

Joint STAC and Lower Fox Basin Partner Team Meeting Minutes

September 13, 2007

1-4 p.m.

Foth Infrastructure and Environment
2737 S. Ridge Road, Green Bay, WI

Attending: Kendra Axness (UWEX), Ron VanderLoop (Brown Co. Cons Alliance), James Hahnenberg (USEPA), Gary Kincaid (WDNR), Paul Baumgart (UWGB), Bill Hafs (Brown Co LCD), Jim Jolly (Brown Co. LCD), Rob Elliott (USFWS), Steve Laszewski (Foth), Val Klump (UW-Milw), Dan Hereth (Representative Steve Kagen), Bud Harris (UWGB), Karen Stanlaw (STAC), Ken Stromborg (STAC), Sue Olson (City of Appleton & FWWA), Victoria Flowers (Oneida Tribe), Vicky Harris (UW Sea Grant Institute), Tracy Valenta (GBMSD), John Kennedy (GBMSD), Betsy Galbraith (Oneida Tribe), Jennifer Hill-Kelley (Oneida Tribe), Mike Liebman (Foth), Chuck Larscheid (Brown Co.), Janet Smith (STAC), Rick Stoll (WDNR)

Welcome, Introductions, Agenda Review

No changes were made to the agenda. Thanks to Mike and Steve from Foth for hosting the meeting.

Great Lakes Water Resources Compact Update – Bud Harris

Bud served on the Wisconsin Legislative Council Special Committee for the Great Lakes Water Resources Compact. This committee was charged with ratifying the compact in Wisconsin and decided to go an extra step and write implementing legislation. The committee was recently dissolved by Senator Neal Kedzie, Committee Chair, because the group was unable to reach consensus on key issues. The Great Lakes Water Resources Compact is precedent-setting "ecosystem" legislation that establishes a procedure for decision-making regarding water withdrawals. Even though the committee members were unable to reach consensus, their efforts resulted in some positive outcomes, including the identification of specific issues and an understanding of different stakeholders' perspectives.

Fox River PCB Cleanup Project Update – Steve Laszewski, Foth Infrastructure and Environment

PCB cleanup has been on-going in 2007 in Operable Unit (OU) 1, which is in Little Lake Butte des Morts. The cleanup started in 2004, and the cleanup is expected to continue for two to three more years. J. F. Brennan Co., the marine contractor, is dredging soft sediments with PCB concentrations greater than 1 ppm. Between 2004 and 2006, 106,000 cubic yards of soft sediment with 1,588 pounds of PCBs were removed from OU1. Steve expects an additional 176,000 cubic yards of soft sediment with 224 pounds PCBs to be removed in 2007. The material is dried in large geotextile tubes and then transported to the Onyx landfill near Chilton. The water is cleaned on-site and returned to the river. Tracy remarked that she has seen higher ammonia levels in the water samples she collects since the dredging started in 2004 and wondered if there was a connection to the cleanup. Ammonia concerns are being addressed by the application of rapid mixing (zone of initial dilution - ZID), to prevent exceedance of the acute criteria based performance expectation. Ammonia levels remain below water quality standard thresholds and within the range expected during project planning and design.

Post-dredge sampling is conducted to verify that remaining sediments contain less than 1 ppm PCBs. The group discussed surface-weighted average concentration, or SWAC, which is an average PCB concentration over all the remaining sediments of Little Lake Butte des Morts. Some participants questioned whether this is a good means of determining whether PCB concentrations in remaining sediments are at acceptable levels. One concern centered on the possibility of PCBs still being released into the water column where they could be taken up by algae and moved further up the food chain.

Around-the-clock monitoring for turbidity has been conducted since 2004 both upstream and downstream of the dredging activity. If the turbidity reaches threshold levels then action is needed. To date, there have been no significant problems with turbidity. The contractor is not using silt curtains since these are meant to deal with significant plumes. The contractor is dredging skillfully and is not generating large sediment plumes.

NRDA Update – Betsy Galbraith and Jennifer Hill-Kelley, Oneida Tribe of Indians of Wisconsin

The NRDA Trustees Technical Team reviews and recommends projects for funding. They are guided by the Final Joint Restoration Plan and Environmental Assessment for the Lower Fox River and Green Bay Area (<http://www.fws.gov/Midwest/NEPA/FoxRiverNEPA/>). Funding has been available for five years, with \$32 million given to 70 on-the-ground restoration projects; 37 of those projects have been completed. An additional \$10 million in match funds has been leveraged by the NRDA dollars. The Trustees are not currently funding

new projects, but they continue to accept project proposals because they expect additional funds to be made available as future settlements are reached. Trustees are especially interested in projects in the Fisheries and Aquatic Nearshore categories. A restoration progress report is being written; until the full report is available, a brief summary of key projects is available in a special section of Wisconsin Natural Resources Magazine entitled "A River Under Repair: The Fox Fights Back" (available online at <http://www.wnrmag.com/supps/2006/dec06/intro.htm>).

