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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 1999

THE ADMINISTRATOR

The Honorable John E. Sweeney
House of Representatives
Washington, DC 20515

Dear Congressman Sweeney:

This is in response to your letter of April 21, 1999 regarding my comments on the Hudson River PCBs Superfund site made before the House Appropriations Committee on April 13, 1999. Your letter poses a number of questions relating to the reassessment of the 1984 interim no-action. I would like to respond to several of your major concerns; I have referred your specific questions pertaining to the March 18 press conference and the April 12 meeting to Jeanne Fox, Regional Administrator for the U.S. Environmental Protection Agency's (EPA's) Region II office.

First, let me reiterate that the Agency has not made a decision on the preferred option for addressing the polychlorinated biphenyls (PCBs) contamination in the Hudson River and is not predisposed to any particular remedy for the River, including dredging. Dredging is one of several remedial alternatives, along with No Action, Monitored Natural Attenuation, Containment (capping), and *In-Situ* Treatment that the Agency will fully evaluate in the Feasibility Study, to be released in December 2000. None of these alternatives have been "disqualified from consideration." The Agency will propose a cleanup approach for public comment in December 2000 and will fully consider all of the public's comments before reaching any final decision on a remedy.

I believe that EPA has instituted a very open and comprehensive community participation process at this site. Region II has held numerous public availability sessions on issues relating to the Reassessment, and has helped establish a number of site-related committees, including the Hudson River PCB Oversight Committee, the Steering Committee, and four Liaison Groups (Agriculture, Citizens, Environment, and Government). These groups include members of the public and meet regularly. Since February 1991, EPA has held over 50 site-related meetings, including those of the Oversight, Steering and Joint Liaison Committees, that were open to the public.

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 scientific 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 recently reviewed. The Modeling Approach was previously peer reviewed in September 1998. The Baseline Modeling Report, the Human Health Risk Assessment, and the Ecological Risk Assessment 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. Nevertheless, EPA has agreed to provide the peer reviewers with copies of public comments received on its reports and the Agency's response to these comments, which are documented in responsiveness summaries. For the peer review meeting that took place on March 16-18, 1999, the peer reviewers were provided with copies of EPA's responsiveness summaries for the documents under review, which included comments from General Electric and the general public. In addition, the members of the public (including GE scientists) were permitted to give brief presentations to the peer review experts on the first and third day of the peer review.

Potential environmental impacts of the remedial alternatives, including any disposal of dredged contaminated sediments and potential resuspension of PCBs from a dredging alternative, will be evaluated in the Feasibility Study. The Superfund law and regulations do not establish consideration of potential economic impact of remedial alternatives as an evaluation criterion; therefore EPA has not collected data on that issue. However, EPA will consider concerns about potential impacts of dredging expressed by the local agricultural community under its analysis of the "community acceptance" criterion.

Finally, you question what condition exists now which differs from the 1984 decision for the Hudson River that might warrant a dredging project. Please understand that the 1984 No-Action decision was an interim decision. In 1984, EPA recognized that PCB contamination in the river sediments needed to be addressed, but selected an interim No-Action remedy because, in the Agency's view at that time, the reliability and effectiveness of available technologies for the site was very uncertain. In 1989, as part of the five-year review required by the Comprehensive Environmental Response, Compensation, and Liability Act, EPA decided to reassess the 1984 No-Action decision because of, among other things, recent advances in technologies and a request for re-evaluation of the No-Action decision by the New York State Department of Environmental Conservation.

Regarding your request for a meeting to further discuss your concerns, I have asked Jeanne Fox, Regional Administrator for Region II, to work with you to address your questions about the press conference, the Steering Committee meeting, and any other concerns you may have.

Sincerely,



Carol M. Browner

cc: John Cahill, Commissioner
New York State Department of
Environmental Conservation

bcc: Ann Rychlenski, CD
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