

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
Saratoga Town Hall, Schuylerville, NY
Thursday June 26, 2014
1:00 PM – 3:00 PM

CAG Members and Alternates Attending: David Adams, Manna Jo Greene, Richard Kidwell, Thomas Wood (representing Ed Kinowski), Aaron Mair, Roland Mann, David Mathis, Althea Mullarkey, Merrillyn Pulver-Moulthrop, Thomas Richardson, Julie Stokes.

CAG Liaisons Attending: Danielle Adams (Ecology & Environment), Kevin Farrar (NYS DEC), John Fazzolari (Ecology & Environment), Ona Ferguson (Consensus Building Institute), Joe Finan (National Parks Service), Joan Gerhardt (Behan Communications), Gary Klawinski (USEPA - Region 2), Timothy Kruppenbacher (General Electric Company), Joe Moloughney (NYS Canal Corporation), Deanna Ripstein (NYS Department of Health).

Others Attending: Mara Astas (NYS DOH), Brit Basigner, Margaret Byrne (Hudson River Natural Resource Trustees & USFWS), Chris DeBolt (Washington County), Marilyn Dubois (Assemblyman Steven Englebright), Bob Foster (Al Foster & Associates), Rich Furlani, George Hodgeson (Hudson Crossing Park), Elizabeth Smith Holmes (Business Owner - Schuylerville), Tim Holmes (Schuylerville Area Chamber of Commerce), Kathryn Jahn (Hudson River Natural Resource Trustees & USFWS), Mike Lane (Poseidon Barge, Fort Wayne, Indiana), Stephen Williams (Daily Gazette), Tom Lewis (Office of Senator Marchione), George Lukert (Ecology & Environment), Max Martin (Ecology & Environment), Elizabeth Nostrand (Office of Assemblyman Steve Englebright), Paul Post (Saratogian), Daniel Rachel (Natural Resources Defense Council), Christina Scanlon (Post - Star), Dan Sheanger (Saratoga Associates), John Sherman (Mayor of Schuylerville), Audrey Van Genechten (NYS DOH).

Facilitators: Ona Ferguson, Eric Roberts.

Members Absent: Cecil Corbin-Mark, Laura DeGaetano, Darlene DeVoe, Rich Elder, Richard Fuller, Brian Gilchrist, Robert Goldman, Robert Goldstein, Gil Hawkins, Christine Hoffer, Abigail Jones, Jeffrey Kellogg, William Koebbeman, Sharon Ruggi, Lois Squire.

Next Meeting: The next CAG meeting will be held in September 2014.

Action Items:

- Joe Moloughney to investigate when the last structural integrity assessment was conducted on the old canal.
- Admin team to plan next CAG meeting including pre-meeting as requested.

Welcome, Introductions, Review March 2014 Meeting Summary

The facilitators welcomed the group and reviewed the agenda, which was revised as Marc Greenburg, who was to present the Fish Data Update, was unable to attend due to a cancelled flight. Gary Klawinski agreed to present some of the fish information on Mr. Greenburg's behalf. Additionally, the CAG Administrative Team, which sets the meeting agendas, decided to move the Hudson Hoosic Partnership presentation to the beginning of the meeting. The CAG approved the draft March 2014 meeting summary.

Efforts to Promote a Robust Hudson River Valley

Thomas Richardson, Mechanicville Supervisor and Chair of the Hudson Hoosic Partnership (Partnership), presented three of the Partnership's concerns related to PCBs and dredging: contamination and potential breaching of the old canal near Schuylerville and the Village of Victory, navigational dredging, and future development. Supervisor Richardson's presentation is summarized below. Supervisor Richardson distributed a handout and a compact disc of anticipated projects to meeting participants.

Partnership members include the City of Mechanicville, 11 villages, 14 towns, one college, 11 non-governmental organizations, the NYS Department of Agriculture and Markets, the NYS Department of Recreation and Historical Preservation, the NYS Department of Environmental Conservation, and the Saratoga National Park. Partnership members collectively represent approximately 300,000 people between Waterford and Fort Edward. Supervisor Richardson attended the CAG to advocate for additional floodplain testing to ensure sustainable community and economic development, heritage/cultural tourism, and the safety and well being of residents.

