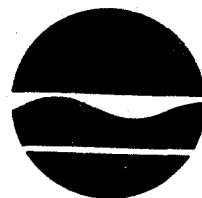


New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 - 7010



Thomas C. Jorling
Commissioner

MAY 7 1991

Ms. Carole Peterson
Branch Chief
NY/Caribbean Superfund Branch
US Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

RE: Hudson River PCB Sediments
Site No.: 5-46-031
Reassessment of the 1984 ROD

Dear Ms. Peterson:

The purpose of this letter is to comment on Mr. John Claussen's (GE) March 29, 1991 letter to Mr. Douglas Tomchuk, EPA Project Manager, concerning the Hudson River PCB Sediments - Reassessment of the 1984 Record of Decision (ROD). The theme of our comments is twofold. First, is the role GE will have in the project and second is the Department's perspective on GE's more specific comments.

In Mr. Claussen's letter, GE presents detailed comments on the Phase 1 Work Plan for the Reassessment and requests that the comments be placed in the formal administrative record. This Department has major concerns with this request as it appears to go beyond the involvement normally afforded to potentially responsible parties (PRPs) for investigations or assessments performed by USEPA. The document, entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA", indicates that the EPA Region may decide the extent to which PRPs may have data from investigations conducted by EPA. However, this guidance document also indicates that the Region is required to allow private citizens access to the same information that is provided to the PRPs and the Region must take this into consideration when determining the extent of the PRPs' involvement in a Fund-financed RI/FS. Therefore, New York State requests that EPA define the extent of GE's involvement and describe how access to this same information will be provided for private citizens.

Given the above, the Department offers the following thoughts for involving GE. EPA has established an extensive committee system to involve the public and GE in the Reassessment of the 1984 ROD for the Hudson River PCB Sediments. The Department recommends that GE be advised to use the Scientific and Technical Committee and Oversight Committee as its forum to discuss issues on the Reassessment. While this may necessitate additional meetings of these committees during the early portion of the Reassessment, we believe these committees

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were established partly to ensure the validity of technical activities and to resolve such issues. In addition, to ensure effective use of the committees we recommend that agenda items be established and appropriate background material distributed prior to the meetings.

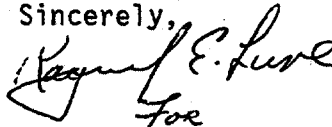
Getting back to Mr. Claussen's letter, a major theme throughout the letter is to extend the time frames of the Reassessment in order to gather more field data. The Department disagrees with this recommendation and supports EPA's basic decision to conduct Phase 1 of the Reassessment using all the available information now. The field investigations that GE proposes would require substantial time to generate the data. Since fish data through 1990 will be available as part of the overall Reassessment, there is insufficient reason to delay the Reassessment to collect more data. Given the Phase I analysis will discuss data gaps, any field investigations initiated now would be premature.

In addition to the above, the Department has summarized its major comments on Attachment A.

In summary, a significant data base exists which should be organized and interpreted during Phase 1 of the Reassessment to characterize the impacts of PCBs on the Hudson River and to guide decisions for future work. Until the results of the Phase 1 Reassessment are completed, many of GE's comments are premature. Further, the issues raised by GE are more appropriately handled by committee meetings than by letters which are not shared with the many interested parties represented on the committees.

In closing, we look forward to working with EPA to advance this important project in New York State in both a comprehensive and timely manner. We trust our comments will be of assistance and we look forward to your response on our requests. Please call Mr. Ports or Mr. Lupe, of my staff, at (518) 457-5677 if you have any questions on our comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen B. Hammond". The signature is fluid and cursive, with a large initial "S".

Stephen B. Hammond, P.E.
Director

Bureau of Central Remedial Action
Division of Hazardous Waste Remediation

Enclosure

cc: P. Simon - w/encl.
D. Tomchuk - w/encl.

ATTACHMENT A
SUMMARY OF MAJOR COMMENTS
ON
GENERAL ELECTRIC'S
MARCH 29, 1991 LETTER

The Department has comments on many of the statements in Mr. Claussen's letter. However, for the sake of brevity, a summary of NYSDEC's major comments is as follows:

1. GE refers to the Reassessment as a RI/FS throughout the letter. It is our understanding that this project is a Reassessment of the 1984 ROD for the Hudson River PCB Sediments during which the basis of the ROD will be reviewed using existing information and data supplemented by limited field investigations. The differences between the Reassessment Process and RI/FS process should be explained. We disagree with GE that the work plan is inconsistent with the requirements of the National Contingency Plan.
2. We disagree that characterization of the site is scientifically and legally impossible during Phase 1. It is acknowledged that the sediment concentrations of PCB have been redistributed in the Thompson Island Pool and will require additional assessment. However, much existing data on PCB concentrations in fish and general sediment concentrations are available since 1984. All this data, including GE's data, should be used to characterize the impacts of PCBs on the Hudson River. It is recognized that additional data needs to be collected to specifically define "hot spots" if a remedial action is undertaken. In addition, we have noted that the summary of the 1990 GE data does not include the higher concentrations of PCBs mentioned by GE at previous meetings (see enclosed). While we basically agree that changes in the PCB sediment concentrations in the Thompson Island Pool have occurred, GE should accurately present all its data in such correspondence.
3. This office agrees that it would have been desirable to include GE's monitoring data to assess the impacts of capping the PCB Remnant Deposits. However, the detection limits used in the monitoring are too high. GE should be encouraged to collect additional information using sufficiently low detection limits for inclusion in future data analysis during the Reassessment. Groundwater monitoring wells at the Remnant Deposits should also be considered to determine if PCB loading to the river is occurring through groundwater.

