

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
March 29, 2018 * 1:00 – 4:00pm

Saratoga Town Hall, Schuylerville, NY

Meeting In Brief

At its March meeting, the Community Advisory Group (CAG) and the public heard updates on recent activities related to the Hudson River PCBs Superfund Site (site). Environmental Protection Agency (EPA) staff provided status updates on floodplain sampling and the Five-Year Review (FYR). The EPA Region 2 Administrator, Peter Lopez, attended the meeting. During the meeting, there were frequent opportunities for CAG members to directly pose questions and provide input to the Regional Administrator and to EPA staff on the floodplain work and the FYR, as well as additional issues of concern. Presentation slides from the meeting can be found at <http://www.hudsoncag.ene.com/documents.htm>. For more information about the site, please visit <http://www.epa.gov/hudson/>.

Below is a summary of key themes discussed at the meeting.

Action Items

- CBI – produce and distribute meeting notes
- EPA
 - Consider adding information about PCB results on agricultural land to FAQ sheet.
 - Consider adding post pre-dredging videos, shoreline maps, and other information on the website as requested.
 - Research and share information with floodplain resident on what aid is available for individuals for site-related harm and economic losses.
- Federal Trustees
 - Distribute: Surface Water Injury Report, fish egg factsheet, Natural Resource Damage Trustee comments on the 5YR.

Next Meeting: The next CAG meeting is expected to be scheduled for summer 2018.

Welcome, Introductions, Review of the November 2017 Meeting Summary

Patrick Field, CAG facilitator, welcomed participants. The November meeting summary was approved, pending minor editorial revisions.

EPA Region 2 Administrator Peter Lopez greeted participants. He emphasized that EPA's remediation timeframe for this site is whatever it takes to be rigorous. Remediation work in the Hudson River and its floodplain is a critical focus of agency staff, and they are mindful of possible work that may be needed below the Troy Dam in the future. He said EPA and its staff are committed to engaging and being long-term partners with river communities.

New York State Department of Environmental Conservation (NYSDEC) Deputy Commissioner Martin Brand said NYSDEC believes its newfound collaboration and coordination with EPA will allow further good joint work. He urged EPA to collect additional fish and sediment data and said that it would be premature to give General Electric (GE) a Certificate of Completion (COC). Regina Keenan, of the New York State Department of Health, stated that some people have indicated that they've eaten fish from the Hudson, including in Troy and Albany. NYSDOH routinely seeks help distributing information about the risks of consuming fish from the river. Ms. Keenan noted a recent success: bait and tackle shops in the region are now stocking NYSDOH materials for their customers.

Floodplain Update

Presentation

Gary Klawinski (EPA) explained the overall process for the Remedial Investigation and Feasibility Study (RI/FS) for the river floodplain work and presented overall results of the 2017 sampling effort.

Purpose and sampling - The purpose of the remedial investigation is to (a) determine where and at what concentration the floodplain is contaminated with PCBs and (b) assess the risk that the contamination poses to human health and the environment. To date, sampling has been conducted on approximately 6,000 acres on 2,000 properties along the river, resulting in approximately 8,000 samples. Sampling has included soil, sediment and standing water samples, survey work, mapping, and field verification of prepared maps. For a detailed diagram of the Remedial Investigation (RI) process, see presentation slide 3. All sampling results will be incorporated into the RI Report. As part of the FS, EPA will evaluate potential cleanup alternatives for the floodplain.

Response actions - Where short-term risks are identified (i.e. PCB concentrations exceeding 10 parts per million (ppm) in areas used by people), EPA and GE take immediate action ("short-term response actions"). To date, approximately 66 short-term response actions have been taken; these typically consist of protective soil cover or appropriate signage, which are then inspected annually and repaired as needed.

2017 floodplain sampling - 2017 floodplain sediment sampling work occurred from October through December 2017. 390 samples were collected from approximately 170 properties. PCB concentrations in these samples were consistent with previous sampling efforts: concentrations are generally higher upstream and closer to the river. On 78% of the properties sampled, PCB levels ranged from non-detect to below 1ppm for PCB concentrations. On 18% of the properties sampled, PCB levels ranged from 1 to 10 ppm. Samples on 4% of the properties had PCB levels greater than 10ppm – a threshold for further review by EPA and GE. Sampling results are shared with property owners. There are several more years of remedial sampling anticipated. Ecological and human health investigations will be occurring in parallel to the sampling.