Supervisor Richardson described the Partnership's concern about the potential that a breach in the old canal may contaminate the water sources of Schuylerville and the Village of Victory. The old canal is 19 feet above the river level (and Schuylerville and Victory) and is filled with sediment. Large storm events occasionally cause the old canal to flood. If the old canal were breached, PCB-contaminated sediment and floodwaters would overwhelm the village's sewer systems, Schuylerville's new water system, and the private wells used by many residents in the villages. No secondary sources of water are available in Victory or Schuylerville. A CAG member commented that providing these communities with the opportunity for clean water is a priority. A breach in the old canal could affect approximately 3,000 residents both in the form of water contamination and in terms of physical force; but Supervisor Richardson said this risk could be addressed by dredging the old canal.

Supervisor Richardson presented the Partnership's concern about navigational dredging. He said that navigational dredging supports the economic vitality of the communities along the Hudson. The City of Mechanicville hosts approximately 500-600 boaters each year, who provide the community with an influx of capital. Like many communities along the Hudson, Mechanicville relies on boat traffic to stimulate the local economy. If boats cannot navigate the Hudson, economic opportunities are lost. Additionally, the community of Greenwich is planning to construct a barge terminal to accommodate barge traffic; but due to contamination levels the NYS Canal Corps has not maintained the 12-foot navigational channel depth mandated by the New York State constitution (as discussed at previous CAG meetings). Supervisor Richardson said it makes sense to dredge the old canal and the navigational channel while the dewatering facility is operational.

Supervisor Richardson spoke about the numerous projects that communities want to develop in the floodplain, all of which would require the removal of PCB-contaminated sediment. Stressing the additional economic burden the communities must overcome when attempting to develop projects in areas contaminated by PCBs, he highlighted the five million dollar investment to create a kayak launch at Hudson Crossing Creek that, after being completed, was recently discovered to have PCB contamination (see following discussion). He noted that the additional economic burden presented by PCB contamination is prohibitive for small river communities and deters new businesses from relocating to the region. He urged GE and the EPA to identify and remove PCB contamination in the floodplains so that communities can develop the projects planned by Partnership members.

CAG discussion following Supervisor Richardson's presentation included the following topics:

Warning signs at the kayak launch – The group discussed the placement of contamination signage at the kayak launch. Gary Klawinski said EPA asked GE to sample for PCBs near the kayak launch site when

new use of the site was identified. Signs were posted to warn but not prohibit people from utilizing the kayak launch after the samples showed elevated PCB levels. To date, he does not believe that the launch is closed.

Floodplain sampling – The group discussed sampling for contamination in the floodplains. People expressed frustration that the Hudson Crossing project is now contaminated due to resuspension, and asked if floodplains will continue to be contaminated after the dredging project is complete. Mr. Klawinski said EPA is working with GE to complete the floodplain RI/FS and that they have a good understanding of where PCBs are located in the floodplain. Samples are taken to a depth of 18 inches, and if concentrations are found over 10 ppm, further action is required.

The old canal and area of flooding – CAG members made the following points while discussing the concern about potential breaches in the old canal and an area where storm events already cause some flooding. The canal was originally seven feet deep, but siltation has caused some of the outlets to silt over. The area that some CAG members think should be tested and dredged is about two miles long. Fort Hardy Park is within the floodplain and already floods during large storm events. CAG members feel that as the project moves from the river to the floodplain areas, sampling and removal of PCBs in the old canal should happen while the dewatering facility is in place and before a major breach occurs, to avoid placing the burden of removal, (or clean up in the case of a breach), on the communities or on NYS Canal Corps. Mr. Klawinski said that EPA has not assessed the potential for the old canal to breach and contaminate other infrastructure or cause impacts from the force of a rupture, but that he will discuss it with GE. He also noted that three samples taken in the old canal show the contamination is in the deeper sediment; but three samples are insufficient to characterize the area very well. Responding to a member question, Joe Moloughney (NYSCC) said the Canal Corps owns most of the old canal and that he will find out when the last structural integrity assessment was conducted.

Climate change and precipitation models – A member requested that EPA incorporate current climate science estimates for precipitation and flooding that could happen and adjust the estimated impacted flood areas accordingly. Another member commented that increased precipitation could exacerbate the concern with the old canal. Mr. Klawinski commented they learned a lot about potential impacts of PCB resuspension and deposition in the floodplain from a 100-year flood in 2011.

