



## SARATOGA COUNTY

### ENVIRONMENTAL MANAGEMENT COUNCIL

PETER BALET  
CHAIRMAN

GEORGE HODGSON  
DIRECTOR

April 8, 1997

Ms. Jeanne M. Fox  
Regional Administrator, Region II  
U.S. Environmental Protection Agency  
290 Broadway, 26th Floor  
New York, NY 10007-1866

Dear Ms. Fox:

The Saratoga County Environmental Council (SCEMC) would like to provide the following comments relative to the Hudson River PCB Superfund Reassessment's public participation process.

On March 9, 1993 the Saratoga County Environmental Management Council hosted a meeting of USEPA representatives and Liaison Group Chairs and Co-chairs of EPA's Hudson River PCB Reassessment Project to evaluate and provide input to USEPA regarding the effectiveness of the Reassessment's public participation process. At that meeting, many individuals expressed concern that EPA's RI/FS Community Interaction Program (CIP) was overly structured and not as effective as it might be in achieving the goal of adequate public participation for the Reassessment project.

Since 1993, the SCEMC has provided the USEPA with four (4) detailed letters providing comments and requesting clarification of certain methodological concerns regarding the Hudson River PCB Reassessment. To date, the SCEMC has never received any type of response from EPA or its consultants.

Considering the voluminous and highly technical nature of the Phase 2 Reassessment study reports, USEPA has allotted inadequate time periods for public review of these documents prior to closing the comment period or convening public review meetings and has compromised effective public participation.

Mr. Doug Tomchuk Project Manager, Hudson River PCB Reassessment, in a recent telephone conversation with Mr. George Hodgson, EMC Director, stated it was EPA's intent to prepare and issue a public participation responsiveness summary after all Phase 2 reports and comments were completed. The SCEMC feels that a single public participation responsiveness summary issued upon the completion of all Phase 2 reports does not well serve public participation; it does little to increase the public's understanding of individual Phase 2 reports and their important relationship to other Phase 2 reports completed or to be completed as part of the Reassessment process.

The SCEMC recommends that EPA, despite existing program time constraints, prepare and distribute for public review, public participation responsiveness summaries on each future Phase 2 report in a timely fashion after the close of each comment period. Summaries should also be provided for reports previously

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commented on. It is especially important, due to the highly technical and complex nature of the Reassessment, to provide the public with responses to their questions and concerns on a report by report basis rather than at the back end of the Phase 2 study process.

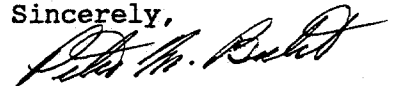
The SCEMC is also highly critical of the manner in which the USEPA presented and summarized its findings and "conclusions" of the Phase 2 Data Evaluation & Interpretation Report. EPA's "Major Conclusions" were presented by EPA at the February 19, 1997 meeting of the Joint Liaison Group in Albany, NY in a "stand alone" rather "inflexible" manner, despite the fact that EPA's findings are heavily predicated upon various modeling assumptions, the validity of which are of great concern to the SCEMC and others.

It was apparent by the reaction of some public representatives present at the February 19, 1997 meeting that the issuance of "Major Conclusions" (See Executive Summary) of the Data Evaluation and Interpretation Report was perceived by the public as a "dredge and dump" conclusion on the part of EPA, despite the need to complete the Phase 2 and Phase 3 components of the Reassessment study process.

The SCEMC suggests that the EPA avoid such far reaching language as "Major Conclusions" and substitute terminology such as "Findings" for its future Phase 2 reports. A quick reiteration of the Reassessment process by EPA, including the role of Phase 2 reports, before all future Phase 2 report meetings should be helpful in reducing public misunderstanding of the process.

In conclusion, the SCEMC requests immediate implementation of the recommendations above including USEPA responses to all public comments previously provided on all of the Phase 2 reports issued to date. The SCEMC would welcome the opportunity to further discuss with the U.S. Environmental Protection Agency ways to facilitate more meaningful participation in this important Superfund reassessment project.

Sincerely,



Peter M. Balet, Chairman  
Saratoga County  
Environmental Management  
Council

cc: Ms. Carol M. Browner, Administrator, USEPA  
Mr. Richard Caspe, Director, ERRD, Region II USEPA  
Mr. Douglas Tomchuk, Project Manager, Region II USEPA ✓  
Ms. Ann Rychlenski, Public Affairs Specialist, Region II USEPA  
The Honorable Gerald Solomon  
The Honorable Alphonse D'Amato  
The Honorable Daniel Moynihan  
The Honorable George Pataki  
The Honorable Joseph Bruno  
The Honorable Robert D'Andrea  
Mr. John Cahill, Commissioner NYSDEC  
Hudson River PCB Reassessment Liaison Group Chairs  
SCEMC Members & staff