ROD Update and Question & Answer – Jim Hahnenburg, USEPA

Jim discussed the Record of Decision (ROD) amendment for OU's 2-5. The amendment's primary change from the 2003 original was to include more capping and less dredging in these areas. The performance standards (action level 1 ppm and SWAC goals of 0.25/0.28 ppm) stayed the same. The project managers are aiming for a 50-50 mixture of dredging and capping, with dredging conducted in areas with higher concentrations. Capping will be considered in areas where there are lower concentrations, where the contamination is deep (since a lot of clean material would need to be removed to reach contaminated sediments), and where the contamination is near steep shoreline (since dredging would create an unstable shoreline).

There was some discussion about capping in the federal navigational channel. The Optimized Remedy proposal included capping for much of the navigation channel above the Fort Howard turning basin. However, this option can only be pursued if the existing dredge depth is reduced from 18 feet to six, as currently proposed. A recent challenge from Senator Kagen appears to have been overturned, and the channel section in question will likely be redesignated to six feet depth.

Caps would consist of clean (i.e., without organic material) sand overlain by gravel. The lack of organic material in the sand is important as the PCBs attach to organic material and could seep through the cap if organic material were present. The gravel protects the physical integrity of the sand layer. The size of gravel would be determined by the location of the area relative to boating channels or recreational traffic. Caps are feasible in part because the river's hydrology is largely controlled by dams, making it possible for scientists to map areas of scouring and to understand shear forces in the river. Caps would be placed in depositional areas (rather than in areas of scouring), so the potential for gravel to serve as habitat for aquatic organisms may be limited.

The group expressed a number of concerns about capping PCB-contaminated sediments. The ROD amendment specifies a minimum 3 feet of water above a cap. Some participants were not convinced that this would adequately protect the cap and noted that water levels are likely to be lower in the future. Propeller wash is an issue that may affect the integrity of a cap. The EPA engaged experts to study propeller wash and found that water depth is the major factor in determining whether propellers will affect a cap. The horsepower of the engine is also a factor but was not found to be as significant as water depth.

Ron raised the issue of ships losing control and straying from navigation channels, which could mean that the caps could be compromised and that the gravel could puncture ships' fuel tanks. Jim responded that the Potentially Responsible Parties (PRP's) would be responsible for covering any costs incurred in that scenario.

Concerns were expressed about the long-term maintenance and monitoring of caps. The companies can choose to implement the agreement and accept responsibility over the long-term, or they can "write a check" to EPA and let EPA be responsible for long-term activities. If they choose the latter, EPA intends to attach a premium to the dollar amount they would accept, to account for future expenses. Some participants expressed the concern that this latter approach would too easily let the companies off the hook.

There was discussion about monitoring. Air monitoring has been on-going throughout the dredging project and no significant air issues have been found. Future monitoring of caps will involve collecting core samples from the sand to ensure PCBs are not seeping through. Fish tissue and river bathymetry will also be monitored. Surface water samples will be collected as well. After lengthy discussion, it was decided that birds would not be monitored. Monitoring will be conducted at the 2- and 4-year benchmarks and then will be conducted every 5 years after that. John Kennedy has a copy of the baseline monitoring plan and STAC members and Partners are encouraged to ask him for a copy if they wish to view it. The long-term monitoring plan will be fully developed within the next 9 months and EPA would be open to STAC comments on the plan if they wish to submit them.

Announcements and Upcoming Events

Guest Lecture: Effects of Climate Change on the Fish and Fisheries of the Great Lakes Basin

September 24, 7 p.m., Wisconsin Maritime Museum, 75 Maritime Drive, Manitowoc,
<http://seagrant.wisc.edu/climatechange/portals/0/shuter.pdf> (2.5 Mb file)

The Great Lakes Story

Exhibit at the Neville Public Museum of Brown County, Sept 29, 2007 through January 6, 2008
<http://www.nevillepublicmuseum.org/exhibits/>

The next meeting of the Lower Fox Partners will be scheduled via e-mail.

Minutes respectfully submitted by Kendra Awness.