Commerce*
Todd Shimkus, *Saratoga County Chamber of Commerce*
Andrew Squire, *River Edge Farm*

CAG Liaisons & Facilitators

Danielle Adams, *Ecology and Environment, Inc. - Hudson River Field Office*
Michael Cheplowitz, *USEPA – Region 2*
Susan Edwards, *NYS Department of Environmental Conservation*
John Fazzolari, *Ecology and Environment, Inc.*
Ona Ferguson, *Consensus Building Institute - CAG Facilitator*
Andy Kitzmann, *Erie Canalway National Heritage Corridor*
Gary Klawinski, *USEPA - Region 2*
Angela Martin, *NYS Department of Health*
Bill Richmond, *Behan Communications - General Electric*
Larisa Romanowski, *USEPA - Region 2*
Florangel Suero, *Consensus Building Institute - CAG Facilitator*

Others

John Armitage, *NYS Department of Environmental Conservation*
Joe Battipaglia, *USEPA*
Rob Chrust, *Amigos Cantina, Schuylerville*
Alana Gerus, *NYS Department of Health*
Dave King, *Rens. Co. Resident*
Chelsea Krieg, *Louis Berger/WSP*
Jess LaClair, *NYS Department of Environmental Conservation*
George Lukert, *Ecology and Environment, Inc.*
Kathleen Moore, *Post-Star*
Joseph Murphy, *NYS Department of Environmental Conservation*
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