

Community Advisory Group (CAG) Meeting

Hudson River PCBs Superfund Site

October 5, 2023 (Virtual)

Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Thursday, October 5, 2023. EPA staff presented updates on the progress of the Allen Mill/Powerhouse deconstruction in Hudson Falls; the current Five-Year Review (FYR) status and schedule; and the ongoing work on the Floodplain comprehensive study. The NYS Department of Environmental Conservation (DEC) briefed the group on the status of seven active state-led remediation projects adjacent to the Hudson River. EPA/DEC responded to follow-up questions from CAG members as each topic was discussed. The CAG facilitator (CBI) also provided an update on the CAG expansion efforts. CAG members approved a revision to the CAG Operating Procedures to increase the number of members on the CAG.

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

- Admin team -
 - Organize future agendas by River section (upper or lower) to allow people to plan their level of participation
 - Meet soon to talk about continuation of discussions from 10/5 meeting (and/or technical session with DEC and EPA, including on the floodplain use area sites Dave Mathis is interested in)
 - Consider timing for a flood mud presentation
 - Consider when/how to convene people for an in-person CAG meeting for relationship building
 - Consider scheduling separate time or opportunity to provide Superfund site overview/ historical context for new CAG members
- WSP - post revised operating procedures on the CAG website
- CBI - Distribute CAG meeting notes from May 2023 and October 2023 to CAG members for review and approval
- DEC and EPA - Meet with CAG members and others who are working on a path forward for the Old Champlain Canal recreational enhancements
- EPA - Share Five-Year Review report with CAG when available; anticipate CAG meeting focused on five-year review. CAG members asked EPA to be mindful about releasing the report/scheduling the public comment period over the holidays.
- Request to EPA to present fish data in lay person's terms
- EPA provide Gil Hawkins with the tributary data

NEXT MEETING

- The next CAG meeting date will be likely be associated with the Five-Year Review report or the additional topics not fully covered during this meeting (depending on timing of the release of the report).

DISCUSSION

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 invited the newest members of the CAG to introduce themselves. CAG members were not able to approve the May 2 minutes because they were not yet available.

CAG BUSINESS

CBI gave an update on group efforts and progress towards expanding the CAG to include additional representation from the lower river:

- New seats for Boating and Next Generation have been filled
- Drinking Water and Marinas have been added as Interest Groups
- The number of seats for Economic Development and Environmental Justice were increased
- Agriculture and Land Conservation were separated into separate Interest Groups.

The CAG accepted a proposed change to the group's operating procedures to increase the overall number of CAG seats.

An Admin Committee meeting will be scheduled for later in the month to further discuss and identify organizations/individuals to fill the remaining new CAG seats.

A CAG member who was not able to attend the meeting but asked that the facilitator share their perspective doesn't want to expand the CAG to add more representatives who are professionals able to attend CAG meetings as part of their job.

POWERHOUSE AND ALLEN MILL UPDATE

Joe Battipaglia, (EPA), discussed details of the Powerhouse and Allen Mill deconstruction. EPA is overseeing the deconstruction work which is being conducted by GE and the property owner, Niagara Mohawk. EPA became involved due to the potential for the release of PCBs from the former GE plant site to the river. The deconstruction of the Powerhouse is nearing completion. Extensive environmental monitoring and protective measures have been in place during the work. Despite many unique challenges, the monitoring data indicates that a release to the river has thus far been prevented. The Allen Mill deconstruction work is expected to begin in 2025. Pre-design environmental studies will be conducted in 2024.

Questions/comments from CAG members focused on the PCB contamination adjacent/ under the buildings, the Powerhouse floor slab/trench contamination, the amount of contaminated material being removed, how building materials will be disposed of/ addressed and the timing of the decision to deconstruct the buildings.

EPA explained the existing DEC remedial systems on site and noted that the Agency wants to make sure that it is safe for EPA/DEC to safely access the areas in and around the buildings to inspect, conduct investigations and install/enhance existing remedial systems. As part of this work, the Agencies want to get a better understanding of the presence of contamination in and around the buildings.

A CAG member expressed appreciation for how carefully EPA has managed this work to protect the river's recovery but noted that CAG members expressed concern over these buildings years ago. When asked if DNAPL (dense nonaqueous phase liquids) recovery rates changed since the deconstruction began, EPA said that the pumping rates in nearby wells was increased prior to the start of work to help contain the DNAPL.

FIVE-YEAR REVIEW REPORT UPDATE

Gary Klawinski, EPA, explained that the third five-year review report has been drafted and is going through internal review by the Agency. EPA has been engaging with interested parties throughout the five-year review process and is available to discuss the data as needed. Although there is no confirmed release date, the CAG will be kept informed.

CAG members asked clarifying questions about the purpose of the five-year review and whether any additional cleanup actions are anticipated as an outcome. Several CAG members noted that EPA should consider the timing of the release of the report and should be mindful about releasing the document for public comment around the holidays. A couple of CAG members stated that people continue to eat the fish and they believe the fish advisories are not adequate [EPA should be removing the risk, not just reducing it and putting the burden on people to protect themselves].

EPA explained that the purpose of the FYR is to evaluate whether the cleanup is performing as expected and explained the process/steps for making a protectiveness determination. EPA noted that the New York State Department of Health's (DOH) Hudson River Fish Advisory Program is funded by GE, as required by EPA, and that those resources are specifically focused on the Hudson River. The Agency recognizes how important that work is and is discussing extending the funding.

