

ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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HUDSON RIVER PCBs REASSESSMENT PROJECT

Public Meeting on the Proposed Plan to
Clean up the Hudson River PCBs site

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January 23, 2001
7:00 p.m.
Marist College
Poughkeepsie, New York

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BILL McCABE, Deputy Director, Superfund, USEPA

ALISON HESS, Project Manager, USEPA

DOUG TOMCHUK, Project Manager, USEPA

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1 MS. RYCHLENSKI: Good evening. And
2 thank you all for coming out here this
3 evening. Nice turnout.

4 This is one in a series of public
5 meetings on the Hudson River PCB proposed
6 cleanup that the USEPA has put out for public
7 comment. My name is Ann Rychlenski and I'm a
8 public affairs specialist from the USEPA on
9 this project. And I'm going to introduce the
10 people that are up here with me. This is the
11 Hudson River team, I think a lot of you know
12 the folks up here.

13 Right down here at the end, Doug
14 Tomchuk, project manager for the Hudson River
15 site, EPA. Alison Hess, project manager,
16 Hudson River site, EPA. This is Bill
17 McCabe. Bill McCabe is deputy director of
18 Superfund for EPA's Region 2 office in New
19 York. Next to him is Nel Hauptman, he's a
20 team leader on our contaminated sediments
21 team. Next to him is Doug Fischer, he's our
22 counsel. And right down at the end is Marian
23 Olsen, she's an environmental scientist that
24 specializes in human health risk assessments,

1 among other things.

2 Before I go on I just want to
3 mention something that the people at Marist
4 have asked me to announce, and that is in
5 case of any emergency, should we need to exit
6 the theater, please do so through the back at
7 the exit sign. Thank you.

8 Okay, the purpose of this is to
9 talk about the Hudson River PCB cleanup
10 proposal and to take public comment. Public
11 comment will be accepted in written form
12 until April 17th, 2001. We have just
13 extended the public comment period by 60 days
14 to give people a little more time. This is a
15 massive project, it's generated a huge amount
16 of scientific work and it's going to take a
17 bit to get comments together. So you have
18 another 60 days.

19 If you want to take a look at all
20 of the documents or some of them that
21 constitute the study, we have information
22 repositories around town that have all of the
23 documents present. We have one at the
24 Adriance Memorial Library here in

1 Poughkeepsie, one right here at Marist
2 College at the library, and over in Kingston
3 and also in Catskill, New York.

4 Outside there are some stands that
5 have various handouts. There is a list there
6 along with the handouts of the repositories
7 that you can use with all the full
8 addresses. So please go there if that's what
9 you are interested in.

10 We also have a web site where our
11 documents are available, with plenty of other
12 information, including upcoming meetings, and
13 that's at www.EPA.gov/Hudson. We also have a
14 web site that is specifically for comments if
15 you want to post your comments via E-Mail.
16 You can do so at
17 Hudsoncomment.region2@EPA.gov. And you can
18 just E-Mail your comments to us that way. If
19 you want to mail them in, please send them to
20 Alison and Doug at EPA at the address that's
21 on the proposed plan, which you should have a
22 copy of, it's outside.

23 I just want to give a couple of
24 ground rules. And the ground rules tonight

1 are very simple. We're going to have the
2 presentations on this project, give you an
3 update on where we are, and we're going to
4 ask you if you want to ask questions or come
5 up and give your comments. In order to come
6 to the mike, you have to fill out an index
7 card. The index cards are outside. And I
8 will call you up and please come up to the
9 mikes as your name is called.

10 There's about a two-minute limit on
11 the amount of time you can spend at the
12 microphone. Down here I have two very nice
13 ladies, Karen and Florence. Say hi. Karen
14 has three signs. She has a green sign, that
15 means go. She has a yellow sign, you have 30
16 seconds left. And she has a red sign that
17 says stop. Now, Karen is very gentle and
18 very kind and she won't stop you unless it's
19 absolutely necessary. If she has to, she
20 will.

21 I think that's about it. Please
22 speak clearly when you come to the mike. And
23 if you want to, please give your name and
24 where you are from. If you have any

1 affiliation that you want us to know about,
2 because we do have a stenographer present
3 here tonight and she wants to get a clear
4 record of this proceeding. It's important
5 for legal purposes so that we meet our
6 commitments to the law and we have a very
7 clear record of what happened this evening.
8 So please do remember that.

9 Before I open up the agenda, I'm
10 just going to acknowledge Gerald Napi from
11 Sue Kelly's office, Gerald wants to say hi.
12 And Congressman Maurice Hinchey is here with
13 us this evening and he'd like to say a few
14 words. Congressman.

15 (Applause.)

16 CONGRESSMAN HINCHEY: Thank you
17 very much and good evening ladies and
18 gentlemen.

19 It's a pleasure for me to be here
20 to comment on this subject after all this
21 length of time that we have waited for a
22 program which would finally deal with the
23 longstanding problem of PCBs in the Hudson
24 River.

1 The Hudson River is really a great
2 environmental success story. The river is
3 much cleaner today than it has been at any
4 time perhaps since the Civil War. However,
5 there is still one last sore in the river and
6 that sore continues to leach toxins from its
7 place of deposit above the Federal Dam at
8 Troy down through the entire river and it has
9 contaminated all of the aquatic life in that
10 river from the tinniest iota to those at the
11 top of the food chain. And so because of
12 that, it is essential that those PCBs be
13 removed. And in fact, the health of the
14 Hudson will never be fully restored until all
15 of those PCBs are removed.

16 They must be removed in accordance
17 with the law. The federal Superfund law
18 requires that when responsible parties have
19 been found to have put toxic contaminants in
20 places where they ought not to be and they
21 can be cleaned up, then they are required to
22 do so by the Superfund law, both the federal
23 law and the law here in New York State.

24 There have been many times when

1 people have tried to change that law to evade
2 responsibility from its provisions. And the
3 people who are responsible for the placing of
4 these PCBs in the Hudson River have tried
5 over and over again to change the federal
6 Superfund law in order to evade
7 responsibility to pay for the cost of the
8 cleanup.

9 This report from EPA provides a
10 basis upon which all of us who live here in
11 the Hudson River Valley can begin to feel
12 more safe and secure.

13 And I want to extend my thanks and
14 appreciation to the EPA, and specifically and
15 particularly to those people in the EPA who
16 have worked for many years on this project
17 and whose hard work and diligence has led to
18 the presentation of this program in the
19 context of these hearings. We owe these
20 ladies and gentlemen a great debt of
21 gratitude and I want to express that debt of
22 gratitude personally to them.

23 (Applause.)

24 Now, it has been said by the

1 General Electric company that the PCBs should
2 not be taken out of the river, that they
3 will neutralize themselves, that the
4 molecules in these PCBs will break down and
5 they will become neutralized. Well, we see
6 by scientific evidence and by experience that
7 that is not the case, and they must admit
8 that that is not the case.

9 They have then said that don't
10 worry, that the PCBs will be covered over by
11 sediments so they will stay in one place and
12 they will not be found anywhere else in the
13 river. We see by experience that that is not
14 the case. The PCBs are in fact defused
15 entirely through the river and through all of
16 the aquatic life in the river.

17 They have sought by a massive
18 public relations campaign to convince people
19 that dredging the Hudson River is not a good
20 idea and that in fact it would be harmful and
21 injurious and in so doing they have used
22 misleading pictures of dredging that occurred
23 under entirely different circumstances in
24 entirely different places to confuse people

1 and to get them to believe that a sloppy
2 dredging operation would take place and it
3 would cause potential harm to people living
4 in the river valley. None of that, of
5 course, is true. And all of that propaganda
6 campaign which was put forth needs to be seen
7 for what it is, it is simply an attempt by
8 people to create an evasive technique, a
9 smoke screen from behind which they can
10 hide. And that's precisely what has been
11 going on there in that regard.

12 We know also that as early as 1970
13 the General Electric company knew that PCBs
14 were potentially harmful because the company
15 that manufactured PCBs, the Monsanto Chemical
16 Company, sent them a memo in which they said
17 that PCBs are potentially harmful to the
18 environment and that great care should be
19 taken with them because if they escape out
20 into the environment they can do a great deal
21 of harm. That was back in 1970.

22 So we know that, although ignorance
23 is not an excuse, there was no ignorance
24 here, they knew much about the materials with

1 which they were dealing.

2 They've also said that well, after
3 all, everything was done in accordance with
4 the law. There were permits and permits were
5 issued and we acted in accordance with those
6 permits and never violated those permits.
7 Well, as a matter fact, we know that that is
8 not the case. For they have been noticed by
9 the Atlantic States Legal Foundation back in
10 1984 that on a number of occasions they
11 violated the permit levels and they violated
12 them by significant amounts and put much more
13 PCBs into the Hudson River on at least a
14 number of occasions even than they were
15 permitted to do under the permitting system
16 under the National Pollution Discharge and
17 Elimination System and the SPDES System here
18 in New York State.

19 So we know that a lot of things
20 that have been said by the perpetrators in
21 this particular case are not true. And that
22 they have responsibility under the law to
23 deal with this problem.

24 We also know, as a result of

1 studies, that PCBs are highly toxic. 122
2 nations have agreed to ban them in their
3 countries, as well including the United
4 States. That important and respected
5 international agencies, like the
6 International Agency for Research On Cancer,
7 the National Toxicology Program of the
8 National Institute for Health, the National
9 Institute for Occupational Safety and Health
10 and others, have determined that PCBs are
11 probable carcinogens. In addition to being
12 probable carcinogens, it is also known that
13 they attack the immune system, that they
14 cause birth problems including low birth
15 rates and premature births and have other
16 problems with regard to the reproductive
17 system.

18 There are a number of very serious
19 consequences that flow from the exposure of
20 human beings and other animal life to these
21 PCBs. And that is reason enough why they
22 need to be taken out of the river. They are
23 harmful, they are dangerous, they are
24 destructive to health and they are causing

1 destruction to health here in the Hudson
2 Valley and they need to be removed.

3 So we are hopeful that as a result
4 of these hearings and as a result of the
5 ability of people to see what this program is
6 that has been developed by the EPA that
7 finally, after all this time, more than 25
8 years, finally, the Hudson River will be
9 relieved of the burden of PCBs. And all of
10 us who love the river, who live by it, who
11 enjoy it, even if only aesthetically, will
12 have the knowledge that the river finally has
13 been relieved of this heavy insult, this
14 heavy burden of PCBs, these heavy toxic
15 contaminants.

16 So I thank you, ladies and
17 gentlemen, the EPA, for doing this. I thank
18 you for the opportunity you've given all of
19 us to be here and to make these comments and
20 we will all continue to follow them very,
21 very closely. Thank you very much.

22 (Applause.)

23 MR. McCABE: Thank you,
24 Congressman. What I'd like to do is just

1 tell you briefly about the proposed remedy
2 that the EPA has developed in concert with
3 comments from the State of New York. What I
4 won't do, though, is go into all the details
5 that led up to them.

6 We had a ten-year study, as most of
7 you know, there were a number of reports
8 prepared, public comment was taken on those
9 reports, responsive summaries were prepared,
10 etcetera. So I'm not going to go into the
11 details.

12 Suffice it to say that there are
13 PCBs and sediments at high levels, they've
14 been there for a long time, they'll be there
15 for a long time in the future. They are not
16 being buried uniformly. The fish are
17 contaminated at unacceptable levels and that
18 results in an unacceptable risk to human
19 health and the environment. For those simple
20 reasons we have come up with a proposed
21 remedy.

22 The remedy that we've come up with
23 is what we consider targeted dredging of
24 about 2.65 million cubic yards of

1 contaminated sediment that contains about
2 100,000 pounds of PCBs, and the cost will be
3 in the neighborhood of 460 million dollars,
4 present worth cost.

5 What you see here are the sections
6 of the river as we have divided them up.
7 This is the upper Hudson River, the upper 40
8 miles. The first section is about six miles
9 long and that's where the Thompson Island
10 Pool is, that's where a great deal of the
11 study in the past has taken place. That's
12 where New York State in the mid to late '70s
13 came up with their hot spots. They said
14 there were about 20 hot spots in this
15 section. This was an area of prime focus.
16 We're talking about dredging about 1.56
17 million cubic yards in this section, in that
18 six-mile stretch.

19 The second river section there are
20 15 historical hot spots, we're talking about
21 dredging about .6 million cubic yards.

22 And the third section, which is 29
23 miles, there's only about five hot spots
24 there and we're talking about dredging

1 another half a million cubic yards. In
2 addition to that, we're dredging about
3 340,000 cubic yards for navigational
4 purposes, to keep the channels open.

5 The remedy includes -- we call it
6 targeted dredging because you can see there's
7 some charts outside. And you might as well
8 go to the next one. As you can see from
9 these figures we have up here, the red areas
10 are the remediation areas. What we're
11 talking about is about 500 acres out of 3,900
12 acres in total. So you're talking 12 to 13
13 percent of the area. That's why we consider
14 it targeted dredging. And you can see here,
15 although I can't see it very well, down to
16 the Thompson Island Dam there is river
17 section one on the left side and it continues
18 on the right side, goes down to
19 Northumberland Dam, that's the end of the
20 river section two. So you can see there's a
21 lot of hot spots in river section one, more
22 in river section two. And then, going to the
23 next one, where it continues to river section
24 three and the following one. You can see

1 that in that entire 29-mile stretch, there is
2 not a great deal or there are not a great
3 deal of hot spots to be dredged.

4 The remedy includes no local
5 landfills. We heard that loud and clear from
6 the residents upriver, that they are not
7 interested in us coming up with a landfill
8 and putting it in their community. It does
9 not include any local landfilling.

10 There are two dewatering
11 facilities, they'll be on commercial
12 properties, they're about 15 acres each. The
13 dewatered sediment will be taken from there
14 by rail, there will be very little or minimal
15 truck traffic. That was another concern in
16 communities, you don't want trucks running up
17 and down your communities.

18 The construction time is five
19 years, we believe that is a reasonable
20 number. We've heard a lot of comments about
21 it and Doug is going to give you some more
22 information about that.

23 The remedy will also include
24 monitored natural attenuation, meaning that

1 until we reach our cleanup levels, we will
2 still have to monitor the site and the
3 sediments to ensure that human health is
4 protected, human health and the environment
5 are protected. Institutional controls that
6 exist now, such as the fishing advisories or
7 fishing consumption advisories or fishing
8 restrictions, those we expect will be either
9 lifted or lessened over time as a result of
10 the remedy.

11 It will also include, although it's
12 not part of our remedy, we did not pick
13 source control in our remedy, we recognize
14 the need for source control and we have
15 considered it in our analyses, particularly
16 with respect to the modeling analyses we've
17 done. And the way that that has worked out
18 since we came here last time, which was in
19 mid-December, was that General Electric has
20 had a proposal in-house for some time, they
21 have notified the state that they will be
22 following up on that proposal, which is to
23 cut off the rest of the source, as much as
24 possible, of PCBs from their facilities

1 upriver. I believe they gave them a date for
2 a study, a completed study, around March of
3 this year. And the state has then sent us
4 letters saying that we'll take care of it,
5 you don't have to. When we were here last
6 time you heard we would be doing what's known
7 as a nontime critical removal action. We
8 won't have to do that now. We prepared the
9 documents, we were ready to do it but we
10 won't be doing that now. The state and
11 General Electric will be taking care of
12 that. We do consider that a necessary part
13 of our remedy or a necessary part of the
14 remedy for the Hudson River, it is not
15 specifically included in our remedy.

16 What I'd also like to do is mention
17 a couple of external reviews because these
18 come up in a number of comments at both of
19 the previous sessions that we've held.

20 First of all, we did conduct a peer
21 review of all of our documents. There were
22 five peer review sessions held in 1998 and
23 '99, mostly in '99. And we believe that we
24 fared quite well. Naturally there were

1 changes that were necessary but the documents
2 were found to be acceptable. We had some
3 more -- we did have some problems with the
4 ecological risk assessment, which we've
5 changed in accordance with those comments,
6 and those documents are now in the
7 repositories.

8 The general accounting office has
9 done about four reviews of this site based
10 upon requests from Congress. The last review
11 -- we didn't even have -- it's probably
12 difficult for those of you out there to
13 understand what this means to us in the
14 agency. But the first three reviews, there
15 weren't even any reports written, meaning
16 that they reviewed us and had no findings,
17 they had nothing to report.

18 The last report that they did,
19 which was in September of last year, they
20 again -- they did prepare a written report
21 this time and we found the report to be very
22 favorable. In some ways I find it more
23 favorable than not getting the report at
24 all. There were no recommendations for

1 changes. They acknowledged that there were
2 some differences between EPA's and GE's
3 studies. Our models were essentially the
4 same but we came up with different
5 conclusions. Some other technical analyses
6 were slightly different. But basically they
7 said the EPA did an extensive public
8 comment -- public interaction process, they
9 did a peer review and basically they called
10 it information about the Hudson River
11 project. It wasn't any kind of critical
12 analysis. So we were quite pleased with
13 that.

14 The last study that was done, which
15 actually is still -- we're still waiting for
16 the actual report, was the National Academy
17 of Sciences. Again, Congress commissioned
18 NAS to do this study. It's, I guess you
19 would say, a long-awaited study. Many
20 expected it to be the definitive answer for
21 the Hudson River, that it would say yeah or
22 nay; EPA is right, GE is right. We never
23 expected it to be that and obviously, with
24 the executive summary that was published

1 early in January, that's not what they
2 expected either. What they did find was, as
3 Congressman Hinchey knew, that PCBs are a
4 problem, we agree with that, both from a
5 cancer and noncancer perspective.

