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February 17, 1998 (via facsimile)

Douglas J. Tomchuk
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Attn: Siting Survey Comments

RE: COMMENTS ON THE LANDFILL/TREATMENT FACILITY SITING SURVEY

Dear Mr. Tomchuk:

Enclosed are the comments of the General Electric Company (GE) on the report entitled: **Landfill/Treatment Facility Siting Survey (TAMS, December 1997)**. We look forward to a timely response to these comments and questions. Please place a copy of these comments into the Hudson River PCB project site administrative record.

Please let me know if you have any questions regarding these comments.

Yours Truly,

John G. Haggard
FOR

Enclosure:

cc: Stephen Hammond, NYDEC
William McCabe, U.S. EPA
Douglas Fischer, U.S. EPA

COMMENTS OF THE GENERAL ELECTRIC COMPANY ON THE U.S. EPA REPORT ENTITLED: LANDFILL/TREATMENT FACILITY SITING SURVEY FEBRUARY 17, 1998

INTRODUCTION:

These comments are submitted by the General Electric Co. to provide the U. S. EPA with input on **Landfill/Treatment Facility Siting Survey (December 1997),** prepared by TAMS Consultants, Inc., for the U.S. EPA as part of the Hudson River PCB Reassessment Project.

Several issues and questions are raised by the report, the most troubling of which are as follows:

- It appears that U.S EPA has concluded that Site 10 is an acceptable location for the disposal and/or treatment of large quantities of PCB containing dredge spoils from the Hudson River. No independent evaluation of suitability of Site 10 was conducted by U.S. EPA or its contractors. Consequently, the survey does not provide a sound basis on which to compare the Site 10's assumed suitability to that of any other location.

- The survey includes the evaluation of a parcel of land on the GE Silicones manufacturing facility in Waterford. This property is located at an active manufacturing facility employing 1700 people and is needed for manufacturing purposes. It is not available for the placement of dredge spoils. It must be excluded from further consideration as a dredge spoil site.

- The relationship between this report and the on-going remedial investigation/feasibility study is not described. It is not clear whether or how the information in this report will be used in subsequent evaluations. What can one conclude about U.S. EPA's intentions regarding the sites (including Site 10) that have been identified in this report? Will the sites be given further consideration or has U.S EPA concluded they are not suitable and will not be considered any further?

QUESTIONS/ISSUES:

1. The transmittal letter for the Report states: "This report presents the findings of the screening level effort conducted in order to determine whether there are viable alternatives to agricultural land (e.g., Site 10) for a landfill or treatment facility should a dredging remedy be selected for the Hudson River PCBs site." Therefore, the basic premise of this report is to look at viable alternatives to Site 10. Accordingly, the report holds up Site 10 as a standard by which to judge all of the alternative sites. This is a standard and an assumption that is not supportable. There is no information presented by EPA or TAMS to support the claim that Site 10 is the standard by which alternatives should be measured. It is not clear why Site 10 wasn't evaluated on an equal basis, along with the other sites identified by TAMS.

2. Page 1, Par. 1: Which organization is going to locate or propose the landfill - U.S. EPA or NYDEC? Does U.S. EPA expect U.S. EPA or the NYDEC to be the project "proponent" for the purposes of siting a landfill? This issue deserves prompt clarification.

3. Page 1: Does EPA consider Site 10 to be "on-site" for CERCLA purposes? If EPA is considering ignoring the New York State siting process with its central elements of public participation, the public should be informed of that now. EPA should be open and straightforward on this important issue.

4. Page 1, par. 2: U.S. EPA seems to make a fundamental assumption in this report that Site 10 has already been approved and additional work or analysis is not needed. ("…. Site 10, selected earlier …"). This is not the case and leads us to believe that EPA has already determined that Site 10 is acceptable for the purposes of land filling or treating dredge spoils from the Hudson River. This belief is supported by the fact that the Agency does not supply any review of the acceptability of Site 10 and compares all other sites to Site 10. Has U.S. EPA determined that Site 10 is acceptable?

