

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
September 14, 2022 (Virtual)
Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Wednesday, September 14, 2022. EPA staff presented updates on the agreement between EPA and General Electric for testing/investigation in the Lower Hudson River; the planned deconstruction of the Allen Mill/Powerhouse in Hudson Falls; the Five-Year Review schedule; and the status of the fish and sediment data. A representative from the Hudson River Natural Resource Trustees presented an update on the Natural Resource Damage Assessment. There were follow up discussions with CAG members as questions and comments were raised to EPA and the Trustees.

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

Documentation on the NRDA process is available at:
<https://www.diver.orr.noaa.gov/web/guest/diver-admin-record/6306>

NEXT STEPS

- EPA to post approved May 26, 2022 CAG meeting summary.
- EPA to convene the Five-Year Review Team.

NEXT MEETING

- The next CAG meeting date is tentatively planned for later in the year.
- Suggested future meeting topics include:
 - Sediment data collected in 2021 (EPA)
 - Update on the Fort Edward and Hudson Falls Plant Site work (NYSDEC)
 - Update on the Powerhouse and Allen Mill Deconstruction (EPA)
 - Habitat Monitoring and Response Actions (EPA)
 - Remnant Sites – Ongoing Monitoring and Maintenance (EPA)
 - CBI outreach to Lower Hudson River stakeholders (CBI)
 - Five-Year Review

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 were asked to review the meeting minutes from the May 26 meeting and submit any proposed changes to CBI by September 22, otherwise they would be considered final as drafted.¹

Hudson River PCBs Superfund Site Updates

Presentation

Gary Klawinski, EPA's Hudson River Project Director, listed some of the many activities in process on or near the Hudson River PCBs Superfund site including monitoring and maintenance of the remnant sites and the dredging remedy; deconstruction of the Powerhouse/Allen Mill; Floodplains Remedial Investigation and Feasibility Study (RI/FS); the third Five-Year Review; and the Lower Hudson River (LHR) investigations. Please refer to the presentation slides on the website for more information. Gary noted that EPA is actively working in all portions of the 200 mile Superfund Site:

- *Lower Hudson River investigations* – On September 13, EPA announced an Administrative Agreement with General Electric (GE) to move ahead with sampling in the Lower Hudson River (LHR). This new agreement covers sampling for water, sediment and fish over the next two to three years. The sample program is a stepwise and multiphase process. The agreement may be expanded for additional collection of information and data. The tentative 2023 work includes water, fish and sediment sampling (recently deposited and surface sediment at fish locations). In 2024, deeper sediment cores will be collected. The focus is on PCBs, but other contaminants will also be evaluated.
- *Powerhouse and Allen Mill deconstruction* – EPA reached a legal agreement with National Grid and GE in July 2022 to oversee the deconstruction of the Powerhouse and Allen Mill. The Powerhouse and Allen Mill (owned by National Grid), located in Hudson Falls on the shoreline of the river, are being deconstructed due to their deteriorated condition. The former GE facility (adjacent to the Powerhouse and Allen Mill) is being addressed under NY State Superfund. EPA is overseeing National Grid and GE's deconstruction of these structures so that the work is protective of human health and the environment (i.e. minimizes the potential for a release to the river). More details are available online at [www.response/epa.gov/Hudson Falls](http://www.response/epa.gov/Hudson_Falls).
- *Third five-year review for the Upper Hudson River cleanup* – The five-year review will include an evaluation of the protectiveness of the dredging cleanup remedy in the Upper Hudson River and the remnant sites. EPA is convening a Five-Year Review team of involved state/federal agency and Hudson CAG representatives. This fall, EPA and its consultant team will initiate several virtual meetings with the Five-Year Review team to present and discuss information and analysis of the data for the period from 2016 to 2021. The report is expected to be released to the public in late March 2023. There will be a public comment period, and the final report is expected in later July 2023.
- *Floodplain investigation* - EPA has been prioritizing the assessment of the floodplain on parcels of land where community projects are planned. If PCBs over 10ppm are detected in an area that is being actively used by people, immediate action is taken. These actions can include signage or covers depending how the area is used. All actions are coordinated

¹ No suggested edits were received to the May CAG meeting summary, so they are approved and will be posted on the CAG website.

with NYSDEC and NYSDOH. To date, approximately 68 of these actions have been taken. There are three additional actions that will be taken this fall.