6 They had a number of conclusions
7 about risk assessments, such as you need to
8 do site specific risk assessments. There is
9 no one size fits all risk assessments for
10 Superfund settlement sites. Obviously we
11 followed that with the Hudson River.

12 They also mentioned with respect to
13 risk, they talked about societal, cultural
14 and economic factors in addition to the
15 regular risk assessment. That is something
16 we're looking at. It is not something that
17 is part of the Superfund program, it's not
18 part of the law, that's why we didn't do it.
19 It's a very different kind of analysis that
20 we're accustomed to making; however, we are
21 looking at that now, we're seeing what
22 exactly we can do to accommodate the NAS.

23 They also mentioned that source
24 controls are an essential early step,

1 obviously we agree, and that's what the
2 GE\New York State remedy or proposal is
3 about.

4 They talked about long-term
5 monitoring is necessary, we obviously agree
6 with that.

7 And then they also cited further
8 research was necessary on a number of things,
9 like co-contaminants. If you mixed PCBs with
10 metals, what do you get. Well, we all knew a
11 lot of those things, that's certainly
12 something that's worth researching and it's a
13 long way down the road.

14 They also mentioned something like
15 global cycling of PCBs. I think that's also
16 a long way down the road.

17 So although we don't have the
18 report yet, that's due out, I've heard,
19 March, I'm not exactly sure at this point,
20 but we do have the executive summary and we
21 believe that we will be complying with it.
22 The reason that it's important, for those of
23 you who aren't aware of it, EPA's
24 appropriations language had some provisos in

1 them that we need to address the NAS
2 findings, and that's been very public,
3 obviously. And that we could not come up
4 with a remedy before June of this year unless
5 we had addressed those findings.

6 So we believe that once we see the
7 final report, we've been assured that it'll
8 follow the recommendations or conclusions of
9 the executive summary, that we'll be able to
10 satisfy them.

11 So with that I'd like to turn it
12 over to first Doug Tomchuk, then Alison Hess,
13 they are the project managers for the site.
14 The people who put in -- a lot of people
15 worked hard on it but they certainly worked
16 the hardest. They're going to go over a
17 couple of items that have come up during the
18 public comment period so far. You can still
19 ask about them, obviously, you can ask them
20 more details, you can ask for details on the
21 study, anything you like, that's what we're
22 here for.

23 As Ann noted, we'd like people to
24 limit their comments as much as possible to a

1 couple of minutes. If we're having problems
2 reaching a question, perhaps I'll get up and
3 help you along. Because we would like
4 everyone to have the opportunity without
5 having to stay too late. We're here for the
6 duration, obviously, but hopefully everyone
7 will be able to get their say.

8 So thank you. And Doug Tomchuk is
9 going to be next.

10 (Applause.)

11 MR. TOMCHUK: Thank you. This
12 first graphic that I put up shows PCB load,
13 the pounds or kilograms, actually, of PCBs
14 that pass by the Federal Dam in Waterford --
15 or actually the Federal Dam in Troy, or the
16 Waterford area there.

17 And basically you've seen this on a
18 lot of advisements and this was actually
19 information from one of our reports, in the
20 figures cut down to just include this one
21 location. But we've heard that PCB loads
22 have decreased 90 percent since the late
23 '70s, since 1977, and the insinuation being
24 that the problem is healing itself, that if

1 you just wait a little longer we'll be okay.

2 Well, I think that the main thing I
3 wanted to show here is first of all, yes,
4 there is a 90 percent decrease if you look at
5 the peak concentration in 1977. I don't know
6 if I can highlight it here. We do have loads
7 going over the dam at 3,300 pounds per year
8 or so and currently we're in the area of less
9 than two, 300 pounds -- kilograms a year.
10 And so we have had a decrease.

11 I think you have to look at that in
12 a couple of fashions though. First, you have
13 to understand that in 1973 that there was a
14 dam in Fort Edward that was removed. Behind
15 that dam was a large reservoir of
16 contaminated sediments and that material was
17 allowed to be redistributed. And that was,
18 in the years ensuing, '74 through '76, '77,
19 that was deposited in the upper Hudson but it
20 wasn't deposited and buried, it was still
21 moving around. There was still operations to
22 remove some of that sediment from the river
23 in '77 through '79, navigational dredging.
24 Not quite the most pristine operation in

1 itself there. So that there were PCBs that
2 were moving around a lot at that time.

3 There was also a flood that came by
4 in '76 time frame. So there was a lot of
5 resuspension of PCBs that had just washed
6 down from the dam and we saw a terrible
7 condition in the river at that time.

8 So right after that, I guess one of
9 the other big points too, in 1977 the
10 discharges from the GE facilities stopped.
11 So you have all of that combining to have a
12 drop after that time frame. And it dropped
13 significantly.

14 If you look at around the 1984 time
15 frame here on, you don't see a 90 percent
16 decrease. It might have declined somewhat,
17 which is something to be expected, PCBs do
18 decline over time through natural processes
19 such as burial, but it is not a 90 percent
20 type of decrease. So we do see declines and
21 this is a good thing, the river does recover
22 somewhat, but it is still a problem, we still
23 have contaminated fish.

24 This is some data that we have

1 gotten from the 2000 DEC fish collection,
2 these were measured by General Electric. And
3 we see in the Thompson Island Pool, that's
4 that river section one, where we have the
5 most contaminated or the closest to the
6 source areas, most hot spots, the most active
7 dredging that we propose in our remedy, we
8 still see that fish concentrations in large
9 mouth bass are 7.7 parts per million. That
10 doesn't sound like a lot to somebody from the
11 general public maybe but when you compare
12 that to an acceptable level that we did
13 through risk assessments of 0.05 parts per
14 million, you can see that it's several
15 hundred times the acceptable amount that we
16 would deem appropriate for unrestricted
17 consumption of fish. You see that brown
18 bullhead, catfish, are still around eight or
19 nine parts per million.

20 As you move down river,
21 concentrations decrease somewhat. And you
22 see three and six parts per million in large
23 mouth bass and brown bullhead there.

24 These are some of the most recent

1 data. And one of the things that you are
2 looking at in the trend of 90 percent
3 decrease are the trends in fish data.

4 This one, I hope you can see that,
5 this is a brown bullhead in the Thompson
6 Island Pool, that is the river section one we
7 highlighted before. Again we see decreases
8 over time since the releases stopped and the
9 sediment was able to settle out in the upper
10 river. And that's good, as I said. But what
11 you see, it levels off. The last six years,
12 you see virtually no decrease. This was
13 through '99, I added this other point in the
14 graphic for year 2000. So you still see that
15 the fish concentrations are high, they're not
16 really decreasing significantly in brown
17 bullhead.

18 Some other species like large mouth
19 bass, which they have a food chain that
20 involves both the water column and the
21 sediment, so that basically they fluctuate a
22 bit more with the water column
23 concentration. There's other variability
24 involved in that. So you see some trends

1 with the large mouth bass but it's harder to
2 make a detailed assessment of that. Brown
3 bullhead gets most of their PCBs out of the
4 sediment and so it's a very good indicator of
5 what we see of PCBs coming out of the
6 sediment. And the point there is that the
7 PCBs in the sediment are still highly
8 available.

9 One of the questions that has
10 arisen with this proposed plan -- and we're
11 planning to dredge 2.65 million cubic yards
12 of sediment, which is about 493 acres that
13 will be remediated. And we have said that we
14 plan to do that in a five-year time frame.
15 And that is a fairly ambitious schedule but
16 we believe that it can be done so that the
17 inconvenience to the people on the upper
18 river would be minimal and also to stop the
19 flow of PCBs into the river as soon as we
20 can. The longer we wait, the more PCBs get
21 into the river and get distributed where they
22 can't be recovered. So we want to do that as
23 quickly as we can, and five years is about
24 the time frame that we need.

1 One thing I don't think got brought
2 up here tonight yet, we have a three-year
3 design period prior to this. There are a lot
4 of factors that we have to work out in order
5 to make sure that we can implement this
6 remedy and do all of the coordination
7 necessary. It's a three-year design period.
8 So we expect construction to start in the
9 summer of 2004.

10 One of the things, when I was
11 saying that we have an ambitious schedule, is
12 we have checked out with the Corp. Of
13 Engineers and several of our contractors who
14 are specialized with dredging who we have
15 subcontractors for and we really questioned
16 them to see whether we could implement that.
17 And they all believe that was a viable
18 proposal to implement this remedy in that
19 type of time frame. So it's not going to be
20 20 years of dredging on the river.

21 We have proposed either mechanical
22 or hydraulic dredging. These would be
23 environmental dredges, which help limit
24 resuspension, which I'll talk about next.

1 Either one we feel is viable. We want to
2 leave that open to the contractors that are
3 involved in the remedial design and the
4 remedial action. There are areas where you
5 have to use the right tool, shallow areas
6 might require mechanical dredges or there
7 might be some areas where you can do bulk
8 material faster with a hydraulic dredge. We
9 just want to leave our options open, to pick
10 the right tool and the right ability to
11 implement that. So we're not planning to
12 make that selection on the record of
13 decision.

14 One of the key things for hydraulic
15 dredging is that we have the ability to
16 process the water that's generated during the
17 hydraulic dredging. You pump a lot of water
18 with hydraulic dredging and you need a large
19 water treatment plant to treat that before it
20 can be discharged, about a ten million gallon
21 per day plant. So that would be located at
22 the northern facility. There will be a
23 pipeline to that facility and the water would
24 be treated, the solids separated, shipped off

1 by rail, if we chose hydraulic dredging, and
2 it would be treated.

3 Also I wanted to mention that there
4 are other sites where we have looked at
5 dredging that has been done. Most of them
6 have not been on the order of magnitude or
7 the scale of this, of 2.65 million cubic
8 yards. There have been some others that are
9 large. Many of them only placed one dredge
10 in the field. So by going to multiple
11 dredges, we feel that we can accommodate
12 those rates.

13 There is a site Bayou Bonfuca
14 (phonetical) that had their dredge average 63
15 cubic yards per hour. What we're expecting
16 is 55 cubic yards per hour per dredge. So
17 that we believe that that is a reasonable
18 assumption. So there are a number of --
19 there's also the Saganaw River, which is
20 mechanically dredged, they've done 27,000
21 cubic yards in a month for their dredge. We
22 would expect to do about 21,000 cubic yards
23 on average for our dredges. So we're within
24 reason, we believe, to think that we can

1 implement this in that type of time frame.
2 So we believe that five years is reasonable.

3 Of course, when you are talking
4 about dredging you also have to consider
5 resuspension. Basically we have, like I said
6 before, we're using environmental dredges
7 that minimize resuspension and we could use
8 mechanical or hydraulic dredges. We did some
9 modeling of the resuspension rates and we
10 calculated that it would be about 21 pounds
11 per year going over the Federal Dam,
12 resuspension, with mechanical dredges and 12
13 plus with hydraulic dredges. And so that's
14 per year. That's an increase. That's
15 considered without using silk curtains as
16 well. So we would also put silk curtains in,
17 which act as a barrier to help the sediment
18 drop out of the water column if it does get
19 resuspended.

20 So we think we can control the
21 amount of PCB material that gets transported
22 over the Federal Dam at Troy through the use
23 of silk curtains but we think that it would
24 be fairly small in comparison to the average

1 loads that go over the dam per year as we
2 currently have it. Those type of numbers are
3 within the variability that we see just due
4 to flow conditions within the river every
5 year. You would not be able to tell the
6 difference with this. And seven nanograms
7 per liter of an increase, that would be in
8 the local area just downstream, and that
9 keeps us within compliance of any of the
10 drinking water concerns there are.

11 Of course, dropping down to the
12 last bullet, we would have to coordinate with
13 water supplies downstream to make sure that
14 we have contingency planning and monitoring
15 at those water supplies to ensure safe
16 drinking water downstream.

17 I guess the one other thing too is
18 that any resuspension that we do have we
19 believe would be balanced by the remediation
20 that we do in those years. We start close to
21 the top and we work our way down. Most of
22 the contaminated material is to the northern
23 end of the site. So if you remove the parts
24 -- PCB contaminated sediment that is leaking

1 the most PCBs into the river first and you
2 are removing them so that those PCBs would be
3 no longer escaping into the river. They leak
4 on the order of one to one and a half pounds
5 per day. So you can see that these average
6 increases per year of 20 pounds should
7 definitely be outweighed by the decreases in
8 the loading that we currently have, which the
9 loading is currently around 300 pounds per
10 year or -- 300 to 500 pounds per year that go
11 over the Federal Dam and we'd be decreasing
12 that through remediation and balancing out
13 any increases from this.

14 I want to turn it over to Alison to
15 cover a couple more of the issues that have
16 arisen since we released the proposed plan.

17 (Applause.)

18 MR. HESS: Thank you, Doug. I want
19 to first talk about the benefits to the lower
20 river. This is a concern that we have
21 heard. In terms of what we do know, there
22 would be a reduction in the load of PCBs that
23 flow over the Federal Dam at Troy into the
24 lower river and of course it's very important

1 to us. This slide shows the cumulative load
2 of PCBs with years on the horizontal axis and
3 cumulative PCB load in kilograms on the
4 vertical axis. You multiply by 2.2 to get
5 pounds.

6 The two different lines that are
7 shown are -- monitored natural attenuation is
8 the upper line. This includes the additional
9 source control that GE has proposed for its
10 Hudson Falls facility to reduce the continued
11 leakage of PCBs into the Hudson River. This
12 is an area for which EPA, New York State and
13 GE agree, that this additional reduction of
14 PCB loading into the river needs to be, to
15 the extent possible, eliminated.

16 There would be a permanent benefit
17 to the lower river, as shown by this reduced
18 PCB load by the lower line representing the
19 proposed plan, our preferred alternative that
20 we have out for public comment right now.

21 We have also heard the comment,
22 through this ongoing public comment period,
23 request to quantify the relative risk
24 reduction to human health and the environment

1 in the lower river. It's not something that
2 we've done to date but we are evaluating
3 whether we can do that. So stay tuned.

4 I'd like to address another comment
5 that we heard during this public comment
6 period. The dredging will destroy the Hudson
7 River. We firmly believe that this is not
8 true. What we have out in our proposal is
9 targeted environmental dredging to remove the
10 most highly contaminated PCB sediment from
11 the upper Hudson River.

12 We've also heard, well, it will
13 destroy the fish. Well, the adult fish,
14 understandably, move away during the dredging
15 operation, that is certainly not the case
16 that they would get caught up in the
17 dredges.

18 We also have a habitat replacement
19 program as part of our preferred
20 alternative. Part of this would be the
21 wetlands mitigation. There is, with a
22 project of this scope, some wetlands areas
23 that would need to be remediated. In that
24 case we have typical Superfund sites of

1 wetlands program for mitigation that would be
2 part of our remedy. The specifics of that
3 would be developed during the remedial
4 design.

5 Several groups have looked at
6 preferred alternative. One is known as BTAG,
7 this is the Biological Technical Assistance
8 Group. It's a standing group of EPA
9 scientists, U.S. Fish & Wildlife scientists
10 and scientists from NOAA, National
11 Oceanographic and Atmospheric
12 Administration. They specifically looked at
13 our proposal. In a memo they wrote to us,
14 they said "contrary to the 1984 ROD, BTAG
15 does not agree with the statement that bank
16 to bank dredging would be environmentally
17 devastating to the river in a scenario
18 envisioned in the FS because of the phased
19 approach and the limited area involved." And
20 as we said, we were looking at something on
21 the order of 15 percent of the acreage.

22 In the 1984 ROD, I will say that
23 EPA did say that bank to bank dredging could
24 be environmentally devastating but in that

1 case we were talking about bank to bank
2 dredging for the entire 40 miles, and that's
3 certainly not what we're proposing here.

4 The Federal Trustees have also
5 looked at this. Now, these are trustees
6 whose stewardship is the national resources,
7 including those of the Hudson River, this is
8 part of the overall Superfund program. "NOAA
9 and U.S. Fish & Wildlife," and I quote,
10 "strongly support the removal of PCB
11 contaminated sediments from the upper Hudson
12 River. Sediment removal is the only cleanup
13 action that will unequivocally reduce future
14 adverse impacts to the Hudson River's
15 resources. We believe that the long-term
16 benefits from sediment removal outweigh the
17 unavoidable short-term impacts."

18 And here I'd just like to note that
19 the Federal Trustees, U.S. Fish & wildlife
20 and NOAA, have actually recommended that we
21 do more dredging than we have proposed.

22 And lastly, New York State has said
23 in a letter to the National Remedy Review
24 Board, which reviewed our proposal before it

1 became public, "the state supports active
2 remediation aimed at mitigating these
3 unacceptable risks. EPA's preferred remedial
4 alternative is one approach which would
5 likely be successful in significantly
6 reducing the risks associated with the
7 site."

8 My point is that EPA is not alone
9 in saying that removal of the PCB
10 contaminated sediments would be a benefit to
11 the river. Of course, there are people who
12 say well, I hear what EPA says, I hear other
13 information against dredging and I don't
14 really know if dredging is going to destroy
15 the river or not.