5. Page 2-3: One of the four objectives of the survey is, "to compare the candidate sites warranting further consideration, to NYDEC's preferred site (Site 10) on the basis of New York State's Siting Consideration/Criteria."

   U.S. EPA refers to Site 10 as the NYDEC's preferred site. We are not aware that the NYDEC currently supports the use of Site 10 as a hazardous waste landfill. In 1989, the NYDEC commissioner requested an application for this site be pursued, but nearly a decade has passed and an application reflecting current conditions or projected uses for such a facility has not been produced. In any event, such an application should have come from the Project Sponsor Group, not the DEC. The original approval of the Site 10 in

1982 is no longer operative. Please provide us any information you have that would support your view that the NYDEC considers Site 10 to be its "preferred" site.

6. Page 10, par. 3: The reports states that : "The Siting Board voted in favor of the NYDECs proposed dredging project and the use of Site 10". This is not accurate. The matter before the board was whether to grant the approval for Site G. They denied this request for a host of reasons. They were not asked to and did not approve the use of Site 10. With respect to the Siting Board's approval of the dredging project, it is important to note that there were a significant number of dissenters on the board. Moreover, the facts that would bear on a decision today have changed to a significant extent.

7. Page 5, par 2: Reference is made to work done by the "Project Sponsor Group" in the early 1980's. It is very important to recognize two points about this work: 1) The designs and underlying reports by a contractor to the Project Sponsor Group (PSG) for use with regard to Site 10 were not approved by the NYDEC and are still considered draft. Therefore, reference to specific design parameters needs to be made with great caution. 2) A distinction needs to be made when referring to the work done by the project proponent (Project Sponsor Group) and the NYDEC. While the Project Sponsor group was composed of NYDEC personnel, the part of the NYDEC that issues approvals or permits for the work was to be completely separate and removed from the PSG effort. Therefore, work done or statements by the Project Sponsor Group, may not be construed as the position of the NYDEC. Clearly, if the U.S. EPA uses any of the work done by the PSG, the Agency needs to review, methodically and critically, all of this information as it would any materials from any other project proponent.

8. Page 8, par. 2: The report indicates that "New York State's landfill-construction requirements specify a minimum vertical separation of five feet between the base of the constructed liner system and the seasonal high groundwater table, whereas, Federal TSCA requires a separation of 50 feet. Further on in the TAMS survey is the following statement: "near-river lowland" areas where the Federal requirement for depth to groundwater would likely not be met were not excluded from consideration previously by NYDEC, nor by U.S. EPA in this survey." It is not clear why this is the case. Site 10, being a near-river area would undoubtedly not meet the TSCA requirement of 50 feet. It is not clear what criterion is being set for depth to groundwater in the U.S. EPA survey, nor why it is considered acceptable for the Federal requirement for depth to groundwater to be waived. The seriousness of this issue is reflected can be noted by the fact that the potential for surface water and ground water contamination from such a facility receives the highest weight, 18%, in the NYDEC siting considerations. We would appreciate it if U.S. EPA would explain its position.

9. Page 9, par. 2: U.S. EPA reiterates that many towns and villages throughout the Upper Hudson area, as well as the Saratoga County's Board of Supervisors, have adopted resolutions indicating their opposition to Hudson River remedial measures that involve dredging and land filling, asserting that a long-term containment facility or landfill near the river would not be in the public interest. It is not clear from the report how this situation was viewed by U.S. EPA, however, it does not appear to be given any weight. Did U.S. EPA eliminate these towns and villages from consideration for a landfill site? Did U.S. EPA ignore these resolutions? This aspect needs to be clarified.

