

Community Advisory Group (CAG) Meeting

Hudson River PCBs Superfund Site

May 2, 2023 (Virtual)

Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Tuesday, May 2, 2022. EPA staff presented updates on the upcoming Lower Hudson River field work; the progress of the Allen Mill/Powerhouse deconstruction in Hudson Falls; the current Five-Year Review (FYR) status and schedule; and the ongoing work on Floodplains and Upper Hudson River monitoring. EPA responded to follow-up questions from CAG members as each topic was discussed. The CAG facilitator (CBI) also provided an update on the CAG expansion efforts to include additional representation from the lower river.

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

- EPA to post approved September 12, 2022 CAG meeting summary.
- EPA to send Andrew Squire the Lower Hudson River (LHR) sampling work plan, as requested.
- Rebecca Martin (Riverkeeper) will share the Champlain Hudson Power Express (CHPE) sediment data with EPA.
- EPA to present to the CAG on the Five-Year Review after the public release of the report.

NEXT MEETING

- The next CAG meeting date is tentatively planned for later in the year.
- Suggested future meeting topics include:
 - o Lower Hudson River CAG expansion
 - o Fish data presented - CAG member request to present in simple format (EPA)
 - o Update on the Powerhouse and Allen Mill Deconstruction (EPA)
 - o Five-Year Review status update - full meeting dedicated to the FYR.

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 and asked all participants to introduce themselves. CAG members approved the meeting minutes from the September 12, 2002 meeting.

LOWER HUDSON RIVER PRESENTATION

Gary Klawinski, Environmental Protection Agency (EPA), discussed details of the LHR Sampling and Analysis Plan. EPA is collecting fish and sediment data in the LHR to get up to date information to compare to older data sets to improve the agency's understanding of current conditions in the LHR. The Lower Hudson River Sampling and Analysis Plan/Quality Assurance Project Plan was approved in March.

CAG members asked what the last Five-Year Review said about the LHR, whether the LHR might be broken into multiple sections or operable units, and whether GE has the option to opt out of further work, if contaminants are shown to belong to other sites/sources. CAG members also reiterated their concern that although the official designation of the LHR as OU5 is positive, these preliminary LHR investigations are in lieu of a more robust Remedial Investigation/Feasibility Study (RI/FS). A CAG member also re-iterated the need to move quickly with the investigations because at-risk communities may not follow the consumption advisories and continue to eat fish from the Hudson.

EPA responded that the last FYR indicates there is some recovery in the Upper Hudson River (UHR). Older data shows little recovery in the LHR. The entire LHR is currently designated OU5, but it is likely to be further segmented. GE continues to be cooperative regarding LHR investigations. The current plan includes monthly water column monitoring at five stations, collecting 800-900 fish including crabs, and collecting recently deposited sediment from 250 target areas in the main stem and tributaries. EPA noted that this approach allows us to get into the river and start collecting data quickly so we can make informed decisions about further investigations in the near future.

CAG members asked if EPA is using aroclor or congener analysis for water, fish and sediment sampling (and, for clarification, why EPA prefers aroclor analysis for fish while DEC uses congener data), how the new data collected will be compared to and/or assimilated with historical data collected by EPA, GE and DEC, and with ancillary data that may be collected in conjunction with other projects in the Hudson River. CAG members asked if EPA was aware that sediment data had been collected recently as part of the CHPE project, if the Beryllium-7 (BE-7) samples would be collected via grabs or cores and if any samples would be analyzed for baseline levels of radioactivity (i.e., in relation to proposed water discharges from the Indian Point facility).

EPA responded that (EPA/GE) use congener analysis for water and sediment samples. While most of the fish samples are analyzed using the aroclor-based method, a minimum 5% of fish samples are analyzed by congener. EPA and GE are confident that the current analysis program is good, and it is not a simple process to switch. However, EPA is working with DEC to bring the two fish sampling programs closer together. There are pros and cons to each method – for example, there can be greater variability in congener analysis, but it also has a lower detection limit. EPA offered to host a more detailed discussion in a separate technical meeting, if desired. EPA also indicated that the majority of the Lower River analysis is being done using the congener method.

EPA's consultants have pulled together the data that exists for the lower river (current and historical data) and are looking forward to receiving more of DEC's data. EPA has been requesting data associated with the CHPE work but was not aware of the new CHPE sediment data and will look into it. Be-7 samples are being collected via grab samples. The sediment sampling program is not designed to track radioactivity, but samples will be archived so additional analysis could be done if needed.

DEC staff added that their agency is tracking data related to Indian Point, they look forward to seeing a Lower Hudson River RI/FS, and that they support breaking OU5 into smaller river sections.

LOWER HUDSON RIVER OUTREACH AND COMMUNICATION UPDATE

Larisa Romanowski outlined the LHR outreach activities currently underway, including a virtual public meeting to be held the evening of May 24. The meeting and LHR fact sheet are both being made available in English and Spanish.

CAG members asked when and how information about the virtual public meeting would be distributed and offered to distribute a Save-the-Date notice to their constituents.

Registration information for the virtual meeting is planned to be sent out about a week from this meeting, via press release, project distribution lists, etc.

LOWER HUDSON RIVER CAG EXPANSION

Gil Hawkins, member of the Lower Hudson River CAG Expansion Team, gave an overview of Hudson River history, touching on polluters' prosecutions, commercial fishing, and the impact of GE's PCBs on activities on the river and people's access to the resource. Ona Ferguson then reviewed the CAG expansion process to date, noted the need to modify the current CAG Operating Procedures to accommodate additional members, and outlined next steps. She gave an overview of the seats the expansion team was thinking of adding and invited feedback.

