

## **Community Advisory Group (CAG) Meeting Hudson River PCBs Superfund Site**

May 26, 2022 (Virtual)  
Meeting Summary

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### **MEETING IN BRIEF**

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Thursday, May 26, 2022. EPA Region 2 Regional Administrator Lisa Garcia led a discussion and CAG members provided their perspectives on the project. EPA staff presented updates on the planned deconstruction of the Allen Mill/Powerhouse in Hudson Falls; the status of the fish and sediment data; the Lower Hudson River (LHR) investigations; the Upper Hudson River (UHR) Beryllium 7 sampling plan; progress of the third Five-Year Review (FYR), and; an update on the Floodplain Remedial Investigation/Feasibility Study (RI/FS) including sampling of the Old Champlain Canal (OCC) in Schuylerville. There were follow up discussions with the CAG members as questions/comments were raised to EPA.

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

### **NEXT STEPS**

- EPA to post approved March 31, 2022 CAG meeting summary.

### **NEXT MEETING**

- The next CAG meeting date is tentatively planned for later in the year.
- Suggested future meeting topics include:
  - o Sediment data collected in 2021 (EPA)
  - o Fish data collected in 2021 (EPA)
  - o Update on the Fort Edward and Hudson Falls Plant Site work (NYSDEC)
  - o Natural Resource Damages (NRD) process refresher (Trustees)
  - o Update on the Powerhouse and Allen Mill Deconstruction (EPA)
  - o Habitat Monitoring and Response Actions (EPA)
  - o Remnant Sites – Ongoing Monitoring and Maintenance (EPA)
  - o CBI outreach to potential LHR CAG members (CBI)

### **DISCUSSION**

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

#### **Welcoming and Introductions**

Ona Ferguson, Facilitator from the Consensus Building Institute (CBI), opened the meeting. CAG members approved the summary from the March 31, 2022 CAG meeting.

## **CAG Member Discussion with Lisa Garcia, EPA Regional Administrator**

Regional Administrator Garcia acknowledged the tremendous contributions that river stakeholders like the CAG members have made to EPA's Hudson River work over the years before moving on to discuss EPA's current work in the Hudson River, including:

- Powerhouse and Allen Mill demolition – EPA is working to ensure that National Grid and GE's removal of these structures in Hudson Falls is done in a way that is protective of human health and the environment and doesn't disrupt the ongoing recovery of the river.
- Lower Hudson River investigations – EPA is working on an agreement with GE that will include data gathering over the next several years. EPA took this approach with a focus on being able to quickly collect additional data necessary to inform further decisions regarding this large, complex, river system.
- Floodplain investigations – EPA has been prioritizing floodplain assessments on parcels of land where community and residential projects are planned.
- Third FYR for the Upper Hudson River cleanup – this FYR will include a review of the protectiveness of the dredging project and the actions that were taken to address the remnant sites. EPA will be inviting CAG members who want to provide input on the FYR to join a small working group, as was done with the previous review.

CAG members introduced themselves and identified their interest and concern regarding the various projects involving the Hudson River. Key issues include economic development and tourism, investigation and protection of the Hudson River, subsistence fishing and environmental justice, with the precedent of "polluter pays". These concerns were discussed regarding the entire 200-mile Hudson River PCBs Superfund site.

Following introductions, an open discussion focused on 4 topics:

- Recovery of the river and remediation
- The Old Champlain Canal
- Floodplains and the community
- The FYR

### **Recovery of the river and remediation**

*A CAG member stated the first interim targets in the Record of Decision (ROD) were supposed to have been reached by 2020 and were concerned that was an indication the remedy is not effective?*

EPA confirmed the first target (5 years after dredging) has not yet been met. The next target is in 16 years from end of dredging. The targets were established based on modelling and other technical assumptions. EPA pointed out that the sediment and water recovery has occurred at a faster rate than the fish. This will be evaluated in more detail in the FYR. The 2021 fish data will be available soon and that data will assist EPA with its evaluation of the recovery. There have been supply chain and covid-related delays in getting data from labs. EPA will share the 2021 fish data when it becomes available.

