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New York Farm Bureau • Route 9W, P.O. Box 992 • Glenmont, New York 12077-0992 • (518) 436-8495 Fax: (518) 436-5471

Comments on the Phase 2 Work Plan
Hudson River PCB Reassessment RI/FS
Paul McDowell, Local Issues Specialist

New York Farm Bureau, Inc. is a membership organization with a current state-wide membership of over 23,000. We are a not-for-profit corporation whose sole purpose is to promote, protect and represent the economic, social and educational interests of farmers in the state, as well as to insure preservation of agricultural and rural lands within the state.

New York Farm Bureau is pleased to offer comment on the Hudson River PCB Reassessment RI/FS Phase 2 Work Plan and to participate in EPA's Community Interaction Program. There are many areas of technical information on which Farm Bureau does not offer comment. There are, however, some areas upon which we do offer comment in the hope that such comment will prove constructive and will have appropriate impact on the process. Our comments have to do with the focus of the Work Plan, those things which we find constructive, and those areas which concern us.

Including the public in the process is valuable to the process. However, the underlying assumption in these documents is that the reader has a working knowledge of what happens in a river, where sediments are deposited and where they are not, etc. This knowledge is not at all common, and puts much of the public in the position of either asking ignorant questions, making ignorant assertions or, worse, becoming discouraged with the process and making no response at all. Cannot a basic primer be made available to the public that can answer some basic questions about the river?

Two key questions are raised in the Introduction of the Phase 2 Work Plan:

"... two of the major questions that the Reassessment will address are: what is the reduction in PCB levels which is necessary to decrease fish tissue concentrations to levels that meet human health criteria and; the ancillary question of which source areas, if any, may require remediation in order to achieve that reduction. The effort in Phase 2 will focus on obtaining the information necessary to answer these questions among others." (Page 1-3)



The Phase 2 Work Plan outlines an extensive program of evidence gathering which seems to attempt to interweave a variety of analyses which, when taken together, will create a mutually supporting web of evidence to answer those questions. Reading the document, the question Farm Bureau looked to see answered was how will the sediment and water column PCB load and PCB sources be correlated with the fish tissue concentrations?

Data interpretation seems to be the key element in this correlation, and the answer to this question is necessary to evaluate the scope of the Work Plan. If one knows how to solve a problem, then one knows what information needs to be gathered. Without knowing the methodology of how much PCB reduction in the River is necessary to reduce fish tissue concentrations to a particular level, one cannot determine if the data collected will answer the question.

The Phase 2 Work Plan needs to specify this methodology in order to focus efforts in the right direction, and to provide guidance in weighing the various pieces of evidence. Which is more important, for example, the results of the shear stress testing or of the low resolution coring? The reader is not given the specific information needed to develop a meaningful answer to such a question. The absence of such a focus made evaluation of the tasks presented that much more difficult.

Even with this difficulty underlying the entire document, EPA is to be applauded for its flexibility in researching this important issue. When the RI/FS was originally established, the impression was given that if any gaps of knowledge necessary to evaluate the problem existed, they would be minor in nature. EPA's willingness to reevaluate that position and develop such an extensive research effort in Phase 2 is supported by Farm Bureau.

Farm Bureau is pleased to find evidence in the document of a responsiveness to public comment in the shaping of the work plan tasks. An obvious example is the effort to make all analyses of PCBs congener specific, even to going back to old core samples for reanalysis. This attempt to conduct tasks and analyses which should result in interlocking and mutually supporting evidence can only be characterized as responsive to public input.

Farm Bureau is encouraged by EPA's willingness to review such important issues as fish consumption and review of its CSF and RfD standards for determining PCB toxicity. We can appreciate the balance needed to protect human health and be current on recent research. We do believe that the inclusion of this review in the Phase 2 health risk assessment is important.

We are also supportive of characterizing the relative magnitude of the Upper Hudson PCB source compared to other sources in the Lower Hudson (Study Area C). However, the unanswered question is at what point does PCB contamination from the Lower Hudson obviate the need to remediate PCBs from Upper Hudson sources. Is such an eventuality envisioned? If not, then how will this

characterization be weighted relative to the other tasks performed in Phase 2?

Naturally, some aspects of the document are troubling to Farm Bureau. In at least two locations, for example, there is an assumption made about the extent of data gathering. The assumption is that the methodology used will probably be adequate. On page 2-8, the statement is made,

"In this manner, it may be possible (emphasis ours) to characterize sediment PCB levels extensively without having to sample intensively."

What if it turns out not to be possible? What impact will that eventuality have on the study? Is this a critical issue on which much interpretation depends?

A second location is found on page 5-8,

"As with the aerobic degradation rates, model results would be subjected to an uncertainty analysis, which might suggest the need for further research on these parameters, (emphasis ours) if results are particularly sensitive to them."

Just when would this further research be accomplished? And again, what impact will this needed research have on the study? Is this a critical issue on which much interpretation depends?

Neither of these instances provide confidence in the results of these tasks. In neither instance is a fallback position given, or an evaluation made as to the possible impact on the RI/FS of these potential shortfalls of research.

Farm Bureau has some concern that the Ecological Study Area has too narrow a definition. We agree that terrestrial habitats should be considered. However, because areas on either side of the River is a source of food supply, one should not overlook the agricultural resources, especially those subject to flooding. Are not dairy herds and people to be considered possible receptors?

Paragraph 8.1 of the Feasibility Study Analyses raises more questions than answers. In particular,

"...identification of sediment subject to possible treatment, i.e. sediment with PCBs exceeding preliminary remedial action criteria, will be made. The volume of sediment requiring treatment will also be analyzed in terms of PCB concentrations and current and future availability to the water column and biota. A map of potential remediation areas and sediment volumes will be prepared to aid in the evaluation of remedial alternatives." (Page 8-1)

- 1 Specifically, what are "preliminary remedial action criteria" and do they preclude a "No action" alternative?
- 2 How does the phrase "sediment requiring treatment" relate to the choice of remedial alternatives?
- 3 Is it fair to say that the two phrases suggest standards not published in the document and, in and of themselves, preclude the No Action alternative required by NEPA?

Technology assessment will include an evaluation of experiences of other Superfund sites "... where contaminated sediments are either being remediated or about to undergo remediation." (Page 8-3) Farm Bureau is concerned as to how these technologies will be weighted. The extent of the Hudson River project study suggests that harbors and lakes differ considerably from rivers.

Our understanding of the narrative concerning in site remediation is that the evaluation of this new technology will stand or fall on GE's performance in this technology. This understanding, if correct, concerns Farm Bureau. Without independent corroboration of GE's work, it would seem difficult for EPA to objectively evaluate GE's results. The fact that EPA is conducting this study and not GE suggests that EPA already has an negative opinion of GE's objectivity. We urge independent review of GE's results of their remediation study.

One area not apparently being considered worthy of study is the likelihood of a 100 year flood. Farm Bureau feels that given the importance of such an event in the determination of PCBs being reintroduced into the water column and biota that some consideration be given to the protections in place to prevent such an occurrence. A determination of the risk of such a flood event is an important component to the evaluation process. We urge that this determination be added to the Phase 2 Work Plan.

Farm Bureau thanks the EPA for this opportunity to comment on the Phase 2 Work Plan. If there are any questions on our comments, please do not hesitate to contact us.