

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
28 April 2005
CAG Meeting, 1:00 PM – 3:45 PM
Saratoga Spa State Park

FINAL Meeting Notes

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Laura DeGaetano (Albany Co. Planning), Theresa Egan, Mark Galough, Joe Gardner (Appalachian Mountain Club), Robert Goldstein, Manna Jo Greene, Harry Gutheil, George Hodgson (Saratoga County EMC), Oliver Holmes (Town of Bethlehem), John Lawler, Roland Mann, Dan McGraw, Merrillyn Pulver, Rich Schiafo, Lois Squire, Julia Stokes, Jock Williamson

CAG Liaisons Attending: William Daigle (NYS DEC), Fred Ellerbusch (NJ Inst of Technology), Doug Garbarini (USEPA, Region 2), Joan Gerhardt (Behan Communications), David King (EPA), David Kluesner (USEPA Region 2), Deanna Ripstein (NYS Dept of Health), Leo Rosales (USEPA, Region 2), Steven Sweeney (NYS Canal Corp)

Others Attending: Danielle Adams (E&E), David Adams (Saratoga Co. EMC), Tom Brady (Albany County Health), Thomas Cronin (Atlantic Testing Laboratories), Art Fletcher (Great Lakes Dredge and Dock Co.), David Keehn (NYSDEC), Walt McClure (WTEN-TV), Marty Miller (WTEN-TV), Paul Post (Saratogian)

Facilitators: Patrick Field, Ona Ferguson

Members Absent: Jean Carlson, Cecil Mark-Corbin, Mark Fitzsimmons, Richard Fuller, Gil Hawkins, Paul Lilac, Aaron Mair, John Rieger, Judy Schmidt-Dean

Key Action Items

1. CAG members should let EPA know if and when they want Fox River/New Bedford/Tacoma representatives to come to a CAG meeting.
2. DAD data will be loaded to the website. CAG members will get data CDs.
3. CBI will organize a morning meeting on labor & related issues before the next CAG meeting.
4. CBI will schedule next CAG meeting for a date in June.
5. CBI will pull Nov CAG presentation/dispute resolution letter about how methodology on DAD changed off the website, PDF and mail to the CAG.
6. CBI will re-send the January Meeting Summary to CAG members for approval.
7. CBI will send out the URL of the Tacoma project website.
8. EPA will update the road map by Summer 05.
9. Fitzgerald Study: CBI via DOH will send the CAG an update.
10. EPA update on noise and baseline air monitoring/modeling.
11. Provide resuspension rates of PCBs going over the dam after the project is complete.
12. Provide Dr. Baker's abstract and clarification letter via email to the CAG.

Convening of Meeting

The meeting began at 1:05 pm. The facilitator welcomed the CAG, invited members to introduce themselves, and walked through the agenda. Patrick Field also introduced CBI Associate Ona Ferguson, who will be co-facilitating with Patrick at this and future CAG meetings.

Membership Update

The following people were confirmed as CAG members: Jean Carlson (for Rensselaer County), Robert Goldstein (replacing David Gordon for Environmental Group Lower Hudson), and Mark Galough (replacing Barbara Sweet for Economic Development, Tourism, Recreation).

Meeting Summary and Action Item Update

The January Meeting Summary was not distributed at the meeting. Facilitators will forward the January meeting summary to all CAG members for approval prior to the next CAG meeting.

The facilitator reviewed Action Items from January. Items that remain outstanding:

- CAG members should let EPA know if they want to invite visitors from New Bedford or Fox River to CAG meetings when project design is further along.
- Dr. Baker's abstract and clarification letter will be shared with the CAG via email.
- Regarding the Fitzgerald Study; not all results are in yet. D. Ripstein will have Dr Fitzgerald develop an explanatory email to go out to the CAG.
- Community benefits will be discussed in a morning session the day of the next CAG meeting.
- Labor and contracting issues will be discussed in a morning meeting prior to the next CAG meeting, and outcomes will be discussed with the CAG.

Tacoma Dredge Site Video and Presentation

Leo Rosales showed a video featuring the Tacoma Dredge Site (a.k.a. Commencement Bay). The video showed mechanical dredging, and testimonials from a community group and residents near that dredge site. Copies of the video and presentation slides were distributed to CAG members.

