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Mr. Douglas Tomchuk
Emergency and Remedial Response Division
United States Environmental Protection Agency
Region II
290 Broadway
New York, New York 10007-1866

Re: Addressing the Anomalous Loading of PCBs in the Thompson Island Pool at the Hudson River PCB Superfund Site

Dear Mr. Tomchuk:

I am writing to following up on our July 25 meeting on modeling issues in the Upper Hudson River. I am very pleased that we were able to quickly schedule the follow-up meeting with the TAMS personnel who missed the first session.

We have also given further thought to the question of investigating the anomalous PCB loading in the TIP, which we discussed toward the end of the July 25 meeting. The context and implications of the anomalous loading in the TIP are important to addressing this issue.

At our meeting, HydroQual presented a number of analyses that focused on the central facts. The TIP is the first impoundment in the Hudson downstream from the GE plants at Hudson Falls and Fort Edward. Since 1992, it has been evident, particularly at low flows, that the mass of PCBs leaving the TIP is greater than the sum of the PCBs entering the pool as measured at the upstream monitoring stations and the PCBs that would be expected to enter the water column through diffusion from the sediments. This incremental load appears to consist of fresh, undechlorinated Aroclor 1242. The size of this anomalous load appeared to decrease in 1994 and 1995, but so far, not this year. Your request for a repeat session underscores its persuasive force, its important practical implications and the value at working together and sharing resources on these issues.

The first practical impact of the anomalous TIP load is to make it impossible to project future conditions in the Hudson regarding PCBs. The anomalous load is not apparent in the data for the years immediately preceding the collapse of the Allen Mill in 1991 with the consequent release of PCBs into the River. The anomalous load now makes very significant contributions to the PCB load found in the water column in the TIP itself and downstream of the pool to Albany. We do not know the source of the load – whether PCBs are entering the TIP today in a manner that is not measured at the upstream monitoring stations or whether there is a

cache of fresh PCBs somewhere in the pool that is being released into the water column (even though such a condition would not be expected four or five years after an event such as the Allen Mill release, given the rapid microbial dechlorination of PCBs which is apparent in the River). In short, we do not know the source of this significant PCB load, and we do not know whether it is increasing, decreasing or remaining steady. Consequently, given its significant contribution to PCB water column concentrations throughout the Upper River, we cannot project what conditions will be in the River five, ten or thirty years from now.

It might be possible to address the projection issue by modeling an array of possible conditions which assume that the anomalous TIP load declines, increases or remains steady. This approach illuminates the central obstacle presented by the TIP anomaly; it is not possible to make a rational remedial decision without knowing the source of the TIP load. Without a shift in the perception of PCB toxicity, we do not see how the central remedial objective of obtaining edible fish can be reached without addressing the source of the anomalous load because if the fresh PCBs continue to appear in the TIP and migrate downstream, they will continue to bioaccumulate in fish. A remedy in the pool or upstream or downstream of the pool that does not control and/or eliminate the source of the anomalous load cannot and will not advance the central remedial objective at this Site. It would, more likely, expose the fallacy that mass removal of PCBs is a worthy objective; the removal of PCBs that does not reduce the bioavailability of PCBs in the water column and the surface sediment will not contribute to reducing PCB levels in fish and biota and would be an expenditure of time, effort, and money that would bring no beneficial return while destroying extensive habitat.

If the source of the anomalous PCB load in the TIP is not identified and addressed, EPA will not be able to make a defensible remedial decision because one will not be able to evaluate what the result of remedial action will be. We do not believe, if EPA were faced with the prospect of spending substantial amounts of Fund money on a large scale remedial action in the Hudson, that the Agency would go forward where it could not predict with reasonable confidence that its actions would materially advance and achieve its central remedial objectives. In such circumstances, this reassessment will end where the earlier assessment ended: no remedial decision, and, in all likelihood, a resolution to conduct another analysis at a later date. Such a result will not be helpful to EPA and is one GE is interested in avoiding. The better course is to develop the facts now that will allow EPA and GE to understand and address the anomalous loading in the TIP. This is the surest route to a successful conclusion to this reassessment.

EPA, of course, has chosen to conduct the RI/FS itself with the consequent burden of developing the facts necessary to reach a sound and defensible remedial decision. But GE is mindful of the difficulties which the Agency faces in promptly marshaling resources to investigate the TIP anomaly. In these circumstances, GE is ready to meet with EPA to develop, jointly, a sound program to investigate the anomalous PCB loading in the TIP, and to carry out, at its own expense with participation by EPA, NYSDEC and/or its contractors, a commonly agreed on investigative effort. We would do this on the agreed understanding that the data and/or analysis developed by this effort would be used or addressed in the present reassessment and that there would be open professional exchange between GE and EPA in developing and carrying out the effort. We believe that this is both the surest and the quickest route to concluding the reassessment on a basis that will allow defensible decision-making.

Please let me know by August 30, 1996, whether you want to proceed along these lines. We have given thought to how we believe an investigations of the TIP anomaly should move forward in the field, and we are prepared to meet with you and your contractors within two weeks (or less, if previously scheduled vacations do not conflict) of receiving a positive reply to this letter. We look forward to a prompt response. Please place this letter in the Administrative Record.

Sincerely yours,

Melvin B. Schweiger

cc: Richard I. Caspe
William McCabe
Paul Simon
Douglas Fisher
Michael Zagata
Walt Demick
Stephen Hammond