- *Old Champlain Canal* – GE prepared the Old Champlain Canal data report and distributed it to the municipalities. Both EPA and DEC are exploring ways to continue to support the municipalities' redevelopment plans.
- *Sediment data* - EPA recently received the 2021 sediment data from the lab and is beginning analysis, including a review of the Beryllium-7 data. GE has committed to several special studies that will happen next season.

Lower Hudson River Investigations

CAG members noted that the agreement was a positive step toward gaining a better understanding of conditions in the Lower Hudson River. A few members questioned whether the scope of the agreement was comprehensive enough, if other potentially responsible parties (PRPs) are being considered, how sediment sampling locations will be determined, and if the LHR study area might be split into smaller sections so that some remediation could potentially take place before all the investigations are complete. Several members expressed concern that while more studies are being done some people are still eating contaminated fish despite current fish consumption advisories.

EPA responded that the overall objective of the agreement is to improve EPA's understanding and inform EPA decision-making regarding next steps. EPA has been gathering information for some time and will identify other responsible parties as necessary. It is likely that the LHR project area will be divided into sections similar to the approach taken in the Upper Hudson. The NYSDEC/NYSDOH have collected data for many years in the LHR and EPA will use that data as part of the ongoing investigation. There will be additional outreach in the LHR communities as work progresses, including in the New Jersey portion of the LHR.

Powerhouse and Allen Mill Deconstruction

CAG members asked about baseline data for fish and wildlife in the area, the notification process if there is a release during the deconstruction, and monitoring for potential impacts to the Upper Hudson River remedy. Regarding notifications, it was suggested that EPA should give notice to supervisors about any unexpected events associated with the deconstruction (such as a release to the river).

EPA said NYSDEC/NYDOH has been doing extensive biota, fish and groundwater monitoring in the area. EPA's monitoring is focused on water, where a release would show up first. EPA is not expecting there to be a release, but the project is setup to monitor and respond to a release. Similar to the dredging project, EPA has a notification protocol, which includes elected officials. National Grid and GE are also required to follow up with notification to elected officials in the event of a release. EPA is overseeing all work and is on-site full time.

Five-Year Review

CAG members stated that it is important that EPA get the Five-Year Review team meeting schedule out ASAP and asked if the FYR team members would be seeing the data or EPA's interpretation of the data, and if there will be any public meeting(s) in addition to the public comment period.

At the FYR team meetings, both the data and EPA's analysis will be shared and discussed. The protectiveness determination and associated statement will be included in the FYR Report that

comes out in late March 2023. It is anticipated that CAG members may provide a summary of discussions at the FYR Team meetings with the CAG. Alternatively, EPA can provide and update the CAG about presentations/discussions from the FYR Team meetings. EPA is not anticipating formal in-person public meetings associated with the FYR.

Fish Data

A CAG member expressed concern about the complexity of the fish data slides and requested that the data be presented more clearly, in layman's terms. Additional questions were asked about the status of the long-term monitoring plan for the Upper River work. Scenic Hudson offered to share their consultant's review of the fish data with the CAG.

EPA has not yet drawn conclusions from the recently-received data presented to the CAG because more detailed analysis is underway as part of the FYR. EPA agreed that the data is unfortunately very technical and challenging to present in simplified form. However, for the next CAG meeting when fish data is presented, they will take alternate approaches to present the data in a less detailed format. The long-term monitoring plan is under review by EPA, NYSDEC and NYSDOH.