The CAG had some questions and comments after the presentation:

- *How wide an area was being dredged? Is it a narrow strip of land, or was it all the way across? It was all the way across the bay.*
- *What is the duration of this project? Approximately two six-month seasons.*

- *What hours were they operating?* They shut down around 10:00pm (not operating 24 hours a day). The only noise complaint due to a tugboat was from around that time late in the evening.
- *How far were the houses from the dredge site? Houses are going to be very close to our site, and almost level with the dredging itself.* The houses were maybe a quarter of mile from the site, almost straight up a steep incline.
- *Was there containment? Are turbidity sampling results available?* There was no problem with turbidity, and real-time data was used. (If they were doing only discrete sampling, they would have to stop operations and check any irregular readings, but because of the real-time monitoring, one unusual reading doesn't raise disproportionate concern because the next reading happens so soon, as long as it is lower.) Results are available on the web, and will be sent out to the CAG.
- *Weren't they measuring PCBs in the water?* No, they were just measuring for D.O. and turbidity (analogous to suspended solids).
- *D.O. is dissolved oxygen. Why did they have to dredge at 5ppm?* There were other parameters considered, for example the presence of petroleum.
- *Our first phase is a little smaller than the one featured here. Do you know about estimated costs for the Hudson project yet?* No, we don't yet have a price tag on the project.
- *Do we know where the dredge materials are going to go?* No, not yet.
- *Is there a provision in case the dredge bucket doesn't close?* The process works as follows: the mechanic closes the clamshell, then hesitates just below or at the surface to keep turbidity down, then pulls the bucket out.
- *Is there any control on whether the bucket is completely sealed before it gets raised?* Those controlling the bucket see what is happening on an electronic screen and manage it accordingly.
- *Did you witness any buckets that were raised that had debris in their jaws so that tree branches or other items were being resuspended?* No, we didn't see that. We did see how if you didn't raise the bucket slowly enough, you could get some splashing out. PCB re-suspension is more of an issue on the Hudson because of drinking water intake.
- *Our concern here includes spreading the contamination.*

Dewatering Sites Update

GE told EPA that the dewatering site status for Hudson would be known sometime in May.

Many CAG members articulated concern that project deadlines as laid out in the August 2004 Roadmap are not being met. They are concerned that the timeline is lagging. GE responded that they are trying to make decisions carefully and the design is so complex that making decisions takes time. CAG members stated concern that there won't be enough time for the communities to respond to the Intermediate Design before the design is finalized, and that that could effectively disenfranchise the groups that this CAG is working so hard to include. They want communities to have time to respond and negotiate responsibly. CAG members urged GE and EPA to be as forthcoming with local communities as possible about the timeline.

Several CAG members also discussed the fact that towns have created committees to work on this project, but they don't have much to do yet. Others suggested that these committees might get citizens "up to speed" on the project overall, so that when the report comes out in August they are ready to evaluate it.

Additional comments by the CAG included:

- *Is there a dewatering update for current issues? Have removal issue or landfill issues been resolved yet? I need to take this information back to my residents. The only date set in stone is the intermediate design report, which will be submitted to EPA in August. That is a fixed deadline. That report will contain 60% of the design. Those big decisions will be in that document. We think the site question will be in advance of August, but we're just not sure when.*
- *There are many issues on the table and no easy answers. Ft Edward has created a Health Committee of 30 that is meeting monthly. People ask about timelines at every meeting. My concern is about timeliness. This project has gone on for a long time, but deadlines aren't all being met. These dewatering facilities are to be built this fall, yet the time available for us to give effective input continues to shrink. It gives the appearance that our comments aren't going to matter, and our communities would be in an uproar if that were the case.*
- *It is crucial that baseline monitoring issues not be overlooked. We've asked for a year of baseline monitoring, and if it isn't started soon, we may not get the data we want.*
- *Some of the most affected communities seem to be shut out of this process. The August 2004 roadmap is the latest one we have. The roadmap needs to be updated if schedules are changing.*
- *If the intermediated design is released in August, that leaves little time before the project is to start in May 2006. I urge you to be as forthcoming with local communities as possible (both EPA and GE). I'm troubled we don't have a sense of how much this first phase is going to cost us – taxpayers or GE. Is that privileged info, or will it be released soon? EPA wants the work done in a cost-effective manner, but it is not a requirement for the PRP to disclose their costs. There will be a sizeable investment in a dewatering facility.*
- *The communities that will be impacted have to have their concerns addressed. We had 67 communities that unanimously adopted a resolution stating that impacts and quality of life issues need to be addressed before the record of decision. Now, in 2005, we still have not addressed the communities, which now include the lower Hudson communities.*
- *It could help community concerns be recognized if municipalities made one list of concerns for the CAG to support,*