Additional dredging and decommissioning of the dewatering facility – CAG members commented on the dewatering facility. One member said the issue of removing PCB-contaminated sediment while the dewatering facility is still operational has been an issue for at least a year, if not longer, and noted that people are still advocating for this approach but nothing has changed yet in terms of the project. He asked who CAG members should speak with to make progress on this.

Testing for PCBs below the Troy Dam – A member said that environmental justice issues continue to be an issue for this project. He noted that testing for PCBs and posting warning signs should be happening below the Troy Dam and down river, because there are a lot of people from underserved communities fishing in those areas. He said people from these communities supported the clean up but have yet to see any benefit from it. Responding to a member question, Mr. Klawinski said floodplain sampling does not occur below the Troy Dam and he would have to investigate whether or not it could. Kevin Farrar said that sampling does not occur outside the main 40-mile river reach, because the expected concentration levels are much lower below the confluence of the Mohawk and the Hudson.

Dredging Project Update

Tim Kruppenbacher, GE, presented on the 2014 dredging project. His points are summarized below.

Main stem dredging – Dredging between Schuylerville and the Stillwater area began in May and will continue until November. More tug boats are in use this season since transportation distances to the dewatering facility are approximately 18-19 miles (one way) in this reach. The targeted certification units (CUs) are also smaller and more diffuse, whereas they were previously more contiguous. Approximately 133,000 cubic yards were dredged as of June 21, 2014. Backfill was being placed in eight acres. The capping percentage (6.08%) remains below the specified limit. Ten to 15 percent of the material has been non-TSCA so far this season.

Dredging in an inaccessible area – Twenty-nine acres are targeted for dredging in the landlocked area between the Thompson Island and Fort Miller dams. Dredging is scheduled to start in July. Once completed, backfilling and capping will occur where necessary. The landlocked area is supported by facilities on the east and west sides of the river. After dredging materials from the Hudson River, barges will move the materials to the east side facility, where it will be trans-loaded from the barge into a concrete bin on the isthmus and then transferred into a hopper barge on the canal side. The canal was slightly widened to avoid interference with regular boat traffic. The concrete bin was designed to collect most of the water running off of the sediment placed in the bin. Two onsite tanks will store excess water until it can be pumped into a hopper barge to be transported to the processing facility for treatment. The west side facility serves as the staging area for backfill operations and as a location to launch equipment into or pull it from the river. No dredged sediment material will pass through the west side property.

Habitat Planting – Eighteen acres of riverine fringe wetland (RFW) and 20 acres of submerged aquatic vegetation (SAV) are targeted for planting during the dredge season. Plants are obtained from sources in the Northeast (including some local sources) and staged locally. Planting started on June 4. Approximately 2.5 acres of RFW have been seeded and 2.6 acres of RFW have been planted. High flow rates (a safety hazard for divers) slowed early RFW planting progress. Approximately 1.96 acres of SAV have been planted to date.

Monitoring – No total PCB standard level exceedances for water have occurred to date and the PCB load at Waterford is below the 14-day average standard. On one occasion, PCBs in the air were detected above the residential air standard. The levels were below the standard by the next sampling event. Best management practices are being employed to keep resuspension levels below the standards.

Facilities and support properties – The dewatering facility is operating 24 hours a day, six days a week. Maintenance is conducted on the seventh day. Two hundred barges (~ 50,000 tons) have been unloaded with more than 2,500 filter press drops, which each contain 22 cubic yards of material. The material is shipped in 93-car trains to Oklahoma, which receives TSCA materials, or Ohio, which receives non-TSCA materials.

CAG member discussion after the Project Update generally covered the following topics:

Recreation and invasive species – A CAG member stated that he has heard many complaints about backfilling and its impact on native vegetation. He invited a member of the audience, Rick Furlani, to comment. Mr. Furlani provided some history for the Coveville area, stating that the area at the mouth of cove was at one point deep enough to support a marina owned by his family. Mr. Furlani stated that backfilling will create shallow areas in historically deep areas, and that new shallow conditions would be ideal for the invasive Chinese water chestnut to re-establish after being removed during dredging activities. He requested that EPA and GE permit the river to redeposit sediment naturally rather than backfilling in every area to slow the spread of Chinese water chestnut. Mr. Klawinski said GE is required to deposit backfill and restore the original bathometric conditions since the cove is listed as a NYSDEC-regulated wetland. A CAG member stated that native species planted as part of mitigation would surely die if water chestnut were provided ideal shallow-water growing conditions. Echoing this statement and building on it, another member said a common sense approach should be taken here: if it is known that

invasive species will kill native species given the right conditions, which would be created with backfill, and the public is requesting specific actions be taken to enhance community use of the resource, community interests should be integrated and an opportunity developed from the larger crisis of PCB contamination in the Hudson River. A member also requested GE or EPA to flatten the rock pile located in the cove, since many boaters strike the pile with their boats. Kevin Farrar from NYSDEC stated that he would check with the wetland department at NYSDEC and they would look into Mr. Furlani's request.

