Community Advisory Group (CAG)
Hudson River PCBs Superfund Site
Meeting Notes
Thursday, May 24, 2007
1:00 PM – 3:45 PM
Saratoga Spa State Park, NY

Members and Alternates Attending: Chris Ballantyne, Dan Casey, Phil Dobie, John Dutka, Richard Fuller, Mark Galough, Joe Gardner, Manna Jo Greene, Harry Gutheil, Jane Havens, George Hodgson, , Betty Koval, John Lawler, Roland Mann, David Mathis, Merrilyn Pulver, Rich Schiafo, Lois Squire, Mindy Wormuth.

CAG Liaisons Attending: Danielle Adams (Ecology & Environment), Mark Behan (Behan Communications), William Daigle (NYSDEC), Joan Gerhardt (Behan Communications), John Haggard (General Electric), David King (USEPA), David Kluesner (USEPA), Deanna Ripstein (NYSDOH).

Others Attending: Brian Anderson (Baker Corp.), Carl Blisson (Waterfornd-Halfmoon WHSP), Jim Bold (Town of Halfmoon), Marilynn Brown (Waterford), Moe Close Katz (Waterford), Chris Callaghan (Town of Waterford), J Gregory Connors (Supervisor, Town of Stillwater), Lee Coleman (Daily Gazette), Michael Apostol (Principal, Mechanicville High School), Jim Early (citizen), Kevin Farrar (NYSDEC), Tom Gentile (NYSDEC), Tamara Girard (NYSDOH), Jim Kinney (Saratogian), Gary Klawinski (Ecology & Environment), James Kudlack (Jim-Ber Farming Association), Roberta Kudlack (Jim-Ber Farming Association), Greg Lernink (Shumaker Engineering), J. Bert Mahoney (Village of Waterford), Margie Mahoney (Village of Waterford), Ernest Martin (Mayor of Stillwater), Michael McCartney (Superintendent of Mechnaicville City Schools), Brian Nearing (Albany Times Union), Tom Richardson (Supervisor of Mechanicville), David Rosoff (USEPA), Sarah Sutton (Post Star), Steven Sweeney (NYSCC), Anthony Sylvester (Mayor of Mechanicville), Shelly Tanchak (Town of Waterford), John Tanchak (Town of Waterford), Frank Tironi Jr (Town of Halfmoon), Lloyd Wilson (NYSDOH), Marilyn Wurth (NYSDEC), Susan Zucker (Occupational & Environmental Health Center).

Facilitators: Ona Ferguson, Patrick Field.

Members Absent: Cecil Corbin-Mark, Mark Fitzsimmons, Robert Goldman, Robert Goldstein, Gil Hawkins, Aaron Mair, Dan McGraw, John Reiger, Judy Schmidt-Dean, Julie Stokes.

Next meetings: The next CAG meeting is scheduled to be held on Thursday**,** September 27, 2007.

Action Items

- Saratoga County will provide a letter to CBI saying that Mindy Wormuth is taking the seat previously filled by Ken DeCerce.

- CBI will circulate the 2003 EPA letter on water supply to CAG.
- CBI will check into summer CAG meeting dates.
- A CAG tour of the construction site will be planned once the access road is complete.
- Chris Ballantyne, Rob Goldman and Julie Stokes will report on their outreach to the governor's office regarding navigational dredging.
- CAG members asked for an update from NYSDEC on new data from the spoil sites in Moreau.
- CAG members want an update on the status of the Floodplains RIFS.

Welcome, Introductions, Meeting Summary Review

Participants were welcomed, and the facilitator explained the CAG groundrules and media protocol. The March CAG meeting summary was approved.

Water Contingencies for Downstream Communities

John Lawler, Waterford Supervisor and CAG member, presented on water contingencies for downstream communities. He described the Town's perspective on the past and current situation, summarized below.

Since 2003, CAG participants have raised the issue of water for downstream communities at CAG meetings. In spring 2003, they raised the issue of dredging and possible impacts on town water drawn from the river or from wells. Town representatives in Waterford and Halfmoon are trying to protect the water source for their almost 30,000 residents and users (including almost 1400 students in the Mechanicville school system). Town representatives contacted EPA. The Agency responded with a letter asserting that although dredging is not expected to impact drinking water supplies, contingency plans would be developed during Remedial Design and that such contingencies would include the use of alternate water supplies. In their view, the towns have not seen any progress to ensure such alternative sources. In a meeting with GE, town representatives provided information on their water systems. GE then produced a report on the water supply issue.

Town representatives believe that the GE report recommends that the towns upgrade their filtration systems and continue to use the Hudson River as a source, due to (a) cost effectiveness, and (b) time (any other solution, as the Towns understand it, could affect the dredging schedule). The town representatives feel that the recommendation of treatment should be rejected out of hand, and that the only reason treatment is being considered is cost. The cost of guaranteeing the towns adequate alternative water is only about 1% of the total project cost. Mr. Lawler noted that the issue was brought to the attention of EPA and GE four years ago.