16 And so I'd last like to leave you
17 with a couple of minutes of video clip and
18 Nel will talk you through some of that, to
19 show you the results of habitat restoration
20 after two years after dredging so you can see
21 for yourself.

22 (Applause.)

23 MR. HAUPTMAN: Thank you, Alison.
24 I'd like to quote from the General Electric

1 company, that "EPA's plan is to remove or
2 destroy critical fish and aquatic wildlife
3 habitat."

4 This is not the first dredging job
5 for EPA from an environmental standpoint. In
6 the summer of 1995, at the General Motors
7 facility in Massena, New York, which is up on
8 the St. Lawrence River, GM removed some
9 14,000 yards, a much smaller item, of course,
10 of PCB contaminated sediments, some
11 concentrations are much, much higher here in
12 the Hudson however. And of course that
13 remedy did not have a habitat replacement
14 element, it was dredging and nothing else.

15 In one part of the dredging
16 operation, which encompassed about 13 acres,
17 they were unable to get down to the clean
18 level as specified by the EPA so they placed
19 down an engineered cap, three layers, to
20 cover up the lower level of contamination.
21 They are required under that project to make
22 sure that the cap was placed properly and
23 that it stayed in place, so we had them
24 videotape underwater and I'd like to show you

1 some of that footage. The dredging was '95,
2 it ended in November of 1995, as well as the
3 cap placement. The video is from 1998, it's
4 almost three years but not quite, like two
5 and half years because it's July.

6 And I will show you there will be
7 two minutes of underwater video where you'll
8 see lush plant growth of a variety of species
9 and about a minute or so into it you'll see
10 some fish as well. So in spite of what GE
11 has said, habitat and mother nature tend to
12 restore themselves, even without EPA going in
13 and placing the restorative layer of habitat
14 for the fish.

15 (Video playing.)

16 No sound, of course. About halfway
17 now. Thank you.

18 (Applause.)

19 MR. McCABE: Now for the public
20 comment part. We were very brief because why
21 we're here is to listen to your comments,
22 your concerns and answer your questions. So
23 obviously for a ten-year study we could
24 present for pretty much all night on all the

1 findings. So feel free to ask questions.

2 We're going through the index cards
3 here. What I am going to do is go through
4 five at a time so people can line up and we
5 can call the next five after that.

6 The first five. Chris Walbrecht,
7 Nana Jo Green, Chris White, Chris Bowser and
8 Betsy Garthwaitem. And as we said, when you
9 come to the mike, please, again, give your
10 name and your affiliation.

11 MR. WALBRECHT: Chris Walbrecht, I
12 am a program director with Citizens Campaign
13 For The Environment. On behalf of Citizens
14 Campaign For The Environment, I would like to
15 thank the EPA for holding this hearing this
16 evening.

17 Citizens Campaign For The
18 Environment is an 80,000 member
19 not-for-profit non-partisan grass roots
20 advocacy organization working for the
21 protection of the public health and the
22 natural environment. CCE has long advocated
23 for strong policies to protect and restore
24 water quality and public health in New York

1 State.

2 CCE commends the United States
3 Environmental Protection Agency for working
4 diligently over the last ten years to
5 identify areas of the Hudson River that
6 continue to contribute unacceptable levels of
7 PCBs to the water column and ecosystem.

8 We have reviewed the cleanup
9 options presented in the Hudson River PCBs
10 feasibility study and proposed plan and fully
11 support alternative four, REM-3/10/Select.
12 We strongly support the removal of the most
13 heavily contaminated river bottom sediments
14 using technologically and environmentally
15 sound removal practices and disposal and EPA
16 registered hazardous waste facilities.

17 Fishing advisories and outright
18 fishing bands by New York State Department of
19 Health along the 200-mile stretch of the
20 Hudson River from the Battery in New York
21 City to Fort Edward has provided historical
22 data of the presence of unsafe levels of PCBs
23 in the river's ecosystem. The feasibility
24 study and proposed plan documents the extent

1 of the contamination and clearly illustrates
2 that PCBs continue to pose unacceptable
3 threat to public health.

4 As a grass roots organization, CCE
5 is actively engaged in educating its members
6 and the public about EPA's proposed
7 remediation plan for the Hudson. Based on
8 our personal interaction with thousands of
9 citizens on this subject, CCE has been able
10 to ascertain very strong public support for
11 removing contaminated sediments in the
12 river.

13 So we would like to thank the EPA.
14 We'll continue our grass roots work. I had a
15 couple of letters that I was hoping that I
16 would have the opportunity to read tonight,
17 but unfortunately not enough time. Thank you
18 very much.

19 MR. McCABE: Thank you.

20 (Applause.)

21 And remember, if there are any prepared
22 statements or any additional letters, please
23 submit them to the record.

24 Nana Jo Green.

1 MS. GREEN: I thank you for the
2 opportunity. And tonight, on behalf of
3 Hudson River Sloop Clearwater, I would like
4 to invite the EPA and everyone in the
5 audience to attend an upcoming seminar on
6 February 7, this will address health impacts
7 of PCB contamination in the Hudson Valley.

8 We've brought together some of the
9 most current research on this topic including
10 Dr. David Carpenter, who will talk about
11 neurological impacts; Larry Robertson from
12 the University of Kentucky will talk about
13 mechanisms of PCBs as carcinogens;
14 developmental affects of PCBs in humans by
15 Susan Schantz of the University of Illinois;
16 and reproductive health and PCBs by John Vena
17 of SUNY Buffalo; and also estrogenic and
18 antiestrogenic affects by Kathleen O'Carroll
19 at the University of Albany.

20 We think that the health impacts
21 are extremely important for people to
22 understand. Because the Hudson River is so
23 apparently clean, I love what you have on
24 your display where you say that it's what you

1 can't see that can hurt you. And I think
2 it's really important that people understand
3 the depth and breadth of the health impact.

4 So that's February 7th at the
5 School of Public Health in Albany. And if
6 anyone would like to attend, please call
7 Clearwater to preregister. There's no cost
8 for the conference, it's being put on
9 sponsored by a grant by Environmental Defense
10 and also Physicians for Social
11 Responsibility. There is a cost for lunch or
12 you can bring your own. And I'd like to just
13 pass out the invitations.

14 MR. McCABE: Thank you.

15 (Applause.)

16 Chris White.

17 MR. WHITE: My name is Chris White,
18 I'm also with Hudson River Sloop Clearwater.
19 This is part two.

20 We'd like to welcome you back to
21 Poughkeepsie and again reiterate our support
22 for the EPA's proposed plan to clean up PCBs
23 in the Hudson River. Clearwater actually
24 would support a more rigorous cleanup than

1 the EPA has proposed.

2 We are also -- we've been outspoken
3 about having public comment and public
4 participation in this matter and we'd like to
5 just let you know our concern for the
6 extension that was recently done on that
7 comment period. We would like to see the EPA
8 stick to its schedule and issue its record of
9 decision in August. We are definitely
10 concerned that GE is using -- we know that GE
11 was one of the parties that requested the
12 extension and we feel that they are trying to
13 delay the process. It's been a long time
14 already and we feel that the cleanup needs to
15 be done as quickly as possible.

16 I'd like to also just leave you
17 with a couple of questions that Clearwater
18 has. We've been doing presentations to local
19 governments and one of the questions that we
20 hear, especially from towns that are taking
21 drinking water from the river, is what
22 specifically are you going to have in place
23 to guarantee the drinking water quality.
24 What kind of coordination will you have with

1 their water services. And also, what role
2 will those towns have in your remedial design
3 phase. Will you be interacting with them
4 frequently.

5 Am I out of time? And I'll just
6 give the other question and I'll take the
7 answer from my seat. The other one is you
8 answered it quite a bit about the hydraulic
9 dredges versus the mechanical. And I'd like
10 to know what is going to be in place to make
11 sure that there's no resuspension of
12 particles from the sealed clam shells. And
13 I'm bringing this up because it's asked to me
14 a lot. And I've spoken to you off-line and
15 have an idea of the safety precautions but
16 I'd like you to just maybe clarify them a
17 little bit more. Thank you.

18 (Applause.)

19 MR. McCABE: Let me start with the
20 easy one. The community interaction program
21 doesn't end with the record of decision.
22 Although I haven't spoken specifically to Ann
23 about it, I'm quite sure that the answer is
24 that we will update our community interaction

1 program to include the remedial design
2 phase. That doesn't mean that we're going to
3 necessarily have public meetings with
4 stenographers and responsive summaries and
5 that kind of thing because we've already made
6 our decision. But the purpose of this during
7 design would be to hear your concerns, your
8 comments, perhaps you can help us with some
9 issues and items. There's going to be a lot
10 of coordination with the local towns, whether
11 that's with respect to the type of dredging,
12 the dewatering transfer facilities, whatever
13 it might be. So we intend to follow through
14 with that, we will update the community
15 interaction plan, I expect, right?

16 MS. RYCHLENSKI: Yes.

17 MR. McCABE: That's what I
18 thought. And go from there.

19 Now, as far as during the design
20 phase, we were talking about the type of
21 dredging. I think it would be safe to say --
22 we haven't finalized anything since we don't
23 even have a record of decision yet, but we've
24 done some talking, naturally, as to how we

1 would deal with this. And it's likely that
2 we would come up with performance
3 specifications during our design, meaning we
4 would lay it out there for a contractor to
5 bid on and tell us how they would meet those
6 requirements. Such as, you have five years
7 -- this would be the easiest way, you have
8 five years, what do you want to do, how are
9 you going to do it. There would be things
10 like for the monitoring, the tepidity
11 monitoring, you have to meet these kinds of
12 standards. Quite frankly, we don't care how
13 they meet it as long as they meet
14 everything. That's really kind of a market
15 issue, technology issue. Let them tell us
16 what they can do. Maybe they want to combine
17 the types of dredging.

18 But as far as the water, the same
19 with the water facilities. One of the things
20 we do is say look, we want to meet these
21 kinds of numbers. You can't exceed them, if
22 you exceed them you have to take certain
23 measures. I would expect we would have some
24 sort of contingency plan with those community

1 water suppliers. Doug mentioned that we have
2 to coordinate them in his presentation.

3 There's a number of things that you
4 can do, the most obvious of course is the
5 monitoring, making sure the resuspended
6 material doesn't get too far. Doug
7 mentioned, of course, silk curtains could be
8 employed depending upon where you are on the
9 river. I don't know if there's anything else
10 you need to add to that, Doug?

11 MR. TOMCHUK: I think you covered
12 most of the things. I think just doing
13 nearby monitoring for tepidity every several
14 hour type basis so if you see something
15 happening you can shut down operations. With
16 PCB monitoring it gets a quick turn, make
17 sure there's something that -- it's just not
18 a tepidity measurement, you're actually
19 measuring the PCBs and keeping this kind of
20 monitoring ongoing at each construction zone
21 throughout the entire operation.

22 MR. McCABE: Chris Bowser.

23 MR. BOWSER: Yes. Thank you.

24 Chris Bowser, B-o-w-s-e-r. I'm an educator

1 for the Hudson River Sloop Clearwater, part
2 of the trifecta tonight.

3 Like it or not, the PCBs in the
4 Hudson River are in a sort of landfill, they
5 are in the Hudson River, being covered by
6 sediments all the time. But unfortunately
7 this landfill is constantly subject to
8 storms, possibilities of flood, tornados,
9 navigational disasters and just what has to
10 happen anyway, which is navigational dredging
11 and just changes that happen anyway. So no
12 action possibility is simply an
13 impossibility. Change happens. Those PCBs
14 are going somewhere, the river is not going
15 to clean itself ever.

16 The second point I'd like to make
17 is I'd like to thank the EPA for taking this
18 a step forward and moving us along. However,
19 the comment period was good but it has to
20 be -- we have to remind people that for a lot
21 of the public comment that we get we are
22 getting comments from a public that is
23 constantly bombarded by General Electric
24 advertising. And as much as we can come here

1 and listen to what's going on and inform
2 ourselves and through the work of
3 organizations like Clearwater, Scenic Hudson,
4 Sierra Club and the EPA itself, I really have
5 to plead with the EPA to do a better job of
6 reaching out to the public at wide with some
7 of this information that's out here. It's
8 just too easy for people to turn on the TV
9 and get brainwashed by lies from General
10 Electric.

11 Then the last point I'd just like
12 to make, in sort of an attempt to educate the
13 EPA and the public at large, is if you have
14 any time, please read chapter nine of a book
15 called "At Any Cost, General Electric And The
16 Pursuit Of Profit" by Thomas O'Boyle. Talk
17 about an eye opening experience on how we
18 have all been shafted. And I hope that the
19 EPA will take that into consideration also.
20 Thank you.

21 (Applause.)

22 MR. McCABE: Thank you. Just one
23 point to note on the comment period. I think
24 we got six requests at least? We got about

1 six requests for extension, that went up to
2 90 days. So we think that the reasons that
3 were provided to us, obviously the complexity
4 of the project, the number of pages of the
5 report, etcetera, we think it was an
6 appropriate thing to do.

7 Before I get to Betsy Garthwaitem,
8 the next five will be John Calandrelli,
9 Joshua Gordon, Bill Lennon, Patrick Shannon
10 and Johnathan Wright.

11 The next one is Betsy Garthwaitem.

12 MS. GARTHWAITEM: My name is Betsy,
13 G-a-r-t-h-w-a-i-t-e-m, I'm a private citizen
14 that lives in Kingston, New York.

15 Can I start by asking a couple of
16 questions? Just because I think this might
17 be illuminating for everyone here. I heard
18 Congressman Hinchey speak to the legality of
19 General Electric's discharges, and you may
20 not know the answer to that question but I've
21 also heard that from New York State Attorney
22 General Elliott Spitzer, I've read the same
23 in other sources and yet I'm constantly
24 dismayed that the press continues to report

1 that all of these discharges were completely
2 legal.

3 However, I was wondering if you
4 could clarify if that has any impact, whether
5 those discharges were legal or illegal, on
6 the liability of General Electric under
7 Superfund law?

8 MR. McCABE: That part is easy, it
9 has no bearing on the liability. The only
10 thing I'd like to say about the legalities,
11 they only had a permit for, I don't know,
12 three, four, five years out of the 30 years
13 they were discharging. There was no need for
14 one before that. So whether it was legal or
15 not, that was such a minimal period of time
16 that it's really not terribly important. The
17 fact is that they discharged the estimates
18 are up to 1.3 million pounds of PCBs and
19 obviously there have been continuing
20 discharges through the bedrock since then.
21 They've spent, by their numbers, I don't
22 know, anywhere up to 160 million dollars
23 cleaning that up. Obviously there's also a
24 problem there. No idea how much has been

1 discharged through leaks, the famous Alan
2 Mill adventure. So the numbers are what they
3 are. The legality is that under Superfund
4 they are liable.

5 MR. FISCHER: Just if I could
6 follow up on one point. There is an
7 exemption under the Superfund liability for
8 federally permitted releases. As Bill
9 mentioned, GE only had a permit for a very
10 small portion of the time during the period
11 of time they were releasing PCBs into the
12 river. The company was cited by the state
13 for violating those anywhere back from the
14 1970s.

15 MS. GARTHWAITEM: Thanks. The
16 other question I have has to do with the
17 number you came up with for your risk
18 assessment, the .05 parts per million. I was
19 wondering what that was based on in terms of
20 human health. Is that some kind of estimated
21 number of deaths by cancer per 100,000 and is
22 that in fact in line with -- I believe that
23 the FDA number is two parts per million and
24 why are you requiring a stricter standard.

1 MR. McCABE: The FDA number is two
2 parts per million but Marian Olsen, our risk
3 assessor, can give you far better information
4 than me.

5 MS. OLSEN: You need to keep in
6 mind that the FDA number was set a number of
7 years ago, it was back in the 1980s. There
8 is significant new information on the health
9 effects of PCBs that have come out since that
10 time.

11 In addition, when FDA sets its
12 number, it's setting it based on a market
13 basket. And essentially what the market
14 basket means, when you go to your local fish
15 store, you will buy fish that may come from
16 all parts of the world, maybe the shrimp come
17 from one part, different parts. So they're
18 making assumptions about how much fish is
19 coming from different parts with lower
20 concentrations of different chemicals.

21 What happens with what we're
22 looking at is we're looking at an individual
23 that is fishing only from the Hudson River
24 and that's their source of PCBs in the fish

1 in the Hudson River. So they're not going to
2 the fish market and diluting the effects as a
3 result of that.

4 In the human health risk
5 assessment, our value of 0.05 is based on the
6 exposure assumptions that were used in the
7 risk assessment. We've looked at an
8 individual consuming about half a pound of
9 fish per year -- I'm sorry, per week over a
10 period of a year and it's based on an
11 evaluation of both cancer effects and
12 noncancer health effects. So it's a
13 combination of both of those things. And
14 again, it's based on an individual consuming
15 the fish from the Hudson.

16 MR. HESS: I'd just like to add
17 that the 0.05 parts per million number is
18 consistent with the Great Lakes sports fish
19 advisory for PCBs, which is also for a
20 limited consumption, which is also 0.05 ppm.
21 Same number.

