



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
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NEW YORK, NY 10007-1866

70327

September 29, 2000

Angus Macbeth, Esq.  
Sidley & Austin  
1722 Eye Street, N.W.  
Washington, D.C. 20006

Re: Hudson River PCBs Superfund Site

Dear Mr. Macbeth:

This is in response to your September 18, 2000 correspondence to me and Bruce Means concerning the U.S. Environmental Protection Agency ("EPA") National Remedy Review Board's ("NRRB's") review of the proposed remedial action for the Hudson River PCBs Superfund Site ("Site"). We would like to take this opportunity to clarify the NRRB process, and the purpose of General Electric Company's ("GE's") invited submission.

The NRRB is not a decision-making, adjudicative, or rule-making body. Rather, NRRB review is part of EPA's *internal* review of certain proposed Superfund response actions.<sup>1</sup> Before EPA proposes such a response action for public comment (and prior to EPA's final remedial decision), the NRRB will evaluate the proposed response action for, among other things, consistency with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300) and relevant EPA policy and guidance. Following its review, the NRRB makes advisory recommendations concerning the proposed response action to the appropriate regional decision maker. While a Region is expected to give substantial weight to the NRRB's recommendations, the board's recommendations are not binding, and other important factors, such as subsequent public comment or technical analyses of response options, may influence a Region's final remedial decision. Given the internal nature of the NRRB process, potentially responsible parties ("PRPs") do not make presentations to the board.

As indicated in EPA's September 8, 2000 letter to John Haggard (GE), GE is invited to submit "technical comment or discussion" relating to the selection of a remedy for the Site. As further

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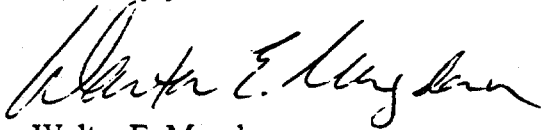
<sup>1</sup> In brief, the NRRB generally reviews all proposed Superfund cleanup decisions for which the proposed remedy cost is more than \$30 million, or the proposed remedy is more than \$10 million and is 50% greater in cost than the least-costly, protective remedy that complies with applicable or relevant and appropriate requirements.

explained in the enclosed EPA National Remedy Review Board Reference Notebook, GE's submission should "summarize in writing (less than 10 pages) any technical issues [it] believe[s] are pertinent to the cleanup decision" (see page 2-11). EPA typically invites PRPs to submit information to the NRRB in recognition of the fact that PRPs can provide valuable input to the review process. In this case, GE certainly is aware of the basic technical issues and capable of providing technical comments to the NRRB relating to the selection of a remedy. Submissions by PRPs, however, are not intended as comment on the proposed remedy that EPA presents to the NRRB.

In view of the volume of materials that the NRRB will review for this Site, as well as the implications for NRRB reviews at other Superfund sites, we are not prepared to increase the size of GE's submission from 10 to 25 pages. We also reiterate our request that GE send its submission to the Region rather than directly to the NRRB.

This response has been coordinated with Bruce Means. Please call me at (212) 637-3108 or Bruce Means at (703) 603-8815 if you have any questions.

Sincerely yours,



Walter E. Mugdan  
Regional Counsel

Enclosure

cc: Bruce Means  
John Haggard (GE)