

Community Advisory Group (CAG) Meeting Hudson River PCBs Superfund Site

March 31, 2022 (Virtual)

Meeting Summary

MEETING IN BRIEF

The Community Advisory Group (CAG) for the Hudson River PCBs Superfund Site met virtually on Thursday, March 31, 2022. EPA presented an overview of the Long-Term Operation, Maintenance and Monitoring Plan for Water, Fish and Sediment (WFS OMM) for the Upper Hudson River (UHR); the process and timeline for the third Five-Year Review; an update on the Floodplain Remedial Investigation/Feasibility Study including sampling of the Old Champlain Canal (OCC) in Schuylerville; deconstruction of the Allen Mill/Powerhouse in Hudson Falls, and; the anticipated scope of work and next steps for the Lower Hudson River (LHR) investigations. There were follow up discussions with the CAG members as questions/comments were raised to EPA.

Presentation slides and materials from previous meetings are available on the CAG's website: <https://hudsoncag.wspis.com/documents.htm>

NEXT STEPS

- EPA to post approved June 2021 meeting summary
- CAG members interested in being part of the Five-Year Review team should let CBI know.
- CAG members interested in joining the Admin Committee and/or with suggested topics for CAG meetings follow up with CBI.

NEXT MEETING

- The next CAG meeting date is tentatively planned for late May.
- Suggested future meeting topics include:
 - Sediment data collected in 2021 (EPA)
 - Fish data collected in 2021 (EPA)
 - Project update - Fort Edward and Hudson Falls Plant Site work (NYSDEC)
 - Natural Resource Damages (NRD) process - refresher (Trustees)
 - Powerhouse and Allen Mill Deconstruction (EPA)
 - Habitat Monitoring and Response Actions (EPA)
 - Remnant Sites - Ongoing Monitoring and Maintenance (EPA)
 - CBI outreach to potential LHR CAG members (CBI)

DISCUSSION

Below is a summary of the key items discussed during the meeting.

Welcoming and Introductions

Ona Ferguson, Facilitator from the Consensus Building Institute (CBI), opened the meeting. CAG members approved the meeting summary from the previous CAG meeting (June 3, 2021). Althea Mullarkey announced that she will be leaving Scenic Hudson as a full-time staff position but will continue to work for Scenic Hudson on PCB-related matters and the Hudson River PCBs Superfund Project.

Hudson River Program Updates

Gary Klawinski, Environmental Protection Agency (EPA) led the presentations on key project activities since the last CAG meeting. CAG members are welcome to reach out to EPA for additional details on any of today's discussions.

Upper River – Long-Term Monitoring Michael Cheplowitz (EPA)

[Operation, Maintenance and Monitoring Plan discussion highlights](#)

The General Electric Company (GE) submitted its draft *Long-Term Operation, Maintenance and Monitoring Plan for Water, Fish and Sediment (WFS OMM) for the Upper Hudson River* to EPA for review on February 28. EPA and other involved agencies are actively reviewing the document and on track to provide comments in mid-April.

The WFS OMM plan reflects the discussions between GE and EPA in consultation with NYSDEC on the long-term operation, maintenance, and monitoring (OMM) program for water, fish, and sediment (including engineered caps) over the past few years and is based largely on the program outlined in the 2010 Phase 2 OMM Scope. Upon approval by EPA, the WFS OMM Plan will replace the existing *Phase 2 Remedial Action Monitoring Quality Assurance Project Plan (RAM QAPP)*. Modifications will be made as needed going forward.

Habitat plans are not included in the WFS OMM – they are provided in a separate document.

[Fish Monitoring program discussion highlights](#)

CAG members asked about fish species choice and total numbers, if/how the plan applies to the lower river, and how the target rate of decline was chosen, if the target had been met, and the consequences of missing the target.

NYSDEC indicated that they will submit formal comments to EPA in April including a request for increased frequency in reaches 1-4, and some species differences. EPA will work with NYSDEC and NYSDOH on plans to anticipate changes in fishing/consumption restrictions or advisories.

Program development considerations include the ability to detect at least a 5% decline [in total PCB concentrations] over 10 years. There is not yet enough post-dredge data to state a rate of decline with statistical confidence.

Current fish species were chosen because they are indicator fish; pumpkinseed have proven to be highly correlated with overall concentrations. Other fish species may be added later after the levels in indicator fish have declined sufficiently.

The amount of PCBs found in the fish (for this project known as the species weighted average) across all reaches - the metric in the Record of Decision (ROD) – appears to show a decline

through 2020, although it is still slightly above the target. The 2021 data is not yet available. Concentrations in LHR fish are generally an order of magnitude lower than in UHR fish. EPA recognizes that not all parts of the river or species of fish behave the same, so data is also being analyzed by river reach and species to help identify where challenges to recovery might be occurring. If the ROD target is missed after a trend has been established, EPA would evaluate that circumstance in more detail. EPA will report out on the 2021 fish data as soon as it is available and EPA's analysis is completed in consultation with NYSDEC.