Mr. Lawler indicated that he believes this project could last ten years, and no one knows what the impact of dredging will be or how much resuspension will occur. The towns have been encouraged in the past by DOH to buy water from Troy during high flow events. Careful monitoring is not a substitute for having safe water to drink.

Mr. Lawler stated that Town representatives are outraged and want EPA to protect the drinking water that people's families and children are using on a daily basis. Many people in the communities are angry about the situation, and there is bi-partisan support among all the supervisors. Saratoga County recently provided town representatives with $100K to offset legal costs to sue EPA, if necessary, if they insist on following GE's recommendation of filtration to ensure clean water.

Mr. Lawler asked about the discrepancy between NYS limits at 90 parts per trillion (ppt), and this federally managed cleanup with a limit of 500 ppt. Bill Daigle responded that 90 ppt is used as an initial screening tool for those seeking a permit for discharges into Class A waters (Class A waters are those that are used as drinking water intakes). 500 ppt is the federal drinking water standard for PCBs. Due to the presence of PCBs in the sediments, Hudson River water exceeds 90 ppt frequently during high flow events. Mr. Lawler asked DEC representatives if treated drinking water could have more than 500 ppt. He asked: could raw intake water be 5,000 ppt? 6,000 ppt? DEP responded that it is possible, but there is no way to know for sure. Mr. Lawler asked if other materials other than PCBs, say, mercury, could be resuspended too? DEP said that yes, other materials might be resuspended as well.

Mr. Lawler noted that during high flow events, Waterford buys water from Troy, but that won't be an option during dredging because there isn't adequate capacity in the water infrastructure between the towns to provide water for a sustained (more than 4 days) time. In addition, he noted, it is possible other materials will be released during dredging, so an alternative source is the only way to guarantee water quality. When asked, DEC noted that it was possible that dredging would resuspend other materials such as mercury and lead, but that it is not known what additional materials might be resuspended.

No one knows what will happen during dredging, Mr. Lawler stated. In Phase I it will be known if the water at the town intakes is safe, but in Phase II there won't be enough time to determine this and by the time monitoring results are in water could already have been drawn up into the system. Knowing it isn't safe to drink will not help those hoping to take a shower, drink a glass of water or cook a meal. Monitoring does not give residents safe drinking water. There are now two or fewer construction seasons to ensure clean water, and EPA promised to provide alternative drinking water. Filtration systems haven't been tested at this level, and the manufacturer will not guarantee that filters will work, so towns can't be asked to drink that water. EPA should have rejected GE's report and recommendations outright.

Mindy Wormuth, Town of Halfmoon supervisor spoke as well. Halfmoon shares Supervisor Lawler's outrage, she stated, and that the towns never expected EPA not to stand with them on this or to continue to say treatment would be ok. They have yet to see

a formal response from EPA saying that timing and cost are not a good enough reason to go with treatment. Any resident has the right to expect safe drinking water.

Assemblyman Roy McDonald also spoke. He stated he agrees with Halfmoon and Waterford supervisors. He said that representatives did not know that the situation had deteriorated to this degree. He stated that EPA must address this major problem and that he is hoping in good faith that EPA will work with the local officials for a good solution. EPA has said that PCBs are dangerous to leave in the river, so communities now believe that EPA better do their best to get rid of the PCBs and talk about some host community benefits.

CAG members then discussed the topic of water supply to downriver communities.[1]

- *What are EPA and GE thinking about contingencies?* EPA expressed disappointment in the report, stating that it contains insufficient information for the Agency to make a decision at this point. EPA is preparing formal comments to GE on the report which will include a request for additional information and further analysis of certain options. No decision has been made to accept the report recommendations. EPA will release its comments to GE to the public when they are complete. EPA reiterated that the performance standards are designed such that dredging operations must stop temporarily if the resuspension standard of 500 ppt is exceeded during two consecutive days of dredging. The Water Options Analysis Report considers only Phase 1 dredging; and protection of public water supplies is an Agency priority.
- *For every year of delay, a minimum 500 pounds of contaminated sediment move down the river where they can never be cleaned up. What if we both upgrade the filtration system and have an alternative source? If you are exceeding 90 ppt already, upgrade the existing filtration, and put an additional system in place. Who is responsible for paying for this?* Dave King indicated that whatever contingency plan is finally decided upon, the bottom line is that dredging will not start until a protective source is in place and the municipalities should not be picking up the cost of the contingency plan.
- *The whole county supports the downriver communities. Is EPA going to not meet its commitment to provide "alternative source" of water?* EPA indicated they are going to meet their commitment.
- *No one wants to worry about whether their water is safe or not when they turn on their water. What is the standard for drinking water again?* It was noted that 500 ppt is the Federal Safe Drinking Water standard for PCBs.
- *How high could PCB levels be in the river? If there was a high-level release, with existing technology what would reach the tap?* It is as yet unknown exactly how much sediment will be stirred up by dredging. Carbon filters typically remove 80-85% of PCBs, so depending on intake concentration, filtered water might exceed the drinking water standard. *So it's within the realm of possibility that the finished, treated water could be above 500pp?* It's possible. There is no way to

