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**SARATOGA COUNTY**  
**ENVIRONMENTAL MANAGEMENT COUNCIL**  
PETER BALET      GEORGE HODGSON  
CHAIRMAN      DIRECTOR

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U.S. EPA REGION II  
EMER. & REM. RES. DIV.  
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DIRECTOR'S OFFICE

Mr. William McCabe, Deputy Director  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency  
290 Broadway, 19th Floor  
New York, N. Y. 10007-1866

Dear Mr. McCabe:

Due to your inability to recognize me during last evening's Q & A session following the 10/25/00 *Hudson River PCBs Reassessment Informational Meeting on Understanding the Decision-Making Process* held in Latham prior to my departure, I would appreciate your response to the following questions regarding the aforementioned process.

In a brief review of SCEMC file information related to the Hudson River PCB Reassessment prior to last evening's meeting, I ran across a published EPA Region 2 Superfund Update entitled, **Hudson River PCBs Superfund Site, New York, July 1995**. On page 1 of this update was a schedule for document release which showed the scheduled release of the Phase 3 Feasibility Study to be 11/96, four (4) months prior to the scheduled release of a "Proposed Plan" in 3/97. On page 3 of the update, under subheading title, Phase 3 and Beyond the following appeared:

"The Phase 3 Report will contain the Feasibility Study upon which EPA bases its decision for an appropriate course of action to address the contaminated sediments. It will include numerous modeling runs which will simulate various remedial action scenarios. It will also include the interpretation of the low resolution sediment cores. Given the large amount of information that is anticipated to be in the Phase 3 Report, it will be released **prior** (my emphasis) to the Proposed Plan."

*My question is what has changed in the past five (5) years which has now caused the USEPA to compress its project schedule, effectively combining two (2) extremely important decision-making steps (Feasibility Study and Proposed Plan) in the Hudson River PCB Reassessment into a single combined FS/PP thereby allowing a much shorter time for adequate public review? By your own admission last evening, you stated that the public will need every bit of the two (2) month comment period to "get*

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through" the FS document. Why after almost ten (10) years of exhaustive and voluminous technical reports and research is the USEPA now shortcutting its previously adopted decision-making process? Why, after all of this, is the USEPA in a footrace through the decision-making process? Is it because additional information in the form of a National Academy of Sciences study on dredging is due out next month and might influence USEPA's pre-determined plan of action? Combining important feasibility study evaluation and plan of action steps at this critical juncture in the Hudson River PCB Reassessment flies in the face of good scientific process and perpetuates a "public be damned" attitude which government can ill afford.

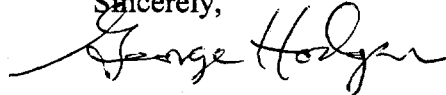
The Saratoga County Environmental Management Council (SCEMC) has reviewed and commented on all Phase 2 Hudson River PCB Reassessment documents and has provided technical comments to USEPA on the Reassessment since 1992. During this period, the Council has provided USEPA with numerous written comments in an attempt to assure that the best possible science, regardless of its source, has been utilized in the Hudson River PCB Reassessment. Now, at a critical time in the Reassessment decision-making process, after a decade of highly technical study and the expenditure of many millions of dollars of public funds, EPA is now shortcutting the Reassessment decision-making process by combining the Feasibility Study and Proposed Plan into a single document and review phase thereby allowing for a greatly reduced public review period of these important Reassessment decision-making steps.

The SCEMC believes common sense and good science requires the separation of the feasibility evaluation stage from the proposed plan of action stage with sufficient, but separate public review periods. Responsiveness summaries should be provided by EPA to all substantive public comments made to EPA on both the feasibility study and the proposed plan documents. The only responsiveness summary currently scheduled by EPA would occur in 6/01 with the release of EPA's Record of Decision (ROD), *after decision-making has taken place* and far too late in the process to be "responsive to all significant comments submitted during the public comment period" for the FS/PP document. *Is it responsible responsive government to answer questions posed by the public after the decision-making process has been completed?*

*The SCEMC strongly recommends that the USEPA adhere to its previous 7/95 schedule which allows a full four (4) months of Feasibility Study public review prior to the release of a separate proposed plan of action. This would allow for the release of the FS in 12/00, followed by the issuance of a proposed plan of action in 4/01 and an EPA Record of Decision in 6/01, (as presently scheduled).* The SCEMC knows of no compelling reason why this suggested schedule, which allows increased time for adequate public review of both the FS and PP without changing the ROD date, could not be accommodated by EPA.

Being unable to voice these questions and concerns of the SCEMC during last evening's meeting regarding the Hudson River PCBs Reassessment's decision-making process, I look forward to your response to these questions and concerns.

Sincerely,



George Hodgson Jr.  
Director

cc SCEMC Members

The Honorable John Lawler, Chr., Saratoga County Bd. of Supervisors

Darryl Decker, Chr. Gov't. Liaison Group, CIP

Richard Caspe, Dir., USEPA Reg. 2 ER RD

Jeanne Fox, USEPA Reg. 2 Administrator

Carol Browner, USEPA Administrator

The Honorable John Sweeney, member US House of Representatives

Pauline Lichtenfeld, Sr. Evaluator, USGAO