[Water Monitoring Program discussion highlights](#)

CAG members asked about the different thresholds for designating a high flow event and the locations of water monitoring stations.

The Water Monitoring program includes routine sampling of Hudson River water on a weekly and monthly basis April–November, plus high flow event sampling as needed.

Routine water sampling stations are located at Bakers Falls, Rogers Island, Thompson Island Dam, Schuylerville (Rte 29 bridge), Waterford, Albany/Troy, and Poughkeepsie. High flow water sampling stations are located at Schuylerville (Dix Bridge) and Waterford. High flow thresholds vary by location based on overall flows.

[Sediment Sampling Program discussion highlights](#)

CAG members asked for clarification on the sampling of recently-deposited sediments and requested more information about how Beryllium-containing sample locations are identified and mapped.

The Sediment Sampling Program examines two facets of Hudson River sediments: surface sediments (0–2" depth), based on the program originally developed in 2016, and recently deposited sediments, identified by a beryllium signature (0 – 2 cm depth).

Every five years, a total of 745 sediment samples will be collected that include both dredged and non-dredged areas. Forty-five samples that contain Beryllium 7 will be analyzed. Because it degrades quickly, the presence of Beryllium 7 indicates the sediment was recently deposited. The 2021 data is not yet available, but generally concentrations of both Total PCBs and Tri+ PCBs decrease as you move downstream.

[Caps and Bathymetry Program discussion highlights](#)

CAG members expressed concern for where the cap information would be stored for long term reference – i.e., how might someone working in the river decades in the future know the locations of caps in order to avoid disturbing them.

The NYS Environmental Database houses information on cap locations. Permitting processes for activities in the river and on shore require applicants to review the data to be aware of any nearby caps. Additionally, if during normal operations an activity is observed in the river it is checked to be sure it is not in an area of a cap. EPA or NYS can step in to make sure the cap is not disturbed. Cap monitoring and maintenance is a requirement of the remedy in perpetuity and damage to caps must be repaired by GE.

WFSOMM Next Steps

EPA expects its review of the draft Long-Term Operation, Maintenance and Monitoring Plan for Water, Fish and Sediment (WFS OMM) to be completed this spring. Monitoring will continue uninterrupted.

Old Champlain Canal (OCC)

CAG members mentioned the importance of Schuylerville's economic development and recreational use plans. They asked about documentation of the sampling efforts by GE and EPA in support of Schuylerville's economic development plans for the Old Champlain Canal, and about fishing restrictions in the area.

Sediment samples were collected between 2017-2021 in the OCC in accordance with NYSDEC permitting requirements. PCB concentrations ranged from non-detect to single digit parts per million (ppm); other contaminant concentrations were generally low, but some do slightly exceed NYSDEC beneficial use limits. Most PCBs are buried and at low concentrations. While there is a need to remove sediments from the OCC to increase water depth/flow, PCBs concentrations are not at the level to require an action. EPA and NYSDEC are confident that the Town's engineering consultant can interpret the data and design an appropriate approach for sediment removal, and NYSDEC and EPA indicated they will continue working closely with the town on this matter. A report of findings is being prepared by GE for EPA/DEC review and should be available to the Town of Schuylerville in about two months.

Fishing is catch and release throughout the area.

Former Dewatering Facility Site / Alternate Waterline

The former dewatering facility property along with its associated wharf and access road have been transferred to NYS. Although EPA continues to follow news reports on the proposed future use of the property, as of now neither EPA nor GE has direct involvement on the property. The facility road was transferred to Warren-Washington Industrial Development Agency. The transfer of the alternate water supply line to the Towns of Waterford and Halfmoon is in process.

Selected Brief Updates

In the interest of time, brief updates on the next Five-Year Review, Lower Hudson River studies and demolition of the Powerhouse/Allen Mill were presented, while discussions of the Floodplains work (other than OCC), Habitat Monitoring and Response Actions, and Ongoing Monitoring and Maintenance of the remnant deposit sites will be presented at a subsequent meeting.

Five-Year Review (3rd review)

EPA is in the process of planning and scheduling the third FYR report with an analysis of data collected from 2017-2021. EPA will issue a press release and a public notice will be published in April. EPA anticipates finalizing the FYR report in spring 2023, after a public comment period. The FYR is for Operable Unit 1 (OU1) (remnant sites) and OU2 (dredging and recovery), not OU4 (floodplains) or OU5 (internal EPA designation for LHR).

