

## Community Advisory Group (CAG) Meeting

### Hudson River PCBs Superfund Site

January 18, 2024 (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, January 18, 2024. EPA staff presented updates on the Floodplain comprehensive study, including a summary of use areas identified by a CAG member; an overview of the Old Champlain Canal; progress on habitat reconstruction and restoration; the current Five-Year Review (FYR) status and schedule; and brief updates on Long-term monitoring in the Upper Hudson River (UHR) and the Lower Hudson River (LHR) investigations. EPA responded to follow-up questions from CAG members as each topic was discussed.

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
- WSP - Post final notes from October 5 meeting on the CAG website
- CBI - Plan for next CAG meeting, anticipating a future in-person meeting
- EPA - Share Five-Year Review report with CAG when available; anticipate CAG meeting focused on five-year review
- EPA - share response to Riverkeeper letter with CBI for distribution to CAG members
- EPA - share table of fish collection (species and locations) with Gil Hawkins
- EPA - set up a briefing with Kate Morse (Hudson Crossing Park) to review investigations in and around the area of the Park

#### NEXT MEETING

- The next CAG meeting date will 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. CAG members have until February 1 to suggest revisions to the October 5 meeting summary.

### **CAG BUSINESS**

CBI welcomed the newest members and alternates to the CAG (Randy Alstadt, Dottie DiNobile, Joseph McMahon, Jerry Silverman, and Richard Slingerland) and invited all members to introduce themselves.

An Admin Committee meeting will be scheduled for February to further discuss CAG expansion efforts.

### **FLOODPLAIN UPDATE AND DISCUSSION OF MEMBER-IDENTIFIED USE AREAS**

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

- Floodplain investigation and short-term actions in the Upper Hudson River
- Flood mud sampling overview
- Old Champlain Canal overview
- Floodplain use areas in Schuylerville

### **FLOODPLAIN INVESTIGATIONS**

*CAG members asked how long EPA has been sampling the floodplain, how EPA accounts for variability in PCB distribution in the floodplain, if there is a timeline going forward, and if EPA has or plans to evaluate the LHR floodplain. CAG members also expressed concern that the risk assessment guidelines may be outdated.*

EPA responded that floodplain sampling is ongoing and that given the technical nature of the evaluation and large size of the floodplain (2000 properties over 6,000 acres) it is taking a number of years to complete. Although attention was focused on the river during the dredging project, work on the floodplain advanced at the same time. Work on special studies and Ecological and Human Health Risk assessments are ongoing. Immediate actions continue to be taken in areas that people use that have elevated PCB concentrations. NYSDEC and NYSDOH have been working with EPA on an ongoing basis to identify and evaluate the use areas along the river.

Regarding variability: Variability isn't necessarily about the PCB concentrations in one place changing over time, but, for example, maybe in one spot a sample is high and a sample ten feet away is non-detect. EPA has a national expert on statistics on the team who is working closely with EPA to evaluate the variability in the data. Ultimately, EPA is erring on the conservative side and is making decisions on a property-by-property basis.

Once the sampling data from this year is in, EPA will be in a better position to put together a timeline for floodplains work going forward. After EPA evaluates cleanup options, the Agency will prepare a proposed cleanup plan that will go out for public comment; then there will be a Record of Decision for the UHR floodplain study area. EPA has not initiated an evaluation of the floodplain in the LHR and will evaluate the need for such a study going forward.

EPA noted that it continues to track whether there are any updates to the risk assessment guidelines for PCBs.

#### **OLD CHAMPLAIN CANAL**

*A CAG member expressed concern that including the Old Champlain Canal (OCC) as part of the Floodplain RI/FS process will take too much time, and that while the sampling data EPA and GE have provided is good to have, they still have a dilemma about how to dredge the OCC, which is a local priority to support economic development. Representatives of the Schuylerville municipalities asked for the OCC to be an early action, not part of the RI/FS and discussed grant funding they have received through NYS that could support local efforts to come up with a design plan to ultimately dredge the OCC. Another CAG member asked what other contaminants are in the OCC aside from PCBs.*

EPA responded that the RI/FS work should not delay local plans for work on the OCC in any way. PCB levels in the OCC are low; not at the level that would require removal action. EPA will discuss further with DEC, which has initially considered a beneficial use determination for OCC dredge material, but there is no reason EPA's floodplain study work should keep the municipalities from moving forward with their plans.

Representatives of the Schuylerville municipalities said that grant funding has been received through New York State. A significant portion of the grant is being used to replace a box culvert. The Data Summary Report that EPA provided has the information they need to do a request for proposal (RFP) for a dredging project. They have allocated money for a scoping document for the design of a dredging project, but more money will be needed.

The other contaminants in the OCC are typical of roadside runoff – metals, pesticides, etc.

#### **FLOODPLAIN USE AREAS IN SCHUYLERVILLE**

*A CAG member questioned the outreach regarding the identified use area near Hudson Crossing Park, and another reiterated that UU/UE (unlimited use and unrestricted exposure) is the goal at every superfund site – keeping people from accessing the river is not.*

EPA is setting up a briefing with Hudson Crossing Park staff to review the use-area concerns. While in some cases, like some specific limited areas of Hudson Crossing Park,

the best option to protect human health is temporarily restricting access to the contaminated area (e.g. fencing) until the contamination is addressed..

