

**Hudson River PCBs Superfund Site
Community Advisory Group**

**Meeting Summary
April 29, 2004
12:30 pm to 3:30 pm
Saratoga Spa State Park**

Members Attending: Chris Ballantyne, Dan Casey, Nate Davis (alternate for Rodney Davis), Mark Fitzsimmons, David Gordon, Manna Jo Greene, Harry Gutheil, Jane Havens, (alternate for Judy Schmidt-Dean), Sean Kirker (alternate for Dan McGraw), John Lawler, Paul Lilac, Roland Mann, David Mathis (alternate for Richard Fuller), Merrilyn Pulver, Rich Schiafo, Lois Squire, Julia Stokes.

CAG Liaisons Attending: Bill Daigle (NYSDEC), John Dergosits (NYSCC), Rich Fedigan (NYSDOH), Doug Garbarini (EPA), Joan Gerhardt (GE), David King (EPA), Deanna Ripstein (NYSDOH), Leo Rosales (EPA), Susan Taluto (NYDEC).

Others Attending: Danielle Adams (EE), David Adams, Lee Coleman, Fred Ellerbusch (TOSC/NJIT), Kris Erickson (EE), Steve Fish, Joe Gardner, Jerry Gratzinger, George Hodgson, DJ King, Pamela Lacy George Leveille, JoAnne Loughry (EE), Bob Manz, Mike McAuley, Mary Ryan.

Facilitators : Larry Dixon, Patrick Field

Members Absent: Cecil Corbin-Mark, Richard Fuller, Gil Hawkins, Aaron Mair, Dan McGraw, Judy Schmidt-Dean, Barbara Sweet, Jock Williamson.

Key Action Items

1. CAG members and TOSC grantee will work on-going to identify needed reviews/activities.
2. The CAG would like more information that would include flood plains, agricultural irrigation, tourism impacts, use of monitoring wells, host community benefits, etc, especially now that the host communities have been identified. CBI will discuss with the CAG offline issues to be considered for a meeting that would exclusively address economic impacts.
3. CBI will coordinate a CAG subcommittee made up of Jane Havens, Merrilyn Pulver, Rich Schiafo, and Chris Ballantyne that will consider what kind of tour might be useful to the CAG. Ideas include another dewatering facility or the final preferred sites for the dewatering sites for this project.
4. The CAG requested that EPA explore, along with GE, how best to address community concerns about potential impacts on local voluntary services due to community health and safety plans, prior to release of the document.

5. EPA will issue a revised road map in May.
6. David Gordon of the CAG will talk to the River Navigator program about their potential interest in assisting the CAG on socioeconomic issues.
7. EPA will consider placing all CAG information in notebooks in the information repositories.
8. CBI will contact Trustees to request a presentation at the next CAG meeting.
9. CBI will work with John Lawler of the CAG and E&E to develop a mock-up of the website for CAG review.
10. CAG members will respond to Larry Dixon at CBI with any website design suggestions before the next meeting.
11. E&E will have a mock up of a sample website available for the CAG to view.
12. It was noted that the CAG would have to expand by three seats due to the release of the facility siting report. EPA will work with the communities to identify representatives per the Community Involvement Plan (CIP).

Convening of Meeting

The meeting began at 12:30 pm. The facilitator welcomed the CAG and walked through the agenda.

Reviews

March Draft Summary. The facilitator reviewed the March meeting summary, solicited the CAG for corrections, and noted areas to be corrected. The CAG then finalized the summary.

March Key Action Items (bullet underneath each item describes the action taken).

1. CBI will work offline with CAG members to flesh out a prioritized list of key activities/documents for the TOSC grantee to consider within his work plan.
 - CBI received some input from CAG members and noted CAG would on-going determine documents/issues that should be reviewed.
2. EPA will get back to the CAG on their outreach plan for communities suitable for or recommended to host dewatering facility (ies) from April 2004 until the final selection by the end of 2004 and beyond. CAG member suggestions included: have a public comment period when sites announced; develop clarity of process for working with selected host communities to minimize site-specific impacts.
 - EPA prepared and delivered a presentation on this item for the meeting.
3. EPA will look into establishing public/community meetings/forums to understand community concerns around other impacts not taken into consideration by the QLPS, including economic and social impacts.
 - EPA handed out a section of the Record of Decision (ROD) on socioeconomic impacts. The CAG would still like more information that would include flood plains, agricultural irrigation, tourism impacts, use of monitoring wells, host community

benefits, etc, especially now that the host communities have been identified. CBI will discuss with the CAG offline issues to be considered for a meeting that would exclusively address economic impacts. EPA noted that it did not find any risk in its assessment with using water from the Hudson River for agriculture purposes.

