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In the Works

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In The Works is a monthly newsletter providing Environment, Health and Safety (EH&S) news and regulatory updates. The newsletter is provided by Loureiro Engineering Associates, Inc. of Plainville, Connecticut. In this Issue you will find links to the following articles:

NATIONAL

EPA Initiates Second Review of Hudson River PCB Cleanup, Public Encouraged to Participate

The U.S. Environmental Protection Agency has initiated its second review of the cleanup of the Hudson River PCBs Superfund site. The purpose of this review, which is called a five year review and is legally required under the Superfund law every five years after the start of on-site construction, is to ensure that the cleanup is working as intended and will be protective of public health and the environment. The first five-year review for the Hudson River PCBs Superfund Site was completed in 2012 and the EPA anticipates conducting reviews every five years well into the future. The EPA will conduct its current review in an open and transparent manner with input from the public.

After six seasons of in-river work, dredging to remove polychlorinated biphenyls (PCBs) from a 40-mile stretch of the upper Hudson River between Fort Edward and Troy, New York, was completed in the fall of 2015. The cleanup was conducted and paid for by General Electric Company with EPA oversight under a legal agreement with the EPA.

The current five year review will include new data to be collected this spring and summer, including fish, water and sediment data. EPA will also use all available data for the project, including fish, water and sediment data collected since the last five-year review.

This five-year review will be one of a series of future reviews. It will evaluate whether the stated goals of the project are being met, or are expected to be met, based on the available data. Several more years' worth of post-dredging data will be needed to understand the reduction of PCB levels in fish as a result of the project.

The five-year review will also include a review of the cleanup plan for the areas of PCB-contaminated sediment upstream of the areas targeted for dredging. These areas, known as the remnant deposits, became exposed after the river water level dropped following removal of the Fort Edward Dam in 1973. These areas are now capped, maintained, and monitored.

As part of the EPA's commitment to conduct the five-year review in a transparent manner, in 2017 the EPA will hold public workshops with the Hudson River PCBs Site Community Advisory Group to discuss the second five-year review. The Hudson River Community Advisory Group meetings are open to the public and information about the workshops will be announced in advance. Following an evaluation of data and discussions with the federal Hudson River Natural Resources Trustees, New York State and the Community Advisory Group, the EPA expects to issue the second five-year review report in mid- 2017 and will make it available for public comment.

The five-year review report will be available on the EPA's Hudson River website at <http://www.epa.gov/hudson> and in the local repositories established for the site: Edgewater Public Library, 49 Hudson Avenue, Edgewater, NJ 07020; Adriance Memorial Library, 93 Market Street, Poughkeepsie, NY 12601; NY State Library, Cultural Education Center, Empire State Plaza, Albany, NY 12230; Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801; Saratoga County EMC, 50 W. High Street, Ballston Spa, NY 12020; EPA Hudson River Field Office, 187 Wolf Road, Suite 303, Albany, NY 12205; and at the EPA Region 2 Superfund Records Center, 290 Broadway - 18th Floor, New York, NY 10007.

Between 1947 and 1977, an estimated 1.3 million pounds of PCBs were discharged into the river from two General Electric capacitor manufacturing plants located in Fort Edward and Hudson Falls, New York. The dredging of the Hudson River was designed to occur in two phases. The first phase of the dredging project was conducted in 2009. The plan for dredging underwent extensive review by the EPA and General Electric Company at the end of the 2009 dredging season. The plan was also reviewed by a panel of independent scientific experts at that time, and various stakeholders participated in that review, including the Hudson River Natural Resources Trustees, the Hudson River Community Advisory Group and members of the public. The second and final phase of dredging began in June 2011 and concluded in fall 2015. During 2016 restoration of habitat areas disturbed by the dredging will be completed. The 100-acre Fort Edward facility that was constructed to dewater and process the dredged sediment is in the process of being taken apart, after which the site will be restored. Once that process is completed, and the required project reports are prepared and approved by the EPA, the dredging portion of the cleanup will be considered complete. The Operation, Maintenance & Monitoring phase of the project is underway and will continue. During this phase, monitoring is conducted to track the ongoing recovery of the river and the effectiveness of the cleanup over time. As stated above, the EPA will also continue to conduct five-year reviews of the project.

Detailed Hudson River Superfund site information can be found on the Internet at <http://www.epa.gov/hudson>

CONNECTICUT

Connecticut DEEP Announces Program at Kellogg Environmental Center, Derby

Connecticut Women Cultivating Confidence

In appreciation of the outstanding achievements of women in Connecticut, the Kellogg Environmental Center will have two guest lecturers on Connecticut women in the suffragist movement and the history of inspirational Connecticut women. The program will be held on Saturday, April 29, from 11:30 a.m. - 2:00 p.m. at the Kellogg Environmental Center.

11:30 a.m.

Beginning at 11:30 a.m., Patricia Sweeney, PhD, reference librarian at the Derby Neck Library, will give a presentation about Connecticut women in the suffragist movement.

She will focus on the suffragist movement in Hartford and the Lower Naugatuck Valley area, and Frances Osborne Kellogg's role in the movement. Frances Osborne Kellogg was a successful business woman and community leader who willed her land to the state of Connecticut creating Osbornedale State Park. She was also President of the Board of Directors at Derby Neck Library which her father established in 1897.

