

Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
DRAFT Meeting Agenda
October 28, 2004, 1:00 – 4:00 PM
Ft. Edward, New York, Fort Edward Firehouse

Meeting Notes

Members Attending: Chris Ballantyne, Dan Casey, Marty Marizio (for Jean Carlson), Theresa Egan, Richard Fuller, Nate Davis (for Aaron Mair), Joe Gardner (for David Gordon), Manna Jo Greene, Harry Gutheil, George Hodgson (for John Lawler), Paul Lilac, Roland Mann, Dan McGraw, Merrilyn Pulver, Rich Schiafo, Julia Stokes, Jock Williamson.

CAG Liaisons Attending: Bill Daigle (NYSDEC), Fred Ellerbusch (TOSC Coordinator), Doug Garbarini (EPA), Joan Gerhardt (GE), David King (EPA), Deanna Ripstein (NYSDOH), Leo Rosales (EPA), Steven Sweeney (NYS Canal Corp).

Others Attending: Danielle Adams (EE), Mark Behan (Behan Communications for GE), Bonnie Bellow (EPA), Lee Coleman (Daily Gazette), HC Coxington (Fort Edward), Kenneth DeCerce (Town of Halfmoon), Philip Dobie (Operating Engineers Local Union 106), Tim Grady (E&E), Eileen Hannay (Roopers Island Visitors Center, Ft Edward), Jane Kenny (EPA), Tom Kryzak (Air & Earth Works), Cecile Mars (Schaghticoke resident), Aaron Mars (CAC), John Mattison (retired GE Employee), Darryl Neapolitano (St. Lawrence Cement), Matt Pacenza (Times-Union), John Rieger (Town of Fort Edward), Linda Thorrs (Fort Edward) John Vetter (EPA).

Facilitators : Patrick Field, Stacie Smith

Members Absent: Jean Carlson, Cecil Corbin-Mark, Mark Fitzsimmons, David Gordon, Gil Hawkins, John Lawler, Aaron Mair, Judy Schmidt-Dean, Barbara Sweet.

Key Action Items

1. CAG will email any comments it has on the CHASP to Fred Ellerbusch.
2. NYSDEC will give an update on the Hudson Falls site when the next design submission is due.
3. Schedule Monitoring Dialogue morning before next CAG, December 9th.
4. CBI will e-mail all CAG members about the Interagency Working Group meeting on December 14, with a reminder to RSVP to Danielle Adams.
5. EPA will look into a meeting location in Saratoga Springs for the Interagency Working Group.

Convening of Meeting

The meeting began at 1:00 pm. The facilitator welcomed the CAG, and walked through the agenda, Jane Kenny, Region 2 Regional Administrator, was introduced to address the group.

Jane Kenny: Remarks and Discussion

Jane Kenny stated her appreciation of the CAG for the work and commitment shown to ensure that EPA's work on the Hudson River was undertaken safely and in response to the community's concerns. She highlighted the progress that had been made over the last three years, including opening of the field office, supplying technical resources, and a facilitator for the CAG, and reports and guidelines including the engineering performance standards and the draft facility siting report. She announced that the facility-siting announcement would be made in December. She informed all that she was leaving EPA at end of November, and that Kathy Callahan would likely become the acting Regional Administrator until a permanent replacement was named.

The CAG had some questions and comments after the presentation:

- *In mentioning that sites would be named in December, you seemed to say "site" in singular. Will it be singular or plural?* EPA noted that at this point, it is plural. Decisions haven't been made yet. A CAG participant replied that they would be anxious to know the decision as soon as possible.
- Ms. Kenny was thanked for her work addressing problems and providing support over the years, and said that she was sorry to hear that she was leaving.

Meeting Summary and Action Item Update

The facilitator pointed out changes that had been suggested for the September Meeting Summary. There were no additional comments from the CAG, and the summary was approved.

The facilitator then reviewed the Action Items from September, noting the progress made on each.

- The New Bedford site tour took place on October 19th – a summary and discussion of that tour was scheduled for later in this meeting.
- The requested list of EPA public involvement events was compiled, and is included in this month's packets.
- The agriculture working group will provide an update at this meeting.
- There will be a presentation from the Saratoga County Environmental Management Council on Air Quality Monitoring at this meeting

Cultural Resources Briefing

John Vetter of US EPA presented the findings of the Cultural Resources efforts. He began by explaining what "cultural resources" were, how they fit in to this project, and what his team has been doing. It was noted that the authority behind this work is the National Historic Preservation Act, which applies to all federal agencies, and that it was common to find a co-incidence of hazardous waste sites and historic places. Mr. Vetter explained that the cultural resources investigation had two parts:

- one looking at the river; and,
- the other focused on the facility siting process.

It was noted that the in-river part of the investigation was an on-going study to identify places where there might be evidence of historic occupation, next to and under the water. The team was using data collection, interviews, and historical records to seek evidence of historic artifacts.

