

John G. Haggard

General Electric Company
1000 River Street, Room 400
Hudson, New York 10701
Environmental Protection Division
Tel. 914/352-5000

September 24, 1991

36734 504 50B

Mr. Douglas J. Tomchuk
Remedial Project Manager
U.S. Environmental Protection Agency
Emergency & Remedial Response Division
26 Federal Plaza - Room 747
New York, New York 10278

Re: Comments on the Phase 2A Sampling Plan for the Hudson River PCB Reassessment

Dear Mr. Tomchuk:

During the evening of September 11, 1991, you made available to the General Electric Company (GE) copies of the Phase 2A Sampling Plan for the Hudson River Reassessment Remedial Investigation/Feasibility Study (RRI/FS). It is our understanding that you are not soliciting comments on this document. However, GE believes there are serious deficiencies with the EPA approach and these comments must be considered by EPA. It is our understanding that implementation of the work plan is scheduled to begin within the next month.

While we applaud EPA for recognizing the need to collect additional data we are concerned with the lack of public input and also lack of specificity in the work plan. Additionally, GE believes some of the data being proposed for collection by EPA will be redundant with on going GE data collection activities. With respect to the absence of a comment period, this lack of meaningful input is exacerbated by the fact that the majority of the work proposed is not at all of a routine nature. Rather, the methods are essentially research in nature (i.e. radionuclide age dating of sediment cores, performance of a side-scan sonar survey, and collection of a high-volume water sample for analysis of PCB congeners by an unspecified, non-standard analytical technique). If EPA proceeds with these essentially, nonstandard, unproven research investigations, we strongly believe that the costs incurred by you will be potentially nonrecoverable under the National Contingency Plan (NCP). More importantly, we are concerned you will waste what limited budget you do have and still not have the information required to complete the RRI/FS. This will either result in project delays, an unsupportable decision, or both.

Due to the above concerns coupled with the fact as discussed below that GE is and will continue to collect the data that is truly time critical, we strongly urge EPA to allow at least a one month comment period on the proposed work and in addition perform at least an internal EPA peer review (composed of regional and national technical and regulatory experts) of the proposed research efforts.

GE is very supportive of applying the most current technical thinking on the project. However, due to the research nature of the proposed work, GE believes the project would be best served by not only discussing the merits of the proposed work but also allowing sufficient time for EPA to properly plan the data collection effort.

HRP 001 1400

COLLECTION OF DATA BY GENERAL ELECTRIC

The proposed data collection by EPA is redundant with data collected or being collected by GE. In particular, with respect to data collection being proposed by EPA, GE is currently performing a bathymetric survey of the upper river and collecting data on PCB (congener-specific) water column concentrations at a number of upper river locations with time. Additionally, GE has implemented an intensive monitoring program near the remnant deposits that is mandated by the EPA. GE believes duplication of this remnant deposit monitoring effort by EPA would make the costs expended by EPA for the effort nonrecoverable under Superfund.

With respect to the proposed water column monitoring program between Glens Falls and Waterford, GE has collected and continues to collect total and dissolved PCB values at eight (8) stations in the upper river. The vertically stratified composite samples have been collected since April of this year at an initial frequency of three (3) times per week. A significant number of the samples were analyzed by a GC-ECD capillary column methodology (congener-specific analysis). The frequency of sampling will soon change to one sample per week at each station, with all the samples undergoing congener-specific PCB analysis. GE is anticipating continuing this program through next Spring. We believe this data will duplicate the data you are proposing to collect. We would like to provide to you details of this program and to meet with you to discuss the results. In lieu of EPA embarking on a potentially redundant sampling program, GE requests that EPA first consider this important data and then if modifications are needed allow GE to implement the modified program under the oversight of EPA. GE believes this is the most cost and time effective method of gathering the data of concern.

GE is also performing a bathymetric survey of the upper Hudson River. This includes the collection of river bed elevations along transects perpendicular to river flow at approximately 100 foot intervals in the Thompson Island Pool and 1,000 foot interval in the river upstream of the dams in reaches 1-7. Also, transects are being performed in locations to correspond to transect locations used in previous bathymetric surveys (1977, 1983). The field data collection effort should be complete by mid-October. The first data sets (Thompson Island Pool) are currently being processed. GE believes this data could completely replace the bathymetric data set proposed in the Phase 2A sampling plan by EPA. GE would like to meet to discuss this data and make the results available to EPA. EPA should at least postpone collection of this data until evaluation of the current survey is complete.

In addition to the bathymetric data, GE has also established control points along the upper Hudson River so precise vertical and horizontal control can be obtained. EPA should utilize these control points. GE will also make this information available to EPA.

