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September 9, 1996

VIA FACSIMILE

Richard L. Caspe
Director, Water Quality Management
United States Environmental Protection Agency
Emergency Response Division
290 Broadway, Nineteenth Floor
New York, New York 10007

Re: Hudson River PCBs Superfund Site

Dear Mr. Caspe:

I am writing on a matter of some urgency.

As I am sure you know, General Electric Company ("GE") GE made a presentation through its contractor, Hydroqual, to EPA and its contractors on July 25, 1996 addressing what GE considers to be an anomaly in the PCB concentrations found in the water column at the Thompson Island Dam, the first dam downstream from GE's facility at Hudson Falls. The mass of PCBs leaving the Thompson Island Pool is greater than can be accounted for by the total of what enters the Thompson Island Pool and the normal processes of diffusion. At EPA's request, the presentation was repeated on August 15, 1996, for contractor personnel who had not been able to attend the July meeting.

At the second presentation GE offered, as set out in the enclosed letter, to investigate the anomaly at its own expense but with EPA participation so that facts could be developed from a program in which EPA as well as GE would have complete confidence. On September 3, 1996, Douglas Tomchuk rejected GE's offer, believing factual development to be unnecessary (letter enclosed). We regret that decision and think that EPA would be well served by reconsidering it, but that is not the reason for this letter.

For GE, the issue of the Thompson Island Pool anomaly is one of great importance to the soundness of remedial analysis of the Hudson River. Consequently, GE will, on its own, carry out further investigation in the Pool. Because the summer season is ending, a great deal of this work must be done immediately. As far as reasonable, we want to proceed in a manner that EPA believes addresses the questions at issue. In his September 3rd letter, Mr. Tomchuk states that "if one were to wish to further examine the TIP 'anomaly' issue that you have raised, the kind of investigative program that GE is contemplating does not appear likely to adequately address that issue." No further explanation is provided.

We request that EPA promptly inform us of what changes, additions or deletions the agency believes would be appropriate in our proposed Thompson Island Pool investigative program. We share a common interest in the development of an appropriate data base on the Hudson River. We do not think any purpose would be served by not providing us with the Agency's full views so that pointless controversy is avoided in the future.

We are ready to meet with or hold a conference call with appropriate personnel from EPA or its contractors at short notice. Please let me know promptly what EPA's response is.

Finally, Mr. Tomchuk's letter leaves us unsure and unclear as to EPA's thinking on this important issue. Having repeated the Hydroqual presentation at EPA's request, we feel it appropriate to urge you to meet with us at a convenient time to provide a fuller response. GE firmly believes that candid exchange on significant issues is to the benefit of both parties and we will do what we can to foster such a relationship.

I may be reached at (518) 458-6648.

Very truly yours,


Mel Schweiger

enclosures

cc: Michael Zagata, NYSDEC
Douglas Tomchuk, EPA