EPA is considering forming a committee including CAG members to review the FYR data analyses over 3-5 meetings, similar to what they did for the last FYR. Any CAG member interested in being part of the review team should communicate their interest to CBI.

[Lower Hudson River Investigations \(OU5\)](#)

The Hudson River PCBs Superfund site is from Bakers Falls to the Battery in NYC. OU5 comprises 160 miles of the 200-mile superfund site, including 22 miles on the western New Jersey shore. While there should be no expectations of a Lower Hudson River Record of Decision (ROD) anytime soon, EPA is currently undertaking investigations to gather additional information on the LHR with GE's cooperation and in collaboration with NYSDEC and NYSDOH. The data and information collected will be used to inform EPA's next steps in this portion of the river.

The framework for data collection will include collection of water data to understand variability, a focus on fish that are likely to be consumed and/or which give a fundamental understanding of habitats, concentrations and variability, and a look at surface sediments where fish are collected and sediments at 3-4 foot depths in depositional areas. Data collection will begin this year and continue into 2024.

CAG membership will be expanded to include more lower river representatives. CBI has developed a list of organizations and people in the lower Hudson River region to reach out to in order to learn more about who might want to join the CAG from that area and considerations for how expansion of the CAG might occur.

[Powerhouse and Allen Mill Deconstruction](#)

PCB contamination from the GE Hudson Falls plant migrated onto the properties owned by National Grid. The powerhouse and Allen Mill buildings have been condemned and need to be deconstructed. Due to the potential for a release of PCBs into the river during the work, EPA requested that National Grid and GE conduct this work as a removal action agreement that will include EPA oversight.

The Floodplains Remedial Investigation/Feasibility Study, Habitat Monitoring and Response Actions, and Remnant Site discussions were tabled to a future CAG meeting due to lack of time.

WRAP UP AND CAG BUSINESS

David Mathis asked for continued follow up from EPA on PCB data collected in relation to his and nearby properties. EPA indicated they will reach out to him as they have done in the past to discuss his concern and answer any questions he may have.

Supplemental note: Andrew Squire, a CAG member who did not participate in the March 31 meeting, requested that this summary include his frustration with the cleanup process and with the CAG process. He would also prefer in-person meetings because he is unable to participate virtually in meetings.

Any CAG members that are interested in joining the Admin Committee and/or suggesting topics for the next meeting, please follow up with CBI. The CAG has invited the EPA Region 2 Administrator to the next CAG meeting, and we hope to coordinate timing to make that work.

MEETING PARTICIPANTS

CAG Members & Alternates

Chris Bellovary, *Riverkeeper*
Dan Carpenter, *Village of Schuylerville*
Hayley Carlock, *Scenic Hudson*
Peter Goutos, *Saratoga County Chamber of Commerce*
Manna Jo Greene, *Hudson River Sloop Clearwater*
Gil Hawkins, *Hudson River Fisherman's Association*
Dustin Lewis, *Saratoga Soil & Water Conservation District*
Dan Lundquist, *Resident*
David Mathis, *Recreational Boating Representative*
Althea Mullarkey, *Scenic Hudson*
Julie Stokes, *Schuylerville Area Chamber of Commerce*
Linda von der Heide, *Rensselaer County Economic Development and Planning*
Richard Webster, *Riverkeeper*

CAG Liaisons & Facilitators

Danielle Adams, *WSP, Inc.*
James Candiloro, *NY Power Authority*
Michael Cheplowitz, *USEPA – Region 2*
John Davis, *NYS Office of the Attorney General*
Ona Ferguson, *Consensus Building Institute*
Gary Klawinski, *USEPA – Region 2*
Chris Martin, *National Parks Service*
Leslie Morlock, *National Parks Service*
Bill Richmond, *Behan Communications*
Larisa Romanowski, *USEPA – Region 2*
Lisa Rosman, *National Oceanic and Atmospheric Administration*
Simenesh Semine, *Consensus Building Institute*

Others

Jared A [*last name not provided*]
Joe Battipaglia, *USEPA – Region 2*
Charlotte [*last name not provided*]
Donna Davies, *National Parks Service*
Fabio Iwashita, *NYS Department of Environmental Conservation*
Justin Deming, *NYS Department of Health*
Mike Keogh
Jess LaClair, *NYS Department of Environmental Conservation*
D. Mayer
Joseph Moloughney, *NYS Canal Corporation*
Joseph Murphy
B. O'Neill
Rebeca Patsey
Wayne Richter, *NYS Department of Environmental Conservation*

Sharon [*last name not provided*]

Jackie Schillinger

David Tromp, NYS Department of Environmental Conservation

Audrey Van Genechten, NYS Department of Health

Katherine Ellen von Stackelberg

Matt Wiener, USEPA – Region 2