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USEPA REGION II
EMERGENCY AND
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DIRECTOR'S OFFICE

February 23, 1994

Ms. Kathleen C. Callahan
Acting Deputy Regional Administrator
USEPA, Region II
26 Federal Plaza
New York, N.Y. 10278

Dear Kathy:

GE has recently learned that EPA is preparing to begin Phase 3 of the Hudson River Reassessment, a feasibility study (FS) of potential technologies for remediating PCBs in the Superfund site. We strongly object to the agency's apparent intention to perform the FS without first issuing its Phase 2 Report and then obtaining and responding to comments from GE and other interested parties on the report and on the proposed Scope of Work for the Feasibility Study.

As you know, GE objected in 1989 when EPA decided not to allow the company, as a potentially responsible party, to conduct the Reassessment RI/FS. On our own initiative, GE has since conducted one of the most comprehensive data collection and analysis programs ever undertaken in the Upper Hudson River. Our objectives were to assemble sufficient data to verify any findings and conclusions that EPA presented, and to set the stage for a meaningful dialogue between the company and the agency about remedial alternatives.

In addition, since 1984 when EPA decided that "no action" was the preferred alternative for the Hudson River PCBs, GE has spent more than \$15 million to correct the Remnant Deposits, as directed by EPA. We have also spent more than \$2.5 million to remediate the Baker's Falls source of PCBs, with more work being planned under New York State Consent Agreements. As a result of these projects, beneficial and quantifiable improvements have taken place in the river.

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Information describing these improvements has been made available to EPA. We have offered to meet with the agency and its contractors at any

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time to discuss these issues in depth. We appreciate your efforts to arrange for technical discussions to begin, and we continue to believe that this dialogue will lead to a better understanding about the behavior of PCBs in the Upper Hudson River. It is essential that this dialogue include public review of the Phase 2 Report and the Phase 3 FS Work Plan.

In the June 5, 1992, cover letter which accompanied the "review copy" of the Phase 2 Work Plan, interested parties were told that the detailed evaluation of the remedial alternatives would follow the issuance of the Phase 2 Report. Furthermore, the August 1992 Revised Community Relations Plan for the Reassessment called for regular public progress reports and for regular opportunities for the public to provide input to the study process. The Community Relations Plan also required a formal public comment period at the end of each phase of the Reassessment.

GE has a significant and meaningful contribution to make to the development of the FS Scope of Work based on the Hudson River data we have collected and analyzed. The Agency's determination to proceed with Phase 3 at this time, without the public comment period that is required by the Community Relations Plan and that GE and others believed would take place, is a disservice to the goals we share for an open process that will lead to the most informed and scientifically defensible result.

We recognize EPA's scheduling and budget concerns and the potential for adverse public reaction should the Reassessment be further delayed. However, at the conclusion of this process, when the overall credibility of EPA's work is subject to public scrutiny, no explanation about costs and delays will suffice if the decision is not technically sound. Therefore, no public interest is served by EPA foregoing beneficial public comment on the Phase 2 results and the proposed FS Work Plan.

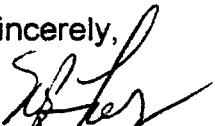
With the active participation of GE and other interested parties, many significant issues could be addressed early to ensure that the FS is a solid, defensible document. The issues that should be addressed immediately include:

1. The methods and measures by which EPA should evaluate (a) the "No Action" alternative and (b) remedial alternatives other than dredging;
2. The relative contributions of PCBs to Upper Hudson fish from the so-called Baker's Falls Source and from the dechlorinated, aged, buried sediments downstream of Baker's Falls;

3. The steps EPA should take to evaluate the long-term beneficial impact of the remedial actions GE has already taken and has proposed to take at the Baker's Falls Source and how these will affect projections for improvements in the river;
4. A review of the potential benefits associated with monitoring river conditions -- specifically, PCB levels in all media -- during the next several years to determine the rate of natural recovery;
5. A review of the factors that EPA should consider in its evaluation of "bank-to-bank" dredging or "PCB sink" dredging behind the dams, two alternatives agency representatives mentioned during a recent public meeting;
6. An evaluation of the measures by which EPA will judge the suitability for use in the Upper Hudson River of various dredging technologies, including the availability of the technologies for use in the United States, and the performance of such dredging technologies in comparable riverine settings;
7. An evaluation of the steps EPA will take to identify and assess various potential environmental problems that would be caused by dredging, including, for instance, resuspension of buried PCBs to the water column, destruction of wetland and wildlife habitats and increased shoreline erosion; and the potential for increased scouring and redistribution of contaminated sediments during and after dredging;
8. A review of the factors that EPA should consider in its evaluation of human health and safety dangers associated with dredging, transportation of dredged material and construction of a hazardous waste landfill, including, but not limited to, drownings, barge collisions, pipeline breaks and traffic accidents;
9. An assessment of transportation, storage and disposal alternatives in view of the possibility that New York State may not be successful in its attempt to site a hazardous waste landfill for the dredged material, because of public and political opposition.

For the reasons outlined above, we respectfully request that EPA make the Phase 2 Report available for public comment along with the FS Scope of Work and not proceed with Phase 3 until it has done so and comments have been received and considered. I would appreciate your decision on this matter as soon as possible.

Sincerely,



M. Peter Lanahan, Jr.