22 MS. GARTHWAITEM: Thank you. Start
23 the clock. For the record, I already stated
24 my support of EPA's recommended plan for

1 targeted environmental dredging on December
2 14th. Tonight I wish to address this entire
3 process because I feel strongly that General
4 Electric is doing its very best to co-opt
5 it. The representatives of GE have attempted
6 to vilify the EPA as if that agency were the
7 enemy of the people when in fact it is doing
8 the very job it was created to do. If the
9 EPA's dredging plan is of unprecedented
10 proportion, it is because it is in proportion
11 to the mess GE made.

12 (Applause.)

13 But the most remarkable thing that
14 the company wants the public to believe is
15 that GE, not the EPA, not the environmental
16 organizations, is the true friend of the
17 river. In an op ed piece in the Poughkeepsie
18 Journal dated December 10th, General Electric
19 vice president of corporate environmental
20 projects, Steven Ramsey, wrote the
21 following: "The federal Environmental
22 Protection Agency has proposed a monster
23 dredging project for the Hudson River that
24 would stop 25 years of progress in its tracks

1 and devastate the ecosystem of the dredged
2 areas." I think this is rather inflammatory
3 rhetoric for a debate that is supposed to
4 focus on the facts. A friend of the river?
5 With friends like Mr. Ramsey, who needs
6 enemies.

7 What the Poughkeepsie Journal
8 doesn't tell us about Steven Ramsey is that
9 he served as an assistant attorney general
10 for environmental enforcement under the
11 Reagan administration in the EPA. I hope you
12 people keep your jobs. During that time he
13 helped develop the liability rules for the
14 Superfund law. When he left public service he
15 went to work for a law firm that defended
16 corporate polluters against Superfund. Who
17 better to do the job than the man who knows
18 all the ins and outs. In fact, in 1986 he
19 circulated a memo among other law firms
20 describing tactics and maneuvers for how to
21 beat Superfund. With Ramsey's talents, no
22 wonder GE hired him.

23 Many New Yorkers seem to be
24 obsessed with whether Hillary Clinton has

1 aspirations for higher office when they
2 should really be concerned about our elected
3 officials who aspire to become corporate
4 lobbyists instead. Among those currently on
5 GE's payroll are former Congressman Gerald
6 Solomon and five other former U.S.
7 representatives and one former U.S. senator.
8 I only wonder who will be next.

9 I love the Hudson but I'm not here
10 tonight to defend the river, I'm here to
11 defend my country against corporate greed and
12 those forces that seek to neutralize and rule
13 the people. We have all the entrapments of a
14 democracy in America but is it working? Is
15 it working when the party responsible for the
16 nation's largest Superfund site has so much
17 influence in the decision-making process as
18 to whether or not to clean it up and how?
19 No, it's not working. I believe this is
20 environmental extortion. I'm almost done.

21 George Bush and Christy Whittman,
22 the people in this room tonight are putting
23 you on notice. We are sick to death of the
24 never ending stream of delays. We want to be

1 rid of PCBs and the threat that they pose to
2 human health and our environment. Our voices
3 must be heard. Thank you.

4 (Applause.)

5 MR. McCABE: As far as General
6 Electric and their advertising campaign,
7 obviously they have the right to do that,
8 that's the way it goes. EPA will not be
9 doing any sort of advertising campaign to
10 attempt to match them. What we do is these
11 kinds of meetings, we try to get around as
12 much as possible and that's the best way that
13 we can do it. You won't be seeing us on the
14 TV.

15 The next one is John Calandrelli.

16 MR. CALANDRELLI: Good evening.
17 It's going to be a little hard to follow that
18 act.

19 (Laughter.)

20 I'm going to take a little personal
21 path tonight. My name is John Calandrelli
22 from Dover Plains, New York, a private
23 citizen.

24 First of all, thank you very much

1 for this opportunity to speak tonight. I am
2 in favor, of course, of cleaning the hot
3 spots in the Hudson River in an
4 environmentally sound manner, if there is
5 such a thing where PCBs are concerned. The
6 hydraulic environmental dredging seems the
7 most appropriate technology.

8 I have listened to the EPA
9 professionals at the last public hearing,
10 December 14, and have viewed the Clearwater
11 video on the subject. I have also seen many
12 GE commercials and I have also viewed GE's
13 video. For the most part, not surprising,
14 they are contradictory. I realize we all see
15 our own version of the truth but this case,
16 through the media, has now bordered on
17 embarrassment.

18 One does not have to go very far
19 back into history to see a pattern of
20 embarrassment for the U.S. The McCarthy
21 hearings, shootings at Kent State, Watergate,
22 Karen Silkwood, the O.J. Simpson Trial, the
23 Jon-Benet Ramsey case and now the recent
24 Florida recount debacle. Personally, I've

1 had enough.

2 For my sake, your sake, the sake of
3 mother earth, don't let the Hudson River
4 cleanup case become another embarrassment for
5 the U.S. My father did not survive the
6 horrors of World War II to come back to an
7 America like this. Thank you.

8 (Applause.)

9 MR. McCABE: And just to note, from
10 previous ones also, we fully expect to meet
11 the August date. We extended it two months
12 and we extended it to the end also two
13 months.

14 Joshua Gordon.

15 MR. GORDON: My name is Joshua
16 Gordon. I live in Rhinebeck and I'm a
17 private citizen.

18 I've lived and worked on the Hudson
19 River Valley since 1979. I have a B.S. in
20 wildlife biology. Among other things I've
21 worked on the river as a captain on various
22 vessels and I've come to appreciate the
23 Hudson River as a wonderful resource and I
24 greatly appreciate it.

1 It's my opinion that the proposed
2 technology has been demonstrated to be
3 effective and safe. Most recently I've heard
4 of a place up in Plattsburg where this
5 technology has been demonstrated to be used
6 effectively. And with that in mind I support
7 the dredging of PCBs, of the hot spots in the
8 Hudson River, as you have outlined.

9 MR. McCABE: Thank you.

10 (Applause.)

11 Bill Lennon.

12 MR. LENNON: Hi. My name is Bill
13 Lennon, I'm a steward of the Poughkeepsie
14 Yacht Club and I've lived on the Hudson River
15 for ten years. I've taken vessels up and
16 down the Hudson River from New York City all
17 the way up to Lake Champlain. It is a
18 beautiful river. And I'm sure of one thing,
19 all of us in the audience are here because we
20 care about the river and our own health. So
21 rhetoric aside, everything I've got here is
22 just stuff I've jotted down from tonight's
23 meeting.

24 I wonder in the back of my mind is

1 the cure worse than the curse. That's why I
2 came to listen, I tried to keep an open
3 mind. I hear dredging. I hear three or four
4 of them lined up. I think about underwater
5 strip mining. You don't get to see the
6 bottom, it's invisible. Yet what's invisible
7 can kill you. What you can see can really
8 knock the heck out of the environment too.
9 And I'm just afraid for the river because I
10 truly do live right next to that source of
11 inspiration for me.

12 I worry about resuspension. I just
13 really worry that we're already drinking this
14 stuff, we've been drinking it, this stuff got
15 dumped a long time ago. It's like the doors
16 already been locked on the barn. Where was
17 everybody then? But we're here now, and
18 that's the reality.

19 You say that you're just going to
20 get a contractor up there, you don't care how
21 they meet the goals. Well, they don't start
22 the word contractor with the word con for
23 nothing.

24 (Applause.)

1 I don't know how much is going to
2 give me cancer. I think you guys do know
3 something, you have a base level you can work
4 with. What I really want to truly know is at
5 the end of it are we going to be better off
6 than where we are right now. And that's
7 really what I want to impress upon you guys,
8 to be able to do your job, if it's getting
9 off the ground and you are going to go for
10 it. I don't want the government juggernaut
11 to run over a beautiful river and I don't
12 want rhetoric to rule the day.

13 And I'd also just like to know is
14 the river still going to be navigable for me
15 to take my boat up to Lake Champlain. Thank
16 you.

17 (Applause.)

18 MR. McCABE: To answer the last one
19 first, yes, the river still will be
20 navigable. That's part of our 340,000 cubic
21 yards that we spoke about for navigational
22 dredging, to keep the navigational channels
23 open.

24 Obviously you heard we fully expect

1 that we can do this job in a responsible way,
2 we wouldn't do it any other way; in fact, we
3 know we will be shut down if we don't do it
4 the right way, not that we had any intention
5 otherwise. What was the other question
6 there?

7 MR. LENNON: Will we be better off.

8 MR. McCABE: We fully expect,
9 obviously from our reports, that you will be
10 better off. There's significant risk
11 reduction, the lessening of fish advisories
12 and fishing restrictions, that kind of a
13 thing. The fact, let's face it, they have
14 been there for a long time, there's only one
15 way to be sure, and that's to get rid of it
16 and that's what we intend to do, to take care
17 of the hottest areas. So we believe the
18 answers to those all are positive, all
19 rhetoric aside.

20 The other thing I wanted to
21 mention, perhaps I was a bit too cavalier in
22 saying we don't care how they do it. The
23 reason we don't care is because there would
24 be such strict guidelines, such strict

1 oversights, such strict specifications that
2 if you meet those, do it this way or that
3 way, that's okay. But as long as you meet
4 everything, whether it's the production
5 rates, the tepidity measurements, whatever it
6 might be, that's okay. So obviously we care
7 but as long as you can meet those strict
8 requirements, and there would be very
9 significant oversight, then the manner that
10 you meet it isn't that important to us.
11 That's what I mean. I didn't mean to say we
12 don't care.

13 MR. TOMCHUK: I just wanted to make
14 this point very clear, that the PCBs aren't
15 dormant at the bottom of the river, that
16 there are PCBs escaping and they are
17 contaminating the fish. There are PCBs
18 getting into the water. The water is
19 acceptable to drink, according to all
20 standards, probably before treatment,
21 definitely after the treatment. So the water
22 supplies are safe, they will continue to be
23 safe during any operation. But the thing is,
24 the PCBs will continue to leak and

1 contaminate fish unless we do something, and
2 that's why we are deciding to do something
3 because afterwards we believe fully that the
4 river will be on its way to recovery and
5 you'll be able to eat the fish as well.

6 MR. McCABE: Patrick Shannon.

7 MR. SHANNON: Hello, my name is
8 Patrick Shannon, I work for the Sierra Club
9 and I'd like to applaud the EPA for the
10 proposed plan to get rid of the PCBs in the
11 Hudson River. The Sierra Club does believe
12 the plan should go further to clean up the
13 PCBs and to get more of them. And the reason
14 is because, like some of General Electric's
15 appliances, the Hudson River is not safe.
16 You need to make a motion now, when the time
17 is, to clean up these PCBs from the Hudson
18 River.

19 I think everybody seems to realize
20 that General Electric is financially driven
21 and we need to see through the advertisement
22 campaign and see the truth in the facts, and
23 the facts are that the PCBs are in the river
24 and they are harmful to us. So I would like

1 to have the EPA commit to the August
2 deadline, which is very important, and I'd
3 like to see the PCBs cleaned up. Thank you
4 very much.

5 MR. McCABE: Thank you, Patrick.
6 Before we get to Johnathan Wright the next
7 five will be Richard Feldman, Rocco Rizzo,
8 Joel Tyner, Cindy Lanzetta and Greg Robbi.
9 John.

10 MR. WRIGHT: Johnathan Wright from
11 Croton-on-Hudson. And I've been here in New
12 York for one year now and I'd like to thank
13 you for your effort, your commitment for
14 being here tonight and for obviously the
15 years of work and study in this area.

16 I believe that we should clean it
17 up. I believe that I have personal trust in
18 your efforts and in what is being done. I
19 base a lot of what I do personally on
20 something my father passed onto me before he
21 passed away. And that was he took us to a
22 lot of camp sites and a lot of national parks
23 and beautiful things to see in this country
24 and he said always try to leave the camp site

1 better than when you got there. I use that
2 for a lot of things in my life, not just
3 camping, not just going out and seeing the
4 ecological wonders. But trying to live my
5 life so that the camp site that we all share
6 is left better than when we got here. I want
7 to leave this earth for the people that come
8 after us and leave it better in whatever way
9 we can.

10 So I support the cleanup on behalf
11 of myself I'm here, on behalf the Westchester
12 Greens, and I appreciate all of your efforts
13 and let's get it done.

14 MR. McCABE: Thank you, Johnathan.

15 (Applause.)

16 MR. McCABE: Richard Feldman.

17 MR. FELDMAN: I'm with the
18 Department of Environmental Science at Marist
19 College and I wanted to address further
20 Doug's last comments about the PCBs
21 continuing to move into fish by way of
22 research that I've done in the Thompson
23 Island Pool. At which time I had exposed
24 Pumpkin Seed Sunfish in two different ways up

1 there.

2 In one group of fish, these were
3 just exposed to the water by being in bottles
4 that had flowed through -- allowed to flow
5 through the Hudson River. So the only
6 exposure for these fish was to PCBs in the
7 water.

8 My other group of fish were in
9 cages in the Hudson River that allowed the
10 fish to feed on the fauna that was on the
11 bedpost and associated with the water column
12 and with the plants.

13 In these fish, both of these groups
14 of fish were analyzed for PCBs. The first
15 group of fish, which were exposed only to
16 Hudson River water, had PCB levels which were
17 about three and a half times greater than
18 fish that were never exposed to the Hudson
19 River.

20 Even more striking was that the
21 second group of fish that were exposed to
22 water, to prey and also to sediments, had PCB
23 levels that were 18 times higher than fish
24 that were never exposed to the river and five

1 times higher than fish that were only exposed
2 to Hudson River water.

3 I think these results show -- and
4 by the way, this happened in only a seven-day
5 period. These results clearly show how
6 quickly PCBs accumulate in the fish and,
7 secondly, the dramatic importance of food
8 chain effects.

9 Furthermore, these fish were
10 located in a relatively undisturbed section
11 of the Thompson Island Pool at mile 192. It
12 points out the importance of the movement of
13 PCBs through food chains even in a relatively
14 undisturbed situation.

15 So this should point to us for the
16 need to recognize that PCBs continue to move
17 and the only way that food chain exposure
18 will be reduced is if the PCBs are no longer
19 in the river. Thank you.

20 MR. McCABE: Thank you, Richard.

21 (Applause.)

22 Rocco.

23 MR. RIZZO: Hi, my name is Rocco
24 Rizzo, I am a member of the Beacon Sloop

1 Club, we're a 300-member environmental
2 organization located in Beacon, New York.

3 It's our point of view that this is
4 basically a simple matter of a large
5 corporation not cleaning up after
6 themselves. They put the PCBs there, they
7 should be responsible. Just as we learned in
8 kindergarten.

9 Not to mention the fact that there
10 are people out there who are eating the
11 fish. There are poor people in Beacon, in
12 Newburgh and Poughkeepsie that I see
13 personally who are out there who are eating
14 the fish and won't observe advisories because
15 of their financial status. What a better
16 chance would it be for us to keep the future
17 for those kinds of people, who don't have the
18 opportunity to come to these kinds of forums,
19 and provide them with the benefit of cleaning
20 up the river to the way it was.

21 Because after all, the Hudson River
22 is a National Heritage River, the first
23 National Heritage River, and we should treat
24 it as such and bring it back to the state

1 that it was when we first got here, 300
2 whatever years ago.

3 That's about what I got to say.
4 Thanks a lot.

5 MR. McCABE: Thanks, Rocco.

6 (Applause.)

7 MR. McCABE: It's safe to say we
8 obviously agree that fish consumption
9 advisories and fishing restrictions are no
10 guarantees that people won't eat fish.

11 Joel Tyner.

12 MR. TYNER: From the Town of
13 Clinton. T-y-n-e-r. I just wanted to add
14 one more voice, thanking you and applauding
15 you for your efforts on this issue and hoping
16 that you don't lose your nerve under a new
17 administration there in Washington and keep
18 up the good fight.

19 I'm also disappointed by the
20 extension for the public comment period but,
21 again, hoping that you guys stay strong.

22 There are a lot of things that
23 needed to be said that have already been
24 said. For our health, for our economy, I

1 don't know if it's been mentioned about the
2 fishing industry, the tourism, all the
3 dollars and jobs that would come for the
4 cleanup and having the river clean again.

5 Personally, I think a lot of people
6 in the audience, there's a great deal of
7 symbolic significance in winning this one.
8 There are so many issues that we the people
9 lose on and it seems like we have a chance at
10 winning this one and I'm asking you to win
11 this one for us.

12 We have to deal with pesticides
13 that cause cancer that nobody wants to ban,
14 we have to deal with a nuclear reactor within
15 50 miles of us that there's been studies that
16 the nuclear reactors cause all sorts of birth
17 problems. We have to deal with MTEB, which
18 much of the media and the DEC doesn't want to
19 tell us what the serious problems are.

20 But this one I think we can win on,
21 but of course we can only win on it if you
22 fight the good fight, so I'm asking you to do
23 that.

24 MR. McCABE: Thanks, Joel.

1 (Applause.)

2 Cindy Lanzetta.

3 MS. LANZETTA: Hi. I'm Cindy
4 Lanzetta, I'm from the Town of Marlboro and
5 I'm a homemaker and kind of an activist in my
6 community. And I had prepared a public
7 statement but it seems like I'm just going to
8 be preaching to the converted here. I didn't
9 realize what a lovefest for the Hudson this
10 was going to turn out to be. So I'm just
11 going to hand in my public statement.

12 But I do have two questions that
13 came to me as I was listening to the
14 presentations. The first one is who were the
15 other five requests for this extension from?
16 We keep hearing about GE, but obviously there
17 were five other parties.