10. Page 10, Section 2.3: U.S. EPA summarizes NYDEC's reasons for selecting Site 10. One of the reasons is the "the Site offers natural screening from nearby roads and houses." A close look at Site 10 and its immediate surroundings shows this not to be the case. A number of houses are directly opposite Site 10 between Route 4 and the river and there are houses on either side of Site 10; none of these would be naturally screened from a Site 10 facility.

11. Page 17, par. 2: For selecting sites along the river, the U.S. EPA chose to look at sites as far south as the Federal Dam in Troy. The rationale for using this geographic scope is not given. Presumably, there is some relationship to the type of sediment removal project contemplated. Is U.S. EPA considering removal of sediments as far south as Troy? If so, why were sites south of the Troy Dam not considered?

12. Page 18, last bullet: Site identification criteria No. 2 describes a minimum size of 50 acres for a site to be considered. Nowhere does TAMS describe why 50 acres is a key size or how this area was selected. Does the 50 acres imply a certain size dredging project? U.S. EPA should be more clear on why 50 acres is a critical size.

13. Page 19: Were the property owners identified? If a candidate site is eventually selected, how would the property be acquired, particularly, if the owners were not willing to sell?

14. Page 19: U.S. EPA describes the six generic engineering and population criteria used as a basis for identifying candidate land areas. Number 5 criterion seems unusually vague: "encompassing no airports, churches, schools or other public halls or portions of recognized park lands or preserves within the site boundary as represented on the most recent USGS maps." This is an unrealistic criterion. Such facilities, close to the boundary or even at some distance, would also be cause to eliminate such a tract of land from further consideration. It is unrealistic to think that a dredge spoil landfill should be constructed anywhere near airports, churches, or schools,

or other public places.

15. Table 3: U.S. EPA has identified and evaluated a portion of the active manufacturing facility owned by GE in Waterford. The selected property is not available for construction of a dredge spoil management area and is needed for the ongoing operations of the business. U.S. EPA must drop this site from further consideration.

16. Page 23: The criteria evaluated seemed to be focused on the use of a land disposal facility. The siting of a treatment facility was not evaluated. Would the inclusion of treatment processes in addition to land disposal facilities alter any of the finding? Is U.S. EPA going to consider the use of incineration at any of these facilities?

17. Page 23, Sec. 4.1.1: The following statement is made: "For lowland sites, dredge spoils would be pumped from the river to the disposal site, while rail or truck transport would be necessary for upland sites." There are several aspects of this statement that warrant comment. First, it is not clear why material couldn't be pumped from the river to upland sites just as well as to lowland sites with perhaps the addition of a booster station. Second, it is not clear how rail transport could ever be used from the river to any of these sites. It is highly unlikely that a railhead is positioned between the river and any particular location that could be used for transport. Even in the unlikely event of rail transport, truck traffic to the railhead would be required.

18. Page 26: The Thompson Island Dam located at RM 188.5 is identified as the focal point for measured distance to each particular site being evaluated. Distances further south than the Thompson Island Dam are shown as negative while those upstream of the Dam are indicated as positive and, thus, the Thompson Island Dam is defined as a pivotal point as far as distance to a potential site is concemed. Nowhere in the report is it explained why this is the case. Earlier the report describes looking at sites that fall within a forty mile stretch of river from Hudson Falls to the Troy Dam. Unless there is some bias or unspoken assumption in favor of a dredging project in the Thompson Island Pool which terminates at the Thompson Island Dam, it is not clear why this pivotal point is selected. EPA should set out the reasons for use of this pivotal point.

19. Page 26: In a further explanation of the potential use of rail lines, the report indicates that for their use to be feasible, a rail spur would have to be constructed from the river or a potential dewatering area near the river to an existing rail line. It is our opinion that consideration of construction of a rail spur for this purpose is highly unrealistic.

