



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JAN 21 1998

Honorable Gerald B. Solomon  
U.S. House of Representatives  
2206 Rayburn Building  
Washington, D.C. 20515-3222

Dear Representative Solomon:

Thank you for your letter of January 7, 1998 regarding EPA's program of public participation for the Hudson River PCBs Reassessment (Community Interaction Program or CIP), and your suggestions as to how the CIP may better serve your constituents and their particular needs with regard to this most important environmental issue.

I agree most strongly that EPA must give all potentially affected citizens meaningful opportunities to participate in the Reassessment, and that the agency must continue to demonstrate in a real way that it is listening to and considering the concerns of both Upper Hudson Valley citizens as well as those who reside near the lower reaches of the river. Since the implementation of the Community Interaction Program in 1991, EPA has endeavored to work fairly and equitably with all of the various constituencies which populate the towns along the Hudson River, including those citizens who make their homes within your Congressional District. Indeed, all but one of the twelve officers who serve on the four different Liaison Groups that form the base of the CIP are from communities within your district.

I have considered the recommendations which you have enumerated in your letter and would like to discuss them in the order in which you have posed them:

1) EPA will be pleased to hold quarterly meetings with the public as the Reassessment progresses. This will be accomplished by our committing to hold two Steering Committee meetings and two Hudson River Oversight Committee meetings, along with at least one Joint Liaison Group meeting, per year. Of course, additional meetings would be held on an "as needed" basis (for example, after EPA issues a Reassessment report). EPA will publicize these meetings in advance via direct mailings to the citizens on our mailing list, as well as issue press releases announcing the meetings in order to reach a wider audience. While meetings will be routinely scheduled for one day, we are flexible and are willing to schedule multiple day meetings when deemed appropriate. Based on the topics to be discussed at each meeting, EPA will bring appropriate personnel and contractors. The general audience will be given an opportunity to ask questions or comment at each of these meetings.

With regard to the matter of providing verbatim records of the meetings: this was attempted at one point, but we found that the presence of a stenographer inhibited the natural flow of discourse, and presented particular difficulties with the Scientific and Technical Committee meetings, where highly technical terminology is regularly used and the flow of debate is quick between the scientists. Instead, EPA will audiotape the meetings and produce detailed minutes based on those tapes. The minutes will be mailed out to the Liaison Group officers and placed in the Information Repositories established for the site. In addition, EPA will make copies of the audiotapes available to anyone who requests them. We are also considering the possibility of videotaping meetings instead of audiotaping.

2) EPA is willing to have the public attend meetings where EPA, the State of New York and GE express their positions on issues. Such meetings will be most useful if the parties share any new relevant technical information with each other prior to the meeting, so that there can be an informed discussion at the meeting. As discussed above, EPA will audiotape such meetings, prepare minutes and distribute the minutes to Liaison Group officers and the Information Repositories.

3) We are appreciative of the amount of input we have recently received from members of local governments in response to our Landfill/Treatment Siting Survey, and I agree that the active participation of local government officials is an integral part of a meaningful public process. EPA has reached out to elected officials throughout the 200-mile length of the Hudson River Valley, and has achieved some level of participation from Washington and Saratoga Counties. The Chair and both Co-Chairs of the Governmental Liaison Group are residents of communities within your district, namely Ft. Edward, Cambridge and Stillwater. Additionally, Supervisory Board members of those counties along with the Rensselaer County Executive are also members of the Governmental Liaison Group. Unfortunately, despite the best efforts of its Chair, Darryl Decker, the Governmental Liaison Group has been the least active of the four Liaison Groups. As per your request, we will be pleased to brief local officials on the history and progress of the Reassessment and gather their input. We will discuss your request with the chair of the Governmental Liaison group, so that he may schedule such a meeting. Hopefully, this additional contact will generate more active participation among this group.

4) EPA is committed to issuing a Responsiveness Summary for each of the Reassessment reports. EPA will issue a Responsiveness Summary which addresses the comments on the Phase 2 Reassessment reports that have already been issued, and in the future, will issue a Responsiveness Summary for each of the remaining reports released as part of the Reassessment.

5) I, too, am concerned with keeping an up-to-date administrative record for this site. We are presently working on updating the administrative record file for the site, and once that effort is completed, intend to update the record further, as needed, on a regular basis.

With regard to the post-script in your letter, it is my recollection that Mr. DiBernardo offered his personal opinion at the October 3, 1997 meeting in Fort Edward. EPA has requested a copy of the videotape of the October 3 meeting from Mr. Jeffrey Purner of your staff. Once EPA receives a copy of the videotape, we intend to create a verbatim transcription of Mr. DiBernardo's statements regarding the suitability of the sites screened by TAMS, including his statements about Site 10. We will place copies of that written document into the site files, including all information repositories.

I hope that we have answered your concerns and the concerns of your constituents. As I have consistently stated, full public participation is our goal at every Superfund site, and a large and complex site such as this one offers a unique challenge to our community relations effort. As always, please feel free to contact me or have your staff contact Peter Brandt, Chief of the Intergovernmental Affairs Branch, at 212/ 637-3660.

Sincerely yours,

/s/ William J. Muszynski

William J. Muszynski, P.E.  
Deputy Regional Administrator