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***Via Facsimile and Regular Mail***

August 31, 1999

Mr. Richard L. Caspe, Director  
Emergency & Remedial Response Div.  
USEPA, Region II  
290 Broadway, 19<sup>th</sup> Floor  
New York, NY 10007-1866

U.S. EPA, REGION II  
EMER. & REM. RES. DIV.  
1999 SEP -3 AM 11:59  
DIRECTOR'S OFFICE

***Re: Request for Extension – Hudson River Risk Assessments***

Dear Mr. Caspe:

This is confirm that you have denied our request for an additional two weeks to provide written comments on EPA's recently issued human health and ecological risk assessment reports for the Hudson River PCBs Superfund site.

As I am sure you know and as I pointed out, the reports are in excess of 1000 pages and contain significant analysis and information. We received the reports on the evening of August 4th and immediately sent them to copying and were able to get them distributed to our team by August 6th. This gives us 21 working days to review the technical analysis, check calculations and assumptions, draft comments and review them with the team and senior management. While this would be challenging for one report, it becomes especially difficult for two, and compromises our ability to provide complete comments. Most importantly, it is my understanding that the modest extension requested would not result in any delay to the overall project schedule.

We have also been constrained and handicapped by the fact that the reports are missing important information that is necessary to complete our review. Two critical documents that were relied upon by EPA in the ecological risk assessment were generated by the National Oceanic and Atmospheric Administration (NOAA) and, since EPA does not have an up-to-date, complete administrative record for the site as required by CERCLA, we had to request the documents from NOAA. We received these on August 16, 1999. The NOAA documents are highly technical and are approximately 200 pages in length.

The human health risk assessment report also lacks important information that is necessary to perform a full and properly informed review. Specifically, the following is necessary to complete our review:

- An electronic copy of the Monte Carlo model with instructions for running the model.
- A paper copy of the Monte Carlo model.
- Paper and electronic copy of the inputs into the 72 runs of the Monte Carlo model.
- The raw data from the Connelly et al. (1992) study including start ages, current ages, species preferences, and consumption rates.
- A clear description of how the Connelly et al. (1992) data were analyzed to derive the distribution of consumption rates, including:
  - the specific bodies of water considered to be rivers
  - the specific bodies of water considered to be non-rivers
  - any angler records eliminated and the reason for elimination.

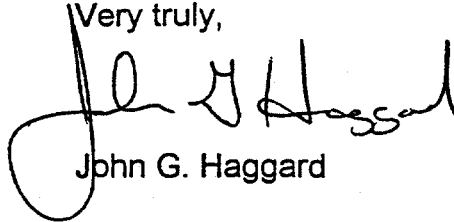
We request that this material be provided to us in adequate time to provide comment prior to the peer review. You have stated we will be given another opportunity to comment on all of the Agency's work product when the Proposed Remedial Action Plan and Feasibility Study are issued in December 2000. Realistically, to be considered in the EPA's ongoing analysis, we need to get our comments to you before you proceed to peer review.

The lack of time to provide comments and the incomplete information provided in the reports are not trivial limitations. As pointed out in the letter of June 23, 1999, transmitting GE's comments on the EPA modeling report, these limitations defeat the purpose of the opportunity to comment that is required by the Administrative Procedure Act (APA), CERCLA and the National Contingency Plan. In particular, the data and analysis employed by EPA in the development of the risk assessments must be laid out in sufficient detail so that the public can provide meaningful and germane comments. In significant respects, this has not been done.

Of course, we will work within the constraints placed upon us and will have comments to you on September 7, 1999. However, we also will supplement these comments as we continue our review efforts. Obviously, the sooner EPA provides the information requested in this letter, the sooner we will be able to complete our review.

If you think it would be helpful, I would be glad to discuss this matter further with you. Please place a copy of this letter into the Site administrative record.

Very truly,

A handwritten signature in black ink, appearing to read "John G. Haggard", written over the typed name.

John G. Haggard

JGH/bg

cc: Allison Hess, U.S. EPA  
Douglas Fischer, U.S. EPA  
Douglas Tomchuk, U.S. EPA