The facilitator summarized the conversation, stating that Fort Edward and Bethlehem have a process in place to educate citizens. The towns want regular communication going forward. They want two timeline questions: if the schedule is changing for current tasks, do latter tasks get pushed back or do their timelines stay the same? And, what kind of influence will community members have on some of the design details? They CAG wants a focus on those most affected as the project goes forward because it's the right thing to do and because they believe frustrated citizens can stop the project.

Dredge Area Delineation Report and Target Area Identification Report

Doug Garbarini presented the Dredge Area Delineation (DAD) Report for Phase 1. The maps show where Phase 1 dredging will occur. Phase 1 is the first year of dredging, to be completed at a reduced rate. Phase 2 is the remaining 5 years of dredging undertaken at full production rate. EPA currently has two agreements with GE and is negotiating a third on implementation.

The Target Area Identification (TAI) and DAD go hand in hand. The TAI Report evaluated suitable areas for Phase 1 dredging. Three areas were considered: Northern Thompson Island Pool, Griffin Island Area, and Northumberland Dam Area. They wanted to consider high PCB concentration areas, type of sediment (fine poses more challenges for re-suspension), and water depth. The DAD identifies the areas that will be dredged for Phase 1 because they are representative of the whole project.

The DAD process included collecting and evaluating 40,000 sediment samples. The data was analyzed, looking at PCB mass per unit area (MPA) in a given core and at surface concentration (i.e. 0-12 inches). Assessors also considered sediment texture and river bathymetry, and identified depth of concentration. The goal was to figure out which area need to be dredged, and how deep dredging must go to clean up PCBs to the appropriate standards. This entire process was an intensely statistical and very complicated.

The maps in the presentation show which areas will be dredged. There will likely be refinements of the cut lines as the design is developed and as challenges occur during actual dredging. It took some time to come up with the final reports, but EPA is pleased with the final maps. The dredging depth is mostly three feet or less, but in some areas it is five feet or more. Nine feet is the deepest dredging area in the DAD. The depth of dredging is the depth of sediments removed, not the depth to sediments.

The Intermediate Design Report is due at EPA on Aug 22, 2005.

The next step is to begin to develop detailed design documents. Bridges, piers, pipelines, boulder sand, sewer discharges, sensitive habitat and cultural artifacts, etc. would all require adjustments to the plans.

The CAG had some questions and comments after the presentation:

- *Why did the delineation at Rogers Island change so much from Jan 04-Feb 05?* Because additional data, gathered in August-October of 2004 helped us make improvements, and because we used a different approach to do dredge area delineation. After the dispute resolution process, we have used different processes.
- *We had a large amount of re-suspension in the outfall 04 project. The map shows that we now have more to be dredged. Is that because of the outfall 04 project? Are these related?* No, we don't believe they are. The changes in the dredge areas was due to changes in the methodology for decision making, not changes in the data.

- *You said that the delineation of areas won't be finalized until the intermediate report – is that right? Will these lines change again when the intermediate report comes out?* Yes, dredge cut lines will change due to engineering considerations not due to additional data.
- *I'm glad the agency stuck to their guns last summer about the delineation report. I'm wondering how schedule changes now affect the overall schedule and our ability to get into the river next year?* Yes, it is a challenging schedule. We are working with GE to look at ways to streamline the rest of Phase 1 and shorten the timeframes. We need a roadmap for remedial action, and we are discussing it in our negotiations with GE. Our goal is to be in the river in 2006.

The facilitator summarized CAG concerns as follows. Do not “buy” additional time by shortening community input piece. There are questions about when the delineation will be set. EPA thinks that any changes henceforth will be marginal, though they won't know for sure until they get through the designs to get to final cut lines. CAG members want EPA to update the road map.

