

FINAL

Facilitator Liz Murphy Notes from 5/20/2020 Conference Call: Discussion of Little Thunder Brook - Dewey Loeffel Landfill

Participants:

Town of Nassau: Supervisor David Fleming, Deputy Supervisor Lani Richards

UNCAGED: Andy Kahnle, Kelly Travers-Main, Pam Lever, Anne Rabe, Dan Spilman

Other CAG members: Bruce Herron, Amanda Keenan, Ann Shaughnessy, Erica Gundrum

Other Interested Participants: Fred McCagg, Barbara Reina, Dan Schaumann

NYSDEC: Kyle Forster; Sarah Quandt

NYSDOH: Eamonn O'Neil

US EPA: Regional Administrator Pete Lopez, Joe Battipaglia, Dave Rosoff, Larisa Romanowski, Pete Mannino, Pat Evangelista, Sharon Kivowitz

Note: Town of Schodack Supervisor David Harris joined via TEAMS, but left because he did not have a phone connection, so could not hear the presentation

The following notes are from the Q&A portions of the meeting. EPA's presentation slides were distributed via email to all parties on 5/20/20 in a pdf file entitled:

**EPA\_LittleThunderBrookPresentation\_DeweyCAG\_052020**

Issue-specific Discussions

- Reasoning behind addressing Little Thunder Brook through the Removal Program rather than the Remedial Program
  - In EPA's evaluation of the Phase 1 Remedial Investigation (RI) data, they noticed the results of sampling in Little Thunder Brook indicated something very different was going on there from what was present in the other drainageways. In Nassau Lake and the Valatie Kill, average PCB concentrations of 0.8 ppm and a maximum of 7 ppm were found. In Little Thunder Brook, PCB results were highly variable, but frequently were very high (consistently in the 50 – 100 ppm). EPA viewed the contamination in Little Thunder Brook as source level contamination and realized that it was potentially a major source to downstream drainageways. Therefore, EPA decided to act quickly to address the contamination in Little Thunder Brook through the Removal Program rather than taking the longer, albeit more comprehensive, Remedial Program route.
  - Under the Removal Program, EPA responds to acute risks. At Little Thunder Brook, EPA wanted to reduce the acute threat to downstream drainageways quickly. The goals were to: 1) stop PCB migration to downstream drainageways; and 2) to achieve a cleanup level of 1 ppm.
  - The limited **general scope** of the Removal Program is as follows: 1) it allows EPA to address acute risks/threats; 2) removal actions are expected to be at a cost of less than \$2M; and 3) removal actions are expected to be completed within 12 months. While there are exceptions, the scope of the Removal Program is much smaller than the Remedial Program where the process generally includes a thorough vetting of potential cleanup options, takes significantly longer time, includes additional community involvement opportunities, and costs run well above \$2M. When initially considering what to do at Little Thunder Brook, EPA believed the excavation work could be completed within a relatively short time, reaching PCB cleanup levels of 1 ppm and stopping the potential migration of PCBs from Little Thunder Brook to downstream drainageways. EPA noted that because the responsible parties are doing the work, the time and cost limitations do

not apply, but for other reasons, EPA is considering, and looking for community input on, taking a different approach moving forward.