18 MR. TOMCHUK: This is from my
19 memory. It was the New York State Farm
20 Bureau, the group Citizen Environmentalists
21 Against Sludge Encapsulation.

22 MEMBER OF AUDIENCE: There was a
23 law firm.

24 MR. TOMCHUK: Town & Morrow.

1 MEMBER OF AUDIENCE: Partners
2 Against Dredging or something.

3 MR. TOMCHUK: There was a group
4 FAIR and then the Adirondack Chamber of
5 Commerce. There were over half a dozen. We
6 do have that list available, there's a list
7 available to you if you'd like.

8 MS. LANZETTA: And then the other
9 question I had, in view of the new
10 administration and the kind of appointments
11 that are being made and some of the judicial
12 concerns about the EPA possibly overstepping
13 its mandates and things of that nature, I'm
14 really concerned about where the EPA might be
15 heading. And I was wondering if you could
16 give me any indication of what's the
17 likelihood that all the work that you've done
18 thus far could be scrapped by the new
19 administration. I mean how much leverage or
20 leeway would they have to do something like
21 that after all of this work has been done.

22 MR. McCABE: One good thing about
23 having a ten-year study is we've worked with
24 all sorts -- with both administrations. We

1 haven't had any problem or interference in
2 the past, so I would use that to judge for
3 the future. I obviously can't guarantee
4 anything.

5 We have peer reviewed science, so
6 we have independent external experts who have
7 peer reviewed our work and have accepted it
8 or approved it. We haven't spoken to Christy
9 Whittman yet obviously, I expect that we will
10 be briefing the new administration. But I
11 think the science is sound so I believe that
12 it will stand up and I have no reason to
13 believe that there would be any changes to
14 it.

15 MS. LANZETTA: Thank you. And who
16 takes the public presentations?

17 MS. HESS: You can give it to us.

18 MR. McCABE: Thanks, Cindy.

19 (Applause.)

20 Greg Robbi. I'm the next five
21 after Greg Robbi will be Chris Rhue, James
22 Hayes, Paul Regan, Richard Thompson and Lynn
23 Shuemaker. Greg Robbi.

24 MR. ROBBI: Good evening. I'm an

1 environmental science teacher in Cornwall on
2 Hudson. I have a question, came up in the
3 class, we've been studying this for three
4 weeks.

5 Is there any correlation between
6 the peaks in the water column containment of
7 the PCBs and rainfall, flooding, water melts.
8 that you're aware of?

9 MR. TOMCHUK: Generally we do see
10 increases in PCB load over about 10,000 cubic
11 feet per second. And so yes, peak flows can
12 cause scour within the sediments in some
13 areas and increase PCB loads that move
14 through the river. Generally you have to
15 kick in over to about 10,000 cfs, the normal
16 flow of the river is about 5,000 cfs.

17 MR. ROBBI: Thank you very much. I
18 moved to the Hudson River Valley in 1963, I
19 was in seventh grade. The Hudson River at
20 that time was filthy. I lived in Cornwall,
21 right next to it, and never went down to it
22 because it was dirty.

23 By the time I graduated from high
24 school in 1969, I had a fiberglass canoe with

1 a friend of mine and discovered the Hudson
2 River. At that particular time you stuck a
3 canoe paddle in the river and you could not
4 see the paddle after it went into the river.

5 After the Cleanwater Act and the
6 sewage treatment plants were built along the
7 Hudson River, that changed. And you now have
8 a clarity in the water and an improvement
9 that makes the river a wonderful place to
10 enjoy.

11 At the time, I guess around 1969 to
12 1970, I wrote a song and I'll share with you
13 the chorus.

14 (Singing) Oh, we've got alphabet
15 soup in our river, PCBs, DDT on and hither.
16 And they say that it stays in your liver if
17 you eat the fish from the river.

18 It's time to remove them. I'm glad
19 you have a plan. You have more perseverance
20 to work 30 years than what I only look 30
21 minutes to write. Keep working at it and I
22 hope GE and those of us who own stock in GE
23 will take our responsibilities as owners and
24 ask the company to do the right thing.

1 (Applause.)

2 MR. McCABE: Thanks, Greg. Chris
3 Rhue.

4 MR. RHUE: Thanks a lot for leaving
5 me.

6 (Laughter.)

7 Nice seeing you all. This is
8 great.

9 (Laughter.)

10 I really don't have much to say
11 except no one ever tells us, if the sediments
12 are left and those poisons are left in the
13 river, what effects will it have three
14 generations down the line; in other words,
15 the old Bush used to talk about his problem
16 with division, the division thing goes with
17 us. Division, the future of the human race.
18 If we don't do anything, what will happen,
19 what kind of cancers, what kind of learning
20 disabilities for future generations. That's
21 just a question I have. And please listen to
22 my radio show, Planet Blue, on WVKR, 5:30 in
23 the afternoon.

24 (Applause.)

1 MR. McCABE: I don't know, is there
2 anything you wanted to add, Marian, besides
3 the apparent risks?

4 MS. OLSEN: To look at it in three
5 generations in the future is very difficult.
6 I'm not aware and I will check when I go back
7 to the office if there have been any
8 studies. But what we are concerned about at
9 the current time are individuals who consume
10 the fish would have an increased cancer risk,
11 an increased possibility of noncancer
12 hazards, significantly above the level that
13 we would consider safe. And that was the
14 basis for the risk assessment that was
15 conducted and the conclusion that remediation
16 here is appropriate.

17 MR. McCABE: James Harris.

18 MR. HAYES: James Hayes.

19 MR. McCABE: Hayes, I'm sorry.

20 MR. HAYES: I have one chart that
21 I'd like to project if I'd be permitted.
22 Well, the chart speaks for itself so I won't
23 take very much time.

24 Basically I've made a copy of this

1 chart from your summary report, which I think
2 is excellent, and it shows on the left-hand
3 column the cost of the various alternatives
4 that you had outlined. The fourth
5 alternative is the one that you recommend.
6 And basically it shows that none of these
7 alternatives ever really reached the desired
8 level of concentration, all being more than
9 67 years. But the fourth alternative does
10 reach this .2 in 35 years and .4 in 20
11 years.

12 The thing that I found interesting
13 is that for some increase in funds, we went
14 from 460 million to 570, 24 percent increase
15 in investment, while you don't get any
16 improvement in this desired level, you do get
17 a reduction in the number of years, a 26
18 percent improvement here and a 45 percent
19 improvement over in this .4 column.

20 It seems to me that once you have
21 this equipment set up and the process in
22 place, for some amount of money you can
23 actually get a tremendous level of
24 improvement. The important thing on this

1 chart is the fact that we have a very
2 successful multi-national company that can
3 afford to pay for this.

4 While these numbers of about 500
5 million dollars sound quite large, General
6 Electric made ten billion dollars in the year
7 1999 and 12 billion dollars in the year
8 2000. So the profit increase, the one-year
9 profit increase, the two billion dollar
10 increase, are almost four times the cost of
11 this project. So I think if you put this in
12 perspective, spread it over the seven to ten
13 year period of time, it looks like it's a
14 financially good thing for General Electric
15 to do.

16 (Applause.)

17 MR. McCABE: When we're determining
18 or developing our remedy, we really don't
19 worry about the financial liability of the
20 company. We took into account what James
21 presented up there, we believe the remedy we
22 came up with is the most appropriate one.
23 The point that we worry about, the financial
24 liability, obviously, is once we select the

1 remedy we attempt to have the company either
2 order them or have them consensually conduct
3 the remedy, that's when we have to worry
4 about what the finances are, but not when we
5 are making the technical analysis.

6 Paul Regan.

7 MR. REGAN: My name is Paul Regan
8 and I come from Rhinebeck. We have a small
9 public access cable television station in
10 Rhinebeck called Panda. I don't know a great
11 deal about the science but I have studied
12 some of the politics that appear to be a
13 problem for getting this job done, even if
14 you start three years from now.

15 One of the problems being is that
16 there are people in the upper Hudson who
17 regard this as, from what I've read and
18 heard, as an imposition that we will probably
19 bear a greater cost for because those people
20 feel that they are being intruded upon the
21 most. Basically that's a question, I
22 suppose, for the governor and for the state
23 legislature and for our congressman, but also
24 the people of the State of New York will want

1 to know just how far and how much extra cost
2 this will be and what the unintended
3 consequences of a project this size will be.

4 While I favor the dredging, I would
5 like to know is there any modeling or
6 simulation in which some of these difficult
7 questions related to people issues could best
8 be addressed and has this been taken into
9 consideration by EPA and its relationship to
10 congress and its relationship to the New York
11 State legislature.

12 MR. McCABE: We've heard the
13 concerns throughout the process from upriver
14 folk about the impacts on them. For
15 instance, if you were to put a landfill next
16 to a dairy farm, obviously they'd be
17 concerned about selling their product, I
18 would be too naturally. That's one of the
19 reasons that we didn't put in a local
20 landfill. The concerns you are raising is
21 also what the National Academy of Science has
22 raised to us in their executive summary,
23 again we don't have a full report but that's
24 what the executive summary says.

1 And while it's true, there
2 certainly will be some negative impact to the
3 local community, there are also a lot of
4 positive impacts that we haven't factored
5 in. I'm not really -- obviously someone
6 mentioned before the creation of jobs and
7 things like that, the impact to the local
8 economy with the local work force and the
9 commerce of stores and everything like that,
10 that's going to increase. But we haven't
11 quantified that, we have never attempted to
12 do that before. But for those who say or
13 worry that it's only one way, that it's only
14 negative, that's just not true, there's also
15 an awful lot of positive, call them indirect
16 impacts. And that's what we're attempting to
17 or struggling to deal with right now.

18 As I noted earlier, our policy
19 basically deals with risks, real quantifiable
20 risks, not with these, again I'll call them
21 indirect factors, but we're grappling with it
22 and we're going to try to come up with
23 something because we will be addressing the
24 NAS report in some fashion.

1 MR. REGAN: My last comment, this
2 is an earth moving effort equal, it seems,
3 almost in size to the St. Lawrence Seaway in
4 some respects and that it will take almost as
5 long as the St. Lawrence Seaway took to be
6 built and there was some unintended
7 consequences with that. Is there currently
8 some kind of study that will accompany the
9 work that you now have in progress to see in
10 what ways you can avoid some of the
11 unintended consequences, if you can
12 anticipate them?

13 MR. McCABE: We've noted in our --
14 in a very preliminary way, of course, in our
15 proposed plans some short-term impacts and
16 long-term impacts and we would attempt to
17 continue to do that in the record of decision
18 but more importantly in the design phase.
19 And we would work with local communities, we
20 would work with anyone, everyone, all the
21 experts that we can, to devise the most
22 appropriate plan that will have the least
23 amount of negative impacts. What that would
24 be right now, I couldn't tell you. Obviously

1 we have a lot of ideas, we've gone over a lot
2 of things internally.

3 But the next step is to do the
4 record of decision, to sign the record of
5 decision, which really is a -- I don't want
6 to say it's a conceptual document, it's not a
7 design, it's not the complete package yet.
8 So this really is the document that says
9 something is needed, this is what's needed
10 and this is where we're going. That is why
11 we have a three-year period that we're
12 talking about for the design.

13 MR. REGAN: Thank you.

14 MR. McCABE: Thanks, Paul.

15 (Applause.)

16 MR. McCABE: Richard Thompson.

17 MR. THOMPSON: Good evening. My
18 name is Richard Thompson, I'm from Tivoli,
19 New York. I did dredging when I was a little
20 bit younger and worked on some larger dredges
21 that were of mid range between what you're
22 proposing to do as a possible way for
23 remediation. And I've worked bays, slow
24 moving bodies of water doing harbors.

1 You've got a successful job that
2 was done up in Plattsburgh, which was a bay.
3 The Saginaw River, which GE shows so readily
4 on the TV, is a pretty wide spans of water,
5 slower currents.

6 Now, the currents on the Hudson
7 River up in that area, and I boat that area
8 and I just -- actually, I was just up in Lake
9 Champlain this past summer. The currents in
10 that river are really, really fast and I
11 would like to know, first of all, do you guys
12 have any experience, anywhere in this country
13 dredging in a controlled silk screen
14 environment in those kind of currents? I
15 mean I haven't heard or ever seen, in my
16 previous experience, except for standard
17 navigational dredging, the kind of currents
18 that we're talking about operating in. You
19 have up to 15 knot currents going through
20 some parts of that river. How are you going
21 to keep a silk screen in place?

22 MR. McCABE: The first thing I'd
23 say about that, and I'll let someone else if
24 they can help, is that we don't intend there

1 to be silk screens everywhere. Obviously
2 where the currents are too long we couldn't
3 use them. For instance, in the St. Lawrence
4 River we tried silk curtains first around the
5 Reynolds facility and they didn't work and we
6 ended up sheet piling it and it worked
7 extremely well. I'm not saying we're going
8 to do sheet piling, I'm saying there's a
9 variety of ways to deal with it. And if the
10 currents are too strong, obviously silk
11 curtains won't do.

12 MR. REGAN: How are you going to
13 sheet pile the Hudson River and still have
14 navigation? This goes back to leaving this
15 up to a contractor. I worked with a
16 contractor that had to deal in marinas trying
17 to keep boat traffic still moving. This is a
18 nightmare. If you are going to do this in
19 the summer when there's not much water moving
20 through the Hudson and you are going to want
21 pleasure crafts going up and down the river,
22 it's going to create one hell of a mess.

23 I know how wide it is. You guys
24 have limited space. You want to put a dredge

1 in that's going to move the type of material
2 that you are talking about on a daily,
3 weekly, monthly basis, and you are going to
4 have three of them in there, you are taking
5 up a hell of a lot of space. Those dredges
6 are a hundred foot long, to run a 12-inch
7 pipe, not to mention all the pipeline you are
8 going to have to float down the river to
9 wherever you are going to have this 15-acre
10 dewatering spot. I don't think anybody has a
11 clue here what the hell you are proposing.

12 (Applause.)

13 Not a clue. And I'll take the mechanics
14 out. And all of these fish that are carrying
15 PCBs in the Hudson, what part per million, if
16 those fish die, how much of that fish and all
17 that PCB goes to the bottom after you're done
18 dredging and they die there and other bottom
19 feeders eat that and keep circulating.
20 Figure that one out. You're not taking the
21 fish out, right? You're leaving all of those
22 polluted fish in the river. They are there
23 now, they are going to die there.

24 MR. TOMCHUK: The recontamination

1 from dying fish I don't think would be of
2 significant value.

3 MR. REGAN: No, you are taking out
4 100,000 pounds of PCBs. There's 100,000
5 pounds of fish up and down the Hudson River
6 and when they die, if we don't eat them and
7 they die on the bottom, that 100,000 pounds
8 of polluted fish go down to the bottom. And
9 with silt flotation, you're still not doing
10 what you think you are doing.

11 MR. McCABE: First of all, 100,000
12 pounds of fish obviously would not equate to
13 100,000 pounds of PCBs.

14 MR. TOMCHUK: I think the key
15 thing, it's really important points about
16 implementation of this, this is not an easy
17 thing to implement. I think the flows -- I
18 don't know about 15 knot flows, I've not
19 boated the Hudson myself so I'm not going to
20 say that that's not correct. I've seen
21 numbers at one and a half feet per second. I
22 don't know the conversion of that to knots,
23 I'm sorry.

24 MEMBER FROM AUDIENCE: Three to

1 four miles per hour.

2 MR. TOMCHUK: I would expect most
3 of the flow to be through the channels. The
4 areas that we are concentrating any dredging
5 activity to be in is predominantly in the
6 near shore environment and the areas where
7 the flows are slower so that the material
8 fell out of the water column.

9 There are depositional areas for
10 the most part that -- the areas where when
11 the dam was removed and the PCBs deposited,
12 so these are not the high energy areas or
13 else the material would be gone. There still
14 is difficulty in setting this up so that we
15 won't hinder traffic. I think one of the
16 things that we talked about was trying to --
17 doing additional dredging to work around --
18 to keep navigation, normal navigation in the
19 river. That way we would be widening
20 channels in certain areas so we can get
21 around there from where they currently are
22 today. We will have to take those things
23 into consideration. It's not an easy thing
24 to implement. We'll be having designs

1 developed with agency reviews and there are
2 numerous agencies that will be looking into
3 that. So I think we should catch a lot of
4 those things. What we don't catch and is
5 difficult to implement in the field, because
6 things always change in the field, to some
7 degree, you can't predict everything, then
8 you make corrections with field oversight.

9 So I think we have had other sites
10 where we have implemented dredging, maybe not
11 in the exact situation as the Hudson but
12 they've done smaller projects in other rivers
13 and have found that they could implement it.
14 And we'll learn as we go to make sure that we
15 can.

16 MR. McCABE: There's a project that
17 we'll be doing this coming construction
18 season in the St. Lawrence River with the
19 Reynolds site and flows are even faster
20 there. We have a good test, as it were, of
21 that facility.

22 So we're aware of the issues. If
23 there's anything we're not aware of during
24 comments, we'd be more than interested in

1 hearing from you. So thank you, Richard.

2 Before I go to Lynn Shuemaker, Jim
3 Reilly will be the next after that, Rich
4 Chapon, Betsy Garthwaitem, Craig Michaels and
5 Everette Knapp.

