

Community Advisory Group (CAG) Meeting
Hudson River PCBs Superfund Site
Meeting Summary
May 28, 2020 | 1:00 - 4:00 pm
Virtual Meeting via Zoom

Next Steps

- EPA: Post slides on CAG website (done following the meeting).

Next Meeting: The next CAG meeting date has not yet been determined.

Future agenda topics suggested include:

- Fish data trends – further explanation regarding “rate of improvement” and “statistically significant trends”
- Old Champlain Canal (Schuylerville) update
- Update on EPA’s anticipated timeline for the work in the lower river
- New York State Department of Environmental Conservation (DEC) presentation regarding ongoing work at the GE Fort Edward and Hudson Falls plant sites
- New York State Department of Health (DOH) update presentation on Hudson River fish advisories

Welcome and Review of December 2019 Meeting Summary

Ona Ferguson, CAG facilitator, welcomed participants and thanked participants for joining the virtual meeting and being willing to try something new after many years of in person meetings. This CAG meeting took place online, via a Zoom webinar, due to coronavirus-related social distancing measures. CAG meeting handouts and presentations are available on the CAG website: <https://hudsoncag.wspis.com/documents.htm>. Meeting participants are listed at the end of this summary.

The December 2019 Hudson CAG meeting summary was approved with no changes.

Fish Data Update

Gary Klawinski, Environmental Protection Agency (EPA), presented on fish data from the 2019 season. EPA has, where possible, merged their data and data from New York State (as available). EPA described the types of fish that are collected annually and the many ways the data is analyzed.

Upper River Fish - Data shows that fish in the upper river have largely recovered from the impacts of dredging and contamination levels in the fish are now trending below baseline conditions. The 2019 fish data and 2018 fish data show a general trend of recovery. However, EPA clarified that more years of data are needed to establish statistically supported trends. Fish samples collected in Upper Hudson River in 2019 had species weighted average concentrations of 0.75 mg/kg PCBs. This is a decline from the 2018 averages of 0.80 mg/kg. COVID has had minimal impact on GE’s ability to collect fish this spring (collection of striped bass by angling was restricted for a few locations - striped bass at non-angling locations were collected).

Lower River Fish - Data on fish samples taken from the Lower Hudson is less conclusive than data from fish collected in the Upper Hudson. Fish collected in Albany and Troy show some decline over time. Fish in the lower river closer to New York City historically show less recovery. However, limited data is available from those fish collection stations which are collected by NYSDEC.

Quality Assurance of Fish Data - EPA reviewed the Hudson River fish program. EPA has continued its focus on improving the quality assurance and quality control of the data collected. EPA continues to look for opportunities to make improvements to the program. GE conducts congener analyses on a portion of the fish collected every other year. The congener data is used in the data quality review and treatment steps.

CAG member discussion included the following comments and questions, EPA responses are summarized in *italics*:

- There needs to be a better understanding of community-related risk. Communities of color are the most impacted by the contaminated fish in the Hudson, and it is a huge problem that the data are not presented in a way that coherently shows community-related risk. There is a need to learn more about the connection between the fish and the communities who are likely consuming them, including surveying anglers to understand their activities.
- More people are fishing in the Old Champlain Canal because of COVID, so it is important that EPA or DEC sample the fish there. *Fish collection makes sense for any water bodies along the river and the data would be used as part of the floodplain investigation. Collecting fish in the canal is planned and part of the floodplain program.*
- EPA should be testing fish in the lower river to better understand what is happening. *GE has been sampling in the lower river for some time now, and also utilizes data collected by DEC (when available). The fish collection program is under evaluation as part of the scope development for the OM&M program and updates will be provided to the CAG.*
- The rate of decline in the fish data is much less than we need to approach the five-year target. The Record of Decision (ROD) anticipated lower numbers at this point. Are we adding these past few years onto that 85-year time horizon after which we were told we'd be able to eat the fish? Can you please distinguish between "rate of improvement" and "statistically significant trends"? *EPA cannot currently identify with statistical confidence the rate of decline. EPA will present more information regarding the approach for determining trends.*
- How does prey availability relate to sediment? *Prey availability can influence the size of fish and potentially the degree of contamination in fish.*
- Fish spawn in shallow waters. Are there plans to go back to shallow water areas where the fish are testing high and disrupting the sediment for additional dredging or remediation? *Shallow areas that met project requirements were already dredged. Project staff are tracking the sunfish and pumpkinseed fish data sets. Sunfish can indicate localized areas of elevated PCB levels in sediments.*
- How is the river divided by river section? Would it be helpful to look at the fish data by river pools or reaches? *The ROD divided the river by sections. EPA is also considering fish concentrations by river reaches (pool to pool). For comparing to the metric in the ROD, we focused on the Hudson species weighted average.*
- Is EPA splitting up the river into two Superfund sites? *The Superfund site is the full 200 miles from Hudson Falls to the Battery (NYC). Supplemental studies have begun on the Lower Hudson River. More information and data collection are needed for the lower river.*