In addition to the data collection described above, GE is performing monitoring at the remnant deposits. GE is performing this monitoring as part of the agreement with EPA entered into under the Superfund program (Civil Action No. 90-CV-575). This agreement requires that GE implement a monitoring plan designed to determine the flux of PCB's in air, surface water, river sediments and biota around the remnant deposits.

On pages 9 and 10 of the EPA Phase 2A sampling plan, the stated purpose of the water column monitoring has as a fundamental component, the need to determine the effect on the water column PCB level of the remnant deposit remediation. Under the remnant deposits agreement between GE and EPA it is GE's job to determine the effects of the remnant deposits remediation on all applicable media. GE expects EPA to act in a consistent and cost effective manner. For EPA at this time to perform water column monitoring is inconsistent with the monitoring arrangements specified in the remnant deposit agreement. GE is also planning to continue it's monitoring as described earlier and will be glad to share the data with EPA. If EPA does proceed with the monitoring, it is GE's opinion that costs associated with the activity will not be recoverable under Superfund.

LACK OF COMMENT

GE continues to be shut out of the technical exchange process with EPA and as a result have minimal meaningful input into the RRI/FS process. GE believes this is contrary to your own policy on the participation of potential responsible parties (PRP's) in the Superfund process (OSWER Directive No. 9355.3-01). The development and proposed implementation of the Phase 2A sampling plan is but only the most recent example. When the conceptual plan for the data collection effort was first proposed to the Science and Technical Committee, I expressed a strong interest in discussing this document with the technical group. I even requested that I be allowed to participate in the Science and Technical Committee so GE could at least have one avenue to participate in the technical dialogue. I made this request since Dr. Dan Abramowicz does not represent GE on this committee but rather is a neutral chairperson. You said you would bring this up with your management. However, instead of allowing another GE representative to participate in the committee you instead changed the role of the committee from a functioning "advisory-type" group to one that you may just bounce ideas off of. To date, I have not formally heard back from you but based on the newly defined role of the Science and Technical Committee, as a sounding board to EPA, it is clear EPA does not believe that the Science and Technical Committee is the proper forum for GE to have a dialogue with EPA and others on the technical project issues. It's nearly one year into the project and GE still lacks a mechanism to discuss technical and regulatory project issues with EPA.

The above problem may not have been as significant if GE was allowed to review and then comment on the work plan for data collection. However, EPA decided that there was certain priority data that must be collected in the Fall of 1991. GE is not opposed to moving forward with data collection in a phased manner. However, due to the nonstandard methods identified by EPA for data collection, the lack of work planning (see discussion below), the high visibility of the project, EPA's commitment to perform the project in a technically defensible way, the availability of data collected by GE, and the lack of support for the proposed data being "time-critical", GE strongly suggests that EPA allow at least a thirty day comment period on the Phase 2A sampling plan. Additionally, EPA should perform an internal peer review of the data collection techniques suggested by your contractor.

GROSSLY DEFICIENT WORK PLAN

The Phase 2A work plan is too general of a document and is insufficient to even comply with the minimal EPA guidance requirements. On page 2-12 of the RI/FS guidance (OSWER Directive No. 9355.3-01) it states that for all RI/FS's where field work is planned EPA must have a work plan, a

health and safety plan and sampling analysis plan (SA). With respect to the sampling and analysis plan the guidance goes on to state that the SA plan consists of a Quality Assurance Project Plan (QAPP) and a field sampling plan (FSP). Furthermore, the FSP should be written so that a field sampling team unfamiliar with the site would be able to gather samples and field information required. The EPA phase 2A sampling plan does not even contain a QAPP. The method to be used for PCB analysis is not even given.

It is clear, the plan submitted by EPA is at best conceptual and GE believes that EPA should hold itself to the same standard it would use to judge the adequacy of work performed by a potentially responsible party (PRP). If GE were to submit a plan that did not include the a level of detail sufficient to convey the complexities of the work or that failed to include entire sections (i.e. a QAPP), we would certainly, at a minimum, be told to revise the document (probably under threat of penalty) prior to implementation.

The sampling plan is deficient in another significant way. While the proposed data collection methods are described in at least a conceptual way, the actual reason for needing the data is at best described poorly. There is less than one page of text devoted to the objectives of what is probably a \$750,000 data collection effort. We believe that an orderly process should be followed where a clear definition of data gaps occur first, then methods for filling the gaps are evaluated to ensure that the objectives of obtaining the data are clearly understood. There should be a clear linkage between the specific elements of proposed data collection efforts and the objectives of the sampling.

As examples of this problem, note the following information EPA proposes to collect.