Additional CAG comments:

- **Schedule:** *Keep the CAG up to date about the schedule in real time if possible.* EPA will try to do roadmap by June.
- **Data:** *Saratoga County would like its engineers to analyze the DAD data.* The information will be loaded to the website, and CAG members will get data CDs.
- **Outreach:** *When EPA goes out to the public, what are you going to tell them? Where the dredging wall will be in relation to their homes, what dredging looks like, maybe with the video shown here today.* The appropriate elected officials will be notified or alerted and copied on correspondence.
- **Outreach:** *Any outreach is a good thing. As soon as you point out hotspots, people will want to know how it is going to impact them, but you haven't decided how they will be impacted.* We'll show them mechanical and hydraulic techniques and tell them they will hear and smell the process. All correspondence will be shared with town and elected officials.
- **Delineation:** *Have you considered the possibility that the increase in dredge areas is due to weather events?* The data didn't change, our methodology did. The models take weather events into accounts.
- **Delineation:** *Regarding the delineation at Rogers' Island: is this a coincidental change because of a change in methodology or is it due to the high flows of the Outflow 4 project and knowing re-suspension rates? Most of Rogers' Island is going to have bank-to-bank dredging. Looking at the February 2005 chart, wouldn't it just make sense to do bank-to-bank dredging of the whole river around Rogers' Island? If you are going to dredge that much, you might as well dredge it all.* There are criteria we set up in the ROD for dredge removal. It is a lot of material, but there are a few areas that don't require dredging given our standards.
- **Methodology:** *Can you show us what methodology changed?* It is documented in the dispute resolution document letter (see November 2004 CAG presentation).

Labor and Contracting Issues and Dredging

CAG members discussed contracting and jobs. They want to know if there are ways to ensure that whomever is in charge of the project will hire local workers. Many CAG members stated that it is very important to towns in the area that local businesses get the jobs. They wanted to know whether EPA has discussed community impact and employment with GE, noting that the biggest impact of the project for the local communities will be the work being performed. They want to know when contractors will be selected, whether they will be hiring local workers, and if employees will be working at prevailing wage.

EPA replied that there are two agreements currently in place with GE and a third being negotiated. There is the potential for EPA to order GE to include certain provisions, but EPA hasn't yet done this. There are three options for how the work will get done: (1) GE will do it, (2) EPA will order GE to do it, or (3) EPA will do it. If GE does the work, EPA does not have the authority to order GE how to do contracting. GE stated that it would be premature to talk about labor questions before it is clear who will be carrying out the project.

CAG members stated that they think there should be a way to ensure that local people get jobs, and that they want to feel as though EPA is standing up for these small communities on a number of issues. CAG members and EPA agree that there is a disconnect between what communities need and what EPA can do, and CAG members voiced concern that local communities will be victims of the clean up in addition to being victims of the original contamination. One CAG member mentioned a concern about EPA's inability to make GE come to meetings or answer questions.

CAG members made the following additional points.

- I would like to create a mechanism where we get an answer as to whether GE or EPA will ensure that we get local people on the jobs and as vendors. Maybe municipal officials and economic development officials could write a letter requesting a meeting with EPA and GE (at least John Haggard), meet with them, and then report back to CAG.
- The Town of Bethlehem has several businesses that are immediately adjacent to the site. What better way to give some positive effects to the community than to contract with those businesses? I sent a letter to GE suggesting this, and GE replied back that they don't have to necessarily address this because the site isn't part of the Superfund Site. I understand that, but the community is having this forced on them, and there should be some mechanism to keep focus on organized labor and economic development. Please send that message back to GE as a possibility.
- We need some financial consideration of residents and businesses, because there will be local impacts from the project. To throw up our hands and say there won't be any such considerations isn't an acceptable answer for the people who live on this river.

Other Issues and Dredging

The CAG raised additional issues related to dredging.

