

Community Advisory Group (CAG) Meeting

Hudson River PCBs Superfund Site

September 25, 2024 (Virtual)

Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Wednesday, September 25, 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>

FOLLOW-UP ITEMS

- EPA is continuing to share data with Friends of Clean Hudson (per agreement between EPA and FOCH). EPA is continuing to share Allen Mill data as requested.
- EPA to give Gil Hawkins the list of fish collected from the Lower Hudson.
- Dave Tromp/DEC to follow up with Gil regarding sturgeon collection.
- EPA to check in with Dave Tromp re: permits needed for reuse of dredged Hudson River sediments.
- Althea to send remedy timelines she referenced to Gary.
- CAG members review July meeting notes and let CBI know any concerns by Oct 4 (done).

NEXT MEETING

- The next CAG meeting date is set for December 5, 2024 from 1-4 pm. This meeting will be held at the Saratoga Town Hall, 12 Spring St, Schuylerville NY 12871.

DISCUSSION NOTES

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

CAG members should review the July 31 meeting notes and let CBI know any concerns by Oct 4.

PRESENTATIONS AND DISCUSSION

THIRD FIVE-YEAR REVIEW

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

Key takeaways:

- PCB levels in water and fish are going down overall.
- Recovery between the 2016/2017 and 2021 sediment data is inconclusive; the next sediment sampling is planned for 2026.
- EPA is deferring a determination about the protectiveness of the cleanup until enough fish data is available to draw statistically reliable conclusions about the rate of recovery in the fish.
- EPA anticipates issuing an addendum to the report as soon as late 2025, but no later than 2027, which will include a protectiveness determination.
- The public comment period was extended to November 7.

Discussion topics, questions and comments by CAG members included:

- Request for clarification of how many more years of additional data does EPA need.
 - EPA: *The agency needs at least eight years of data after dredging to draw science-based conclusions about the rate of recovery in the fish. The eighth year of fish data was collected in 2024. The results of that sampling will be available in 2025. EPA will issue an addendum as soon as sufficient data is available to establish reliable recovery trends.*
- Concern over marinas – they need to be able to dredge (and dispose of dredgings without prohibitive costs) in order to keep their properties accessible to customers. Where the project calls for dredging or habitat restoration – it needs to be coordinated so that access to the marina remains.
 - EPA: *Coveville Marina is an example of how the project has historically been responsive to marina concerns – the habitat restoration plan was changed to ensure that replacement plantings would not impede access to the marina.*
 - DEC: *NYS would coordinate with EPA over the process for permitting pertaining to dredging at marinas.*
- Upstream source control and Remnant Sites.
 - EPA: *Removal of sediments through dredging has reduced the amount of contamination going over the Federal Dam, but upstream source control refers to areas upstream of the project area (remnant sites), not what is going over the dam. It will be a topic of future Special Studies. Remnant Sites are monitored on a regular basis, as is the water downstream of those sites.*
- Possible beneficial use of dredged sediments from marinas, for example.

- As a follow up item, the CAG could request to have NYS DEC explain the permitting process for beneficial use determinations.
- Testing of animals other than fish.
 - There are many studies of receptors other than fish, including mink, turtles, eagles, catbirds and earthworms, for example.
- Fish species for study, fish advisories, and file vs whole fish (some ethnicities eat the whole fish, as in fish stock.)
 - EPA: Sturgeon are protected, and the agency does everything it can to avoid them during fish collections.
 - DEC: Sturgeon are not normally sampled on the project, but NYS would study it if a dead one is found. DEC, EPA and GE all coordinate on fish collections including species, timing and collection methods.
- Observation on the benefit of in-person meetings and request to resume meeting in person for the next CAG meeting.
 - EPA is balancing facilitating meaningful project outreach on this large scale (200+ mile) Superfund site.
 - The CAG plans to schedule an in-person meeting over the next few months so members have a chance to meet and interact with one another.
- Other CAG member comments:
 - The goal should be to get rid of consumption advisories eventually; advisories have been on the Hudson for generations.
 - The ultimate cleanup goal should be unlimited use/unrestricted exposure.

FLOODPLAINS UPDATE

- CAG members indicated they would like the floodplain investigation to be accelerated given it has been going on for some time now. They asked EPA to update the CAG on the proposed schedule moving forward including when the cleanup will start. EPA clarified the following:
 - The date of the final cleanup actions on the floodplain is uncertain. There is a process the agency needs to go through, but EPA is looking for opportunities to accelerate the work schedule wherever possible. There are challenges with identifying the distribution of PCBs throughout the 6,000 acres for potentially impacted floodplain.
 - Short-term actions are ongoing. Many actions have already been taken. For example, all of the areas raised by a CAG member have been looked into. A number of covers have been placed in use areas, as well as signage and fencing to safeguard other areas until a permanent cleanup remedy can be put in place.
- Hudson Crossing Park representatives acknowledged and appreciate the communication regarding flood mud sampling and the remediation efforts at the Park.

