

Community Advisory Group (CAG) Meeting

Hudson River PCBs Superfund Site

July 31st, 2024 (Virtual)

Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Wednesday, July 31, 2024. This meeting covered the recent release of the third Five-Year Review (FYR) report. EPA staff also presented an update on the Lower Hudson River (LHR) investigations. EPA responded to follow-up questions from CAG members as each topic was discussed.

Presentation slides and materials for this and previous CAG meetings are available on the CAG's website: <https://hudsoncag.wspis.com/documents.htm>

NEXT STEPS

- CBI – Finalize notes from January 18 meeting. (Note: this was completed via email with CAG members following the meeting, and the notes have been posted).
- WSP - Post final notes from January 18 meeting on the CAG website.
- Admin team – Plan Sept 25 virtual CAG meeting and winter in-person CAG meeting.

NEXT MEETING

- The next CAG meeting date is set for September 25, 2024 from 1-4 pm.

DISCUSSION NOTES

Below is a summary of the key items discussed during the meeting.

WELCOME AND INTRODUCTIONS

Ona Ferguson, facilitator from the Consensus Building Institute (CBI), opened the meeting with a review of the agenda and welcomed all members to introduce themselves.

CAG BUSINESS

Within the next week CBI will send CAG members the meeting notes from January 18 for final review before they are posted to the CAG website. The Admin Team will meet soon to discuss future meetings, keeping in mind a request for a return to in-person meetings.

PRESENTATIONS AND DISCUSSION

THIRD FIVE YEAR REVIEW

Gary Klawinski, EPA, gave an overview of the Third Five Year Review (FYR), including:

- The draft report was released for public comment on July 10.
- This is a 90-day public comment period. It ends on October 8, 2024.
- PCB levels in water and fish are going down overall, but the sediment data is inconclusive.
- More years of fish data is needed; EPA is again deferring a determination about the protectiveness of the cleanup until enough fish data is available to draw scientifically reliable conclusions about the rate of recovery in the fish.
- EPA anticipates issuing an addendum to this report as soon as late 2025, but no later than 2027, which will include a protectiveness determination.

A CAG member thanked EPA for making the fish data charts easier to understand. Some CAG members expressed concern that deferring a protectiveness statement might indicate there is a problem with the remedy or the data and said that a deferral could be perceived as “kicking the can down the road.” CAG members and EPA discussed the terms “gradual improvement” as it relates to the timeframes for recovery that were laid out in the Record of Decision versus a “rapid risk reduction remedy”. Some CAG members expressed concern about what is being done in the meantime to protect people exposed to PCBs while recreating and/or consuming fish. A CAG member asked if there was any information on the scope of consumption of fish by disadvantaged communities.

EPA responded that they will make a protectiveness determination as soon as possible, possibly as soon as 2025, but by 2027 at the latest. EPA noted that many interim measures have been implemented to protect human health in newly identified use areas in the floodplain. EPA agreed to revisit a previous presentation during a future CAG meeting which talks specifically about areas identified by a CAG member. EPA is planning with the New York State Department of Health (DOH) to continue to support the fish advisory outreach program beyond 2027 because it is very important that people are aware of and adhering to fish consumption advisories to reduce unknowing consumption of fish. This is more complicated in the Lower Hudson, where some consumption is allowed, vs in the Upper Hudson where fish consumption is prohibited. EPA emphasized that the agency is actively sampling in the lower river and following the science, not kicking the can. Appendix 8 of the FYR speaks to fish consumption and the NYS advisories and includes DOH survey information. Additionally, there are ongoing actions in the floodplain to limit exposures including soil covers, signage, fencing, etc.

There were technical questions about sampling protocols e.g. why there is sampling of the top 2 inches of sediment when contamination is sometimes found deeper than 12 inches, why 8-10 years of fish data is desirable, the timing of fish collections, the relevance of pumpkinseed, and

whether analysis will focus on lipid normalized or wet weight averages. A CAG member also asked whether the caps placed in remnant deposit sites are engineered caps or just soil covers.

EPA responded that there are different programs and reasons for sampling sediment at 2 inches and 12 inches. EPA has learned from technical analysis in the Hudson River and elsewhere that without at least 8 years of post-dredging sampling data, trends could be misleading. Ten years of data leads to more reliably accurate results. Sport fish are collected in the spring and forage fish are collected in the fall, which is in alignment with NYS Department of Environmental Conservation (DEC) collections as well. EPA is looking at data on pumpkinseed because they don't travel much, so they are a strong indicator of local conditions. With regards to forage fish, the data among species was highly variable so going forward the focus will be on one species, spottail shiner. Fish data is reported as both lipid normalized and wet weight. There is some work being done to better understand the lipid data. EPA noted that the wet weight fish data is most important to understand in terms of the level of hazard of potential fish consumption by people and wildlife. The caps placed on the remnant deposits are not just soil covers, they also include a bentonite clay cover.