[1] CAG questions and comments are in italics, answers are in plain text.

know for sure what resuspension rates will be. *If the PCB resuspension were as high as 10,000 ppt and filtration removed 80% of the PCBs, then the finished water product could have counts as high as 2000ppt, the commenter noted.*

- *Will EPA, DOH and /or DEC take on the responsibility of guaranteeing legally and financially that Waterford and Halfmoon will have safe water during dredging if filtration is used.* The agencies did not respond to this question.
- *Does DEC have recent storm data?* High flow events have been above 90ppt, up to around 240ppt. High flow events exceed surface water standards.
- *During high flow events, Waterford buys water from Troy, and to do that long term for both communities would require $12-15M to build pipes with greater capacity. The infrastructure to buy water from Troy is insufficient for an extended period of time. If it's a 5 year project, we have to move ~5 million gallons of water/day. The infrastructure in the ground supplies ~2 million gallons of water/day.*
- DOH uses 500 ppt, the drinking water standard, which is based on long-term exposure, assuming someone is consuming it over the long term. The water getting taken into water treatment plants currently is in compliance. It is under the standard. DOH will only accept a plan that is protective. DOH is working with EPA on this. DOH has to make sure that water supplies are in compliance for PCBs and other contaminants. DOH needs more information, as the analysis in the report wasn't sufficient to determine which option is best.
- *Why would you allow us to drink the water but not eat the fish? It is EPA's job to take care of us and make sure we are safe.*

The Waterford and Halfmoon supervisors asked for invited members of their publics to speak briefly, and the CAG concurred. The following are a paraphrase of the comments.

- No one wants to drink the water – will we make the children drink the water?
- This is the grandest experiment ever, testing on 30,000 people. It is the biggest dredging project in the world and you tell us we have to drink the water? That's an outrage. Shame on you if you don't provide us with safe water.
- Nothing is closer to our hearts than anything that could affect our grandchildren. Please don't make mistakes and bad decisions in this case in the interests of money or politics. Do the right thing.
- We are not going to drink water from the river during the dredging.
- EPA and DEC's best efforts would be greatly appreciated by the community.
- 26 people in my family live in this community. I want to know the cumulative effects over time. If my granddaughter, age two, drinks water with 500ppt for a decade, who will guarantee me that she will be healthy when she's 12? .
- There are almost 1400 children in the Mechanicville school district, and we aren't going to let them drink water from the river. It would cost someone $8,000 to send a child from out of the area to Mechanicville schools – we offer that those making this decision can send their kids to free of charge to our school to drink the water.
- We try to guarantee parents that their children are safe when they come to school. At a minimum the water they drink has to be safe.

- Hundreds of private property users won't have a filtration system. Decision-makers are also responsible for them. Regulators should not underestimate the elected officials in these counties or our resolve.
- We will not drink the water. We have multiple wells very near the river. Stop the dredging.
- Phase II timing is too tight. We can't turn on and off alternative supplies – we'll run out of water. We need enough resources so the pipe can run all the time.

Dewatering Facility Site Work Project Construction and Outreach Update

John Haggard of General Electric introduced Tim Kruppenbacher site manager for the processing and transportation facility construction, who updated the CAG on site construction to date. See the PowerPoint presentation on the CAG website for complete details (http://www.hudsoncag.ene.com/). (You can also get weekly updates including photos and video clips of the construction at GE's website, www.hudsondredging.com)

The site construction began on April 23. D. A. Collins is in charge of facility site work, while RailWorks is in charge of the railyard construction. The project is on schedule, and there are 50-60 vehicles on site daily. The 110-acre site will contain a water treatment plant, a dewatering facility, a rail yard and a barge unloading facility and wharf.

Access Road: GE is building a two-mile access road that parallels the canal from Route 196. They are laying geo-textile fabric for structural stability, then two feet or more of stone as a base layer and are building a bridge across the feeder canal. In a few weeks, GE will lay down a continuous, impervious membrane that is non-porous across all areas on the site that may come in contact with contaminated sediments or runoff water. That membrane's seams will be welded and tested.

Processing and Transportation Facility: The processing facility is under construction, and utilities have been brought on site.

Rail Yard: 28,000 linear feet of rail were delivered last week, and five miles of track will be installed. The rest of the track materials are being brought on site.