- Cores will be x-rayed to detect in situ density variations before extrusion of the cores (page 7)
- At each station, data will be collected on water column conductivity, temperature, dissolved oxygen, and Ph, using appropriate probes (page 10)

While GE can speculate on what purpose the data may serve it would seem reasonable that the EPA and its consultant would explicitly describe what objective the data was intended to fulfill. Basic questions arise such as: Why are the in situ density variations important for preparing the risk assessment? What accuracy and precision are required or dictated by the data need and how will the proposed method of collection meet the requirements? How will the water column data be employed in the risk assessment and what level of accuracy and precision are needed in the analysis?

GE does not believe this is an unreasonable requirement. EPA's own guidance for data collection under the Superfund program recognizes the importance of proper planning for data collection. Specifically, the EPA guidance document entitled: Data Quality Objectives for Remedial Response Activities (OSWER Directive No. 9355.0-7B) defines the EPA process by which data quality objectives (DQO's) are defined. The EPA remedial project manager is responsible for coordinating the DQO development process; and overseeing remedial contractors (page 3-1 OSWER Directive No. 9355.0-7B). DQO's are established prior to data collection and are not considered a separate deliverable. Rather, the DQO development process is integrated with the project planning process, and the results are

incorporated into the sampling and analysis plan (SAP), quality assurance project plan (QAPP), and in general terms for the work plan for the site (OSWER Directive No. 9355.0-7B).

The Phase 2A sampling plan does not come close to complying with the agency guidance for DQO's. The plan lacks specificity and is missing entire sections (i.e. QAPP). Given the gross deficiencies with the sampling plan, GE strongly urges the EPA to revise the plan to comply with it's own guidance and to allow comment on the proposed methods since they deviate so significantly from standard EPA procedures.

SPECIFIC TECHNICAL COMMENTS

In addition to the general comments given above, GE has a number of specific comments and questions on the Phase 2A sampling plan. These are included as Appendix A to this letter.

SUMMARY

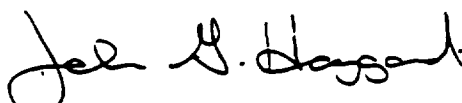
The EPA has taken on a great responsibility when, contrary to it's own national policies, refused to allow GE to perform the Hudson River RRI/FS. The EPA committed to do a state-of-the-art project. The Phase 2A sampling plan prepared by EPA does not fulfill the commitment made by EPA. Based on GE's review of this data collection plan we have a number of requests and recommendations:

- The EPA should review the significant and relevant data collected or being collected by GE prior to implementing the Phase 2A data collection. GE will meet with EPA at it's convenience to explain and supply the relevant data.
- The EPA Phase 2A sampling plan lacks sufficient detail and specific data quality objectives and as such does not meet EPA requirements for such activities. EPA should modify the document to address the noted deficiencies.
- The EPA needs to allow comment by interested parties on the Phase 2A sampling plan and all other significant documents. This is particularly true since the methods of data collection being proposed are research in nature as opposed to standard methods employed by the Superfund program. The activities are also not insignificant from a cost standpoint (\$750,000 estimate) and this large expenditure of money may limit the amount of work EPA will be willing to perform, thus limiting the impact of comments relating to the need for more data in the future.
- The EPA should act in a manner consistent with the remnant deposit agreement with GE which calls for GE to perform the monitoring necessary to determine the flux of PCBs from the remnant deposits to the River. EPA should not perform redundant monitoring or monitoring using different methodologies than those specified in the agreement.
- GE formally requests that it be allowed the opportunity to observe all EPA field activities and to obtain splits of samples. The only thing required by EPA or its contractors is a periodic telephone call or letter describing the upcoming schedule of activities so we can schedule our field personnel.

- GE requests copies of contracts, State-EPA funding documents, or other documents that specify the scope of activities to be performed, the funding or dollars to be supplied by EPA, or the schedule for completion of activities related to work to be performed by the NYDEC, New York Department of Health, Lamont-Doherty Geological Observatory or SUNY-Stony Brook on the EPA RRI/FS.
- GE requests for review and comment copies of the QAPP and PCB analytical protocol for the Phase 2A data collection effort.
- GE again requests access to the Hudson River RRI/FS Administrative Record (AR) and requests that a copy of these comments be placed into the AR.

Your timely response to these comments and recommendations would be appreciated. Please let me know if you plan to proceed with your field efforts as presented in the plan. We would like to meet with you as soon as possible to discuss sharing the relevant GE data. If you have questions or require clarification on any of the comments I can be reached at (518) 458-9108.

Yours truly,



John G. Haggard
Technical Project Manager

Enclosure

cc: Douglas R. Blazey, EPA (with enclosure)
William McCabe, EPA (with enclosure)
Paul Simon, EPA (with enclosure)
Bob Runyan, EPA (with enclosure)

/sk

HRP 001 1405