### **HABITAT RECONSTRUCTION**

*CAG members asked who EPA coordinates with on habitat restoration, for clarification on restoration of biota, and about the management of invasives. A CAG member requested that at a future meeting representatives from DEC and/or U.S. Fish and Wildlife give their perspective on the habitat restoration progress (success criteria, benchmarks, recovery rates, etc.)*

EPA coordinates with DEC habitat staff from their fish and wildlife division. They regularly discuss the habitat restoration progress - what is working and what is not. EPA has made changes in approach based on feedback from DEC. GE has been doing the work they've been asked to do. The river system is dynamic and as expected always changing, which makes this work challenging; some areas have responded very well and others less so. Biota is not being restored -some clams and mussels were impacted by the dredging, so those populations are being monitored and appear to be recovering. The approach to controlling invasive plants varies from hand pulling to installing covers and making their preferred locations inhospitable. Herbicides are discouraged and have not been used.

### **GENERAL UPDATES**

- Five-Year Review status
- Long-term monitoring (Upper Hudson River)
- Lower River investigations

### **FIVE-YEAR REVIEW**

The third five-year review report will be issued sometime this year, possibly as early as March, and there will be a 90-day comment period.

*A CAG member pointed out that it has been more than eight years since the 2<sup>nd</sup> Five-Year Review and that EPA should now be able to make a protectiveness determination. Another CAG member mentioned that there was a letter sent to EPA signed by 29 representatives of river communities/interest groups.*

EPA responded that the agency will follow the science with regard to a protectiveness determination in the Five-Year Review.

### **LONG-TERM MONITORING (UPPER HUDSON RIVER)**

Monthly water column sampling is ongoing, and high flow samples are taken as they occur. Spring and fall fish collections are also continuing. The next surface sediment sampling event is planned for 2026. Bathymetric surveys of engineered caps and the "select areas" were performed in 2023 and will continue into perpetuity.

## **LOWER RIVER INVESTIGATIONS**

The LHR slide shown is a summary slide from a presentation at an earlier CAG; that entire presentation is available here: <https://hudsoncag.wspis.com/documents.htm>. There is also a recording of a LHR meeting held by EPA available here:

[https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=575052821421176](https://www.facebook.com/watch/live/?ref=watch_permalink&v=575052821421176)

*A CAG member stated that they want EPA to initiate an RI/FS for the LHR which has been on the NPL since 1984. There's accountability that comes with an RI/FS. A request was also made for a LHR focused CAG meeting to be scheduled sooner rather than later.*

EPA responded that the agency is doing the same work that would be done under an RI/FS, including the type of outreach work that would be done under a Community Involvement Plan (CIP). These investigations are designed to support EPA decision making going forward.

## **WRAP UP AND CAG BUSINESS**

There were some anecdotal discussions about people keeping eating fish from the river despite advisories. EPA asked that CAG members continue to share information about groups that may be consuming river fish and their locations. A CAG member noted that subsistence fishing is an Environmental Justice issue.

The facilitator acknowledged the request for a Lower Hudson River focused meeting.

## **MEETING PARTICIPANTS**

### **CAG MEMBERS & ALTERNATES**

Randy Alstadt (Hudson 7), Stephen Ballentine (Scenic Hudson), Jen Benson (Hudson River Sloop Clearwater), Patrick Curran (Albany County Executive's Office), Laura DeGaetano (Albany County Executive's Office), Dorothy DiNobile (Hudson 7), 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), Pam Landi (Washington County), Dustin Lewis (Saratoga County Soil & Water), Aaron Mair (Adirondack Mountain Council), David Mathis (Recreational Boating), Joseph McMahon (Bard College), Kate Morse (Hudson Crossing Park – in for Julie Stokes) Althea Mullarkey (Scenic Hudson), Jerry Silverman (Hudson River Boat & Yacht Club Association), Richard Slingerland (Historic Hudson River Towns), 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),

Andy Kitzmann (Erie Canalway National Heritage Corridor), Gary Klawinski (USEPA), John Lyon (Rockland County), Angela Martin (NYSDOH), Joe Moloughney (NYSCC), Leslie Morlock (NPS), Devin Rigolino (Dutchess County), Larisa Romanowski (USEPA), Lisa Rosman (NOAA), Kate Schmidt (Orange County), David Tromp (NYSDEC).

**OTHERS**

Kayla Antigua, John Armitage, Paulo Araujo, Joe Battipaglia, Brady Bonsted, Michael Cesare, Johnathan Clark, Greg Coccetti, Emma Cohen, Michael Coon, Timothy Cox, Brian Cronin, Isiah Cruz, Stephen Davie, Jenna Dodge, Kevin Farrar, Carli Fraccarolli, Marie French, John Gebhards, Therese Gillis, Nicholas Hanson, Fabio Iwashita, Theresa Kardos, Colin Kelly, Kathryn Kercher, Louis Kleinman, Matthew Kraft, Jess LaClair, Alison Lucek, Sean Madden, Marianne Marichal, Rebecca Martin, John McLaughlin, Caroline McLoughlin, Michaela Mincone, Dylan Moscoso, Jean Naples, Chuck Nieder, Bob O'Neill, Patrick Pagano, Suzie Ross, Jeffrey Sasson, David Sayer, Susan Schwarz, Albrecht Selius, Thomas Sweck, Leanna Thalmann, Audrey Van Genechten, Katherine von Stackelberg, Matt Wiener, A Wilson, Ronald Zorrilla.