



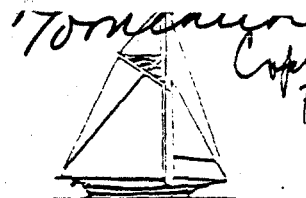
SCENIC  
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EPA-REGION II  
OFFICE OF EMERGENCY &  
REMEDIAL RESPONSE

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DIRECTOR'S OFFICE



Hudson River Sloop  
CLEARWATER Inc.

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(914) 454-7673

April 24, 1991

The Honorable Alan Swift  
Attn: DeAnn Forristall  
US House of Representatives  
Washington, DC 20515

Dear Congressman Swift:

**RE: Hudson River PCB Contamination**

People along the Hudson have reason to rejoice over the progress that has been made towards a cleaner, healthier and more useable river in the past two decades. The persistent and problematic presence of unacceptably high levels of PBCs remains the single biggest water quality problem that we, as a region, have to solve. The aftermath of the discharge of over 500,000 pounds of PCBs into the upper Hudson is one of the most thoroughly studied and most carefully analyzed environmental disasters in the United States today, and yet to date agreement has not been reached on a course of action to remedy the problem.

As you may know, EPA has recently begun a re-evaluation of their 1984 interim "no-action" decision on PCBs in the Hudson. While we support a reevaluation of the 1984 decision, we are convinced that the process as it is presently articulated fails to adequately characterize the need for - and the potential benefits of - a clean up effort and is biased towards another "no action" decision.

The review undertaken by Environmental Protection Agency is, we believe in light of existing information, fundamentally misdirected and is destined to achieve poorly reasoned conclusions - conclusions that the Hudson River and communities along its shores can ill afford. We urge you to insist that EPA craft a more balanced review, that will better represent the interests of your constituents along the Hudson River.

**Background**

In the mid 1970's, New York State took action against the General Electric Company (GE) to halt discharges of PCBs into the Hudson River. The majority of PCBs dumped in the Hudson settled into the river sediments and through processes of erosion and sediment transport, have continued to be

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dispersed throughout the ecosystem. It is estimated that close to 2,000 pounds of PCBs continue to be washed over the Troy Dam annually. In the upper river, PCB levels in the water column exceed water quality standards most of the year and exceed aquatic toxicity standards in water throughout the entire river south of Fort Edward, the point of discharge.

Since many fish in the Hudson River have average PCB levels well above the levels considered safe by the US Food and Drug Administration, a ban on all commercial fishing and recreational fishing has been set on the upper Hudson since 1976. In addition to closure of the striped bass and American Eel fishery on the Hudson, the New York Department of Health issues warnings to avoid consumption of more than ten species of Hudson River fish. It has been estimated that the commercial closures and limitations on recreational fisheries on the Hudson and Long Island represent a loss of \$38.6 million per year.

Although these health advisories seriously cloud the economic potential of the Hudson's fisheries, they do little to protect people from exposure to unsafe levels of PCBs from eating tainted fish. Human exposure to PCBs is a probable cause of cancer and has been linked to other disorders including male sterility, liver dysfunction and low birth weights. Studies done around New York Harbor indicate that 60% of anglers interviewed were consuming fish they had caught. Consumption of Hudson River fish is the most likely way for an individual living in the region to receive substantial doses of PCBs.

New York State has been unsuccessful in carrying out a program to remove PCBs from the Hudson, primarily because of opposition to creating a land-based landfill to receive the contaminated sediments. Further, GE has become an effective and untiring lobbyist against dredging in the Hudson, claiming a scientific basis to their position. Scenic Hudson and Clearwater, both organizations with an involvement in the issue for over ten years, remain firmly convinced that it is absolutely essential to physically remove the contaminated sediments as a first step towards remediation and that GE's claims that the river can be cleaned up "naturally" by bioremediation are as yet unsubstantiated.

To date, the polluter (GE) has not been assigned the task or cost of conducting a clean-up, as would be required under federal Superfund, as an interim "no action" decision was reached by a narrow margin by EPA in 1984. EPA's "Reassessment Remedial Investigation Feasibility" study is underway and frames their approach for decision-making. EPA has sub-contracted the Reassessment to a consultant (TAMS) and a "Scope of Work" and "Community Interaction Program" have been established.

