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July 19, 1991

*Calla Kumpflein*

The Honorable Constantine Sidamon-Eristoff  
Regional Administrator  
Region 2 EPA  
26 Federal Plaza  
New York, NY 10278

Dear Mr. Sidamon-Eristoff:

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 PCBs 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.

While we support a re-evaluation of the 1984 interim "no action" decision on PCBs in the Hudson, 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.

In light of existing information, we fear that the review undertaken by the Environmental Protection Agency is 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 develop a more balanced review process that will better address the interests and safety of all the people who live along the river.

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 work plan does not contemplate analyzing the impacts on the lower Hudson, thereby lowering the stakes of a clean-up from the outset.

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In addition, the Community Interaction Plan has been seriously biased against participation of individuals in the lower Hudson, New York Harbor and Long Island areas. 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 - The study of the PCB problem will extend well into 1993 with the current 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 the 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 a 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 the reassessment as it now stands is biased and fails to consider information which is vital to this decision-making process. Unless these conditions are rectified, it will be impossible for a fair and just decision to be made. It is our hope that you will take immediate action to resolve these concerns which we have brought to your attention.

Sincerely,

Andy Beers  
The Nature Conservancy

Michael G. Carew  
Historic Hudson Valley

Sarah Clark  
Environmental Defense Fund

Leona Hoodes  
Orange Environment

George Locke  
Albany Area Bassmasters

Kim Massie  
Ulster County EMC

Sarah Meyland  
Citizen's Campaign for  
the Environment

Bridget Barclay  
Hudson River Sloop Clearwater

Anne Rabe  
Citizens Env. Coalition

Connie Taylor  
Walkabout Clearwater

Derry Bennett  
American Littorial Society

Dona Ciarimboli  
Beacon Sloop Club

John Doyle  
Heritage Task Force

Debby Keller  
NJ Environmental Federation

Cara Lee  
Scenic Hudson

Warren McKeon  
Hudson River Env. Society

David Miller  
National Audubon Society

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Brian Reid  
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Robert Walters  
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