*CAG members emphasized that environmental justice should be an important consideration for EPA during this project. The natural resource damage assessment doesn't fully reflect community*

*impacts. Environmental groups have been asking for a Lower Hudson River investigation for some time.*

EPA anticipates reaching agreement with GE on additional investigations of the lower river soon. EPA indicated it is aware of the requests for a remedial investigation and will further consider that request once the currently planned investigations are complete. The CAG is working with the CAG facilitators to gather information about what additional groups in the lower Hudson would be appropriate to invite to join the CAG. CAG members, please share any LHR contacts or information on potential LHR members with EPA via CBI.

### **Old Champlain Canal**

*Several CAG members expressed concern that the OCC is part of the floodplain RIFS instead of being included in the river dredging remedy. The community would like to fast track the OCC project given its importance to the communities related to economic development and tourism. They requested that EPA continue to assist the communities as much as possible.*

EPA indicated it is committed to continuing to assist the community with these efforts.

### **Floodplains and the community**

*There are people eating fish from the upper Hudson, especially on the islands where people camp. There are signs saying it isn't safe to eat the fish, but someone needs to be reaching out to communities to explain what they mean. Also, they suggested that more support be given to private property owners who get a letter from EPA saying they have PCBs on their property. They commented that the investigation and cleanup shouldn't take years.*

EPA indicated it follows up with keeping the signage in-place and answers questions from the community owners about the signage. EPA also has ongoing communication with property owners as it relates to their continued use and development of their properties. EPA has also been contacted by people purchasing or selling properties as it relates to the possible presence of PCBs. The floodplain is large and logistically challenging; EPA appreciates any input regarding ways to improve outreach and further build relationships. EPA works very closely with New York State Department of Health (DOH) and New York State Department of Environmental Conservation (DEC) on these efforts. Also, EPA has asked GE to include EPA factsheets and contact information whenever they make contact with the community/property owners during field work.

### **Five Year Review**

*A CAG member commented that in the last Five-Year Review (FYR), EPA found there wasn't enough data to detect trends and were unable to make a protectiveness determination. We are fearful that there will be another "no determination" conclusion to this FYR. Also noting that people continue to eat the fish and be exposed to PCBs.*

EPA's priority is to continue to assess the recovery and minimize the potential for people to eat the fish. Project decisions are based on science; EPA said previously that it would take eight or more years of data to see a trend on which to base a determination about the protectiveness of the remedy.

## **Hudson River Program Updates**

Gary Klawinski, Environmental Protection Agency (EPA) led the presentations on key project activities since the last CAG meeting. EPA noted that CAG members are welcome to reach out to EPA staff for additional details on any of today's discussions.

## **Powerhouse/Allen Mill**

*CAG members expressed concern about demolition debris or contamination entering the river during the deconstructions process, whether the history of the buildings had been considered and preserved, if local elected officials have been involved in the process, and who would be responsible in the event of a spill of some kind.*

The Powerhouse and Allen Mill buildings, will fall down on their own if no action is taken. EPA is concerned that doing nothing could result in a release if the building were to collapse. The New York State Historic Preservation Office (SHPO) was consulted regarding the deconstruction. One of the design considerations is to float a platform in the plunge pool to catch falling debris. There will be a summary of the proposed design of the demolition, community air monitoring plan and environmental monitoring plan which will be made available to the CAG. EPA has a list of local elected officials in the area of concern who will be kept informed. Kayakers use the area, so EPA will limit access to the area during the work. Both GE and National Grid will be responsible for any releases that occur.

## **Status of the fish and sediment data analysis**

National supply chain issues and COVID impacts have caused ongoing laboratory delays. GE asked the lab to process the fish data in advance of the sediment data in an effort to get fish results as quickly as possible. EPA will share the data with the CAG as soon as they have reviewed it.

## **The Five-Year Review**

Data delays may cause the FYR schedule to be extended. EPA will form a FYR team (which CAG members are welcome to join) that will hold 3-5 meetings on data analysis and the FYR in general. EPA expects the review to be completed in early 2023.