Habitat Update

Gary Klawinski (EPA) presented on the project's in-river habitat reconstruction following dredging.

As part of the remedial action, after dredging is complete, GE reconstructed habitat that was affected by the dredging. EPA has inspected and certified the habitat reconstruction work that has already taken place, and these areas are regularly monitored by GE (with EPA oversight) as part of the Operations, Maintenance, and Monitoring work (OM&M). The habitat reconstruction work, as expected, is doing

better in some areas than others. The habitat work includes River-fringing wetlands (RFW) and subaquatic vegetation (SAV). The project team is considering various ways to enhance the recovery in areas that are under performing.

River-Fringing Wetlands (RFW)

River fringing wetlands are at the river's edge in shallow waters. Most plants above the water in RFWs are doing well, but the aquatic plants are facing challenges due to boat wakes, river flows, ice scour, year to year changes, and other natural elements. It is good that vegetation continues to naturally recover where no planting has occurred. Plant beds move and expand, and the team is evaluating the best way to measure those changes.

GE, EPA, and DEC have been developing enhanced approaches to improve the habitat recovery and monitoring approaches. These approaches are expected to be implemented in future years.

Subaquatic Vegetation (SAV)

SAV presents a monitoring challenge because these plants are located underwater. EPA has been developing new methods of assessing SAV presence including using BioSonics and running transect lines. These new methods for assessing SAV will allow EPA to better assess the recovery. GE is scaling up habitat work including deploying seed buoys for revegetation of SAV areas and constructing additional wave break berms. Most of the habitat areas remains in the benchmark monitoring phase but will soon be transitioning to success criteria which looks at the habitat areas on a larger scale and has different metrics.

Hudson River Project Update

Gary Klawinski (EPA) shared general project updates on key topics of interest, as follows. Bullets in this section are CAG member questions and comments, with EPA's responses in *italics*.

Floodplain Comprehensive Study – General Update: The baseline human health risk assessment work plan was submitted by GE to EPA in November 2019. It is currently under review by EPA and DEC, and it includes the approach for the risk assessment. More sampling is expected in summer 2020. There have not been any flood mud collection events (high river flow that deposits mud in the floodplains) this year due to low river flow. The team also sampled earthworms and soils (co-located sampling) in the fall of 2019 as part of the ecological risk assessment for the floodplains.

Short-Term Removal Actions: When needed, the project puts in temporary measures to reduce contact between areas with higher contamination levels and people. These are called short-term removal actions in that they occur before the remedy is selected and implemented. EPA inspects these actions annually and maintenance is done as needed. There are currently about 66 short-term removal actions (43 cover and 23 signs) with recent minor maintenance being conducted on five of these properties.

- Has EPA sampled the recreational and human use areas identified by the community? *Yes and EPA is maintaining an ongoing list of sites that may need sampling in the next round.*
- Those with a long memory of this project know that local communities years ago fought against the dredging project. Their advocacy limited the scope of what must be addressed in the ROD. All these many years later, our communities now want more contamination remedied, but the clean up's scope is constrained by that early ROD determination.
- We commend EPA for working so closely with communities and we ask that you focus on understanding current & future human uses of these contaminated sites in order remediate them in a way that is both protective and appropriate for human uses today and in the future.