4. GE questions the use of the old data because it is required to generally adhere to EPA Laboratory Protocols. These protocols change from year to year and the data can be considered the best at the time. In addition, using EPA CLP protocols without specifying the lower detection limits could generate useless data.
5. This office has also raised concerns regarding the modeling originally proposed. It is our understanding that the modeling will be scaled back and that trends from existing information will be developed. GE should be so advised. However, we believe that GE's contention that there is insufficient data to calibrate a model is premature. The adequacy of the data to calibrate a model depends on the type and purpose of the model(s). We agree that a verified model would require a major data collection effort.
6. GE has interpreted only portions of the data base to draw some of its conclusions. For example, they indicate a 50% reduction of PCB concentrations occurs in the water column every three years. This is true when looking at data from the early 1980's, but not true with more recent data. GE also indicates that natural biodegradation of PCB is occurring and that any models must differentiate between PCB congeners. GE should present all its data for use in the Reassessment to document the natural biodegradation it states is occurring. Also, proper characterization and trend analysis needs to look at the overall data base.
7. GE objects to conducting a risk assessment during the Phase 1 investigation. The State believes that the health risk assessment should be made using all available data. Fish data from 1984-1989 has been made available and the 1990 data will be available in the fall of 1991. The risk assessment can be performed using the existing data and data trend analyses. Future modification of the risk assessment can be made if new data demonstrates the need. GE must recognize that a significant health risk exists from the consumption of Hudson River fish as the fish exceed FDA limits for PCB.
8. GE argues that specific PCB congeners should be used and argues against various exposure scenarios before the risk assessment has been performed. PCBs are regulated as a family and the risk assessment for PCB should be conducted for the Hudson River using the same guidelines as for other PCB sites. Special modification to PCB congener specific risk assessment should not be made unless it is being applied consistently at other sites. GE's comments on length of exposure and other risk assessment factors should be made once the risk assessment is made.

GE

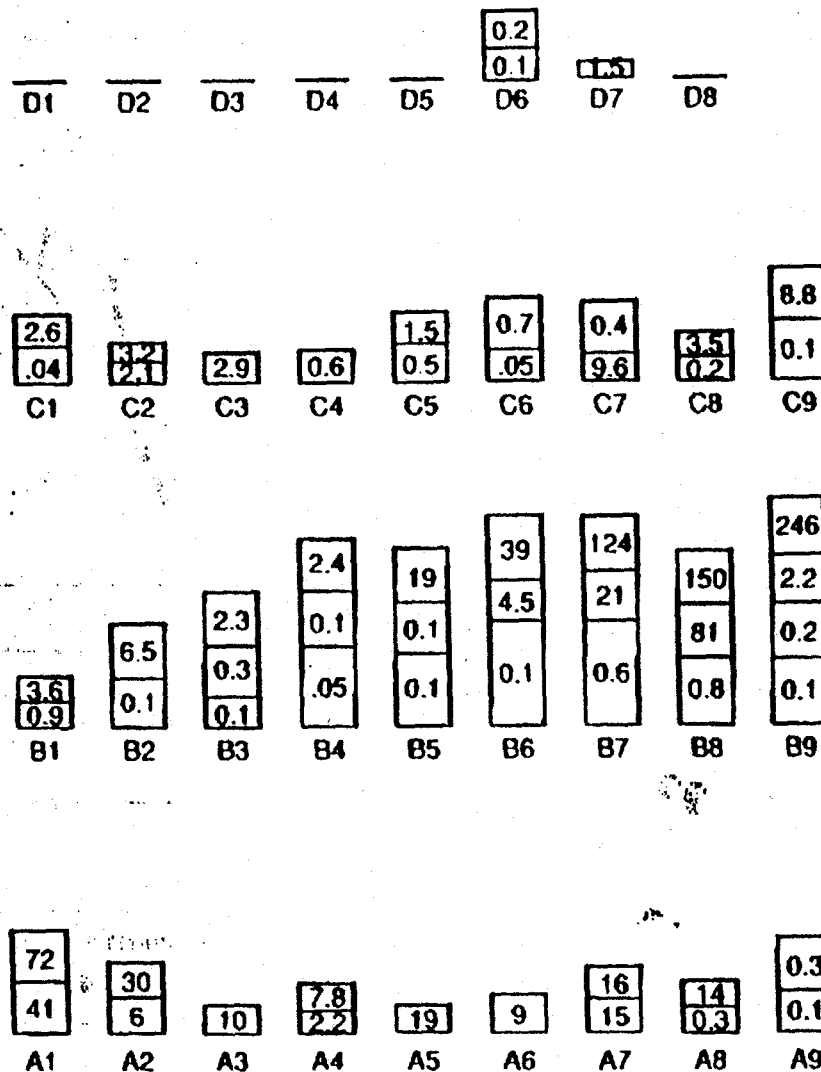
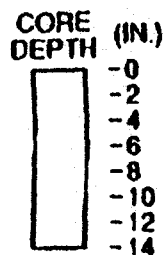
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HUDSON RIVER UPDATE

December 17, 1990

Sediment Depth and PCB Concentrations At GE Site H-7 (1990)

(ppm total PCBs)



12' x 12' grid

10' to first row.
River

- Changes In Sediment Depth Confirmed By Detailed Sampling
- Great Variability In PCB Concentrations Also Observed