Standing water sampling – Standing water areas near the river, including the Old Champlain Canal, were also sampled. Approximately 240 sediment and 85 surface water samples were collected. The surface water results ranged from non-detect to 9 ppt. Sediment results ranged from non-detect to 9 ppm. Standing water sampling is ongoing.

Following July 2017 flooding from the Old Champlain Canal into Fort Hardy Park, EPA coordinated sampling with NYSDEC, NYSDOH, GE, the Village of Schuylerville and the Town of Saratoga. Sixteen sediment samples have been collected from the Old Canal to date; these have shown low levels of PCBs at a few locations. One area of elevated PCBs prompted EPA and NYSDEC to plan re-sampling of the area. This answers a request by the Schuylerville community to analyze sediment samples to prepare for any future sediment removal activity in the Old Champlain Canal. EPA collected 5 new samples in areas where canal water flooded the park (a total of 43 samples to date) and found very low or non-detect levels

of PCBs. EPA has planned additional sediment sampling from 0 to 2 inches depth in the park. After adding additional soil cover near the river, EPA has concluded that the park continues to be safe for use.

Discussion

During the discussion period, CAG members asked the following questions and made comments. A summary of responses from the Regional Administrator and other EPA staff are in italics.

- Old Champlain Canal
 - The Canal was originally part of the Hudson River and was navigable in the 1950s.
 - The community cannot afford to maintain the Canal without knowing its contamination levels. They are worried about stormwater concerns in the short-term, and they'd like to see a section of the Canal flowing again in the long-term. They are concerned with opening culverts before they have a better sense of the costs of drainage and remediation. *EPA will consider stormwater management and the need for sediment removal by the municipality as it continues the comprehensive study of the floodplain area. EPA will coordinate closely with local officials and consider protection of human health. The agency will coordinate with the town and village regarding sediment removal and culvert maintenance understanding there are requirements and other standards for disposal that need to be considered.*
- Data collection methodologies and results
 - Are NYSDEC and EPA using the same methods and the same laboratory for sampling and analysis? Yes; *GE and NYSDEC used similar methodologies – core sampling and grab sampling, respectively. The results are similar. EPA and DEC are working together to reach a common understanding of the data.*
 - *The RA indicated that the agency welcomes resident and NYSDEC engagement about sampling. EPA's goal is to protect human and environmental health, so if stakeholders are dissatisfied, or are uncomfortable with something, the RA and his staff invite you to contact them.*
 - Can EPA share the pre-dredging (baseline) video of the river and the topography map the agency prepared for use by ecological and human health risk assessors? *The video is a large file, but EPA offered to share specific portions in response to specific requests.*
 - Did samples taken on agricultural have high PCB levels? *No, agricultural land along the Hudson has generally had no or only low levels of PCBs. EPA is sharing data directly with property owners.*
- Planning development and maintenance during sampling and remediation activities
 - EPA is planning additional sampling in the Old Champlain Canal and will test some samples for the community so they can maintain the Old Canal and their culverts. Will you make this offer to other communities along the river? *Marinas are going out of business because they cannot dredge due to high PCB levels. The cost of removing contaminated sediments is very high. This is another residual problem for us in addition to fish contamination. As we begin to conduct further studies south of the Troy Dam, we expect to find other parties who have contributed to the PCB problem who may be held responsible for their contamination. We have also met with NYSDEC on bathymetry and other data that help give us a better understanding of conditions in the lower river and where sediments are contaminated.*
 - *EPA does not want to hinder local or regional development plans. If there are areas the community wants to develop, they should alert EPA so we can coordinate our activities and identify if PCBs are present in those areas. We will maintain a rolling inventory of those projects. EPA has made a commitment to hold regular calls with elected officials about new development plans; the last call identified a number of areas where EPA will coordinate with the community.*
 - Julie Stokes assembled a list of projects 5-6 years ago.

- A local group received funding for development projects and will share that vision document with EPA when it is ready.
- EPA should coordinate with the community for required maintenance as well as for new development.
- The Town of Saratoga has consulted with EPA staff about a boat launch they are trying to complete this year. What can we do to prevent any hold-ups? *GE and EPA are aware of the project and have been coordinating with those involved.*

Five-Year Review update

Presentation

EPA staff provided an update on the ongoing, internal review of the Five-Year Review (FYR). EPA continues to work on developing responses to the 2,000 public comments received on the FYR and to revise the document as appropriate. EPA has not yet made a final decision on protectiveness. EPA wants to respect the submission of new information and assess the information collaboratively with other agencies. For example, EPA Regional Administrator Lopez, Deputy Commissioner Martin Brand (NYSDEC), and their corresponding technical teams met in February to discuss methodologies and data assumptions. The next step is to consider the comments and finalize the protectiveness determination (make the right policy decision).