20. Page 29, Section 4.2: The following statement is made: "seven upland and lowland agricultural sites were set aside and not considered further, as there was no obvious advantage over NYDECs Site 10." This is an odd criterion for elimination of these sites. The possibility of their being equal to, but not better than, Site 10 is indicated in this statement. The statement reflects, again, an obvious bias towards Site 10. Clearly, if another site is equal to Site 10, it should be given equal consideration and not unjustifiably dropped from the list.

21. Page 30: A scheme is described whereby for the upland sites a temporary dewatering facility would be constructed at a lowland site along the river and the dewatered spoils would be transported by truck or rail to the candidate site for final containment. Such a scheme seems highly problematic. Such a scheme requires two facility sites to be selected. The temporary dewatering facility would not be inconsiderable in size and would occupy an appreciable amount of space and would be subject to many of the same constraints as a permanent facility. A scheme whereby two such facilities have to be identified and sited seems prohibitively difficult.

22. Page 36, Section 4.2.7: The last sentence states, "The remnant deposits would be more suitable for a temporary dewatering or treatment facility than a permanent containment area for new dredge spoils." It is not clear how the now capped remnant deposits could be used as a temporary dewatering area. A significant amount of area would be required for settling basins for dredge spoils. It is not clear how such facilities would be constructed on the remnant deposits. Certainly, penetration of the cap would not be permissible. One is then left with building bermed earthen basins for dewatering from the capped surface upward or placing extremely large-volume above-ground tanks at grade. Neither of these options seems realistic for this setting.

23. Page 39: The ten remaining sites are all evaluated versus Site 10. Once again, holding up Site 10 as the standard by which all other sites are measured is a questionable approach. There is no conclusive evidence to suggest that Site 10 is the standard by which all other sites should be measured. U.S. EPA has not provided any support or evidence showing that its independent analysis of Site 10 establishes a basis for using Site 10 as a standard.

24. On Page 39, under the description of Sites TN-3, TN-4A, and TN-4B, is the following statement, "Containment/treatment at these sites could be limited to dredge spoils from the lower pools, if the long barging distance is determined to be cost prohibitive and dredging of contaminated sediments in the lower pools is determined to be necessary." In no instance was the same qualifier applied to sites in favorable proximity to the Thompson Island Pool. Once again, this suggests a built-in bias that U.S. EPA may have as to the

necessity or probability of dredging within the Thompson Island Pool."

25. Page 43: In the analysis of Site FM-4, which is on Griffin Island within the Upper Hudson River, U.S. EPA makes the following statement, "Similar approaches for a containment facility have been used at other Superfund sites, e.g., Waukegan Harbor in Illinois, where near shore confined disposal areas in open water have been used for containment of contaminated dredge spoils." No other Superfund sites are known to us for which a Griffen Island type of approach has been used. U.S. EPA should have been more explicit in this regard. Further, the Waukegan Harbor containment facility is not at all similar to a Griffin Island proposed facility. At Waukegan Harbor, an abandoned boat slip surrounded on three sides by land and open to the harbor was used as a containment cell with the open side sheet piled off and the abandoned slip filled with dredge spoils and capped over – a considerably different situation from what would be presented by a facility on Griffin Island.

26. There is no summary or conclusion section in the report. U.S. EPA concludes that the ten sites that are short-listed are all less favorable than Site 10, but the report stops at that point. What does this outcome mean? Is this tantamount to selection of Site 10 by U.S. EPA? Will further investigations be done? Are these sites once and for all eliminated or will there be a Phase II of analysis? It is not clear how this information will be used in the future and how U.S. EPA intends to proceed from here. The relationship between this work and the full feasibility study to be prepared by the U.S. EPA needs to be provided.

Conclusion:

1. The survey provides no basis for identifying Site 10 as a model site against which all others should be measured.

2. The survey provides no indication of how EPA plans to use this information.

3. EPA provides no indication of how EPA will consider the public reaction to the survey.

4. The survey provides no support for the assumption that Site 10 is the DEC's preferred site.

EPA should promptly clarify and address these issues.