1:00 p.m.

At 1:00 p.m. an interactive multi-media program by the Connecticut Women's Hall of Fame will be shown about how some of Connecticut's most remarkable women overcame obstacles and grew into confident leaders. The program will include powerful stories of women like Marian Anderson who dealt with racial discrimination, Sophie Tucker who struggled with body image, Dorrit Hoffleit, whose own mother considered her unintelligent because of her gender, and other women across many fields who faced many challenges in their lives.

Admission is free and registration is required. Refreshments will be served. For more information and to register, please call (203) 734-2513. The Kellogg Environmental Center, is open Tuesday through Saturday from 9:00 a.m. - 4:30 p.m. The center is located off of Route 34 on 500 Hawthorne Avenue in Derby, CT.

MASSACHUSETTS

Baker-Polito Administration Files Legislation Seeking Federal Delegation of Water Protection Efforts. Proposal Ensures State Oversight of National Pollutant Discharge Elimination Systems Program.

Continuing its commitment to protect the waters of the Commonwealth, the Baker-Polito Administration recently filed An Act to Enable the Commonwealth's Administration of the Massachusetts Pollutant Discharge Elimination System. The legislation will allow the Massachusetts Department of Environmental Protection (MassDEP) to join forty-six other states in administering the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) for federal water quality protection. Additionally, the proposal will allow the Commonwealth greater oversight of water quality monitoring, assessment, and water quality standards programs as well as increased data availability to ensure development of scientifically based permits that protect Massachusetts' waterbodies. Governor Baker's Fiscal Year 2018 budget proposal includes a \$1.4 million commitment as an initial investment in NPDES to support program development and build robust water quality monitoring and analysis programs.

"Massachusetts has a proud history of working to protect and improve water quality, and this legislation will provide greater certainty for the Commonwealth once federal authority for this program is placed into the hands of our state experts," said Governor Charlie Baker. "By joining 46 other states with the federal delegation, the Commonwealth will be able to implement a strong, science-based program focused on protecting our natural resources. With its

comprehensive knowledge of the Commonwealth's waterbodies and communities, MassDEP is uniquely suited to write permits that will protect our state's waters."

"The Commonwealth has a proven-track record of implementing federally delegated programs, and this legislation will align water quality efforts with priority programs," said Lieutenant Governor Karyn Polito. "National Pollutant Discharge Elimination System delegation will empower state government to work even more cooperatively with our cities and towns to preserve and protect our environmental resources."

Under the federal Clean Water Act, EPA administers numerous water quality programs across the United States, including efforts like NPDES, which regulates public and private discharges of wastewater and stormwater. As states have the option of applying to the EPA for authorization to administer the program at the state level, subject to federal oversight, the legislation filed by the Baker-Polito Administration will make changes to the Commonwealth's Clean Waters Act, which is needed for MassDEP to make an application to the EPA.

"The administration of the National Pollutant Discharge Elimination System by the Commonwealth will significantly enhance the management of our water resources," said Energy and Environmental Affairs Secretary Matthew Beaton. "State control over the permitting process will result in permits being written and issued in a timely way to keep pace with changing environmental conditions and ensure that local resources are directed to areas that will result in the greatest environmental improvement."

Massachusetts, through MassDEP, has a decades-long history of effectively and successfully administering other federal environmental programs in areas of drinking water, hazardous waste, and clean air, as well as other state water programs such as Title 5, wetlands, and water management. In seeking authorization from EPA to administer the NPDES program, MassDEP will continue to promote the use of science-based water monitoring information during permitting decisions and will provide ongoing effective technical assistance to permittees, while ensuring compliance with permit requirements.

MassDEP will also embrace the concept of integrated planning and will work closely with local partners to establish a program that takes a holistic view of clean water requirements and implementation schedules.

"Adding the NPDES program to MassDEP's portfolio will promote an integrated process in which a single agency can work with communities that have requirements in wastewater, stormwater and other water resource programs," said MassDEP Commissioner Martin Suuberg. "Using sound science, current water quality information, and our close working relationship with cities and towns, the Commonwealth will be able to protect our water quality, while minimizing the number of permit appeals and legal challenges."

The proposed \$1.4 million in seed funding will enable MassDEP to hire 12 new staffers to phase-in NPDES program development, and conduct associated technical assistance and water quality analysis. This appropriation will increase in Fiscal Year 2019, as the program is fully implemented.

"The Connecticut River Watershed Council supports creating a top-notch water quality program that administers the federal Clean Water Act at MassDEP," said Connecticut River Watershed Council Executive Director Andrew Fisk. "The Governor's budget proposal is a strong first step

to begin creating such a program. We stand ready to work with the Administration and the Legislature to enact legislation that will create a program based on strong and achievable standards, timely and fair permitting, robust enforcement, and widely available technical assistance.”

The legislation will be part of a submission made by MassDEP to EPA’s New England Regional Office in Boston. As part of its application, MassDEP will be required to demonstrate that it has developed an effective plan for managing the NPDES program, that its legal authorities are sufficient to meet federal requirements and that a plan for funding is in place. While the formal submission cannot be made until the Baker-Polito Administration’s proposal receives legislative approval, MassDEP is continuing to consult with EPA on delegation requirements and will develop other elements of the plan for submittal.