- Strong opposition to deviating from a 1 ppm cleanup level for Little Thunder Brook was raised by UNCAGED, the Town of Nassau and the CAG. UNCAGED noted that GE's refusal to conduct off-site testing back in the '80s is why we're where we are today. EPA responded, expressing the intent to mitigate the impacts to/from Little Thunder Brook in as thorough and comprehensive way as possible.
- Data Suggesting Downstream Migration from Little Thunder Brook to Other Drainageways
  - In looking at the RI data all together, EPA saw no hot spots of PCB contamination in either the Valatie Kill or Nassau Lake; in Little Thunder Brook, EPA saw source levels of PCB contamination, up to 7500 ppm. Additionally, PCB concentrations in fish and surface water were higher in Little Thunder Brook than in Nassau Lake/Valatie Kill. While potential source material is present in Little Thunder Brook, the surface water and sediment data collected to date do not suggest a high rate of mobilization of contaminated sediments.
- Area 28
  - Area 28 is approximately two-thirds of the way down to Nassau Lake from where Little Thunder Brook flows into the Valatie Kill. A concern was raised that, like Little Thunder Brook, work was done in Area 28 some time ago, so there may still be contamination there like what has been found in Little Thunder Brook. EPA reported that samples of surface water, sediment and fish data at that location did not indicate high levels of PCB contamination remain there. When asked if concentrations exceeded 1 ppm, EPA said that sediment concentrations in the Valatie Kill are generally around 1ppm with some variability above and below this number; however, the data in and around Area 28 do not show concentrations indicative of source material like what is present in Little Thunder Brook.
- Path Forward: Removal or Expedited Remedial Program
  - A redesign approach with organoclay layer has been proposed by GE:
    - EPA noted that the removal goals were to: 1) prevent PCBs from migrating downstream into the Valatie Kill and Nassau Lake; and 2) reach 1 ppm. The first goal is currently being met (and if the redesign approach is chosen, it would still need to be met). The goal of reaching 1 ppm PCBs was achieved for about one-half of the distance between the landfill and the Valatie Kill. Under the redesign approach, the 1ppm cleanup level would not be achieved throughout the banks.
    - Question: on Slide 27, is the excavation limit in the purple area based on depth or PCB concentrations?
    - Answer: The depth of excavation in the channel is for 1 ppm PCBs; extending into the banks, it would depend on topography (what could be done safely) and it would stop at a prescribed limit regardless of whether PCBs remained.
    - Question: How could the organoclay layer be designed to prevent its saturation so that PCBs couldn't get through it?
    - Answer: The organoclay layer would have to be designed to be protective; GE would have to do more sampling and use data to properly design the organoclay layer.
    - Question: Couldn't GE use temporary shoring to clean up the banks instead of covering up the PCBs behind a clay layer?
    - Answer: The PCB contamination layer at some places goes as far as 30 feet into the banks and lies under 100 feet of materials; the volume that would need to be removed to get to that layer would be well beyond the Removal Programs

operation; it would have to be dug out from the top, perhaps with mining equipment. Therefore, shoring would not be sufficient to remove layers such as these to 1ppm.

- Question: Would monitoring take place if PCBs were left in place to ensure that the PCBs aren't migrating downstream?
- Answer: Yes, under either the Removal or Remedial program, if waste is left in place, continued monitoring and maintenance would be required
- Question: Do the landowners have any say in this?
- Answer: EPA has, and will continue to communicate with the landowner throughout the cleanup process.
- Question: How did the PCBs get 30 feet into the banks?
- Answer: The stream was a slow-moving, pooling stream with intermittent flow. The area is heavily wooded and photos show there were many downed trees in the channel which likely contributed to the pooling effect. PCBs probably were just above, at, and below stream level, seeping into the permeable banks.
- Question: Is EPA confident that the PCBs migrated *from* the creek bed and not to the creek bed from somewhere else?
- Answer: Yes, concentrations generally decreased as sampling moved away from the channel. In addition, the excavation of these layers did not lead to a source.
- Question: Couldn't you use treatment in place instead of excavation?
- Answer: If that technology exists, it would have to be thoroughly evaluated; EPA is uncertain whether 1 ppm could possibly be achieved through treatment; treatment options would have to be evaluated through the Remedial Program.
- Town's opinion, shared by UNCAGED and CAG: What GE is putting forward in this redesign is very concerning, much like what GE was proposing in July 2018, and appears to be a cursory, inadequate approach. We must forever end the continued PCB migration into the Valatie Kill. Without proper cleanup of Little Thunder Brook, the community will have no confidence in the overall cleanup of the site.
- EPA's preferred approach at this time is to find a way to do an expedited, thorough Remedial Process, bringing the community's views into the process.
- Expedited Remedial Process Approach
  - Question: If go this route, would the cleanup levels remain the same?
  - Answer: Like the process for addressing the landfill/groundwater cleanup, preliminary remedial action objectives would be identified, then during the Feasibility Study process, remediation goals and ARARs would be determined and cleanup standards would be set.
  - Comment: UNCAGED noted that the 1 ppm cleanup level was set in the '90s as the level that would allow for possible future consumption of fish.
  - Question: Can anything be done to prevent PCBs from continuing to migrate to the lake while the Remedial process unfolds?
  - Answer: Some interim measures have already been put in place (see the last slide), but EPA would look at more robust measures to take until a final solution can be achieved. Also, monitoring and maintenance would be required. Note that the Removal authority would be used to maintain structures to manage turbidity. Encouraging sediments to deposit and slowing down water flow should protect downstream water bodies until a solution can be implemented.

- What is the next document expected regardless of which approach is selected? The next document produced will likely be a Sampling Work Plan.
- Note that EPA wants to expedite the process for Little Thunder Brook while continuing in parallel with the other drainageways.
- EPA invited all parties to reach out with any questions or concerns and will continue to keep the lines of communication open.