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NOV 21 1990

Mr. William Ports, P.E.
Bureau of Eastern Remedial Action
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

Re: Hudson River PCBs Site - Scope of Work for the Reassessment
RI/FS

Dear Mr. Ports:

The U.S. Environmental Protection Agency (EPA) has reviewed the comments provided by the New York State Department of Environmental Conservation (DEC). EPA has incorporated these comments into the Scope of Work (SOW) for the Reassessment Remedial Investigation and Feasibility Study (Reassessment RI/FS), as appropriate, and has taken note of many of the comments for future reference. The following responses explain, comment by comment, whether EPA found it appropriate to incorporate DEC's comment or why not.

Major Concerns

1. The Reassessment RI/FS does not "rely" on General Electric's (GE's) bioremediation efforts. EPA stresses the development of innovative and alternative technologies in the Superfund process, and bioremediation provides significant promise at many sites. In this specific case, it seems appropriate to let GE proceed with the in-situ bioremediation studies it has planned. EPA will monitor the process and review the results from it to ascertain whether the process may be feasible in the near future. If it is not feasible, then EPA will select a remedial alternative from one of the other alternatives analyzed in the feasibility study.
2. EPA agrees that there is a significant data base in existence, and will utilize the existing database as much as possible. However, EPA still feels that modelling may be helpful to predict the effects on the river from various forces or remedial actions. Both myself and Al DiBernardo of TAMS explained to DEC staff, at the October 30, 1990 project review, that EPA will not depend solely on the modelling to decide upon the appropriate remedial action for the river sediments. The Scope of Work does not state that it would use the models "in lieu" of existing data. The modelling will simply be one of the

tools that will be used to help us to better understand the impacts of the site. In addition, the SOW states that the appropriateness of the Thomann model will be examined in the first phase of work.

3. EPA recognizes that there may be site specific applicable or relevant and appropriate requirements (ARARs), such as navigation in the Champlain Canal and bridge construction in the Hudson River, and hereby formally requests DEC to send EPA information on such site specific ARARs.

4. EPA will delete references to the "no action" alternative in the SOW where appropriate. The Reassessment RI/FS will obviously examine other alternatives than the no action alternative. The reason that the no action alternative is discussed several times is that this study is a "reassessment" of the decision made in the 1984 Record of Decision, which was interim no action.

5. In phase one of the Reassessment RI/FS, EPA will be examining the existing data to determine whether further data collection is necessary.

It has been the impression of George Pavlou, Associate Director for New York Programs, based on discussions with DEC management and from the August 1, 1989 meeting, that DEC believed that sufficient monitoring data existed and further data collection was not warranted for completion of the Reassessment RI/FS. It should be noted that if significant data collection is necessary the project schedule will probably extend past the original projection of the summer of 1992. Therefore, EPA requests DEC to clarify its official position on the additional sampling required, since the extent of the additional sampling may result in prolonging the time needed to complete the Reassessment RI/FS.

6. EPA is considering this request, and will decide prior to finalization of the Community Interaction Plan. Please note that other agencies will be limited to only one representative.

7. EPA will include DEC representation in the CIP Steering Committee, but would like to point out that the purpose of this group is to exchange information between the Hudson River PCB Oversight Committee and the citizens groups.

Additional Important Points

Beside the major points stressed in the cover letter, there were several comments made in the attachment which require special response. First of all, several comments call for addressing land areas contaminated with PCBs that are not part of the Hudson River PCBs site. EPA will not include the dredge spoil areas in the Reassessment RI/FS. A letter from Richard Caspe to Michael

O'Toole, dated November 19, 1990, which clarifies this position is attached.

Next, as was stated in comment 1, above, EPA will examine GE's in-situ bioremediation efforts as a part of the Reassessment RI/FS. EPA will not delay the completion of the study to incorporate the data obtained through GE's research. Rather, EPA will include what information is available at the time it must draft the feasibility study.

Attached Comments

1. Changes will be made as per the comment except for the last two points. On the 6th line, the hot-spots are "of PCB contamination". In the 7th line, "five Remnant Deposits" will be added, but "...numerous dredge spoil sites, all of which contribute to the PCB contamination of the River." will not be added.