## **Lower River – preliminary schedule**

EPA's discussions with GE on an agreement to investigate contamination in the lower Hudson are ongoing. EPA anticipates a formal announcement soon. The preliminary schedule would include water sampling, sediment (three separate programs) collection and fish sampling.

## **Upper Hudson River Beryllium-7 (Be-7) surface sediment sampling**

The Sediment Sampling Program (a component of the *Long-Term Operation, Maintenance and Monitoring Program*) examines recently-deposited surface sediments (indicated by the presence of Be-7) and the presence of PCBs at those locations. These samples were collected in the top 2cm of the surface of the sediment.

*CAG members were concerned about how quickly Be-7 degrades and what method of analysis would be used - arochlor or congener (congener preferred).*

EPA has not yet decided on which samples will be analyzed for PCBs of the samples that have a Be-7 signal. Some of the samples will be analyzed for congeners and previous PCB results from co-located samples will be considered.

### **Floodplain Remedial Investigation/Feasibility Study and the Old Champlain Canal**

*CAG member comments included observations that PCBs are dangerous at much lower levels than EPA has established, and that on the chart showing the floodplain RI/FS steps, there is no public comment period.*

The EPA determination of PCB toxicity and associated risk are under review. EPA will alert the CAG if there is an update and will consider updates as part of the ongoing floodplain investigation. EPA indicated there will be ongoing interaction with the public regarding the RI/FS and including with the CAG.

EPA now has all the Old Champlain Canal data. GE has prepared a report which EPA is currently reviewing.

### **Scenic Hudson Overview of Recent Report on Potential Natural Resource Damages**

Haley Carlock, Director of Advocacy and Legal Affairs at Scenic Hudson, gave an overview of a recent Scenic Hudson report about the damage of PCBs to the Hudson River and its communities. Scenic Hudson contracted leading natural resource damage (NRD) experts to develop the report assessing the injury to the Hudson River caused by GE's PCBs. The resulting report, *An Analysis of Potential Natural Resource Damages Related to Polychlorinated Biphenyl (PCB) Discharges into the Hudson River*, estimates damages at \$11.4 billion with an additional \$10.7 billion for dredging.

The report is available at [www.scenichudson.org/nrd-report](http://www.scenichudson.org/nrd-report)

### **WRAP UP AND CAG BUSINESS**

CBI is beginning outreach to lower Hudson contacts to get advice on potential invitees to represent the LHR on the CAG and will be discussing these efforts further in the future.

### **MEETING PARTICIPANTS**

#### **CAG Members & Alternates**

Dan Carpenter, Village of Schuylerville  
Hayley Carlock, Scenic Hudson  
Erin Doran, Riverkeeper  
Rich Elder, Rensselaer County  
Peter Goutos, Saratoga County Chamber of Commerce  
Manna Jo Greene, Hudson River Sloop Clearwater  
Gil Hawkins, Hudson River Fisherman's Association  
Pamela Landi, Washington County  
Dustin Lewis, Saratoga Soil & Water Conservation District

Dan Lundquist, Resident  
Aaron Mair, Adirondack Council  
David Mathis, Recreational Boating Representative  
Althea Mullarkey, Scenic Hudson  
Todd Shimkus, Saratoga Chamber of Commerce  
Julie Stokes, Schuylerville Area Chamber of Commerce  
Linda von der Heide, Rensselaer County Economic Development and Planning  
Richard Webster, Riverkeeper

### **CAG Liaisons & Facilitators**

Danielle Adams, WSP, Inc.  
James Candiloro, NY Power Authority  
Michael Cheplowitz, USEPA – Region 2  
John Davis, NYS Office of the Attorney General  
Ona Ferguson, Consensus Building Institute  
Gary Klawinski, USEPA – Region 2  
Angela Martin, NYS Department of Health  
Chris Martin, National Parks Service  
Leslie Morlock, National Parks Service  
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Larisa Romanowski, USEPA – Region 2  
Lisa Rosman, National Oceanic and Atmospheric Administration  
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### **Others**

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