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10.6001

AUG 12 1999

Robert Phinney, Mayor
 Village of South Glens Falls
 46 Saratoga Avenue
 P.O. Box 1210
 South Glens Falls, New York 12803

Dear Mayor Phinney:

This is in response to your letter of July 7, 1999, to EPA Administrator Carol M. Browner, concerning the Hudson River PCBs Superfund site. Specifically, your letter forwards a resolution stating that the Village of South Glens Falls supports an independent peer review of all PCB-modeling studies developed for the Hudson River PCBs Superfund site.

With respect to the peer review process, I believe it would be useful for me to clarify for you some aspects of EPA's peer review policy to avoid any misunderstanding about the peer reviews being conducted for this site. EPA's policy generally requires the Agency to subject to peer review those major Agency technical work products, such as risk assessments and technical models, that are innovative or focus on significant emerging issues and serve to support Agency decision-making. At the Hudson River PCBs site, specific issues in EPA's scientific work are being reviewed in four distinct sessions. Two of the six reports prepared in connection with the Hudson River PCBs Reassessment -- the Data Evaluation and Interpretation Report and the Low Resolution Sediment Coring Report -- were reviewed earlier this year. EPA's Modeling Approach, including EPA's Preliminary Model Calibration Report, was peer reviewed in September 1998. The Baseline Modeling Report, which is EPA's modeling report for the site, and the Human Health and Ecological Risk Assessments, will be peer reviewed next year to ensure that all six scientific work products that support a remedy decision will receive a critical evaluation by independent experts.

The purpose of the peer review is to ensure that EPA's science is technically sound; it is not intended to be a forum in which the peer reviewers judge what they believe to be the best among two or possibly more scientific work products. EPA therefore will not provide a side-by-side peer review involving EPA's modeling report. Nevertheless, EPA has agreed to provide the peer reviewers with copies of public comments received on its reports and the Agency's responses to these comments, which are documented in responsiveness summaries. The

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| DATE --> | 10/13/99 | 10/13/99 | 10/13/99 | 8/12/99 | | | | |

responsiveness summary that will be provided to the peer review panel for EPA's Baseline Modeling Report will include a copy of GE's modeling report and EPA's response to that report. In addition, as with the prior two peer reviews for this site, the public will be invited to attend the peer review meetings for the Baseline Modeling Report, Human Health Risk Assessment and Ecological Risk Assessment. The public also will be invited to address the peer review panels for the upcoming peer reviews, just as the public was given the opportunity to address the expert panels for EPA's Modeling Approach and Data Evaluation and Interpretation Report/Low Resolution Sediment Coring Report peer reviews.

We hope that this letter addresses your concerns. EPA appreciates your interest in the Reassessment process, and we encourage you to continue to express your concerns regarding the Reassessment. If you have any questions or require more information, please feel free to contact Ann Rychlenski at (212) 637-3672.

Sincerely yours,

Richard L. Caspe, Director
Emergency and Remedial Response Division

bcc: Ann Rychlenski, CD
Douglas Fischer, ORC

Village of South Glens Falls

RESOLUTION

JULY 7, 1999

Doug
Mississippi
cc: Caspe Action

MOTION BY: Trustee Hayes

SECONDED BY: Trustee Donohue

WHEREAS, citizens, the community and the agricultural, tourism and recreational resources of the Village of South Glens Falls are directly affected by the U.S. Environmental Protection Agency's reassessment of the PCB's in the Hudson River, and

WHEREAS, the Town of Fort Edward has closely monitored the EPA's performance and, in view of the potentially grave consequence of its decision, has urged EPA to rely on the soundest scientific principles and the most valid data analyses, and

WHEREAS, the EPA and the General Electric Co. each have recently developed computerized models to simulate river dynamics and forecast future progress in the river's recovery, and

WHEREAS, these computer models are likely to be the best available questionnaire tools on which to base future policy decisions about the river, and

WHEREAS, the models both predict future recovery for the river but differ as to the time that recovery will take, and

WHEREAS, the inadvertent use of inaccurate, outdated or misinterpreted data could lead EPA to order an unnecessary and destructive dredging and dumping project with serious, long term environmental, social and economic damage to Village of South Glens Falls and neighboring communities, and