Old Champlain Canal Sampling: Sediment samples were collected in October 2019, including deeper sediments, so the data is available if needed for short-term maintenance. Results show non-detect levels of PCBs for 11 surface samples (0-2" deep) but higher concentrations deeper in the sediment column ranging from non-detect to 9.5mg/kg. Reports and data are being prepared, and EPA is coordinating closely with DEC and the town and village.

- A CAG member indicated the sampling results are high enough to trigger concern for the community. The PCB levels are high enough to cost a lot to clean up but possibly too low for the project to clean it up. Results of PCB testing in the Old Champlain Canal leave the community in a difficult situation and they feel strongly that the project should do more testing and help them figure out how to remediate or take emergency action if possible so the community can use this area in a more expanded way as a recreational resource. EPA indicated it will continue to work closely with DEC/DOH and the town/village.

Upper Hudson River Long-Term Monitoring Activities: Long-term monitoring scopes for the river should be finalized in late 2020. EPA is working closely with DEC and DOH on scopes of work and workplans for water, sediment and fish monitoring. EPA reviewed some of the water column sampling that has been done. PCB water concentrations continue to decline post-dredging.

- The CAG would like to comment on the OM&M scopes of work before they are finalized, especially on the monitoring criteria. *The post-dredging OM&M workplans are still under review. EPA will be able to bring that information back to the CAG to go over it.*
- Is the project looking at source control at Hudson Falls and Fort Edward facilities? *DEC has done a lot of work to control PCBs from the GE plants. The broad assumption is that the water will stay below 2 ng/l at Rogers Island. [DEC staff discussed the possibility of presenting more on this at a future meeting].*

Lower Hudson River: EPA and the project team continue to collect information and data in the lower river on fish and water, including pulling together existing information developed by other organizations and agencies. They are also developing scopes of work for additional data collection.

- There is extensive work in the upper river to remediate the contamination, but we still aren't seeing that in the lower river. The lower river marinas desperately need help to remove PCBs but aren't getting any yet. Lower river communities feel like they are being left behind while the project works on such detailed restoration work north of them. *The project is in the data and information gathering phase in the lower river.*
- EPA should order the Remedial Investigation for the lower river. *EPA has not made a decision regarding a Remedial Investigation. EPA is collected data to inform the need for a remedial investigation/feasibility study.*
- Can EPA share a schedule for when workplans for the lower river will be ready to share? *EPA will keep the CAG up to date on its activities in the lower river.*

Meeting Participants

CAG Members and Alternates

Charlie Burgess, *Open Space Institute*
Richard Elder, *Rensselaer County Public Health Department*
Maureen Ferraro-Davis, *Sierra Club*
Emily Flores, *Schuylerville Schools*
Gil Hawkins, *Hudson River Fisherman's Association*
Manna Jo Greene, *Clearwater*
Pamela Landi, *Washington County*
Dustin Lewis, *Saratoga County Soil and Water Conservation District*
Aaron Mair, *Sierra Club*
David Mathis, *Recreational Boating Representative*
Althea Mullarkey, *Scenic Hudson*
Julie Stokes, *Schuylerville Chamber of Commerce*
Richard Webster, *Riverkeeper Hudson River Program*
Thomas Wood, *Town of Saratoga*
Andrew Squire, *River Edge Farm*

CAG Liaisons & Facilitators

Michael Cheplowitz, *USEPA – Region 2*
John Davis, *NYS Office of the Attorney General*
John Fazzolari, *Ecology and Environment, Inc.*
Susan Edwards, *NYS Department of Environmental Conservation*
Ona Ferguson, *Consensus Building Institute - CAG Facilitator*
Andy Kitzmann, *Erie Canalway National Heritage Corridor*
Gary Klawinski, *USEPA - Region 2*
Tegan Kondak, *Ecology and Environment, Inc.*
Angela Martin, *NYS Department of Health*
Bill Richmond, *Behan Communications - General Electric*
Larisa Romanowski, *USEPA - Region 2*
Florangel Suero, *Consensus Building Institute - CAG Facilitator*

Others

John Armitage, *NYS Department of Environmental Conservation*
Joseph Battipaglia, *USEPA*
Hayley Carlock, *Scenic Hudson*
Alana Gerus, *NYS Department of Health*
Chelsea Krieg, *Louis Berger/WSP*
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