Due to time limitations, EPA did not present its slides on the following topics, but they are available at [http://www.hudsoncag.ene.com/files/General%20Project%20Updates%20Hudson%20CAG%2003_29_18%20\(final\).pdf](http://www.hudsoncag.ene.com/files/General%20Project%20Updates%20Hudson%20CAG%2003_29_18%20(final).pdf):

- Remedial Action Completion Report
- Operations, Maintenance, and Monitoring (OM&M) - fish monitoring, surface sediment monitoring, water monitoring, cap monitoring, habitat monitoring and 2018 data collection
- Remedial Action Consent Decree
- Lower river sampling (surface sediment, fish, water)

Discussion

During the discussion period, CAG members asked the following questions and made the following comments. *Responses from the Regional Administrator and other EPA staff are in italics.*

- Coordination between EPA and NYSDEC
 - I am heartened to hear that EPA is reviewing the NYSDEC sampling data as EPA considers the FYR. The goal should be no difference between the data conclusions. Both teams should feel confident in the data before a decision is made. What are EPA's preliminary thoughts on the NYSDEC data? *We are not far enough along to say, as EPA and NYSDEC have somewhat different approaches. The two technical teams are collaborating on this issue.*
 - There has never been any disagreement about what everyone in this room values: a better environment. But there is a sense that there is a serious disagreement between NYSDEC and EPA. Where is that today? *EPA believes we have the same goal. Our preference is to engage. This conversation is happening in front of the EPA Administrator, who wants to ensure that whatever we do is protective in the long term. The challenge we face is that after this intervention, there will be decades of recovery. That timeline is understandably frustrating. The question is how do we reach the point where we have to let natural recovery take over. This issue is something that all partners are engaged on. Our challenge is to make this information understandable and available to everyone: independent property owners, families, farmers, business owners, and those personally impacted. To be effective, our dialogue and engagement has to be inclusive.*
- Scope of the 5YR and conducting the RI/FS

- Will the 5YR include other regions of the river? *We will ultimately need to look at the lower portions of the river.*
- The fish recovery in the lower river has been minimal – is there any doubt we need additional remediation? I would really like EPA to conduct a RI/FS for the lower Hudson. *This is a long-term process. We will need to do some investigatory engagement. But it is a daunting task due to the length and breadth of the river.*
- Is there any doubt that GE is the responsible party? *We have identified GE's PCBs all the way to New York Harbor. Our overall goal is to identify the contaminants and trace them to their source. If we trace the PCBs to an individual source, this becomes the basis for potential court action asking the source to provide a share of funding for remediation and to join the list of responsible parties. Given the size of the lower river the fact-finding effort will be deliberate and painstaking for those purposes. EPA is collaborating with NYSDEC to identify which studies should be done and in what order; we want to hear what data exists and what the state wants done. While GE collects fish and water samples in the lower river, additional studies will be much more rigorous.*
- In five years, we will again have to talk about what is left behind in River Sections 2 and 3 of the river. EPA should compare the data to the goals in the Record of Decision. *The Regional Administrator indicated he has requested that sediment and fish data be plotted. That way we can see if potential surface sediment hotspots exist. We do not plan to rely on surface sediment averages only. We need to understand what residual PCBs remain in the surface sediment.*
- Engaging with the public and state officials
 - Have you reached out to communities in New Jersey about PCBs and what remedial actions have been taken there? *We have engaged actively with DEC Commissioners in NJ and NY.*
 - My group in the upper river feels they are being listened to, but that the harm done to us is not being taken into account. *EPA's door is always open, and we welcome your engagement and thoughts from you and your group. More information and insight is helpful for EPA to better understand the concerns raised..*
- Near-shore areas and activities of concern
 - Several areas frequently used by the public to access the river have been identified but have not yet received any remedial action. People swim, camp, and fish in these areas, and there are elevated levels of PCBs just a few feet into the water. These areas need to be addressed in the floodplain work if they were not in the dredging work. *It is important for us to continue to identify places like the ones you mention. We are working to sample the areas that have been brought to our attention and will take what action is necessary. It is important that we are not overlooking these near-shore properties when we focus on the floodplain work.*
 - A cove three miles south of here silted in after 1913. When it was dredged as part of the cleanup, people enjoyed using it again but were unhappy when it was backfilled with clean material. We would have preferred it stay open. If you plan to do projects like this downriver, you should meet with local people to determine their navigation needs and desires. *EPA needs to review how that specific set of decisions occurred and identify any lessons learned. EPA's desire was to consider the local request, but it conflicted with compliance rules. Some local residents requested adjustments, which were made. .*
 - A 2010 informal angler survey found that people are still eating fish and crabs out of the river, knowingly or unknowingly. This is often potentially subsistence fishing. NYSDOH