It was noted that every environmental investigation includes an investigation for historic sites and artifacts. The team is also examining the potential sites for dewatering facilities. The investigation includes looking at things that are hard to find on the ground, which might be buried. The team uses old maps, sampling, and excavations to better recognize what is there. The effort seeks to know enough to determine whether a site might be eligible for nomination to the National Register. If there is the potential that the property would qualify for the National Register of Historic Places, then there is a requirement to monitor and to mitigate any impacts that the dewatering facility might have.

It was noted that there have been a variety of discoveries so far, including prehistoric, architectural, and other structures/artifacts. A slide show was given, with photographs of some of the properties and findings in and around Schaghticoke, as well as some of the methods of investigation. The report of findings will provide details of findings, and is expected next year.

CAG members had a number of questions:

- *If the dewatering facility would add significant heavy truck traffic to transportation routes, would you examine the route for historic structures that might be affected? The great bulk of transport will not be by truck (i.e. because transport of sediments will be by barge or rail). But, we would examine and monitor anything that exceeded weight limits, or required a variance.*
- *It was mentioned that there were options on how to mitigate some historic sites – to historic or current uses. Will local communities be involved in discussions on mitigation for canal areas? Yes, to the greatest extent of their interest to be involved. Mr. Vetter noted he personally preferred mitigating for contemporary usage. We have a regular meeting and would invite in those directly involved.*
- *Why were the examples concentrated on Bruno site? No sites were treated in a special fashion. All sites underwent the same initial screening; additional investigation was done only at those sites where the screening indicated it was warranted. Some of the features of the other sites precluded our ability to discover historic structures and artifacts, due to changes and modernizations. In the Schaghticoke site, there was a greater lack of disturbance.*
- *Why wouldn't we expect to find similar activity in the other places selected? We all have locks, roads, and canals. EPA included the examples that they had the best set of illustrations for. The field team showed up with a good set of photos from there.*

- *Has there been the same amount of work on all sites?* Initially, but not at the same level of detail because other sites had much more disturbance or the initial screening did not indicate that additional work was warranted.
- *Was any fieldwork done in Bethlehem?* Previous efforts had been made on that site by DEC, which was reviewed by the New York State Historic Preservation office. We used that data.
- *Is your focus on Schaghticoke signaling something to us?* We use the same baseline investigation at all facilities, and if you find something, it triggers the next level of screening. With the Bruno site, we found things that led to the next levels of investigation. When we get a negative result, we take extra steps to be sure before we are satisfied.
- *Saratoga County has made a lot of noise in the past, but the recent noise has been in Schaghticoke, and we hope you are concentrating on the other sites, too.* Point noted.

Saratoga County Air Quality Monitoring Comments

David Adams, of the Saratoga County Environmental Management Council, presented Saratoga County's comments on EPA's plan for air quality monitoring. Several sets of concerns were raised, including the PCB Air Quality Standard's acceptable exposure levels (EPA's level is 110 nanograms and the NYSDOH guideline is 10 nanograms); time periods for background data monitoring (EPA suggests at least 2 days near the river; SCEMC suggests at least 6 months near dewatering sites), and noise standards (EPA standards are set in absolute values; SCEMC suggests background data collection and standards set in terms of acceptable change from baseline).

The CAG had a number of comments listed below.

- We commend you and SCEMC on your work, and agree that air monitoring should not have been decided through QLPS, but rather should have been subjected to greater review like the engineering standards. My research on volatilization of PCBs suggests that your concerns are valid. We were told not to address this before the ROD, but now is the time – remediating it after the fact is more costly and inappropriate. We believe it is important to take the PCBs out of the water, but we don't want to take them out of water and have them go into the air. I hope the CAG will support these suggestions.
- Washington County is appreciative of SCEMC's work on this. We made efforts to make sure QLPS and engineering standards were in place, maybe not to the level we would have hoped. We have to do the best we can get for our citizens. We agree that the noise standards in absolute numbers rather than relative increase are not realistic and must be addressed in the Community Health and Safety Plan.
- Saratoga County is in agreement with this presentation. Gower (who developed the initial comments to EPA on these topics) came from credible background, and his comments were ignored during the public comment and response. The noise standards are also unacceptable.

EPA offered a conference call to further clarify and discuss these issues. It was noted that the EPA air quality standard of 110 nanograms was developed in consultation with DOH and DEC, and that this standard applies to long-duration exposure - 350 days, 24 hours a day, over 6 years, for young children right on-site. The dewatering facility(ies) will probably operate somewhat less than 360 days per year. EPA noted that the 10-nanogram DEC standard applied to a facility with a 70-year duration. Thus, the different standards are based on different exposure assumptions.

The CAG asked how NYSDOH reconciles its acceptance of the 110-nanogram standard when its own standard is 10. DOH replied that the standard of 10 was determined by DEC, though accepted by DOH. DOH did evaluate the 110 standard, and it was found acceptable by the risk-assessors. DEC noted that this topic was outside the expertise of the present representative, but offered that the agency could prepare a response later.