A CAG member asked for clarification on the options for a protectiveness determination, and another asked if there would be opportunities for public comment on the special studies and how the floodplain or the eventual protectiveness determination might affect them.

EPA responded that they will make a determination of either “protective,” “not protective.” or “will be protective” by 2027 and that the five-year review report is designed to determine if there is a problem with the remedy. What to do in the event that there is a problem is a separate step. With regards to special studies, EPA explained that there is overlap between the Upper Hudson, Lower Hudson and Floodplain Operable Units so some special studies are already underway, some require workplans and some are still being scoped. Input is always welcome, and GE has been very cooperative.

FIVE YEAR REVIEW OUTREACH

EPA reviewed the recent/upcoming public outreach on the FYR:

- July 10 - draft FYR report was released for public comment
- July 31 - [this] FYR-centered CAG meeting
- August 21st - virtual public meeting on FYR
- October 8th - end of public comment period (90 days)

A couple of CAG members requested that at least two in-person meetings be added, one in the Upper Hudson River and one in the Lower Hudson River.

EPA confirmed that the request for additional, in person meetings has been heard and while they cannot commit to that at present the request will be brought back to the larger Hudson River team.

CHAMPLAIN HUDSON POWER EXPRESS (CHPE)

A CAG member asked how the CHPE project might impact the Hudson cleanup.

EPA has been in contact with CHPE project representatives and is confident that it will not have significant impacts on the cleanup. The CAG Drinking Water representative added that they had also been in contact with CHPE, discussing possible impacts to drinking water. Disturbances are expected to be minimal, but their water treatment plant does plan to shut down as a precaution when the power line installation crosses their area.

LOWER HUDSON RIVER (LHR)

GE began sampling work in the LHR in spring 2023 under a legal agreement with EPA. The work will continue through at least 2025.

A CAG member asked if there would be a Remedial Investigation and Feasibility Study (RI/FS) for the LHR and whether there is a deadline for that decision. Another CAG member questioned how 6 core locations over a 160-mile area could be sufficient and what might trigger adding additional locations.

EPA indicated that they expect to make a decision by late 2025 on whether there will be an RI/FS for the Lower River and that one of the first questions to consider will be whether to break up the LHR into different river sections, as was done in the UHR. Another consideration is that there are other sources of PCBs in the LHR and other potentially responsible parties (PRPs) could be identified. With regard to the currently proposed number of core locations, EPA will use extrapolation between the core locations and may add sampling areas if there are large discrepancies between cores.

WRAP UP AND CAG BUSINESS

The facilitator said the next CAG meeting is scheduled for September 25th and that Andrew Squire had asked that his request to hold that meeting in person be noted. The admin committee will meet soon to discuss future meetings and agendas including a general review of the Superfund process.

MEETING PARTICIPANTS

CAG MEMBERS & ALTERNATES

Randy Alstadt (Hudson 7), Stephen Ballentine (Scenic Hudson), Jen Benson (Hudson River Sloop Clearwater), Scott Croft (Hudson River Boat & Yacht Club), Dorothy DiNobile

(Hudson 7), Mike Dulong (Riverkeeper), Maureen Ferraro-Davis (Sierra Club), Drew Gamils (Riverkeeper), Gil Hawkins (Hudson River Fishermen's Association), Jenna Ice (Southern New Hampshire University), Dan Jeanson (Hudson River Valley Greenway), Pam Landi (Washington County), Michelle Langa (NY/NJ Baykeeper), Dustin Lewis (Saratoga County Soil & Water), Aaron Mair (Adirondack Mountain Council), David Mathis (Recreational Boating), Kate Morse (Hudson Crossing Park – in for Julie Stokes), Dylan Moscoso (Oregon State University), Althea Mullarkey (Scenic Hudson)

CAG LIAISONS & FACILITATOR

Danielle Adams (WSP), John Brodt (Behan Communications), Michael Cheplowitz (USEPA), Ona Ferguson (CBI), Abby Fullem (CBI), Gary Klawinski (USEPA), Leslie Morlock (NPS), Devin Rigolino (Dutchess County), Larisa Romanowski (USEPA), Lisa Rosman (NOAA), David Tromp (NYSDEC). John Davis (NYSOAG)

OTHERS

Keyla Antigua, John Armitage, Chris Bradley, Tracy Brown, Gail Cabahug, Johnathan Clark, Greg Coccetti, Emma Cohen, Brian Cronin, Jenna Dodge, Kevin Farrar, Ben Foster, Jay Field, Carli Fraccarolli, Jordan Gass-Poore, Dave Hargett, Curt Herring, Kate Huffer, Kathryn Jahn, Lewis Kendall, Rachel Kish, Brendan Larkin, Sean Madden, Bob O'Neill, Barbara Reina, Thomas Sweck, Ken Takagi, Nicole Trent, Audrey Van Genechten, Katherine von Stackelberg, Matt Wiener