- **Artifacts Preservation:** *We also want a collaborative effort to salvage historic artifacts. We'll need additional storage facilities. We can't get this draft report fast enough, because those divers are going to be in the river this summer. I would implore everyone here recognize that the Town of Fort Edward wants to mitigate as many of the negative effects of dredging as possible. In June we'll do an update on archaeological artifacts.*
- **Emergency Services:** *Town boards are concerned about how this operation will affect their emergency services (traffic, emergency services, and the CHASP, etc), and want to know soon what kind of support will be provided and when. We need to know soon so we can find funding to provide additional services if necessary. We'd like EPA to help us address these, and we have to meet with DOT and other related agencies. The CHASP will focus on this. This subject will be discussed at the June CAG meeting. We've been working with the Fort Edward Citizens Committee. We need to look at peoples' concerns: what happens if there is a fire at the site, who responds? What if something happens on the river, are there fireboats? GE has to look at all of this on the CHASP. **Traffic** will be cumbersome for Fort Edward. All **emergency service** providers are in our Fort Edward group (fire department, rescue squad, and sheriff). All Fort Edward emergency responders are volunteers. The draft **CHASP** seems like a process that should be going more quickly.*
- **Air Monitoring:** *When and where will background air monitoring be done? EPA/GE has agreed to do this in July or August 2005. The state will also carry out an air monitoring program for a longer duration (maybe a year). The sites would be near the Energy Park site, near other sites where we expect dredging, and maybe on OG Realty, once we know if we'll use that site.*
- **Noise Analysis:** *Will the intermediate report include noise analysis? EPA will get back to the CAG about if it will be in the intermediate design report. More noise monitoring will be done in the intermediate design timeframe.*

Final Dredging Comments

The facilitator noted that the situation around the Hudson dredging is complex, with a negotiation with a lead agency asking GE for a certain set of actions, plus a bilateral private negotiation, plus shareholders, plus communities, plus Superfund rules and regulations. He stated that this complexity can be very frustrating.

One CAG member voiced concern that EPA may have the intention but not the authority to protect the community adequately. It was stated that EPA's job is to protect health and the environment. What the community defines as health is broader than what EPA defines as health, so communities almost always feel partially left out of superfund projects. The CAG discussed the idea of having either a spin-off group or a CAG subcommittee to address labor issues, host community benefits and good will. Some stated that the purpose of the CAG is to address community concerns, so the discussion about labor should remain within the CAG structure. One CAG member suggested that EPA could offer incentives for GE hiring local or making goodwill efforts. It was decided to discuss this subject at a morning meeting prior to the next CAG meeting.

The CAG made final comments:

- **Job Training Grant:** Fort Edward applied for an EPA job training grant that allows people in the region to go to classes for how to be employed for jobs related to the clean up. Are there updates on this grant? It went to the national level, and we should know before June if Fort Edward will receive it.
- **Jobs:** Communities can put together lists of materials suppliers and contractors ahead of time and give it to EPA. Why not also review our own health and safety plans right now so that we can think about how would we respond to crisis?

Brief Updates

- **Agriculture Working Group Update:** David King said that a survey (included in CAG packets) was sent to 39 farmers. It asks about whether they are drawing water from river, where is it being used, what it is being used for, and if they have had much flooding. It was sent out last week, and five responses have been received to date. Leo Rosales and David will meet individually with each farmer. They will then share the information with GE so that specific site concerns will be addressed appropriately.
- **Floodplain Investigation Update:** David King said that the results of this investigation are in, but that EPA is talking with the individuals affected prior to releasing the results in a public announcement.
- **Next steps on community mitigation and benefits?** This subject will be discussed at a morning session prior to the next CAG meeting.

Next CAG Meeting, June, 2005/ FUTURE AGENDA ITEMS

- Natural resource trustees updates
- Floodplain investigation update (June)
- Community Health & Safety Plan (June)
- Habitat Delineation and Assessment Report (Summer)
- Archeological Resource Assessment Report (June)
- Intermediate Design Report (Fall)
- Water Quality, Noise, Air Monitoring Updates (Summer)
- State Action progress report
- Jobs/Contracting (June - maybe EPA bring jobs classifications from GE, and maybe get list from other sites of materials needs. Ask another sites project manager what the types of jobs, qualifications, experience needed, etc.)

GAG members discussed the possibility of having CAG meetings this summer every 6 weeks rather than once a moth.

The next meetings will be on June 23, 2005 in Saratoga.

Meeting Adjourned

The meeting was adjourned at 3:45pm.