EPA noted that they would likely begin collecting background data during the construction of the dewatering facility, leading to much more than 2 days of background data. The CAG asked why could they not commit to 6 months, starting when the site was selected? It was noted that the EPA 2 day monitoring requirement was meant for dredging along the river while the baseline monitoring requested by Saratoga County also refers to the dewatering facilities. Saratoga County stated that their primary concern was baseline monitoring in and around the dewatering sites.

The CAG offered additional comments and questions.

- On noise concerns, a CAG member recounted a comment heard by a Schaghticoke resident: How do you measure noise as compared to crickets and kingfishers? That said quite a lot in and of itself. The place, as of now, is free to industrial and human use noise.
- The host community should be able to hire an independent engineer to make sure all standards are met, to protect the health, safety and wellbeing of our citizens. The answers from EPA so far have been unacceptable. We need an opportunity to continue this discussion with everyone.
- *Is there a difference in the standard for residential versus industrial/commercial area standards for air quality and noise?* EPA responded that there were different standards that had been set. Standards for residential areas were more restrictive than the standards for industrial areas. The residential standards were set to be protective of children and adults. They suggested that EPA's risk assessor Marilyn Olsen could come to speak with the CAG to explain further.
- I was reassured at New Bedford because everything was enclosed. We need to remember that monitoring itself sucks in a lot of air and makes noise. I suggest that this is important enough that it needs more than a conference call – instead, I suggest a sub-committee to negotiate on this with EPA
- *Can this be addressed in the Community Health and Safety Standards? (CHASP)* EPA responded yes, and in the On-Site Health and Safety Standards document for workers too.
- EPA noted that air monitoring at the facility would begin 2 days before construction of the facility started, and since construction would take several months to complete before dredging was able to commence, a significant amount of data could be collected at the

facility(ies) prior to dredging. But, for the dredging site itself, moving up and down the river, because of changing winds and conditions, only 2 days of background is all that would be effective and useful. After all, what residents along the river care about is how their air quality changes just before and during dredging

Three suggestions were put out as potential next steps: a conference call, a separate meeting or sub-committee, or placing it on the agenda for the whole CAG. After some discussion, the group agreed to have a separate meeting immediately prior to the next CAG meeting, to address these issues. All interested CAG members are invited to attend.

Brownfields Interagency Work Group (IWG) Briefing

The CAG agreed to move the meeting location to Saratoga, and confirmed that the meeting would be held on December 14. Three communities will present: Ft. Edwards, Bethlehem, and Old Saratoga.

Chelsea Albucher, who worked with IWG since its inception, was introduced. She offered some background on Brownfields, which are sites containing real or perceived contamination such that they impact economic viability. EPA noted that bringing the interagency group to a Superfund site was unique, but that the grant resources for affected communities might prove to be very useful. The IWG is a partnership of 25 federal and state agencies that facilitate dialogues with communities in order to strategically match grants opportunities to specific community needs. It was noted that IWG has met with more than 65 communities. The program also works with the communities before the meeting to prepare presentations for the WG, to highlight a community orientation, goals, and specific resource needs. Materials about IWG and Brownfields redevelopment were handed out.

The CAG thanked David King for bringing the IWG program to the group. The facilitators offered to send an email to the CAG requesting an RSVP to show interest in attending the meeting on December 14.

Brief Updates

Facility Siting Update: EPA noted that it was still working on responding to comments, and expected to have the final report out before end of year. It was noted that it was unlikely to be available before the next CAG meeting on December 9.

Floodplain investigation update: EPA noted that they sought permission for sampling from landowners, and received 15 approvals out of 50. Sampling crews will use those and public properties, and will be out selecting sites next week.

New Bedford Tour October Debrief: due to time constraints, participants agreed to move the debriefing to the next meeting.

Remaining CAG 2004 Meeting Dates: CAG agreed that due to the holidays, they would hold one more meeting in 2004, on Dec 9. The location might be on Peebles Island, but to be determined.

Agricultural Working Group update: EPA noted that surveys went out to the agriculture community to solicit information on the use of water from the river. Teams were going back out now for specific information, and to offer an educational forum through water conservation teams. It was commented that the farming community does not trust the EPA. EPA responded that they are aware of this, and therefore trying to work through groups that have more credibility with local farmers.

Public Comment

An observer mentioned that other mechanisms beyond these meetings were mentioned in EPA's write up of community activities through the year, including sub-committees, conference calls, and individual check-ins, and asked about what access the public has to any of these. It was noted that conference call/subcommittee summaries would be reported out at the CAG meetings, and that the December 14 meeting is open to the public.

Agenda Items for Next CAG Meeting, December 9, 2004

The facilitator outlined a number of agenda items for the December CAG meeting based on member input.

- New Bedford Tour October Debrief
- Habitat Delineation Draft Report Review
- PCB Air Monitoring debriefing of AM meeting
- Noise Monitoring debriefing of AM meeting
- Dewatering Site Selection Update
- 2005 Preview of Technical Activities
- Host Community Benefits

The Dredge Area Delineation Report would most likely be discussed in January.

Adjourn

The meeting adjourned at approximately 3:45 pm. The next meeting will be held December 9, at a site to be determined.