2. The Reassessment RI/FS will examine alternatives to address the PCB-contaminated sediments in the river. In addition, remedial alternatives for the Remnant Deposits will be evaluated if a remedy other than "no-action" is selected for the river sediments. As stated above, in the Additional Important Points, and in the attached letter, dated November 19, 1990, the dredge spoil areas will not be included in the reassessment.

3. The SOW will be changed to state "experimental" rather than "full" scale. EPA's current understanding of GE's research is that the process being studied is "aerobic biodegradation", not just dechlorination. The SOW simply recognizes this research project, which maintains a high level of awareness by the press, is on-going, and that data generated during the research will be examined to ascertain whether this technology warrants further development. The Feasibility Study will consider various treatment alternatives, including bioremediation, for dredged material. None of these treatment technologies have been specifically mentioned in the SOW, so the dredging and bioremediation will not be singled out.

4. The SOW will be amended as per the first part of this comment. The last paragraph does not suggest that EPA is predisposed to select the "no-action" alternative, nor does it suggest that models will be used to select the preferred alternative. EPA is required by the NCP to select remedies based on the nine-criteria, and is developing a RI/FS to do that. However, EPA will delete the paragraph, as requested.

5. The referenced section will be reworded so that GE will not "...better direct and influence the process." At the same time, GE will be involved in the process. GE has conducted years of research with respect to PCB contamination in the Hudson and

other rivers, and can provide valuable information. EPA works with potentially responsible parties at many sites, and can maintain proper control over the projects.

6. The final version of the SOW will include a project schedule.

7. Data review and compilation will be completed as part of Phase 1, so that the identification of data gaps and additional data needs will be identified in the Phase 1 Report.

8. The last line in the last paragraph will be deleted. The rest of the paragraph does not reference any specific bioremediation efforts, and therefore cannot be construed as an endorsement of a particular technology.

9. This will be taken note of to include an assessment of the validity of the data used to calculate the mass flux of PCB over the Troy dam.

10. Please provide the data from the investigations conducted by Malcolm-Pirnie so that it may be utilized in the Reassessment RI/FS, as appropriate.

11. As stated above, please provide EPA with New York State ARARs with respect to this project.

There currently are no sediment criteria that are ARARs, and therefore, recent Records of Decision that select sediment action levels of 1-2 ppm of PCBs are calculated on a site-specific basis. The risk assessment, and other portions of the Reassessment RI/FS will examine the appropriate cleanup level to protect human health and the environment.

The second paragraph under this section will be revised.

12. Please see comment 2 of the Major Comments, above, for EPA's opinion on the use of models for the Reassessment RI/FS. EPA appreciates DEC's cautious approach toward the use of models, and will consider DEC's comments during the development of the models. EPA's decision will not be based solely upon the models.

13. If individual homes draw water directly from the Hudson River, this exposure route will have to be addressed in the risk assessment, and will be incorporated in the development of the Phase 1 work plan. EPA would appreciate any available information on this from DEC and/or NYSDOH.

EPA will look into the potential for PCB volatilization at dams and riffle areas, and see what studies have been done regarding this concern; the degree of analysis in the risk assessment will be based upon those findings. (Volatilization is included in the SOW on the top of page 7).

EPA is not planning on modifying TSCA regulations as part of the Reassessment RI/FS process, but sees no problem with mentioning, for purely informational purposes, that there is controversy with respect to the toxicity of different PCBs based on the degree of chlorination. EPA will use its standard numbers for PCB toxicity in the risk assessment in the Reassessment RI/FS.

Environmental risks will also be examined in the Reassessment RI/FS report.

14. The restrictions on fishing in the river will not be used in the baseline risk assessment as a limit potential exposure. In addition, consumption values will be examined to ensure that appropriate values are used in the risk assessment. If DEC has any information on illegal commercial fishing available, please forward this information to EPA.

15. EPA will determine the need for additional field work based on the review of the existing database.

16. The specific areas mentioned in this comment will be considered during the review of the existing data base for data gaps. It should be noted that the Reassessment RI/FS is addressing in-river sediments, and therefore, some of the sampling recommended for the area covered by the May 4, 1972 flood may not be appropriate.