WHEREAS, an open public process designed to narrow and reconcile the technical difference between the two models can reduce the risk of error and

help foster a higher level of public confidence in EPA's ability to make the correct decision, and

WHEREAS, Congressman John Sweeney has announced his intention to send both models for thorough review by an independent panel of scientists convened by the General Accounting Office, and

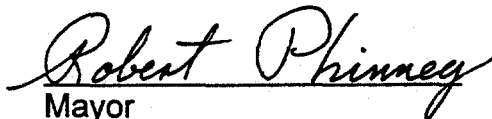
WHEREAS, EPA has refused repeated request to agree to a simultaneous scientific peer review of both its model and the GE model by qualified, independent experts, and

WHEREAS, nevertheless plans to use the projections from its model in the development of ecological and human health reports even before its model has been examined by independent scientists,

NOW THEREFORE, BE IT RESOLVED, that the Village Board of the Village Of South Glens Falls, urges EPA to reverse its opposition and promptly submit simultaneously before any model projects are used as the basis for any other Hudson River reports, and

BE IT RESOLVED, that the simultaneous peer review be conducted at an open public meeting with full opportunity for public comment and discussion by the citizens and elected officials of the Village Of South Glens Falls and all other interested parties, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to U.S. EPA Administration Carol Browner, Regional EPA Administrator Jeanne Fox, U.S. Senator Daniel Patrick Moynihan, NYS Governor George Pataki, NYS Environmental Conservation Commissioner John Cahill; NYS Senator Ronald B. Stafford; NYS Assemblywoman Elizabeth O. Little, Congressman John Sweeney, Washington County Board of Supervisors Chairman Peter Telishy, and Saratoga County Board of Supervisors Richard Licia, our Assemblyman Robert D'Andrea, Town of Fort Edward Councilwoman Marilyn Pulver.


Mayor

DATED: July 8, 1999

VOTED 3 Ayes

VOTED 1 Abstain

Town of Moreau
SARATOGA COUNTY, STATE OF NEW YORK
TOWN OFFICE BUILDING
P.O. Box 1349
South Glens Falls, NY 12803
PHONE (518) 792-1030



July 14, 1999

The Honorable Carol M. Browner, Administrator
United States Environmental Protection Agency
401 M Street SW-Room 1200WT
Washington, DC 10460

Dear Ms. Browner:

At a meeting of the Town Board Town of Moreau held on July 13, 1999 the enclosed resolutions were unanimously adopted requesting a PEER Review of the Hudson River Superfund PCB Reassessment.

These resolutions are being sent to you for your review and consideration.

Sincerely,

Jeanne M. Fleury
Town Clerk

10.6005

Town of Moreau
SARATOGA COUNTY, STATE OF NEW YORK
TOWN OFFICE BUILDING
P.O. Box 1349
South Glens Falls, NY 12803
PHONE (518) 792-1030



A motion was made by Councilwoman Knaust and seconded by Councilman Prendergast to adopt the following resolution:

WHEREAS, the Hudson River is a major and important water resource of the Nation, New York State and the County of Saratoga, forming the northerly and easterly boundaries of Saratoga County and the Town of Moreau; and

WHEREAS, during a 30-year period ending in 1977 some 1.1 million pounds of PCB's were discharged into the Hudson River from two GE capacitor manufacturing plants located in Fort Edward and Hudson Falls, New York, and;

WHEREAS, the U.S. Environmental Protection Agency (USEPA) has identified the Hudson River from Hudson Falls to the Battery as a federal Superfund Site and is presently conducting a federal Hudson River Superfund PCB Reassessment to determine whether remedial actions are warranted; and

WHEREAS, the County of Saratoga with the assistance of its Environmental Management Council has since 1992 been actively involved in reviewing and commenting on various Hudson River Superfund PCB reassessment reports completed by USEPA; and

WHEREAS, USEPA and GE have recently completed independent modeling reports with disparate conclusions which will be instrumental in determining the degree of health and ecological risks posed by PCB contamination of the Hudson River and ultimately the decision of whether to dredge or not; and

WHEREAS, the importance of utilizing the most scientifically correct modes in reaching human health and ecological risk determinations cannot be overstated, it being one of the most critical components of the reassessment's decision-making process; and