is doing as much as they can on angler education,¹ but institutional controls need to be more robust. I recommend more funding and educational programs at the waterside. EPA should consider conducting a follow-up angler survey of fishers on the lower Hudson. *This request has been brought up in the past and discussed between EPA and NYS. GE provides funding for a NYSDOH designated group regarding consumption advisories and angler education. We cannot fully prevent people from consuming fish from the river, but we can continue to educate them on the risk. We welcome new ideas or strategies.*

- Please consider educating people about health risks through the school systems.
- If EPA determines that the lower Hudson needs to be dredged, I am concerned that they should dredge high-use areas (e.g. popular fishing spots). Can we use the data from above the Troy Dam -Upper Hudson to determine how long a cleanup area like a marina or fishing area in the Lower River might take to recover? *We have done post-dredging sampling and monitoring to better understand recovery rates. These estimates and our knowledge gained in the Upper Hudson River will be used to inform all our work in the Lower River.*
- Understanding the FYR in the context of federal CERCLA requirements
 - The Consent Decree should be read in the context of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). *This is an important point for people to understand. The primary question of the FYR as required by CERCLA is to determine if the remedy is protective of human and environmental health and functioning as intended. EPA continues to work closely with our federal partners at National Oceanic and Atmospheric Administration and United States Fish and Wildlife Service.*

Additional issues raised with the Regional Administrator

Participants raised the following additional issues with Regional Administrator during the meeting. Responses from the Regional Administrator and other EPA staff are in italics.

- Economic development and compensation
 - Communities have suffered economic losses as a result of this project. What compensation options has EPA considered? *This is a fair question. We will need to investigate and review obligations. We do not have information on this topic today and we have not looked into it; but the question we need to answer is what can be done by one agency, working under CERCLA and other frameworks.*
 - The Chamber of Commerce is very concerned about river-wide economic impacts of this project. Recreation and riverfront development are important economic drivers for our communities. We want to see the river fully utilized in fishing tournaments, recreational boating, and barge transportation to drive our economy forward. To do this, the river needs to be cleaned up and maintained. *EPA wants to do our work efficiently so you can continue to market and develop your region. We want to support you as appropriate in your efforts.*
 - Economic development opportunities stem from a healthy Hudson River. How can this CAG bring resources to the table to invest in economic development now? *There are many funding sources and strategies that lead to a healthy community. There needs to be constant, community-wide engagement to achieve this goal. EPA looks forward to continuing to participate with other agencies in the process.*
- Dredging methodology choices

¹ More information about NYSDOH's Hudson River Fish Advisory Outreach Project and fish consumption surveys can be found at https://www.health.ny.gov/environmental/outdoors/fish/udson_river/docs/2016_hudson_report.pdf and https://www.health.ny.gov/environmental/outdoors/fish/udson_river/docs/hrfaappendix.pdf.

- I was unhappy with the dredging methods used. Instead of pulling contaminated sediment out of the river, the clamshells only increased turbidity and facilitated sediment mobilization. *We did look at hydraulic dredging, but there is a lot of woody debris in the Hudson. This would clog up hydraulic dredges and prevent them from working properly. We put strict controls around the areas being dredged for sediment and set strict requirements on GE for resuspension limits. We monitored resuspension and stopped GE and made adjustments if they approached those limits. We also did sediment sampling downstream before dredging and after to ensure sediment wasn't being resuspended and contaminating downstream areas.*
- Other
 - Part of Hudson Crossing Park's mission is to reconnect young people to their sense of place and the outdoors, creating a sense of urgency about what needs to be addressed now and what our youth will inherit. We appreciate EPA welcoming us to the table and enlisting us as partners in this remediation effort.
 - We are told it will be 80 years until we can eat fish from the river again. This is frustrating, to the point that I do not even catch and release fish anymore. *I am troubled that with all our technology and capability, we are still faced with high costs and a long remediation timeline.*