4. CBI/E&E will get copies of the “conceptual only” dewatering facility graphic example to CAG members in hard copy.
 - These were included in CAG member packets at the meeting.
5. The CAG will consider presentations involving multiple perspectives to be done jointly.
 - EPA and CBI have noted this point and will follow through as the appropriate presentations are developed.
6. CBI/E&E will make available hard copies of PowerPoint presentations at CAG meetings.
 - This was done at this meeting and will be done in the future.
7. Members of the CAG felt it would be useful to visit another river dredging project to get a better understanding of the process. EPA will inquire on a few local sites to see if there will be dredging soon, and determine if there is funding available for such a field visit within the next couple of months when the weather turns warmer.
 - EPA noted that there are some possible sites to visit. The CAG formed a subcommittee made up of Jane Havens, Merrilyn Pulver, Rich Schiafo, and Chris Ballantyne to investigate the matter. CBI will coordinate.
8. The CAG requested that EPA explore, along with GE, how best to address community concerns about potential impacts on local voluntary services due to community health and safety plans, prior to release of the document.
 - EPA said they would address the subject in the coming months.

CAG Website Update. John Lawler of the CAG website committee briefed the group on scoping of the proposed CAG website. The website would serve as a repository of information for the CAG and the general public and include all CAG meeting documents and presentations. It was reported that at this early stage it would likely be best if the CAG started with a simple, open site to the public. As time goes on and the need arises it might be possible to have a password-protected site for CAG members only. E&E indicated that they have some funding available to initiate, host, and maintain the site. E&E will have a mock up of a sample website available for the CAG to view. CAG members will respond to Larry Dixon at CBI with any website design suggestions before the next meeting.

Finalize CAG Groundrules. The facilitator explained changes made to the “Hudson Rive PCB Superfund Site Community Advisory Group (CAG) Operating Procedures” document. A question came up referring to section VI.B, and the process for adopting any statement of principle. The facilitator explained that any statement developed by the CAG would have all CAG member signatures on it that supported the statement. The document was approved by the CAG. The Facilitator noted that it could be revised if needed.

It was noted that the CAG would have to expand by three seats due to the release of the facility siting report. EPA will work with the communities to identify representatives per the Community Involvement Plan (CIP). The Town Supervisor from Bethlehem was invited to the table for this reason.

Facility Siting Report

The new EPA field office director, David King was introduced to the CAG. Most CAG members had an opportunity to meet him prior to the meeting and welcome him. Many expressed that they looked forward to working with him during the process. Mr. King started his duties April 15, 2004.

EPA gave an overview presentation and update on the facility siting process (for a copy of this presentation go to <http://epa.gov/udson/cag/index.html>). The presentation gave a general project overview, briefly described the facility siting process from December 2002 to April 2004, and highlighted the Facility Siting Report, which identifies five suitable sites, three recommended sites, and eliminates two sites from consideration. The presentation went on to give an overview of the evaluation of the final candidate sites for benefits, potential limitations, and additional design considerations.

- The five suitable sites identified include: Energy Park/Longe/NYSCC, Old Moreau/NYSCC, Bruno/Brickyard Associates/Alanzo, NYSCC/Allco/Leyerle in the town of Halfmoon, and OG Real Estate at Bethlehem.
- The recommended sites for the next phase of the project included: Energy Park/Longe/NYSCC, Bruno/Brickyard Associates/Alanzo, and OG Real Estate at Bethlehem.
- The eliminated sites included: Georgia Pacific/NYSCC and State of New York/First Rensselaer Marine Management.

The CAG asked questions and made comments after the presentation, which follow in bulleted form below. Overall, concern was expressed by the CAG on economic impacts of the project related to barges and river traffic, agriculture (including irrigation issues), recreation and tourism, as well as how to work together to leverage positive benefits. During the discussion, the facilitator noted that members of the CAG had similarly aligned interests around socioeconomic benefits and the potential for joint gain for everyone on the CAG if the group could find a way to work together. More discussion likely needs to be had around ways and programs to access such benefits. Questions and comments are noted below.

- *A CAG member asked that if the removal and delivery of sediment are concerns, and the topography is an issue, why did EPA pick the three sites it did?* EPA replied that topography and rail access are important and there needs to be proximity to transportation. These were chosen also based on structural analysis and the need that

they will not need a headwall that could hold sediment. EPA said that all the sites have some issues, but they want the site(s) with the fewest concerns.