Natural Resources Damage Assessment (NRDA)

Sean Madden, a biologist in the Bureau of Ecosystem Health at the NYS Department of Environmental Conservation, represented the Natural Resource Damage Trustees and presented an overview of the Hudson River NRDA process and its current status. A factsheet on restoration planning is available at https://pub-data.diver.orr.noaa.gov/admin-record/6306/Restoration_Planning_Fact_Sheet_FINAL.pdf, and a link to the form for submitting restoration project ideas is available at https://pub-data.diver.orr.noaa.gov/admin-record/6306/Fact_Sheet_Restoration_Project_Proposals_List_September_2013.pdf.

A CAG member stated that there are many regular consumers of fish from the lower Hudson River who are not native English speakers and the NRDA information needs to be published in their language(s). CAG members asked how long a typical NRDA takes, if there is a sense of when the Restoration and Compensation Determination Plan will be released to the public, whether there will be another round of public outreach to solicit restoration project ideas, and whether the assessment includes OU5 (the Lower Hudson River). A CAG member asked that the Trustees copy CAG members and all supervisors on both side of the Upper Hudson on NRDA notices. The CAG generally expressed its frustration with how long the NRDA is taking and that there has been not settlement of the case. A CAG member also expressed concern that they want the restoration projects to occur along the Hudson and not on other projects.

There is no typical NRDA; there is a process, and it can take some time. There are sometimes cooperative agreements; there is currently no cooperative agreement with GE. The Restoration and Compensation Determination Plan cannot be issued until other parts of the assessment are finished, but the trustees are not planning another decade of studies. The trustees are always accepting new project ideas from the public [see link above]. The NRDA includes the entire Superfund site.

WRAP UP AND CAG BUSINESS

The facilitation team is conducting outreach to lower Hudson contacts to get suggestions on potential invitees to represent the lower Hudson River on the CAG and will be discussing these efforts further in the future with a CAG planning team, CAG as a whole and EPA. The CAG is aware that EPA is also expanding its outreach efforts in the LHR.

MEETING PARTICIPANTS

CAG Members & Alternates

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
David Mathis, Recreational Boating Representative
Althea Mullarkey, Scenic Hudson
Linda von der Heide, Rensselaer County Economic Development and Planning

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
Leslie Morlock, National Parks Service
John Brodt, Behan Communications
Larisa Romanowski, USEPA – Region 2
Lisa Rosman, National Oceanic and Atmospheric Administration
Simenesh Semine, Consensus Building Institute

Others

Keyla Antigua, VP, Government Affairs, Bolton-St. Johns
Juliana Atmadja, WSP
Keyla Antigua
Joe Battipaglia, USEPA – Region 2
Karen G. Brown, Mayor, Village of Tarrytown
Michael Cheplowitz, USEPA – Region 2
Donna Davies, National Parks Service
Sarah Darmanjian, NewsChannel 13
Justin Deming, NYS Department of Health
Chris Dempf, Tobin and Dempf, LLP
Kevin Farrar, consultant to Scenic Hudson

Maddie Feaster, Scenic Hudson
Bob Foley
Jacqueline Gares, Jac Gares Media, Inc.
Roger Gilson, Albany Times Union
Zoe Gliosco, NYS Department of Environmental Conservation
Fabio Iwashita, NYS Department of Environmental Conservation
Kathryn Jahn, US Fish and Wildlife Service
David Keehn, NYS Department of Environmental Conservation
George Lukert, WSP
Sean Madden, NYS Department of Environmental Conservation
Cynthia Maldonado
Denise Mayer, NYS Education Department - NSMuseum
Joseph Murphy, NYS Department of Environmental Conservation
Chuck Nieder, NYS Department of Environmental Conservation
Leah Rae, Riverkeeper
Rucha Ragalwar, VHB
Jim Ridenour, NYS Department of Health
Kellin Rowlands, Beason Justice
John Salka, NYS Department of Environmental Conservation
Patrick Tine, Spectrum News
David Tromp, NYS Department of Environmental Conservation
Audrey Van Genechten, NYS Department of Health
Katherine von Stackelberg, NEK Associates
Matt Wiener, USEPA – Region 2
Lucas Willard, WAMC
WRGB CBS6
Austin Yeager, Office of Senator Maloney
Plus 3 people in attendance via unidentified phone numbers