6 Lynn.

7 MS. SHUEMAKER: Lynn Shuemaker,
8 Town of Poughkeepsie. I think that GE should
9 be totally financially responsible for
10 whatever the EPA does do. This should not be
11 the state residents in any form of a tax at
12 all or, you know, us made fiscally
13 responsible for what they did. They knew
14 they were wrong, they did it anyway and I
15 don't understand why the government didn't
16 close them down or tell them stop polluting
17 the water.

18 It is one of the first rivers in
19 the United States to be navigated and we
20 borrow from our grandchildren. We don't
21 inherit our grandparents.

22 Doug Tomchuk, you said that there's
23 going to be a contingency water supply?

24 MR. TOMCHUK: No, a contingency

1 plan for the water supply. We'll work with
2 the water providers to discuss what would
3 happen if there was some release.

4 MS. SHUEMAKER: Because I'm just
5 wondering what recourse do we have. We get
6 the water from the river, what recourse do we
7 have when you mess around with mother nature.

8 MR. TOMCHUK: The type of
9 contingencies would be to notify the
10 suppliers so that they would be able to use
11 reserves for a short while until the sludge
12 would pass. Just mainly to monitor to make
13 sure that the water supply would be safe.
14 Maybe to go through an extra treatment step.
15 I'm not exactly sure what the contingency
16 would be but there are numerous things that
17 could be done to protect the water supply.

18 MS. SHUEMAKER: Because, you know,
19 water is a precious commodity here and we get
20 it out of the river and that's what you
21 propose to dig up.

22 MR. SHUEMAKER: It is many miles
23 from the proposed remediation and you would
24 not expect impacts from upriver to make your

1 water not drinkable in this area.

2 MR. McCABE: This has been done
3 before, most recently it's been pointed out,
4 the Cumberland Bay project in New York
5 State. There's a water supply right there,
6 there's no issue.

7 As far as General Electric and the
8 legality, again, I would just say that there
9 were no permits needed for the first 25 years
10 and they had one for five years, apparently
11 was exceeded a few times. So that's really
12 another issue at this point.

13 Jim Reilly.

14 MR. REILLY: Hello. My name is Jim
15 Reilly. I'd like to thank everybody for
16 taking this time and giving the public an
17 opportunity and to thank the groups that do
18 work along the Hudson River.

19 I just wrote some stuff so I don't
20 lose track. I live in Hyde Park, I'm just
21 here as a concerned resident, fisherman and
22 as a parent. And I just have a couple of
23 questions.

24 By your own information, and I just

1 want to quote one thing, "the EPA believes
2 that public participation is imperative to
3 effectively work at all Superfund sites, and
4 it is especially important in those sites
5 where public opinion and concern are at a
6 high level. The public must be heard during
7 this process, which the EPA considers a
8 critical stage of the reassessment."

9 My question is, why is community
10 acceptance the last of your noncriteria for
11 remedial action or considerations for
12 action?

13 I also am wondering about the
14 negative impact dredging might have since the
15 4,000 page report did not address this all
16 that much. Are there adverse effects and
17 what are they -- what will happen as a
18 result.

19 Secondly, I'm not here to condone
20 GE, which I do lay the majority of the blame
21 on for this situation, but, however, if it
22 was not for their antidredging campaign and
23 the media, I feel that the general public
24 would not have known about the magnitude of

1 what will occur if dredging takes place and
2 they may not have been so involved in these
3 public forums.

4 As far as dredging goes, unless all
5 of the approximately 471,000 pounds of PCBs
6 that spilled over the Troy dam come from
7 stirred up sediment, then with my 25 years of
8 water treatment experience I would think that
9 the first thing that you would do would be to
10 eliminate the leaks at the GE plants. Let's
11 face it, if your sewer pipe broke in the
12 basement, you wouldn't clean the floor until
13 you fixed the pipe. I think dredging should
14 be the very final consideration.

15 You also say that natural
16 dechlorination does not occur rapidly
17 enough. Have attempts to manually
18 dechlorinate these hot spots taken place?
19 Maybe capping these areas with sodium
20 methylbal (phonetical) sulfite, which is a
21 food grade chemical used to dechlorinate
22 sewage treatment plants, could be tried or has
23 it been tried?

24 In closing, I would like to thank

1 all of the groups, including the Scenic
2 Hudson, that do all the work on the Hudson
3 River in this area but I do wonder if they
4 would have been so quick and outspoken in
5 support of this proposal if they had not been
6 awarded a \$50,000 grant by the EPA in 1997.

7 (Applause.)

8 The supporters of this proposal
9 would only fill a small area compared to the
10 size of the river itself. But since nothing
11 of this size has ever been done, I consider
12 that to be a pretty big area. Thank you.

13 (Applause.)

14 MR. McCABE: Would you stay there,
15 Jim, you had a lot of questions. I may miss
16 some of them. You mention community
17 involvement as being the last criteria, and
18 we have nine criteria that we consider in the
19 Superfund process. The last two state
20 community acceptance are considered the
21 modifying criteria because we already have a
22 proposed plan out there. We have these five
23 balancing criteria, which are essentially
24 effectiveness, cost, implementability, stuff

1 like that, which are used to compare the
2 alternatives.

3 After that is done then we go to
4 the public, we go to the state or we go to
5 the state ahead of that, but certainly to the
6 public and say okay, what do you feel about
7 this. So they are considered modifying
8 criteria, however, it doesn't mean that it's
9 unimportant. As you read or quoted earlier,
10 it is very important to us and that's why
11 we're here, that's why we've had already two
12 meetings, I don't know how many more, five or
13 six more at least, and we've had the most
14 extensive community involvement program in
15 the history of the Superfund program for this
16 site. It's been ten years but every year
17 it's been out there.

18 And it's important for people to
19 remember that we're presenting information,
20 we're presenting the facts as we know them
21 and there are times when people agree and
22 there are times when people disagree. When
23 people disagree, it doesn't mean the
24 community program has failed, that means that

1 they're not happy with the answer. And in
2 any site we always have people that agree and
3 people that disagree. We have that here,
4 we've heard it all along, we're hearing it
5 more and more here. And that's what we have
6 to take into account when we make our
7 decision.

8 It's not a vote but we like to hear
9 what people say and why they say it; of
10 course, it's just as important as to why you
11 say something or why you believe something
12 rather than I don't like it or I like it.
13 That's nice but we like to hear why.

14 You had a whole bunch of other
15 questions in there.

16 MR. TOMCHUK: I wrote down a couple
17 of them.

18 MR. McCABE: Why don't you go
19 first.

20 MR. TOMCHUK: You referred to two
21 leaks, you referred to the upstream source,
22 GE's Hudson Falls plant site, and referring
23 to the sediments as the second one. Well,
24 the Thompson Island Pool leaks about a pound

1 to a pound and a half a day. The GE Hudson
2 Falls plant is estimated to leak about three
3 ounces a day, less than a quarter of a
4 pound. So if in addressing leaks, if you
5 just address the one smaller leak, you're
6 clearly not going to be addressing the big
7 problem, you're still going to have your
8 problem there. You have to look at both of
9 these sources to address the problem. Look
10 at all of these upstream below the Federal
11 Dam and we're trying to address the upstream
12 sources. So I think those are both
13 important.

14 As far as dredging resuspension
15 making matters worse, I've heard a couple of
16 people talk about that. I don't think that
17 there's any way that you could dredge this
18 river at this time to make matters worse than
19 the 1993 event at the Hudson Falls plant site
20 when the gate structure broke and pounds and
21 pounds of PCBs raced down the river. I don't
22 think you can make matters worse than in 1977
23 by any means. So we've experienced the
24 worse.

1 What we're going to do, we have
2 some releases that will add to levels. I
3 would think that we would probably be within
4 the noise of the data at this point but we're
5 going to be taking every effort to minimize
6 that because we're trying to do it in as
7 environmentally sound a way as possible. We
8 don't want any increases. But I don't think
9 it's going to make matters worse.

10 MR. REILLY: But if you do the
11 dredging first and Hudson Falls is still
12 seeping in, what's the sense in dredging if
13 you've got stuff that's going to leak in
14 tomorrow?

15 MR. TOMCHUK: We expect that the
16 sequencing will be that Hudson Falls will be
17 done first and the dredging will be done
18 after that. We have, remember, sometime
19 until we sign the record of decision, that
20 three-year design. So we expect that that
21 will be finished by that point in time.

22 MR. REILLY: Thank you.

23 MR. McCABE: Thank you, Jim.

24 (Applause.)

1 Rich Chapon.

2 MR. CHAPON: If I could, before the
3 clock starts ticking, just address kind of a
4 question or a comment regarding Scenic Hudson
5 and the technical assistance grant.

6 My name is Rich Chapon, I'm with
7 Scenic Hudson. Scenic Hudson did receive the
8 technical assistance grant from the
9 Environmental Protection Agency in 1995,
10 starting in 1995. Our position on the Hudson
11 River PCB issue was well established before
12 that, we've been working on this issue for
13 some 20 years. Our position has been often
14 brought by EPA. EPA's administration of TAG
15 grants has nothing to do with the group that
16 they give the funding to in terms of their
17 positions. So our receiving \$50,000 TAG
18 grant to do technical work is based on Scenic
19 Hudson's reputation in the Hudson Valley, the
20 quality of our work and our resources and our
21 ability to administer that grant. So that's
22 what that grant is based on and it did not
23 influence how or where we stand on this. So
24 just for the record, I wanted to clarify

1 that. Now we can start the clock.

2 I'm with Scenic Hudson. We are a
3 Poughkeepsie based organization with 10,000
4 supporters. And thank you for coming back to
5 the Mid-Hudson Valley.

6 Our initial concerns, we have
7 three. That the preferred remedy is not
8 extensive enough. The remedy needs to call
9 for a more significant removal of PCBs,
10 thereby more significantly reducing the
11 amount of PCBs coming over the Troy dam.

12 In addition, while we support
13 public comment as well, we are concerned
14 about additional delays. And more additional
15 delays are completely acceptable and fully
16 anticipated with a record of decision no
17 later than August.

18 And in addition, we are concerned
19 about accelerating the design phase. The
20 three-year design phase is too long. We have
21 public health problems we have to address
22 more readily.

23 In reference to the National
24 Academy of Science study, we feel that's

1 going to be used primarily as a delay tactic
2 and that forthcoming full report as well as
3 the executive summary should be in no way
4 used to delay the Hudson River PCB cleanup.
5 The executive summary clearly confirms PCBs
6 are most dangerous to humans and the
7 environment.

8 The major conclusions in that
9 executive summary is clear, that the EPA's
10 Hudson River reassessment has met each and
11 every objective of the risk management
12 strategy put forth by the NAS committee and
13 the EPA has made a risk based decision and
14 has used the best available science. As a
15 matter of fact, the EPA's Hudson River
16 assessment could be used as a model for the
17 risk management approach suggested by the
18 NAS.

19 The NAS recommendations for
20 additional research will only lead to the
21 finding of more significant risks greater
22 than those you have already identified. The
23 risks are great enough, we do not need to
24 justify cleanup by assessing additional risks

1 to PCBs. The time is for action.

2 There are tremendous long-term
3 benefits of remediation, benefits that
4 greatly outweigh the short-term risks. When
5 you review the full NAS report, we urge you
6 to make sure the benefits of remediation are
7 fully considered. The bottom line, dredging
8 can be done safely and effectively in the
9 Hudson.

10 In addition, to all of the other
11 NAS conclusions that are consistent with the
12 EPA assessments and findings, the NAS
13 committee "concluded that there have been
14 substantial improvements in the ability of
15 the removal technologies to target the
16 process's specific set of zones."

17 While the NAS study does identify
18 some scientific uncertainty, I'd like to
19 conclude with a couple of comments by New
20 Jersey Governor Christy Todd Whittman. And I
21 quote, "I believe policy makers need to take
22 a precautionary approach to environmental
23 protection, by this I mean we must
24 acknowledge that uncertainty is inherent in

1 managing natural resources." Ms. Whittman
2 continues, "the absence of certainty is not
3 an excuse to do nothing." Thank you.

4 (Applause.)

5 MR. McCABE: Thank you. Betsy
6 Garthwaitem.

7 MS. GARTHWAITEM: I'm sorry, in my
8 eagerness to speak tonight I signed up
9 twice. I apologize.

10 (Laughter.)

11 MR. McCABE: That's all right.
12 Craig Michaels.

13 MR. MICHAELS: My name is Craig
14 Michaels and I'm speaking tonight on behalf
15 of Riverkeeper. Riverkeeper is a non-profit
16 environmental group based in Garrison, New
17 York, whose mission is to safeguard the
18 ecological integrity of the Hudson River
19 watershed.

20 Riverkeeper strongly endorses the
21 EPA's preliminary decision to force General
22 Electric to clean up PCB contaminated
23 sediments from the upper Hudson River.
24 However, while we support the EPA's proposed

1 plan, Riverkeeper would prefer the more
2 comprehensive option outlined in alternative
3 five, which would remove the largest amount
4 of PCBs from the river. And in addition,
5 Riverkeeper would ask the EPA to employ
6 hydraulic dredging to the greatest extent
7 possible since this type of suction removal
8 appears to be the most efficient and
9 effective technology available.

10 General Electric's multi-million
11 dollar public relations, lobbying and
12 litigation campaign is a flagrant attempt to
13 mislead the public as to the status of the
14 recovery of the Hudson River ecosystem and
15 the impacts that dredging would have on local
16 communities. Moreover, General Electric's
17 campaign is morally reprehensive in that it
18 seeks to avoid taking responsibility for the
19 cleanup of an ecosystem that it
20 single-handedly crippled.

21 Virtually overnight the centuries
22 old fishing industry was destroyed with
23 commercial fishermen up and down the river
24 bearing the bulk of the cost for this

1 devastation. This cost has since spread to
2 all Hudson Valley residents whose full use
3 and enjoyment of the river has become
4 obstructed by this toxic and persistent
5 poison.

6 GE now points to what it calls a
7 thriving catch and release system as evidence
8 that the river and its surrounding
9 communities are prospering. However, current
10 fish advisories recommend women of child
11 bearing age and children under 15 should not
12 eat any fish from any part of the Hudson
13 River south of Hudson Falls.

14 The Hudson River has undergone a
15 remarkable transformation over the past 30
16 years, thanks to the efforts of environmental
17 groups and local citizens throughout the
18 Hudson River, along with the passage and
19 enforcement of environmental laws such as the
20 Clean Water Act. However, until the PCBs are
21 removed from the river, the full restoration
22 of the Hudson and the safe and unfettered use
23 of all its aesthetic and recreational
24 resources will be delayed for generations to

1 come.

2 In closing, it has been said that
3 environmentalists want to see GE punished and
4 that is simply not the case. The reality is
5 that the residents of the Hudson Valley,
6 through no fault of their own, have been the
7 ones who have been punished.

8 Now we are simply looking to you at
9 the EPA to enforce this nation's
10 environmental laws, and if that means GE
11 shoveling out half a billion dollars to clean
12 up the mess it created, then so be it. Thank
13 you.

14 MR. McCABE: Thank you.

15 (Applause.)

16 Before we go to Everette Knapp, the next
17 five will be David Albano, W. Cosgrove, Jeff
18 Andivino, Richard Skinner and Michael
19 Frondalone.

20 Everette.

21 MR. KANPP: I'm Everette Knapp and
22 I'd like to thank you for being with us
23 tonight. I've been a commercial fisherman on
24 the Hudson River for over 50 years. And back

1 when we started, the commercial fishing on
2 the river was a 40 million dollar industry
3 and it has sunk now, with the PCB problem,
4 we've gone down to less than a million
5 dollars. There used to be 500 men fished on
6 the river and now there's only about 36 of us
7 left. So we would very much like to see the
8 PCBs removed from the river.

9 I'm also a member of the Hudson
10 River Estuary Committee and the committee
11 voted unanimously to get the PCBs out of the
12 river as soon as possible. Thank you.

13 (Applause).

14 MR. McCABE: Thank you, Everette.
15 David Albano.

16 MR. ALBANO: Good evening. My name
17 is David Albano from the Westchester Green
18 Party. And it's exciting to see that the
19 government is backing the ten key values of
20 the Green Party, that those key values are
21 manifested in the EPA in their decision to
22 clean up the Hudson.

23 We support, like some of the other
24 environmental organizations that spoke, we

1 support alternative five because it is the
2 most comprehensive.

3 And that is my question then. Is
4 simply who or what factors do you use to
5 decide which alternative gets decided? When
6 you were speaking in the introductory
7 remarks, most of the numbers were coming, it
8 seems to me, from alternative four and I was
9 wondering why that was. And so are you
10 leaning towards alternative four? What
11 factors decide which alternative gets
12 decided?

13 MR. McCABE: We have proposed
14 what's known as the REM-3/10/Select, which is
15 four, I assume. We're taking public comment,
16 hearing what people believe is the most
17 appropriate remedy and why they believe it
18 and would make our final decision in the
19 record of decision in August.

20 So what factors, the amount of risk
21 reduction, the cost effectiveness,
22 implementability, all of the factors that are
23 in the proposed plan, particularly in the
24 balance and criteria, the five criteria in

1 the middle, those are really what we weighed
2 against each other and that's why we came out
3 with the proposal that we did.