- *Another asked why the public meeting for Schaghticoke (site of one of the recommended sites) would be held eight miles away?* EPA replied that there was not a facility available that was large enough in the town and available that evening.
- *One member of the CAG observed that boating was not considered when choosing a site, and that lock-7 is the smallest of the locks on the river.* EPA noted that boating is included under navigation, which is part of the Quality of Life Performance Standards (QLPS). EPA acknowledged that barge traffic could be an issue, but that would be considered in the design phase. EPA also noted that commercial vessels have priority over recreation vessels when using the locks and that no decisions have been made yet whether dredging be done hydraulically, mechanically, or some combination of both. Community members stressed the importance of summer boating for recreation, quality of life, and economic development.
- *The CAG inquired that of the three recommended sites, how will the community be involved?* EPA responded they want to meet with the communities and establish a group that they can meet with on an ongoing basis to start visioning what they would like the site to look like after the cleanup is finished. This would allow EPA to feed it into the design of the project and to look at current programs out there that might be able to help the community achieve its vision.
- *A member of the CAG commented that the Ft. Edward community has been planning for this news for sometime and that they care about the important natural, cultural, and historic resources that the community has. The member explained that they want Ft. Edward to be a place that people want to visit and live after the cleanup is complete, and asked that affected communities along the upper river work together to identify available funding for economic development.*
- *Another CAG member asked about the implications of a spill by a barge while in the canal.* EPA said that the community health and safety plan should be developed with such contingencies in mind.
- *One member commented that lock-7 is connected to a feeder canal and if the river is low and usage is restricted and barges have priority, there could be economic impacts to recreational boating.* EPA agreed and said it would need to be looked into. EPA went on to say that the cycle time for barges to get through the canal would be investigated.
- *The CAG asked how many barges and trains would be used during the process.* EPA said that there would be 4000-6000 tons of sediment removed a day, and that the largest barge available could hold 1000 tons, this, one might assume 4 to 6 barges, But it is unclear how many barges will be used and what their capacity will be. This will be further evaluated in more detailed design work. EPA noted that information on barge capacity is in the appendix of the Preliminary Design report.

- *Questions came up regarding economic mitigation and impacts to property values.* EPA responded that it would look into possible mitigation programs and try to build them into the process. EPA also noted that property values might actually increase in the future after the project is complete.
- *A question came up about the yacht basin and core sampling that has occurred around Ft. Edward. Would the state remove sediment so that large boats could enter—some boats cannot pass under the bridge and dredging the area may help.* EPA responded that the core sampling data on the yacht basin would be shared with the public in the near future.
- A CAG member commented that this is a \$500 million project, and said EPA could act as an advocate for local communities to get just 2% of that amount to be set aside to mitigate dredging impacts on the communities.
- A CAG member said that EPA has no authority or money to provide mitigation benefits. If EPA has to pay more, than all of us as taxpayers have to pay more. Local communities should reach out to the responsible party, GE, for assistance. This member noted that it worked in Pittsfield, MA where GE gave money to the community.
- A CAG member responded that nonetheless, the CAG should work through EPA to address their concerns with GE, recognizing that GE is the funder of all of the efforts, ultimately, and also noted that the Pittsfield, MA site was not a Superfund site.
- One member appealed to everyone on the CAG to work together to try and secure 2% of the total amount to protect the communities that live and rely on the river and that will coexist with the cleanup everyday until it is complete.

A discussion developed involving CAG members. Some stated that they want to work with communities to find mitigation benefits for communities, but that within the Superfund law there is no mechanism for such benefits. These members went on to say that they are also concerned that GE might not follow through with the cleanup and that the \$500 million would not be there. Other members said that cleanup and mitigation have to go hand in hand because so many of their constituents are concerned about the cleanup process. They noted that upper Hudson communities have taken advantage of a number of different programs (including scenic byways) and work hard to develop tourism, maintaining parks, and developing greenways. They welcomed assistance from others to identify other possible programs and to work with the communities of the upper Hudson to access those resources. A CAG member noted that the cleanup process will be an industrial project and said that his organization would work with communities to think outside the box to try and identify and secure assistance for upper river communities. It was noted that the River Navigator program might be useful; the representative in the region is Vincent Tamagna. CAG member David Gordon said he would follow up with Mr. Tamagna.

Preliminary Design Report

EPA presented a summary of the Preliminary Design Report (PDR) to the CAG. The PDR presents an evaluation of existing dredging technologies, preliminary plans for removal of sediment, preliminary design of dewatering sites, options for transport and disposal, potential sources of backfill, and habitat replacement efforts. The presentation covered several topics and gave an overview of the following: dredging, resuspension control systems, transport of dredged material, sediment and water processing, transport for final disposal, final disposal, backfilling/capping, habitat replacement and reconstruction, and next steps. For a copy of the presentation go to <http://epa.gov/udson/cag/index.html>; for a copy of the PDR go to <http://epa.gov/udson/>.

After the presentation, a number of questions and comments were made by the CAG, which are summarized in bulleted form below.