### Problems with EPA's Reassessment

1. Inadequate attention to the Lower Hudson - Perhaps the most fundamental flaw of EPA's work plan is its differential treatment of the upper and lower Hudson. Although the contaminated sediments are most concentrated in the upper Hudson and that area would be the locus of remediation, impacts of PCB contamination have been experienced throughout the estuarine system and beyond. The EPA's work plan does not contemplate analyzing the impacts on the lower Hudson, thereby lowering the stakes of a clean-up from the outset.

In addition EPA's Community Interaction Plan has been seriously biased against participation of individuals in the lower Hudson, New York Harbor and Long Island areas. EPA's original outreach was limited to communities north of Poughkeepsie. To date, no public meetings on the Plan have been held south of Poughkeepsie.

2. Failure to include new information on the effectiveness of dredging as a remedial activity - This information has been developed by DEC in relation to the Hudson River and by EPA during pilot studies of the New Bedford harbor site and is extremely pertinent to the Reassessment. EPA has recommended dredging and treatment of contaminated sediments as the preferred remedial action for four other PCB contaminated waterways. Despite GE's claims about bioremediation, dredging remains the only proven method for remediation.

3. Exclusion of current information on PCB levels in Hudson River fish - Hudson River fish are the best indicators we have of the fate of PCBs in the Hudson River. Recent studies show that levels remain above the FDA tolerance level, a fact which should be a driving force for swift remediation.

4. Exclusion of analysis of economic impacts on Hudson River communities and Long Island - The closure of commercial and recreational fisheries on the Hudson river and Long Island have had significant economic impacts. The Reassessment does not address these impacts nor is there indication that it will in future iterations.

5. Extended timelines to re-study problem - EPA has chosen to extend the study of the PCB problem well into 1993 with their Reassessment. As of 1989, conclusions based on a lengthy New York State Administrative Hearing Record were that dredging was necessary to resolve the problem and that the problem warranted swift action. That hearing record reflected the most recent scientific and engineering studies that were available. While General Electric has been conducting interesting research on the break-down of PCBs, their own scientists agree that they can only speculate on how that information may be applied in the future for remediation.

The additional months and years of study proposed by EPA's scope of work will only serve to forestall much-needed effective action that could be taken now.

6. Heavy reliance on GE, the polluter, for information and analysis - The "Scope of Work" makes reference repeatedly to research being carried out by GE scientists. These references are not balanced against other research conducted by objective parties. After reviewing EPA Superfund decisions in 1988, a U.S. Office of Technology Assessment (OTA) report stated that EPA's selection of remedies was frequently "compromised in formal or informal negotiations with responsible parties." This report found that "the influence of responsible parties often led to less stringent clean-ups and clean-ups based on relatively speculative or unproven technologies." If GE's level of influence in this process is not addressed, we foresee similar results on the Hudson. It is clear to us that the "Scope of Work" currently reflects a unacceptable bias, given that GE has stated repeatedly that they are opposed to remediation that involves any dredging.

Further, we question GE's position and Chairmanship of the "Scientific and Technical Advisory Committee" and "Oversight Committee" for the Community Interaction Plan - this again strikes us as deferential treatment of a special interest. GE clearly has a well defined goal for the outcome of this process which is defined by their interest, not the public's.

We believe that EPA's process has not yet been subjected to adequate critique. It is our hope that you will take the opportunity to raise with EPA's Region II Administrator, Constantine Sidamon-Eristoff, some of the questions we have brought to your attention. We look forward to answering further questions you may have when we visit your Washington office. Please feel free to contact us at either (914) 454-7673 (Clearwater) or (914) 473-4440 (Scenic Hudson).

Sincerely,



Cara Lee  
Environmental Director  
Scenic Hudson



Bridget Barclay  
Environmental Director  
Hudson River Sloop  
Clearwater

/gm

cc: Constantine Sidamon-Eristoff

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