4 MR. ALBANO: And the "we" is you
5 folks up there?

6 MR. McCABE: The EPA. It's a
7 region -- the remedy selection process starts
8 with the president, goes to the administrator
9 and is delegated down to the region. The
10 region makes the decision and the region made
11 this proposal, came up with this proposed
12 remedy. That's the region New York City
13 office.

14 MR. ALBANO: Thank you.

15 MR. McCABE: Thanks, David.

16 (Applause.)

17 W. Cosgrove? Jeff Andivino? Richard
18 Skinner?

19 MR. SKINNER: Good evening. My
20 name is Richard Skinner, I'm a resident of
21 the Town of Poughkeepsie, former New Jersey
22 resident I'd like to say, by the way.

23 I'd like to say as far as Christie
24 Whittman goes, I think you'll have no problem

1 whatsoever with her. I think she'll be very
2 good with the EPA. I worked with her on the
3 fire service side and I can tell you that
4 she's very aggressive when she gets on
5 something she wants to get done.

6 Most of my questions actually have
7 already been answered actually. But as far
8 as these leaks, these leaks are really
9 bothering me. The thing I don't understand
10 is if it's still leaking, why can't that be
11 cleaned up first. I guess you kind of did
12 answer that before, that it will be cleaned
13 up first.

14 It's just like -- in the fire
15 service though, we go to do an inspection on
16 a building, we find something leaking, we
17 stop them right there in their tracks and say
18 not only do you have to clean that up, you
19 have to close down until you clean it up, and
20 there's a \$5,000 penalty. Why doesn't that
21 happen with GE right off the bat. Something
22 like that should have happened, in my
23 opinion.

24 And then I'm just going to go with

1 a comment. I personally feel that the
2 federal government needs to be more
3 aggressive towards GE and hold them
4 accountable for cleaning up all the PCBs,
5 regardless of the time it takes for the
6 cleanup and the financial impact on them. I
7 could care less about GE, in my opinion.
8 Thank you.

9 MR. McCABE: Thanks, Richard.

10 (Applause.)

11 As far as General Electric goes,
12 New York State has been working very
13 successfully with them to clean up their
14 facilities, both the Fort Edward and Hudson
15 Falls. We are not in the practice of closing
16 plants down. Obviously we want to stop any
17 ongoing releases. This one isn't very
18 simple. They've spent a great deal of money
19 cleaning up most of the site and now there's
20 a residual amount getting into the water.
21 It's still very important but we believe the
22 state is working or GE is working
23 cooperatively with New York State, so we are
24 satisfied that the process is going forward

1 and it will be taken care of.

2 Before we get to Michael
3 Frondalone, the next five after that will be
4 Edward Water or Waver or Weber or something
5 like that, Peter Seacamp, Gene Fisher and
6 Michael Deisep and Barbara Ottis. So first
7 Michael Frondalone. I guess not. Edward
8 Weber.

9 MR. WEBER: Yes. My name is Edward
10 Weber, I'm a citizen of the Town of
11 Poughkeepsie and I've been boating and
12 swimming in the Hudson since I moved here 40
13 years ago.

14 I think spending hundreds of
15 millions of dollars to reduce the PCBs over
16 the Troy Dam by less than half, if the
17 project works as claimed, is ridiculous.
18 Without dredging, if you wait a few more
19 years after the project was finished, you'll
20 get down without the disruption of all the
21 people in the area and potentially making
22 matters worse downstream. I assume that GE
23 is going to continue getting rid of their
24 seepage upstream.

1 It sounds nice to hear that the
2 dredging materials will be hauled off to
3 someone else's backyard and the problem will
4 go away but life isn't that simple. Most of
5 the so-called problem is still going to be
6 there even if everything goes as planned.

7 I think there's too many unanswered
8 questions. One of which, which I guess the
9 EPA is beginning to address, is the
10 environmental impact of doing all the
11 dredging. And I find it's rather curious it
12 took them so long to look at it after they've
13 been instrumental in trying to stop dredging
14 of the Chesapeake.

15 I don't think trying to punish GE
16 is the reason to do dredging. The cost
17 effective alternative is, however. I also
18 don't believe the argument that the EPA is
19 not bias like GE. Well, GE can lose many
20 millions of dollars, the EPA has the ability
21 to gain a very large bureaucracy. Projects
22 that cost hundreds of millions of dollars
23 take a rather large organization to
24 supervise.

1 Dredging shouldn't happen. The
2 cost and the exposures are too great for a
3 potential few years earlier reduction in
4 PCBs.

5 MR. McCABE: Thank you, Edward.

6 (Applause.)

7 My response to that is, as you
8 noted, we really don't worry about GE or any
9 party when it comes to a technical decision,
10 I think I noted that before. That we're not
11 after GE, there's no vengeance here. We came
12 up with what we believe would be a cost
13 effective remedy. We'll worry about who does
14 it later. Obviously we'll go after General
15 Electric, as part of our law, not to put it
16 on the federal or state government.

17 You had some other issues. The
18 amount that -- one of the positive aspects
19 you mentioned was the amount that goes over
20 Federal Dam. That's important. Even more
21 important is the reduction upriver, the risk
22 reduction due to the decrease in the fish
23 contamination.

24 There was another one, something

1 about -- oh, yes, the bureaucracy. I can
2 assure you, absolutely assure you, that we
3 are not getting more resources regardless of
4 the remedy here. In fact, over the years,
5 and I won't give you a sob story, we keep
6 losing resources. This will have nothing
7 whatsoever to do with it. The project will
8 go on or not go on, we'll have the same
9 people. We shifted people around, we added
10 Alison to the project a few years ago. We
11 took her off some other studies, we didn't
12 hire her off the street, we didn't get
13 anymore resources. That's just not the way
14 it works.

15 This is times of dwindling
16 resources. Under the Clinton administration
17 the federal government made significant
18 cuts. I don't know what will happen under
19 the Bush administration but I seriously doubt
20 he'll give us more resources.

21 MEMBER OF AUDIENCE: Movement of
22 materials into somebody else's backyard.

23 MR. McCABE: Any material that's
24 taken from here will go to a licensed

1 facility. For costing purposes I believe we
2 used a cosco (phonetical) or hazardous waste
3 facility in Texas. And for costing purposes
4 we used the nonhazardous waste facility in
5 the Niagara Falls area. These are licensed
6 facilities, this is a business. We again
7 aren't too concerned about where it goes as
8 long as it goes someplace that's licensed.
9 They are going to bid on that work, that's
10 business. They're licensed. There's no
11 hazard there. They are meant to take this
12 kind of waste.

13 Peter Seacamp.

14 MR. SEACAMP: Good evening. My
15 name is Peter Seacamp, I'm a private citizen,
16 of course, but also an educator. I teach
17 high school earth science and chemistry at
18 Cornwall High School, it's right on the
19 river. I live right on the river. I've
20 fished it. I've sailed it.

21 And I think I just want to say that
22 the most important thing I think for just us
23 in this room is to educate other people. We
24 are getting a one-sided story from the

1 media. And all the people I talk to, whether
2 it be co-workers, or students, really don't
3 understand the issue.

4 From a geologic standpoint, PCBs
5 don't just stay dormant once they are in
6 sediment. A river is a dynamic thing, it
7 flows, sediments get moved. They are not
8 just going to go away. They may get
9 dispersed so levels may seem to drop, but
10 they're not going to go away. Putting them
11 in what's called a sanitary landfill is
12 better than leaving them in an open landfill,
13 which is what the river is right now.

14 It's an estuary, it flows two
15 ways. There's multiple currents. It's just
16 going to keep things in suspension. I've
17 seen kids riding motorcycles on dry banks
18 stirring up dust. And these kids are
19 breathing this stuff, we're all breathing
20 it. We're drinking it, we're breathing it,
21 it's in the stream. This is not just going
22 to just go away and something has to be
23 done. A targeted cleanup is a start and we
24 need to do it.

1 There's something else I want to
2 say is that we kind of seem to be pointing
3 the finger at GE but the fact is we are all
4 guilty. We have a life-style that involves
5 electricity. And you can see it in
6 California, we are all going to have a crunch
7 because we're in an industrial society but we
8 are also all responsible then to do something
9 about our consequences of that life-style.
10 And just saying GE is responsible is just
11 pointing the finger at the maker of some of
12 the things we have in our homes. We're all
13 responsible for this and that's why we need
14 to clean it up.

15 It's like at a party. Everyone is
16 jumping around and something breaks, the
17 person who knocks it over is responsible but
18 we're all guilty so we all kind of stop
19 partying. Maybe we need to reassess how
20 we're living too.

21 Finally, I'd just have to say that
22 there's a quote I just read this morning from
23 a woman, and I can't remember her name, very
24 famous, but in any case, someone in here will

1 probably know. "They say a handful of
2 dedicated people cannot change the world but,
3 in fact, this is the only way that the world
4 has ever been changed."

5 MEMBER OF AUDIENCE: Margaret
6 Mead.

7 MR. SEACAMP: Margaret Mead. Thank
8 you.

9 MR. McCABE: Thanks, Peter.
10 (Applause.)

11 Gene Fisher.

12 MS. FISHER: My name is Gene
13 Fisher, I'm a concerned citizen. I had a lot
14 of things to say, everybody has basically
15 said them. So to sum it up, what my mother
16 used to say to me was if you make a mess,
17 clean it up. There is a mess, it needs to be
18 cleaned up. I agree that the dredging
19 process that you are talking about is the
20 best solution. And thank you for doing what
21 you are doing.

22 MR. McCABE: Thanks, Gene.

23 (Applause.)

24 Michael Deisep. And before with get to

1 Barbara Ottis, if Barbara is here, the next
2 five will be Dori Langerfield, Mary Ann
3 Pitts, Eric Heintz, Carl Lawson and John
4 Martucci. Is Barbara Ottis here? Dori
5 Langerfield? Mary Ann Pitts?

6 MS. PITTS: I'm Mary Ann Pitts, I'm
7 from the eastern provinces of Dutchess
8 County. I don't live on the river but I'm
9 concerned about the river and everybody who
10 lives along the river.

11 And I hear a lot of the comments of
12 people being angry and feeling like the EPA
13 is our enemy, but the EPA was created by
14 people in this country who care about their
15 environment and the earth in general and that
16 we should support them being here. And I
17 thank you for being here. And I do support
18 the dredging efforts for the Hudson River.
19 Thanks.

20 MR. McCABE: Thank you, Mary Ann.

21 (Applause.)

22 Eric Heintz.

23 MR. HEINTZ: Hello. My name is
24 Eric Heintz. I'm a professional geologist,

1 I'm chief technical officer of a company
2 Environmental Remediation Technology Company
3 in Orange County. Spent my entire field in
4 the field of environmental science, by way of
5 explanation, specifically dealing with
6 different types of industrial contamination
7 problems.

8 I'd like to state for the record, I
9 support the state's position of active
10 remediation and I want to point out that the
11 state didn't concur with the selected remedy,
12 they simply concurred with active
13 remediation.

14 I'd also like to state for the
15 record that I disagree with the selected
16 remedy and I disagree because of the EPAs own
17 reasons, namely the National Contingency
18 Plan, and I don't feel that it was properly
19 followed in the best process.

20 Specific points I'd like to raise
21 about the remedy are firstly about dredging
22 itself, mechanical dredging specifically.
23 Most of the PCB mass is in the upper nine
24 inches. Mechanical dredges will likely

1 penetrate to at least the depth of a few
2 feet. The PCBs are sticky, they will tend to
3 stick to the dredges and the dredges can then
4 spread these PCBs both deeper and laterally.

5 And to this effect, we actually had
6 similar experience in trying to excavate DDT
7 which is very similar in its environmental
8 chemistry to PCBs. And even when we did very
9 carefully controlled excavations where we had
10 clear ability to control both the depth and
11 where we were located, we kept finding that
12 each time we went back and we knew we were at
13 the right depth, there was more DDT, there
14 was more toxaphene. And we found that the
15 excavation bucket itself was spreading it
16 around, so we had to abandon excavation in
17 favor of conceditur treatment. So basically
18 mechanical dredging is swamped with technical
19 problems and particularly in the hand of the
20 lowest bidder.

21 I'm going to need a little more
22 time.

23 Next, specifically, the feasibility
24 study in the selection of land disposal, I'd

1 like to make several specific points. First
2 of all, the National Contingency Plan, which
3 is a federal document, which are the rules of
4 the road, provides several -- I believe there
5 are nine specific technical criteria for the
6 evaluation of different remedies. Those
7 specific criterias are supposed to be used to
8 evaluate and rank different remedies.

9 By the standards of the NCP and by
10 the EPA, which is really the EPA's own
11 standards, land disposal should consistently
12 rank at the bottom of the end treatment
13 remedies because it's really not treatment,
14 it's simply mass transfer and entombing.
15 We're moving the PCBs from point A to point B
16 at a tremendous cost and risk relative to
17 really even the no action alternative
18 benefits. And yet, by the NCP's own
19 standards, why haven't the EPA proposed
20 treatment of the substance, even
21 stabilization, chemical reduction or
22 bioremediation. In fact, many states
23 actually prohibit and actively discourage
24 land disposal and in many states you need

1 specific state concurrence to even consider
2 land disposal or capping, and in many
3 instances some of these materials that are
4 similar are land banned materials.

5 The PCBs should be treated, that's
6 the bottom line. And the EPA plans as a mass
7 transfer from point A to point B. We can and
8 should do better than this.

9 And I implore the EPA to reopen the
10 feasibility study and to conduct a more full
11 evaluation of the different remedial
12 alternatives available. There are
13 technologies available, they should be looked
14 at. Thank you.

15 (Applause.)

16 MR. McCABE: We looked at a number
17 of technologies, particularly destruction
18 technologies like incineration. You're
19 absolutely right about the NCP, that off-site
20 disposal is the least preferred option; it's
21 not out of the question, it certainly is the
22 least preferred option.

23 And what we found out through the
24 years, a lot of experience at a lot of sites

1 where we kind of went very strongly for
2 treatment and felt that that was cost
3 effective, that over the years we have kind
4 of ratcheted back a bit. And I think the
5 cost, if you are talking here, the cost
6 effectiveness is really the question. How
7 much would it cost to actually treat all of
8 this. We obviously can't treat it anywhere
9 near the Hudson River, since we can't even
10 put a landfill near the Hudson River, so
11 treatment is out of the question.

12 Then you have to take it in
13 somewhere, burn it and still dispose of it in
14 a disposal facility. So the cost becomes
15 prohibitive. And I think for that reason
16 we're left with the land disposal, which is
17 unfortunately or fortunately, however you
18 look at it, is the way that a lot of sites
19 have been going.

20 You're right, New York State agreed
21 that active remediation would be necessary,
22 which is why I caught myself in the
23 beginning, I almost said concurrence of New
24 York State, it wasn't exactly concurrence but

1 the governor has obviously come out in favor
2 of the dredging remedy.

3 Was there any other piece that I
4 left out?

5 MR. TOMCHUK: Stabilizing.

6 MR. McCABE: We are stabilizing the
7 waste before it's sent to the off-site.

8 MR. HEINTZ: How about technologies
9 like chemical reduction? They are available
10 now and they could actually be used on site
11 during the dewatering process.

12 MR. McCABE: And then the waste
13 would have to be taken to a facility.

14 MR. HEINTZ: There's no waste. You
15 still have the sediments, you could take it
16 to a facility and at least now you'll be
17 actually reducing the mass of contaminants.

18 MR. McCABE: Right, I think,
19 unless--

20 MR. TOMCHUK: There are a couple of
21 options that are still open to us that have
22 not been determined within this stage. Some
23 beneficial reuse considerations, we'd still
24 be open during remedial design, maybe in the

1 record of decision, probably in remedial
2 design, it depends on the specific
3 contractors or entities that would take the
4 material and actually use it for their
5 product. It requires that those specific
6 people be in on it.

7 Also the National Remedy Review
8 Board did recommend that we look to see if
9 there are ways that we could decrease the
10 amount of material that would be disposed of
11 ultimately because it was a large fraction of
12 the cost for landfill disposal, so that if we
13 did -- one of the things that we will be
14 doing is to investigate if there are some
15 particle size separation ways that you could
16 have material that would not -- to limit the
17 volume of material that would be considered
18 hazardous waste or would require special
19 requirements and have less stringent
20 requirements for disposal.

21 We don't expect many people to want
22 this as -- use this fill material within the
23 Hudson Valley, though, we've heard that on
24 numerous occasions that that would not be

1 acceptable to the people of the upper Hudson
2 River, to say that this material is now safe
3 for beneficial reuse and be disposed of
4 within the upper Hudson. They just felt that
5 we would be playing a game with what we're
6 calling it at that point. That was some of
7 the comments that we've had on that. Of
8 course we need to evaluate that to see if
9 there are viable options there but at this
10 point we've determined off-site disposal to
11 be the most viable of the options.

12 MR. McCABE: That was a good
13 point. Eric, if you have any information or
14 suggestions, obviously that's what we're here
15 for. That's part of what public comment is
16 about. If there's a better way to do
17 something, we'll be happy to look into it.

18 Carl Lawson. John Martucci. And
19 the last seven. Rebecca Loudon. I'll read
20 them all off. Captain Samantha Amen, Wayne
21 Thompson, Don Burkhofer, Constance Rudd, Gwen
22 Tibbles, Jeff Ackens. Rebecca? No. Captain
23 Samantha Amen.

