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SARATOGA COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL
PETER BALET GEORGE HODGSON
CHAIRMAN DIRECTOR

January 13, 1998

Mr. William McCabe
Deputy Director, Emergency and Remedial Response Division
U.S. Environmental Protection Agency
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New York, NY 10007-1866

USEPA-REGION II
EMERGENCY & REMEDIAL
RESPONSE DIVISION
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DIRECTOR'S OFFICE

Dear Mr. McCabe:

This letter is in response to your statement made at the October 8, 1997 Hudson River Oversight Committee Meeting requesting feedback from the public concerning problems associated with the timely dissemination of information regarding the Hudson River PCB Superfund Reassessment to the public, including the need for responsiveness summaries and more public meetings.

The Saratoga County Environmental Management Council (SCEMC) is extremely concerned about the approach Region 2 USEPA is presently utilizing to conduct the Hudson River PCB Superfund Reassessment. As you may recall, the SCEMC conveyed a number of concerns regarding the Reassessment to Regional Administrator Fox in our correspondence of April 8, 1997. These concerns included the general unworkability of EPA's public participation process, the lack of Agency responsiveness to public questions and comments on the various Phase 2 reports, and the fact that the Data Evaluation & Interpretation Report (DEIR) findings were presented to the public as "major conclusions" at the meeting of the Joint Liaison Group held on February 19, 1997 in Albany. To date, the SCEMC has not received a reply to its April 8, 1997 correspondence.

The SCEMC believes the present functioning of the Hudson River PCB Reassessment's Community Interaction Program (CIP) requires improvement to meet the CIP's objectives. While the SCEMC recognizes and appreciates the inherent difficulties of conducting a meaningful public participation program, it is clear that several of the stated objectives identified in the CIP are not currently being met, including:

- o Entering into a dialogue and exchange of information with the public on the Hudson River PCB issue;
- o Providing the public with regular progress reports;

- o Providing timely and accurate responses to questions and issues raised by the public;

(pgs. 19-20; Revised Community Relations Plan,
Hudson River PCB Reassessment RI/FS,
August, 1992)

The CIP states that among the factors which led EPA to develop an expanded approach to community relations for the Hudson River PCB Reassessment RI/FS was "The amount of information that will have to be exchanged and the need to maintain a two-way flow of information between the public and EPA during the Reassessment;"

The CIP goes on to state:

"with these factors in mind, EPA developed a Community Interaction Program (CIP) designed to provide an opportunity for all interested parties to have access to the PCB Reassessment RI/FS study process and the EPA project team, via the Hudson River PCBs Oversight Committee (HROC) to provide for a process where all public concerns, questions and issues regarding the study can be raised and addressed, and to provide a manageable process for the exchange of information between the public and the EPA project team, via the Hudson River PCB Oversight Committee (HROC)."

The SCEMC believes that a satisfactory exchange of information between the public and USEPA regarding the Reassessment is not occurring because:

- o EPA has not been responsive to questions and comments raised by the public regarding Phase 2 reports. Due to the highly technical and complex nature of the Phase 2 reports and the fact that the final reassessment decision depends upon them, it is incumbent upon the EPA to provide responsiveness summaries, which include responses to comments and questions raised by the interested public, for each report. Please be aware that the SCEMC has not yet received responses from EPA regarding four detailed comment letters (transmitted between 1992 and 1997) regarding Phase 2 Reports.
- o No regular Reassessment comment reports have been made available to the public. This is especially disconcerting considering the amount of "new" information being released by G.E. regarding the "major conclusions" of the DEIR and the scientific disagreements between EPA and GE. The public needs to be better informed on these apparently substantive issues. ?
- o CIP meetings are held infrequently. The SCEMC believes this may be due to the ineffective flow of information from the EPA to CIP Liaison Groups. Meetings

require information: without new information, the need for meetings is questionable. EPA needs to encourage and **facilitate** continued participation and education of the public by providing periodic and timely information updates regarding the Reassessment.

o EPA needs to review and revise CIP committee working procedures to allow public participation opportunities at all public CIP meetings. This is necessary because of the dysfunction of the CIP Liaison Groups. At certain CIP committee meetings (HROC, STC), public participation and comment is limited only to Liaison Group chairs. Under present EPA CIP committee procedures, an actively involved Liaison Group member is denied the opportunity ask questions, make comments or otherwise participate in the meeting; this circumstance is unacceptable, especially if a Liaison Group chair is unable to attend a meeting.

At the October 8, 1997 Hudson River Oversight Committee meeting, GE was openly critical of EPA's Reassessment process. At that meeting John Haggard of GE stated:

"The process as set up is not functioning as well as it could. There is a need to set up a process where a timely, ongoing exchange of information can occur. There is not a dialog; there is little feedback."

The SCEMC agrees with Mr. Haggard's observations. We, a public advisory group of the Saratoga County Board of Supervisors, have been continually frustrated by the lack of substantive technical interchange between EPA and the public regarding scientific methods and analysis. Monitoring and methodology differences, deposition vs. re-suspension, congener-specific "fingerprinting" and the interpretation of data all contribute to a wide disparity between EPA and GE regarding the source of PCB contamination to the Thompson Island Pool and the mechanics of PCB uptake to the Hudson River water column and its fishery resources.

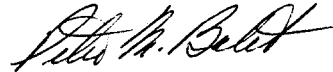
Common sense would suggest that an open, timely, comprehensive, and collaborative review of all technical information, regardless of its source, be undertaken by EPA and GE; "good science" of course, requires this approach. Unfortunately, the potentially affected, under-informed public can only hope that this review will occur.

In the absence of the above "common sense" approach, the SCEMC would recommend that an unbiased independent scientific peer review be conducted outside of the Scientific and Technical Committee structure to evaluate all EPA and GE Reassessment information including modeling hypotheses and Phase 2 report findings. It is further recommended that a series of summary information reports be generated by the scientific peer review group and provided to the public for its review and comment.

The SCEMC welcomes the opportunity to work with Region 2 USEPA in implementing and promoting a more user-friendly public and effective CIP for the Hudson River PCB Superfund Reassessment.

Thank you for the opportunity to comment.

Sincerely,



Peter Balet
Chairman

cc: Ms. Carol Browner, Administrator, USEPA
Ms. Jeanne Fox, Regional Administrator, Region 2 USEPA
Mr. Richard Caspe, Director, ERRD, Region 2 USEPA
Mr. Doug Tomchuk, HRR Reassessment Project Manager, Region 2 USEPA
Ms. Ann Rychlenski Public Affairs Specialist, Region 2 USEPA
The Honorable Gerald Solomon
The Honorable Alphonse D'Amato
The Honorable Daniel Moynihan
The Honorable George Pataki
Mr. John Cahill, Commissioner NYSDEC
The Saratoga County Board of Supervisors
David Wickerham, Administrator, Saratoga County
Hudson River PCB Reassessment Liaison Group Chairs
SCEMC members & staff