



70325

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAY 11 2000

Mr. John G. Haggard  
Manager, Hudson River PCB Program  
General Electric Company  
320 Great Oaks Office Park  
Albany, New York 12203

Re: Hudson River PCBs Superfund Site

Dear Mr. Haggard:

This letter is in response to a number of communications that you have recently had with the U.S. Environmental Protection Agency (EPA). First, EPA is in receipt of your letter of April 20, 2000 regarding the Feasibility Study for the Hudson River PCBs Reassessment. In that letter, you share General Electric Company's (GE's) views on how EPA should constrain certain assumptions in our computer modeling of remedial alternatives that will be evaluated in the Feasibility Study. EPA will fully consider your comments in our Feasibility Study and will incorporate your letter into the Administrative Record for the site. On April 24, 2000, you telephoned Richard Caspe, Director of the Emergency and Remedial Response Division, to request a meeting between Regional Administrator Jeanne Fox and Stephen Ramsey of General Electric. The meeting has been scheduled for June 2, 2000.

EPA also is in receipt of your two letters dated April 18, 2000, in which you ask for documents in EPA's possession that support statements made by EPA that were quoted in the press. Your April 18 letter to Douglas Tomchuk (EPA Freedom of Information Act Request #2-RIN-1375-00) requests "the information in [EPA's] possession that was used to support" Mr. Tomchuk's statement that was quoted in the March 21, 2000 Kingston Daily Freeman. As Mr. Tomchuk indicated to you during a March 28, 2000 conversation in Saratoga Springs, New York, the quoted statement was based on information Mr. Tomchuk had received from Ann Rychlenski, after she had received a call from a member of an environmental group about a student's reaction to a presentation given by or on behalf of General Electric Company at a high school located in the Mid-Hudson region. The information was given orally to Mr. Tomchuk and was not reduced to writing. We therefore have no records that are responsive to your request.

With respect to your April 18 letter to Ann Rychlenski (EPA FOIA #2-RIN-1376-00) requesting the documents upon which Ms. Rychlenski relied in her statement regarding effects of an Upper Hudson River cleanup on the Lower River, as reported in the March 31, 2000 Kingston Daily Freeman, I would first like to stress that EPA has not proposed any remedial alternative for the site and will not do so until the Proposed Plan is released in December 2000. There currently is no "clean-up plan" for the Upper Hudson River.

Ms. Rychlenski based her statement on several documents, each of which has been provided to GE in the past. These documents include the Phase 1 Report, which reported that approximately one-half of the PCBs in surface sediments in New York Harbor originated from above the Troy Dam, and the Phase 2 Data Evaluation and Interpretation Report which reported on the amount of PCBs from the Upper Hudson River that went over the Troy Dam each year. In addition, there are two documents where benefits to the Lower River from Upper River remediation are specifically addressed:

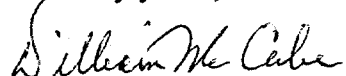
June 1999 Responsiveness Summary for Phase 3 - Feasibility Study Scope of Work, response to FG-1.25 "While USEPA expects any unacceptable risk to be greater in the Upper Hudson than in the Lower Hudson because the PCB concentrations are higher in the Upper Hudson, nonetheless it is appropriate for USEPA to ensure that any unacceptable risk to the Lower Hudson posed by PCB-contaminated sediments in the Upper Hudson is addressed by remediation in the Upper River." (Page 15)

January 7, 1998 letter from Douglas Fischer, Esq. of EPA to Angus MacBeth, Esq., of Sidley & Austin, counsel for GE: "...while it is premature now for EPA to be able to say precisely how, and to what extent, the issue of benefits to Lower River fish and those who consume them will be factored into our decision-making, we do not agree with your categorical statement that it would be unreasonable to consider benefits that remedial alternatives for the Upper River may have on the Lower River, or that an expansion of the scope of the Reassessment would need to precede any consideration of benefits to the Lower River. The Reassessment will include an assessment of the effects that the contaminated Upper River sediments are having on the Site, including the Lower River. Further, if the Thomann Model is available within an appropriate time frame, the Reassessment will include a human health risk assessment for the reach of the River between the Troy Dam and Poughkeepsie.

We have not enclosed copies of these documents, as they were previously provided to GE, but can do so at your request.

If you have any questions please feel free to contact me at 212-637-4405.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William McCabe".

William McCabe, Deputy Director  
Emergency and Remedial Response Division

cc: Pauline Lichtenfeld, GAO  
Wanda Vasquez, FOIA Officer