WHEREAS, the Town of Moreau believes there is a need to conduct a comprehensive peer review of both USEPA's and GE's Reassessment models to resolve major technical differences between them before utilizing the most scientifically correct modeling information to reach human health risk and ecological risk determinations concerning PCB contamination of the Hudson River; and

WHEREAS, the USEPA has refused to incorporate GE's modeling information into the Agency's peer review process and will utilize its own models prior to any peer review process to make human health and ecological risk assessments in August 1999

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which will be the basis of making a decision of whether to dredge PCB's from the upper Hudson River or not;

NOW, THEREFORE, BE IT RESOLVED, the Town of Moreau Town Board requests, due to the importance of the Hudson River resource, the US Environmental Protection Agency take the additional time necessary to conduct a comprehensive peer review and/or reconciliation of all modeling information in an effort to use the most scientifically correct Reassessment modeling information as a basis for the Hudson River Superfund PCB Reassessment decision-making before completing human health and ecological risk assessments scheduled to be released in August of 1999; and

BE IT FURTHER RESOLVED, the Town of Moreau Town Board transmit copies of this resolution to Carol Browner, Administrator, USEPA; Jeanne Fox, Region 2 Administrator, USEPA; John Cahill, Commissioner of NYSDEC; the Honorable George Pataki, Governor; and all state and federal elected officials representing the Town.

Roll call vote resulted as follows:

| | |
|------------------------|--------|
| Councilman Rafferty | Aye |
| Councilman Prendergast | Aye |
| Councilwoman Knaust | Aye |
| Councilman Bulman | Absent |
| Supervisor Gutheil | Aye |

Town of Moreau
SARATOGA COUNTY, STATE OF NEW YORK
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A motion was made by Councilwoman Knaust and seconded by Councilman Prendergast to adopt the following resolution:

WHEREAS, citizens, the community and the agricultural, tourism and recreational resources of the Town of Moreau are directly affected by the U.S. Environmental Protection Agency's reassessment of PCB's in the Hudson River, and

WHEREAS, the Town of Moreau has closely monitored EPA's performance and, in view of the potentially grave consequences of its decision, has urged EPA to rely on the soundest scientific principles and the most valid data analysis, and

WHEREAS, the EPA and the General Electric Co. each have recently developed computerized models to simulate river dynamics and forecast future progress in the river's recovery, and

WHEREAS, these computer models are likely to be the best available quantitative tools on which to base future policy decisions about the river, and

WHEREAS, the models both predict future recovery for the river but differ as to the time that recovery will take, and

WHEREAS, the inadvertent use of inaccurate, outdated or misinterpreted data could lead EPA to order an unnecessary and destructive dredging and dumping project with serious, long-term environmental, social and economic damage to Town of Moreau and neighboring communities, and

WHEREAS, an open public process designed to narrow and reconcile the technical differences between the two models can reduce the risk of error and help foster a higher level of public confidence in EPA's ability to make the correct decision, and

WHEREAS, Congressman John Sweeney has announced his intention to send both models for thorough review by an independent panel of scientists convened by the General Accounting Office, and

WHEREAS, EPA has refused repeated requests to agree to a simultaneous scientific peer review of both its model and the GE model by qualified, independent experts, and

WHEREAS, nevertheless plans to use the projections from its model in the development of ecological and human health reports even before its model has been examined by independent scientists,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau, urges EPA to reverse its opposition and promptly submit both its model and the GE model to independent peer review simultaneously before any model projections are used as the basis for any other Hudson River reports, and

BE IT FURTHER RESOLVED, that the simultaneous peer review be conducted at an open public meeting with full opportunity for public comment and discussion by the citizens and elected officials of the Town of Moreau and all other interested parties, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to U.S. EPA Administrator Carol Browner, Regional EPA Administrator Jeanne Fox, U.S. Sens. Moynihan and Schumer, Gov. Pataki, Congressman Sweeney, our State Legislators, and the chief elected official of all municipalities in Warren, Washington, Saratoga and Rensselaer counties with a request for their support of this resolution.

Roll call vote resulted as follows:

| | |
|------------------------|--------|
| Councilman Rafferty | Aye |
| Councilman Prendergast | Aye |
| Councilwoman Knaust | Aye |
| Councilman Bulman | Absent |
| Supervisor Gutheil | Aye |