Canal and Wharf: The canal at the wharf area will be widened by 65 feet.

Emergency Planning: GE is meeting with local, state and county agencies often, and the responders have visited the site. GE developed a grid of the site for 911 systems. There may be some on-site emergency response drills. GE has provided safety training to over 350 workers and there is a safety operations peer review process in place for continual improvements. GE wants everyone to pay attention to safety.

Monitoring: Dust and noise level monitors are being used continuously. There were no dust control measures at the beginning, but GE is now doing regular watering of the site,

so there are no more dust-related complaints. Noise levels were exceeded, and additional measures were put in place to reduce them.

The CAG had the following comments and questions[2]:

- *Some neighbors who live by the site are still concerned about noise. GE, please work closely with neighbors to meet their needs.*
- *The construction is going very well and very smoothly.*
- *CAG members have asked GE, NYSCC, NYSDEC, and USEPA to work together to prevent double dredging (for environmental then navigational purposes). CAG members want an agreement that the two types of dredging that will occur simultaneously. CAG members would like GE staff to discuss navigational dredging with the CAG.*
- A small subcommittee of the CAG (Chris Ballantyne, Rob Goldman, Julie Stokes) has done outreach on this issue and will report out at the next meeting.

NYDEC Upper Hudson PCB Baseline Air Monitoring

Thomas Gentile, Division of Air Resources, Bureau of Air Quality Analysis and Research from NYS DEC presented on baseline air monitoring. The full presentation is available on the CAG website at http://www.hudsoncag.ene.com/.

DEC collected one year of ambient air data (from November 2005 to November 2006) at three sampling sites along the Hudson (Locks 6, 7, and 8) for 41 sampling days. The purpose of the monitoring was to establish baseline concentrations of total PCBs prior to the dredging and handling of PCB-contaminated sediments in Phase I. The results were as expected.

Most results using the Aroclor method showed non-detectable concentrations, thus these quantifiable results reflect the more sensitive Congener method. Total PCB concentration ranged from 0.03-2.8 ng/m3 (a nanogram is one billionth of a gram). The overall average total PCB concentration was 0.60 ng/md, and the median concentration was 0.34 ng/m3. There were seasonal changes, with the highest concentrations in summer. Lock 8 had the lowest concentrations. Baseline PCB concentrations are well below EPA's Quality of Life Performance Standards of 110 ng/m3.

CAG members thanked DEC for doing the background air monitoring, which CAG members very much wanted done. They asked if same equipment in the same locations will be used during the project. During the project, GE will be doing the monitoring, and DEC hopes the sampling devices will be the same. EPA noted the same. Data will be collected in the same general locations.

[2] CAG questions and comments are in italics, answers are in plain text.

Upcoming Remedial Work at the GE Hudson Falls Plant Site

Kevin Farrar of NYSDEC gave this presentation, available like the previous ones at http://www.hudsoncag.ene.com/. GE is about to start the major remedial effort at Hudson Falls, including both a soil and a groundwater remedy. The big fix is to keep PCBs that are in the rock from getting into the river. GE needs to put in a tunnel drain system that is 24' in diameter and 200' deep. Doing this will require limited removal of contaminated soil. There will be over 1000' of tunnel, which will be under the rock under the falls (Baker's Falls). It will drill into the rock and create steep gradients such that the dense oil will run into the tunnel instead of into the river.

GE will start soil removal in May, to be completed by mid-July (2007). The tunnel drain collection system construction will start in August 2007 and should take two years. During the project, there will be air, dust and PCB monitoring, and project plans include abatement measures. There will be additional opportunities for public input in late June or early July, or people are welcome to let Kevin Farrar (NYSDEC), Deanna Ripstein (NYSDOH) or Joan Gerhardt (GE) know of any concerns.

CAG members asked Kevin for an update on the PCBs at the Fort Edward Plant Site parking lot. He said that systems have been upgraded, so 55 gallons of oil are being recovered every day or two. The rate of capture has accelerated (previously it was 4-5,000 gallons a year). The Fort Edward Plant Site is much further down than the Hudson Falls site, so a good geological situation in which to recapture the PCBs.

Brief Updates

Phase II Dredge Area Delineation Report (DAD)
The DAD should be finalized and ready for presentation by summer.

Floodplain Remedial Investigation/Feasibility Study (RI/FS)
David King indicated that EPA is doing initial work in five areas on private property. GE is getting access agreements in place with property owners, which should be in place by the end of June. The initial capping will be a temporary/interim measure, where it occurs, which is being done under what is called the "removal" program which allows action prior to a completed Proposed Plan and Record of Decision in cases where a threat is imminent. In these particular cases, people may be actively using/plan to use areas with elevated PCB levels, so a removal action is warranted.

Public Comment
There were no additional comments by the public.

Adjourn

The meeting was adjourned at 3:45 p.m.