Dredging Schedule – Members asked if the dredging would be completed next summer and how many CUs remain if GE completes CU 92 or 93. Mr. Kruppenbacher responded that the exact timeline is not known; but that dredging would happen in 2015 and the last CU to be dredged would be CU 99. He noted that in addition to CU 92-99, a couple of CUs remains to be completed due to access issues, e.g. CU 60 and CU 51.

Other – CAG members also made the following comments:

- A member requested that GE not close the dewatering facility before the floodplains work and navigational channel dredging is completed.
- A member complimented GE on the engineering feat they are undertaking to complete the dredging work.

Fish Data Update

Gary Klawinski briefly presented a fish data update on behalf of Mark Greenberg. Fish samples are collected twice a year, once in the fall and once in the spring. The fall sampling event targets smaller fish, which provide analysts with data about short-term conditions. The big fish, which are caught in the spring, provide long-term trend data. Data from 2013 sampling events are similar to the 2011 data: increased PCB concentration levels are found in fish sampled in the areas where dredging occurred the previous year. Decreased concentrations are then typically found while sampling in the same location two years after the dredging was completed in a particular area. Current data holdings are insufficient to discern long-term trends, but data collection and monitoring will continue yearly for at least five years after the dredging is completed, then periodically every five years. EPA expects that concentration levels will decline and rates of decline will accelerate post dredging.

Brief Updates and CAG Business

Hudson River Natural Resource Trustees Update – Margaret Byrne, Hudson River Natural Resource Trustees & US Fish and Wildlife Service, briefed the CAG on the draft freshwater mussel population pilot study that was open for public comment. She noted that freshwater mussels are not being addressed in the current dredging efforts and that this study would investigate the presence and absence of mussels in areas not targeted for remediation, in areas that were dredged and backfilled, and at an upstream reference site. Ms. Byrne requested CAG members provide public comment on the draft pilot study by July 2. A member requested that the Trustees extend the public comment period.

Membership update – The CAG had received two requests of interest in joining the CAG on Economic Development seats, Chris DeBolt, who previously served on the CAG, and the Schuylerville Chamber of Commerce, who recommended David Roberts to fill the seat. Christine Hoffer stepped down prior to this meeting, and the CAG decided to add one additional economic development seat (for a total of three such seats) and invited Chris and David to become members. For transparency, Chris told the CAG that he owns the native plant nursery where GE obtains and stages sub-aquatic vegetation.

CAG members also briefly discussed the following topics:

Navigational channel dredging – CAG members discussed dredging of the navigation channel. One member asked if the trustees have the power under NRDA to direct GE to complete specific work, since GE is not volunteering to help dredge the navigational channel. Kathryn Jahn, Hudson River Natural Resource Trustees & US Fish and Wildlife Service, said the trustees issued a surface water injury determination for the loss of navigational services and that the Trustees are aware of the loss and are investigating options to address it. She noted that any agreement to dredge the navigational channel would be the result of either direct negotiation with GE or of a lawsuit. CAG members said, as they have in the past, that it would be prudent to dredge the navigational channel while the dewatering facility is operational. A CAG member said she did not believe the Trustees could force GE to complete the dredging, and said it would thus likely lead to a long, drawn-out lawsuit at the public's expense unless GE voluntarily agreed to dredge the navigational channel before the dewatering facility is decommissioned. She stressed that a voluntary agreement to keep the processing facility open would be the best approach, especially given the strong public desire for the processing facility to remain open until dredging is completed in the navigational channel and in other areas of concern. Several members agreed that GE should work with the communities to complete this work, given the long-term impact caused by the contamination. One member suggested it would be to GE's benefit to be viewed by the public as working with the communities instead of in opposition to the communities on this issue.

Department of Public Health outreach – A member commended the NYS Department of Public Health for their excellent outreach. She said she had seen and interacted with knowledgeable representatives of the Department of Public Health at various public venues to educate the public about PCBs in the river.