17. Section 2.2.3 will be reworded, but as available, EPA will review the results of GE's biotreatment efforts. Please see comment 1 of the Major Comments, addressing EPA's inclusion of GE's in-situ bioremediation research.

18. The reference to GE's bioremediation work will be deleted in the Feasibility Study section. Please see comment 1 of the Major Comments regarding bioremediation. Economic losses are not evaluated in a Feasibility Study in accordance with the NCP. Some of the impacts from the site would be included in the evaluation of the nine criteria (e.g., the implementability of the "no action" alternative would be limited due to bridge maintenance problems).

Community/Public Participation

1. A detailed Community Relations Plan (CRP) has been drafted, and copies were sent to DEC for comment. In light of the public meeting scheduled for December 13, 1990, please send DEC's comments on the CRP as soon as possible.

2. EPA expects a large number of participants in the community interaction program, therefore, to keep the program under control it would be most advantageous to break down the groups as stated

in the CRP. The Community Interaction Program will be dynamic, so if a change in the set-up appears to be necessary to make the program work effectively, then such changes will be made.

Direct interaction between the citizens' groups and the science committee may prove to be difficult (besides presentations by the scientific community). However, nothing in the existing plan precludes members or advisors of CEASE or Clearwater from participating on the science committee. We hope that the members of the Hudson River PCB Settlement Advisory Committee would also participate in the science committee. In addition, please send to EPA the charge of the Settlement Advisory Committee, and its current status, given that the funding for the demonstration project has been reverted back to wastewater treatment projects.

3. The draft CRP has been forwarded to DEC for comment.

4. As stated above, the CRP has been forwarded to DEC for comment. Of the programs mentioned, most have been included in the draft. (The DEC Action Plan is not presently, but will be included.) The Seven Sites Agreement and the Dredge Spoil Sites do not seem appropriate to include since we are reassessing the river sediments only. It may be confusing, and get into other issues to include information on the Hudson River Estuary Management Program.

5. Using the regularly scheduled Hudson River events for educational purposes may be appropriate, and will be considered.

Hudson River PCB Oversight Committee/and Site Committees

1. The role of the Oversight Committee, and the reporting of recommendations are still being worked out. The environmental groups will have one representative on the Oversight Committee, but it is not possible to include representation from all the environmental groups. Participation by the DEC's Project Sponsor Group is being considered.

2. EPA would be pleased to have Dr. Richard Bopp participate on the science committee.

3. As stated in the major comments, DEC staff will be included on the CIP Steering Committee, although EPA questions the need for DEC public relations staff to be present on this committee. The purpose of this committee is simply to convey information between the Oversight Committee and the Liaison Groups in a constructive, organized manner. EPA community relations people have the lead responsibility and can run this committee effectively.

4. EPA is the lead agency for the Reassessment RI/FS. As such, community relations efforts are generally conducted by the lead

agency. To say that the Reassessment RI/FS is a "joint effort" is misleading. EPA is affording DEC the opportunity to "peer review" the plans and submittals, as is done at all EPA-lead CERCLA sites. We believe that joint chairing of the Community Interaction Program would be detrimental to the efficiency of the program, and may confuse the citizens who are familiar with DEC's position to dredge the Hudson River.

For further discussions regarding the community relations aspects of the Reassessment RI/FS, please contact Ann Rychlenski at (212) 264-7214.

There will not be sufficient time to hold a meeting on the Scope of Work and to finalize the document prior to the public meeting on December 13, 1990, so if you have any questions on the responses to your comments, please call me at (212) 264-7508.

Sincerely yours,

Douglas J. Tomchuk, Project Manager
Eastern New York/Caribbean Compliance Section

Attachment

cc: S. Hammond, DEC
R. Lupe, DEC
B. Montione, NYSDOH
A. DiBernardo, TAMS

bcc: Paul Simon, ORC-NYCSUP ✓
Kathy Callahan, DD-ERRD
Carole Petersen, NYCCB
Mel Hauptman, NYCCB
Ann Rychlenski, OEP