Audrey Van Genechten from the New York State DOH Hudson River Fish Advisory Outreach Program noted that further coordination with the municipalities to post fish advisory signage is necessary. There is a public tool (online) to see where signs are posted. DOH requested the CAG's help in reaching out to the municipalities if they don't see signs. EPA supports updating signage.

FLOODPLAIN UPDATE AND DISCUSSION OF MEMBER-IDENTIFIED USE AREAS

Mike Cheplowitz, EPA, gave an overview of the floodplains work, including:

- A review of investigations at the Old Champlain Canal (OCC)
- Use area sampling completed this year
- Floodplain Short-Term Actions: three new Short-Term Actions; expansion of an existing Short-Term Action
- Investigation of six Resident/CAG member-identified potential use areas

A CAG member representing an Upper Hudson River Chamber of Commerce stated that their biggest concern is the use of the river. They thanked EPA for coordinating the sampling of the OCC with GE but noted the challenges they continue to face related to addressing the low-level contamination in the Canal and are evaluating their path forward. The CAG member requested that DEC and EPA come to meet with the Chamber/municipality. EPA explained that the OCC is part of the floodplain Remedial Investigation/Feasibility Study and the Agency doesn't know yet what the cleanup level will be until they reach a decision point/proposed cleanup plan. DEC and EPA agreed to meet with the municipality and the member.

DEC is working with GE on a beneficial use determination for OCC sediments but the contamination levels need further discussion before the use determination can be made.

Regarding the Human Health Risk Assessment, in response to a CAG member's concern that decisions are being made based on PCB data that is 40 years old, EPA explained that an exhaustive literature search regarding PCB toxicology/studies is being done by EPA and involved agencies to determine if any changes are warranted. Any agency adjustments to PCB risk considerations will be considered for the floodplain work.

EPA investigated all the areas identified by the CAG member; six primary areas were identified for further investigation. There will be further discussion regarding these areas with the CAG member, DEC/DOH and GE.

NYSDEC UPDATES ON STATE SITES NEAR THE SUPERFUND SITE

David Tromp, New York State Department of Environmental Conservation (NYSDEC), gave an update on State sites located near the Hudson River project area. EPA and DEC are in communication about the work at these sites.

In response to a CAG member's question about how much PCB oil is left in the parking lot at Fort Edward, Dave Tromp said that thousands of gallons were recovered 15 years ago but he would have to research the estimated amount left behind.

UPDATES ON HABITAT, LOWER HUDSON RIVER, AND UPPER HUDSON RIVER LONG TERM MONITORING

Due to limited time (allowing for detailed discussion with CAG members for the previous presentations), Gary Klawinski, EPA, provided a brief high-level overview of the updates on habitat reconstruction, lower river sampling and investigations, and Upper River long-term monitoring. The full sets of presentation slides are available at <https://hudsoncag.wspis.com/documents.htm>. EPA also directed people to the EPA site webpage for the recording of the Lower Hudson River public information meeting held on May 24: www.epa.gov/hudsonriverpcbs

Other discussion included EPA indicating that the current floodplain actions (STRA's) are intended to be short term. Any actions taken are not meant to replace the final remedy (to be selected in the future); they are meant to quickly isolate the PCBs from people/the environment.

A CAG member inquired about whether the Lower River tributaries are being sampled; EPA explained that all 17 major tributaries were sampled as part of the sediment sampling program.

A CAG member requested that these topics (habitat, lower river, floodplain) be covered in detail during an upcoming meeting.

WRAP UP AND CAG BUSINESS

If anyone has recommendations for individuals who could fill Future Generation or Marina CAG seats, please contact the facilitators. Anyone who wants to further discuss any of the topics covered during the meeting, please contact EPA or DEC.

MEETING PARTICIPANTS

CAG Members & Alternates

Stephen Ballentine (Scenic Hudson), Jen Benson (Hudson River Sloop Clearwater), Scott Croft (Hudson River Boat & Yacht Club Association), Patrick Curran (Albany County Executive's Office), Rich Elder - Rensselaer County, Emily Flores (Schuylerville Schools), Drew Gamils (Riverkeeper), Peter Goutos (Saratoga County Chamber of Commerce), Benjamin Harris (Bard College) Gil Hawkins (Hudson River Fishermen's Association), Scott Keller (Hudson River Valley Greenway), Pam Landi (Washington County), David Mathis, Althea Mullarkey (Scenic Hudson), Julia Stokes (Schuylerville Area Chamber of Commerce), Linda von der Heide (Rensselaer County Economic Development & Planning).

CAG Liaisons & Facilitator

Danielle Adams (WSP), John Brodt (Behan Communications), James Candiloro (NYSCC), Michael Cheplowitz (USEPA), John Fazzolari (WSP), Ona Ferguson (CBI), Abby Fullem (CBI),

Gary Klawinski (USEPA), Angela Martin (NYSDOH), Joe Moloughney (NYSCC), Larisa Romanowski (USEPA), Lisa Rosman (NOAA), David Tromp (NYSDEC).

Others

Jared A, Elizabeth Ahearn, Kayla Antigua, John Armitage, Joe Battipaglia, Emma Cohen, Brian Cronin, Shibani Debnath, Roger Downs, Kevin Farrar, Carli Fraccarolli, Jenna Ice, Nicholas Hanson, Fabio Iwashita, Colin Kelly, Jess LaClair, Gwyn Linus, Cristen Locci, George Lukert, Rebecca Martin, Meg Mitchell, Marian Olsen, Bob O'Neill, Patrick Pagano, Suzie Ross, Jackie Schillinger, Thomas Sweck, Ken Takagi, Hayley Tessler, Mike Traynor, Audrey Van Genechten, Emily Svenson, Matt Wiener, A Wilson.