CAG Members then discussed potentially inviting technical or research groups to act as liaisons, limits on the number of additional members, and how to handle existing members who haven't been participating. It was generally agreed that more work would need to be done before any changes to membership can be voted on. EPA suggested not removing members, and a CAG member pointed out that some members may participate more as the floodplain work moves forward. Ona invited anyone interested in working with the expansion team to contact her. She will set up a meeting with the expansion team to decide on next steps.

FIVE-YEAR REVIEW UPDATE

Mike Cheplowitz, EPA, presented a progress report on the Third Five-Year Review.

CAG members asked how the fish numbers are derived and stated that the fish recovery metric needs to be easier to understand, and asked whether winter (i.e., ice fishing) was considered in the choices for fish species collected. CAG members also commented that fish advisory signage was not sufficiently effective at stopping anglers from keeping their catch, noting nighttime fishermen in the upper Hudson River in particular. There was also a question about habitat restoration of grasses.

EPA explained that the ROD metric accounts for what the typical (average) angler would catch (50% bass-like species), and EPA collects species-specific data. In addition to comparing fish data to the metrics in the ROD, EPA also compiles a lot of different information so presenting in a simplified format is challenging. EPA is committed to presenting in a clear and understandable format. Ongoing habitat restoration is not a part of the Five-Year Review.

BRIEF UPDATES

Please refer to the posted presentations for more details on the following updates:

- *Powerhouse/Allen Mill Deconstruction* – Matt Wiener, EPA, gave an update. The Powerhouse and Allen Mill structures are being deconstructed. Monitoring data to date indicate that a PCB release to the river has been successfully prevented. Some work remains to be done on the Powerhouse. The Allen Mill work is scheduled to begin in 2024. A CAG member asked if the monitoring at the site was standard or more robust and EPA responded that more than typical monitoring was being done, and so far, results are good – no indication of concerns.
- *Floodplains Response Actions* – Gary Klawinski gave an overview of some recent STRA (Short-Term Removal Action) work, including an example of a challenging situation and the planned actions for the rest of this year. A CAG member commented that the old Champlain Canal wasn't included in the ROD for the upper river. The community is very thankful to EPA for the level of sampling that has been done and to GE for stepping up. The data collected provides the information needed

by the municipality to move their projects forward. EPA indicated they will continue to work closely with all involved as the projects move forward.

- *Upper Hudson River Long-Term Monitoring* - Routine weekly and monthly water column monitoring is ongoing. Annual spring and fall fish collection continues; 300-400 specimens per year. Be-7 sampling is happening this summer; the next surface sediment collection event will be in 2026. The next cap survey is scheduled for this year. Data analysis is on-going. A CAG member stated that there is a lot of disagreement about what is being shown and asked if these results are what will be laid out in the Five-Year Review. If so, it seems like EPA is looking through rose-colored glasses. EPA clarified that the certain components of the program are designed around a 10-year period (for example the sediment program) and the current data is generally within expectation of the program design. These data will be laid out in detail in the Five-Year Review.
- *Habitat Response Actions* - These annual response actions are based on needs identified in the previous year's surveys. Response actions for 2023 include seed buoys in sub-aquatic water areas, wild rice seeding in river fringing wetland areas, and invasive species removal from restored areas. A CAG member asked about the status of a previous request from a marina to NOT put plants back in their dock areas. EPA explained for that situation we had GE place plants nearby allowing the owner to have full access to their dock. EPA noted there were various situations that came up during the dredging project where we worked directly with the owner to resolve their concerns.

WRAP UP AND CAG BUSINESS

Ona Ferguson asked the group to share their preferences on the meeting format of CAG meetings. Most are in favor of a mix of both virtual and in-person meetings. Stated benefits of in-person meetings include the value of site visits and opportunities for personal interaction and relationship building. Benefits of virtual meetings include eliminating travel time and potential increased participation, especially as the project area gets bigger. A couple of CAG members also expressed an interest in hybrid meetings. Benefits of these include letting people participate in the way in which they are most comfortable, but the quality of the conversation and experience is often overall poorer. The CAG admin team will discuss the format for upcoming meetings.

MEETING PARTICIPANTS

CAG Members & Alternates

Michael Dulong, Rich Elder, Emily Flores, Audrey Friedrichsen, Drew Gamils, Manna Jo Greene Gil Hawkins, Pam Landi, Dustin Lewis, Rebecca Martin, David Mathis, Althea Mullarkey, Andrew Squire, Julia Stokes, Linda von der Heide.

CAG Liaisons & Facilitator

Danielle Adams, John Brodt, James Candiloro, Michael Cheplowitz, John Davis, Ona Ferguson, Kathryn Jahn, Gary Klawinski, Angela Martin, Joe Moloughney, Leslie Morlock, Simenesh Semine, Larisa Romanowski, David Tromp.

Others

Kayla Antigua, John Armitage, Stephen Ballentine, Joe Battipaglia, Patrick Curran, Clifford Firstenberg, Colin Kelly, Jess LeClair, Gwyn Linus, George Lukert, Chuck Nieder, A Pezzullo, Leah Rae, Dan Shapley, Katherine von Stackleberg, Thomas Sweck, John Waechter, Matt Wiener.