- *What about archeological resources?* EPA replied that there would be a separate report on archeological resources done by consultants in accordance with the Natural Historic Preservation Act.
- *Will any of this information be ready before late fall?* EPA said there likely will not be any interim design documents and that the habitat delineation and assessment report would come out in the interim.
- *It was noted that EPA is presenting on the project, but GE developed the project and will conduct the project. It would be useful for the CAG if GE could have its technical staff here to answer questions.* EPA said this would likely happen when the final sites are determined.
- *How much TOSCA and non-TOSCA waste will there be?* EPA replied it is too early to tell.
- *Is it true that the physical characteristics of the river change might change with dredging?* EPA said yes, and noted that any removal of sediment will change the dynamics of the currents, to some degree, and may affect plant growth because of decreases/increases in light due to dredging.
- *Are there any alternative treatments being looked at for the sediment?* EPA replied it will be done according to the ROD and said that the primary use of the treated sediment will be for landfilling.
- *Will there be traffic implications on the river with the use of barges considering that 6000 tons of sediment will be removed a day?* EPA replied it is difficult to say at this point, since there are different barges with different weight capacities. There are 12 lockings a day; it takes 30 minutes to lock; will this hinder recreational boat traffic? NYSCC replied that they are ready to think outside of the box—and could extend the lock usage period or build a pumping station south of the lock to alleviate congestion.

Updates

Revised Roadmap. EPA said that it would have the revised roadmap ready in May.

TAG and TOSC Description. Differences between the Technical Assistant Grant (TAG) and Technical Outreach Services Coordinator (TOSC) grant were briefly outlined. The TAG is open to municipalities and NGOs for technical assistance in the amount of \$50,000 every three years. There can only be one per Superfund site, renewals are possible, and those renewals are typically only for the current TAG recipient. The TOSC is open to universities to provide technical outreach and assist communities in Region 2.

The TAG recipient, Scenic Hudson, explained they got the TAG for the time period of 1995-1998, when little detailed technical work and documentation was done, and asked for an extension from 1998-2001, and then another extension from 2001-2004. They noted that EPA requires a 20% match in funds for the TAG, and that Scenic Hudson has put in about \$20,000 of its own money on projects. During that time they did the following with the grant:

- Used about 50% of it to review the up and downriver feasibility study and Proposed Plan.
- Used the remaining 50% to review the engineering performance standards.

The TAG recipient noted that they had brought a copy of the materials funded by the grant to the meeting.

The CAG expressed several points regarding this grant:

- In the past, some in the EPA field office gave information that the TAG was a one-time allotment of money, and could not be renewed. However, at the meeting EPA noted that the amount could be renewed under certain conditions. This was frustrating and disappointing to some.
- The TAG grant is of limited dollars and on such a large site as this, does not provide sufficient funding to review the enormous amount of materials that are generated.
- Some raised concerns about TAG grant administration and awards. Some suggested a thorough accounting of TAG grant monies was needed. Others noted the same should be sought for all federal dollars released to local or non-profit groups regarding the site. Others noted that mutual goal of seeking additional, substantial funds for sustainable development would be more important than rehashing the limited monies already expended.
- The facilitator commented that there are, generally, in his view, structural problems with the TAG program: 1) the TAG is almost always the same amount of money no matter what the size of the site and 2) it is supposed to be a community grant but sets up competition among community members and often creates bad feelings.

A CAG member recommended that for the next meeting, the group get together just beforehand to eat lunch and have side conversations to scope out some ways to better work together as a group toward common goals.

Public Comment

A few public comments were offered from non-CAG members in attendance.

- A commenter requested that alternates receive CAG meeting information and documents. It was noted by the facilitator that all information is included for CAG members and alternates in their packet of information, which is set aside for them at the table by the entry way.
- There was also a request to put all CAG meeting information (agendas, summaries, copies of presentations, etc) in the designated information repositories. EPA said they would consider this.
- It was announced that the next Governor's Task Force meeting would be held May 13, 2004. The facilitators said they would forward an announcement to the CAG if it were sent to them. DEC agreed to forward the information to CBI.

Potential Agenda Items for Next CAG Meeting

A number of items were compiled from previous meetings and the day's meeting of possible agenda items. These include:

- Natural Resources Trustees presentation
- Final Quality of Life Performance Standards
- Engineering Performance Standards
- Facility Siting (continued)
- Flood Plain Investigation Briefing (including barges and dredging)
- CAG check-in exercise
- Road Map
- Implications for Agriculture and Cultural resources
- Meeting exclusively on economic impacts

Adjourn

The meeting ended at 3:30pm. The next meeting will be held 12:30pm, May 27, 2004 most likely at the same location.