LOWER HUDSON RIVER (LHR)

- Regarding beryllium -7 (Be-7) sampling, CAG members asked if any can be traced back to the nuclear plant, and if the approved dumping of radioactive water during the plant decommissioning would impact the Be-7 studies?
 - *Be-7 comes from the atmosphere; discharges from Indian Point, for example, would be a different radionuclide and are not expected to have any impact on the EPA study.*
- How many of the 275 fish collected were anadromous [born in freshwater but primarily live in salt water] and has the tidal estuary been taken into account?
 - *All 275 are from the Lower Hudson only, collected both above and below the salt line and include top and bottom feeders and forage fish.*
- A request was made for 2023 data gap information, as was a request for a creel survey.
 - *EPA explained the challenges with doing an unbiased creel survey. EPA also indicated it does not see how that information would be used productively on the project since the project already assumes some people will not follow the advisories.*
 - *As part of the project scope, any data gaps will be identified and followed up on. Next steps will be decided later in 2025.*

UPPER HUDSON RIVER

To allow time for other topics, the update on the Upper River (other than the FYR) was not presented. The slides from this EPA presentation can be found on the CAG website.

DECONSTRUCTION OF ALLEN MILL/POWERHOUSE

CAG members found the powerhouse deconstruction project overview very interesting and appreciated the high-quality photos. Questions included:

- What, where and how much contamination has been found?
 - *PCBs were found in the building, debris and water inside the building, but none downstream of the project. The work has been going well and the GE capture/containment systems for the deep bedrock is working well.*
- How is any hazardous waste being handled/disposed of and how is water being treated?
 - *In the raceway, debris is hand shoveled and loaded out for transport. Future project designs will address debris in other areas.*
 - *There is a water treatment plant at the Hudson Falls site. Water from the work is treated onsite as appropriate. GE is coordinating with NYSDEC regarding use of the water treatment plant.*
- What data have you collected and is any available that you can share?

- Some water data shows detection of PCBs inside the building, but levels in the river plunge pool are very low or not detected. Air data shows levels are somewhat higher inside the building than outside. This data will be shared as requested.
- Will the falls be maintained as a natural or historic site?
 - Boralex is actively using the falls as a hydroelectric plant. No overall changes to the falls are planned as part of the deconstruction work.

WRAP UP AND CAG BUSINESS

- The next CAG meeting is scheduled to be in-person on December 5th at the Saratoga Town Hall in Schuylerville.
- Please send in any changes to the July 31 notes by October.

MEETING PARTICIPANTS

CAG MEMBERS & ALTERNATES

Randy Alstadt (Hudson 7), Stephen Ballentine (Scenic Hudson), Jen Benson (Hudson River Sloop Clearwater), Maureen Ferraro-Davis (Sierra Club), Rich Elder, Drew Gamils (Riverkeeper), Gil Hawkins (Hudson River Fishermen's Association), Jenna Ice (Southern New Hampshire University), Pam Landi (Washington County), Michelle Langa (NY/NJ Baykeeper), Dustin Lewis (Saratoga County Soil & Water), Rebecca Martin, David Mathis (Recreational Boating), Kate Morse (Hudson Crossing Park), Dylan Moscoso (Oregon State University), Althea Mullarkey (Scenic Hudson), Andrew Squire, Julie Stokes, Linda von der Heide

CAG LIAISONS & FACILITATOR

Danielle Adams (WSP), John Brodt (Behan Communications), Michael Cheplowitz (USEPA), John Fazzolari (WSP), Ona Ferguson (CBI), Abby Fullem (CBI), Gary Klawinski (USEPA), Larisa Romanowski (USEPA), Lisa Rosman (NOAA), Kate Schmidt (Orange County), David Tromp (NYSDEC). John Davis (NYSOAG)

OTHERS

Keyla Antigua, Ellen Banks, Joe Battipaglia, Tara Bhat, Chris Bradley, Gail Cabahug, Brian Cronin, Kevin Farrar, Jay Field, Bob Foley, Jay Gooch, Dave Hargett, Casey Hellman, Rachel Kish, Chris Locci, Joe Moloughney, Chuck Nieder, Suzie Ross, Thomas Sweck, Audrey Van Genechten, Katherine von Stackelberg, Matt Wiener