24 MS. AMEN: Hi. First of all, h-e-y

1 and I'm here. I just moved into the area
2 several months ago and I'm actually one of
3 the captains of the boat the Clearwater.

4 And just so you know, 1.5 feet per
5 second is roughly just less than one knot,
6 which is about a mile an hour. So that's to
7 understand that.

8 MR. McCABE: Thanks.

9 MS. AMEN: And what we do on the
10 boat is we work with kids every day, almost a
11 hundred kids. And I had a conversation with
12 one kid, the PCB thing always comes up, and
13 they -- I asked this one kid what do you
14 think of the stuff you see on TV and he said
15 well, I think that GE should just clean it
16 up, who are they kidding, we know, we can
17 tell, we don't think they're telling the
18 truth.

19 And I think a lot of people are
20 looking for somebody to trust in this whole
21 thing because we don't know. I don't know
22 that much about dredging. But if I had to
23 choose between trusting the information that
24 GE was giving me and the information that the

1 EPA was giving me, I think I'd have to go
2 with the EPA because if you look at it, if GE
3 spent on cleaning the river what they've just
4 spent on their ad campaign, this probably
5 wouldn't be an issue. So I've got to remind
6 -- I don't think he's here anymore, the GE
7 ads, the guy was talking about, he brought it
8 up that at least they were engaging the
9 public. And I have to say please, don't be
10 fooled that those ads were not meant to
11 engage the public. Really. They are meant
12 to make you think exactly what GE wants you
13 to think, so I really wouldn't be fooled by
14 that.

15 And I'd also like to thank the
16 EPA. Please go forward with this. I think
17 it's a rare case in this country where an
18 organization seeks to actually fix a problem
19 instead of put a band-aid on the top of the
20 problem. Get to the heart of the problem,
21 finish it. It may hurt right now, like
22 pouring bactine in a cut, it's going to hurt
23 a little bit right now but it's going to be
24 better in the long run.

1 These kids that I see every day,
2 they know better, we should too.

3 MR. McCABE: Thank you.

4 (Applause.)

5 Wayne Thompson.

6 MR. THOMPSON: Good evening. Wayne
7 Thompson. No relation to Richard Thompson,
8 although I've done a substantial amount of
9 dredging as well. Rather coincidental.

10 I've read the National Academy of
11 Sciences review and I've also read most of
12 your 400 pages or 600 pages, quite a few
13 pages. And let me just offer a couple of
14 comments and then I have some questions. And
15 I do think that everybody agrees that we need
16 to clean up, with respect to the no action
17 alternative. However, there's a couple of
18 comments that you've made tonight that bother
19 me and then I'll ask my questions.

20 The first thing is that you said
21 that you really don't care how the contract
22 is going to get done. And even though you
23 came back and said that that was cavalier, it
24 does represent somewhat of a perspective that

1 you would like the contractors or bidders to
2 take the driver's seat on the remediation
3 technique. I find that troublesome because
4 you can get into a project that's immense and
5 all of a sudden you are going to learn as you
6 go. That was was another comment, we'll
7 learn as we go. That also was troublesome.

8 What I've learned in dredging is
9 that each site has its own specific problems,
10 its own specific unique qualities. Along the
11 29 miles you will find a different problem
12 with each mile that you go. So that goes
13 back to my question, and probably relates to
14 what the gentleman alluded to earlier about
15 the feasibility study.

16 I think the EPA needs to devise the
17 best plans and the best -- maybe not devise
18 but come up with the best way to get things
19 done and not leave it up to contractors, low
20 bidders on a project.

21 The first question is, do you have
22 any plans to do a pilot project on various
23 and specific sites to determine how the
24 sediment reacts, how it is pumped, if there

1 are any mechanical and logistical problems,
2 which there always are, there's no way to
3 avoid that in dredging.

4 And why haven't we enlisted at
5 least one of the research colleges or
6 universities of the many thousands in this
7 country to say here's ten cubic yards of
8 Hudson River sediment, come up with this --
9 on ten cubic yards and give it to 20, 30, 40
10 universities and say come up with a way of
11 reducing the amount of PCBs and hazardous
12 waste sediment that we've got.

13 We've got the smartest people in
14 the world, there surely has to be a better
15 way than taking 2.65 million cubic yards plus
16 the drying agents, plus the navigational
17 dredging that you want to do. We're probably
18 talking about three million, three and a half
19 million cubic yards when all is said and done
20 with this proposal right now and it's dried.

21 So I think you lack in the
22 logistics and mechanics in the report, as
23 I've read so far. You can come up with good
24 technology in the river, but until you deal

1 with the sediment, and that is the critical
2 aspect of the project, I don't think you've
3 addressed the concerns fully. We all agree
4 that something needs to be done with PCBs but
5 nobody has addressed fully and clearly the
6 sediment and the problems of dealing with the
7 superannuating water, the dewatering time and
8 the rest of those things.

9 MR. McCABE: Thanks, Wayne. I'm
10 going to really regret having said that.
11 Were there a lot of newspapers here? The
12 point I was trying to make, we absolutely
13 care but when you give performance
14 specifications it says exactly what has to be
15 done, what has to be met. Here is the end
16 result. If you want to go from A through Z
17 or skip a few and get to Z, as long as you
18 meet those performance requirements, then
19 that's okay with us.

20 It leaves it open a bit to the
21 market. It's not as though we're saying to
22 some low bidder hey, we don't care what you
23 do, just go out and dredge this thing, as
24 long as you're done in five years. That's

1 not the way it is. Everything is very
2 strictly regulated. It will be heavily
3 overseen as all of our projects, particularly
4 dredging projects, are. It's not up to a
5 contractor, it's not up to a low bidder, so
6 to speak, whatever you want goes. They have
7 to meet strict requirements.

8 So it is absolutely our
9 responsibility to see that it's done right,
10 it's no one else's responsibility. We're
11 going to hear it, we're going to pay for it
12 if it doesn't work. But again, if a
13 contractor has a better method, that's fine.
14 If they have a different method, that's fine
15 as long as it meets the requirements that
16 we've set forth. So I guess I can't strike
17 the don't care but that's what was meant by
18 it.

19 And as Doug mentioned, you learn as
20 you go. And you mentioned also, Wayne, yeah,
21 that's not meant again that hey, whatever
22 happens we'll figure it out in the field.
23 No, this is what we expect to have happen,
24 this is the way we plan to have it done,

1 we're going to oversee it very carefully.
2 And yeah, things are going to happen in the
3 field, like on every project, whether it's
4 dredging or not, there's always changes that
5 are necessary and we'll deal with them as we
6 go along with strict oversight. It's not up
7 to the contractor; they may propose
8 something, I hope they do. But it's not up
9 to the contractor to do whatever they feel
10 like. It's not what we meant.

11 And as far as a pilot project,
12 we've certainly thought about it. It's been
13 raised at at least one other meeting that I
14 know of. We don't foresee the necessity of
15 it since we believe that this kind of
16 dredging has been implemented successfully
17 elsewhere. That's what the pilot would
18 normally show. It's not out of the
19 question.

20 We're listening, we're taking
21 comments obviously, we have to analyze those
22 comments. There are up sides to it, which
23 you mentioned, there are also some down
24 sides, such as just what would you do a pilot

1 on, how many different techniques would you
2 use. Again, like you said, if we come up
3 with some performance specifications and
4 leave it to the contractor, a combination of
5 hydraulic and mechanical or all mechanical or
6 all hydraulic. If we did a pilot on
7 mechanical, that would eliminate the
8 hydraulic. So we really don't want to
9 eliminate anything. Is it doable? I'm not
10 saying it's not doable. But those are the
11 kinds of things that we have to analyze.

12 As far as the research at
13 universities. I mean it's certainly
14 available, I don't know -- we certainly
15 haven't gone out and aggressively attempted
16 to do something like that.

17 MR. TOMCHUK: On this project we
18 haven't. There is the project where Eric
19 Stern has worked and we gave several million
20 dollars of money to make -- work up a program
21 to address contaminated harbor sediments and
22 the site program under Superfund has looked
23 to technologies.

24 There have been programs out there,

1 it has not been Hudson River specific,
2 although I have gotten calls for the last ten
3 years, researchers are looking for material
4 to work with, not normally ten cubic yards or
5 anything, but just a couple of buckets that
6 the state has volunteered to go out and
7 provide them with. So there have been
8 numerous researchers that have looked into
9 it. Nobody's -- surprisingly, nobody's come
10 back with something that said will
11 definitively work and we want to do this
12 pilot study to show you that it works. And
13 that's one of the reasons we haven't
14 selected--

15 MR. McCABE: And General Electric
16 have obviously tried, they've worked in the
17 river and tried various things. What Doug
18 was referring to the harbor was, what we
19 mentioned before, the beneficial uses of it.
20 There's a bunch of technologies that they are
21 trying and trying to reuse them. So there is
22 work going on, not specifically here that we
23 are aware of.

24 MR. THOMPSON: You answered all of

1 my rebuttals. Thank you.

2 MR. McCABE: Thanks, Wayne. Don
3 Burkhofer.

4 MR. BURKHOFER: My name is Don
5 Burkhofer, I live in the Town of New
6 Baltimore, which is a river town. But what I
7 want to ask is, where did GE buy these PCBs?
8 What chemical company sold them to GE?
9 Monsanto. Now, the way it sounds here is GE
10 is the big bad guy. What about Monsanto?
11 They sold this stuff.

12 MR. McCABE: I'll probably let the
13 attorney answer that.

14 MR. FISCHER: Monsanto sold a
15 usable product to General Electric, so that
16 does not make them a liable party under the
17 new Superfund law.

18 MR. BURKHOFER: All right, then
19 let's contact them, and there's a lot better
20 minds here than me. Let's contact them and
21 find out how to antidote those. Take them
22 apart. They put them together, let's take
23 them apart. Come on, let's put our minds
24 together. Stop blaming GE, stop blaming this

1 one, stop saying it's our fault because we're
2 using electricity. Get right back to the
3 thing where we should take them apart. We
4 were smart enough to make these poisons, now
5 we should be smart enough to decompose
6 them. I ask you that. Now, you got better
7 minds than I've got.

8 MR. McCABE: There are certainly a
9 lot of scientists looking at that. There are
10 ways to deal with PCBs. It's not that they
11 can't be, they can certainly be incinerated
12 at the very least, thoroughly destroyed, we
13 know that, there's a variety of ways.

14 MR. TOMCHUK: Chemical
15 dechlorination.

16 MR. McCABE: Chemical
17 dechlorination. There's a variety of ways
18 that it can be done but at a very significant
19 cost, and we've looked at all the ones that
20 we know of.

21 And I'd just like to reiterate, I
22 don't think anyone up here is berating GE.
23 We've stated some simple facts, I've heard
24 from the audience, but I don't think anyone

1 up here has said let's get GE. We're trying
2 to avoid that actually. It has nothing to do
3 with the remedy, the technical remedy. We'll
4 worry about that after the record of decision
5 is signed and we have to go after a
6 responsible party, which of course is General
7 Electric. Up until then, it doesn't really
8 matter to us.

9 MR. BURKHOFER: It does to me. If
10 we take them and truck them down to Texas and
11 dump them there, to me a landfill is a dump
12 and it's just like calling a night chamber a
13 pee pot. It's the same thing. A dump is a
14 dump. And all of these landfills, or dumps,
15 leak. Every one. And there will be leachate
16 somewhere. Now, when it's down there, is New
17 York State going to get sued and we're going
18 to have to pay some more money to clean it up
19 again; in other words, we're just going to
20 keep repeating the process. They don't wear
21 out, do they, when you keep moving them?

22 MR. McCABE: It's a fair point. It
23 is why congress, I believe, wrote the law the
24 way that they did, which was to encourage

1 treatment of waste. There is, however, a
2 cost effectiveness factor in there and that's
3 something that we take into account in this
4 and in all cases and that's why we come up
5 with the remedy. If there is a more cost
6 effective way to deal with PCBs in place,
7 we'd certainly be interested in hearing about
8 it.

9 MR. BURKHOFER: That's what I'm
10 interested in right there. Let's do it
11 right. There's no man who knows somebody who
12 has a system that can be done? And I suggest
13 you better find out how it's done because the
14 fact is this business -- like we've always
15 said, my old aunt used to say, and I'm going
16 to say it, people, s-h-i-t does not stink
17 until you stir it, and right now you people
18 are stirring it.

19 (Applause.)

20 And please forgive me for the way
21 I've said it. And thank you for hearing me
22 out.

23 MR. McCABE: Thank you, Don.

24 (Applause.)

1 Constance Rudd. And lastly Gwen
2 Tibbles? Constance Rudd.

3 MEMBER OF AUDIENCE: She wrote a
4 comment.

5 MR. McCABE: We can accept it for
6 the record I guess. Gwen Tibbles.

7 MS. TIBBLES: Yes. I'm Gwen
8 Tibbles, I'm a resident in the City of
9 Poughkeepsie. I've heard a lot of people
10 trying to say as a prelude here -- first let
11 me say that I dearly love the river, I love
12 all forms of life, which is why I am here.

13 I've heard a lot of people trying
14 to say that there's no animosity against GE.
15 I feel like you can cut it with a knife in
16 this room and it started with the speakers.
17 There was a feeling that's coming across that
18 definitely this is anti-GE and I think that's
19 very unfortunate.

20 Now, one of the things that's been
21 said, particularly against GE, is that
22 they've been contradicting themselves,
23 particularly in the media, in an attempt to
24 brainwash people. I think we heard a fair

1 amount of contradiction from the podium this
2 evening.

3 Doug Tomchuk began his comments by
4 saying the time frame of five years is a
5 fairly ambitious schedule. He went on to
6 talk about specifics and concluded by saying
7 and so it is a reasonable assumption as a
8 time frame. Hello? I think the fact that he
9 opened with the honesty of it's a fairly
10 ambitious schedule indicates that GE probably
11 is not brainwashing people when they say that
12 by their calculations of the two forms of
13 dredging proposed, ten years is more likely
14 than five to accomplish the job.

15 And it was also said that you care
16 and I want to believe that. But I do believe
17 that if you do care, then you should give us
18 all the important answers before the decision
19 to dredge is made. It seems as though it's a
20 defectueux complet. I don't know what I've
21 missed but it's not supposed to be a
22 defectueux complet. In other words, the
23 decision should not have been made as yet.
24 I'm a French teacher from way back, so you

1 have to excuse me.

2 There were three areas where you
3 made very serious omissions in your
4 presentation where there should be answers
5 instead before the decision is made to go
6 forward.

7 One is where the sludge will go
8 afterwards. As far as anything I've heard
9 goes, you get it as far as the rail cars,
10 which is not far enough. And I know that's
11 been treated somewhat here but I was very
12 concerned to hear you say in your
13 presentation, I believe it was Bill McCabe,
14 that it won't be taken to local landfills
15 because you know they don't want them, but he
16 neglected to say where it would go. I think
17 it's imprudent to create a feeling that this
18 is going to go forward because you've worked
19 very hard and very long on it when you don't
20 have something as important as where the end
21 product will go even figured out.

22 The second thing that Bill stated
23 was that the societal and economic risks were
24 not addressed yet because they are not

1 required by law. I think that's a very poor
2 excuse. And I am surprised you are not
3 professionally embarrassed to make such an
4 admission from the podium because it also
5 gives credence to the allegations you are
6 seeking vengeance against General Electric.
7 It is actually the societal and economic
8 risks that we have to live with.

9 And the third thing that I feel you
10 presented in an incomplete manner was the
11 proposed habitat replacement program. Alison
12 Hess mentioned that you're going to work out
13 what that's going to be during the design
14 phase. Hello. I think that needs to be
15 addressed before the decision to go forward
16 with the dredging is actually made.

17 You showed a film in order to give
18 us a feeling of comfort that you've done this
19 before and that habitat replacement will be
20 done properly because you're experienced at
21 it. But at 14,000 cubic yards, that project
22 size wise is approximately one half of one
23 percent of the proposed project on the
24 Hudson.

1 Clearly you have no experience at
2 this. And I do believe the last gentleman to
3 speak accordingly was correct. I honestly
4 believe you have no idea what you are going
5 to stir up and I am very concerned. Thank
6 you.

7 (Applause.)

8 MR. McCABE: Thank you, Gwen. You
9 brought up a number of points and in our own
10 best interest of presenting it properly I
11 would be very interested if you would give us
12 some instances any time of where we expressed
13 anti-GE sentiment because that's not my
14 intent, it's not our intent, and I don't want
15 to do it again in the future. I'm not aware
16 of it but I'd like to hear about it.

17 Secondly, you mentioned about the
18 fact that it's a fate complete, that we've
19 done it. We have a recommended plan out
20 there which we've proposed to the public.
21 We're here and we're going to be at a number
22 of other places to solicit comments, that's
23 what we're doing. We're listening to what
24 people have to say and why they have to say

1 it. The remedy will be in August.

2 The time frame, the fact that Doug
3 used some words it's fairly ambitious and
4 then it's reasonable. This stuff -- is this
5 an exact number, no. But we believe it can
6 be done in five years, it's as simple as
7 that. There's a number of ways to do it, we
8 think we've worked it out that it can be
9 done. Would we propose something that wasn't
10 ambitious? No, we wouldn't propose something
11 that we were going to say well, we can do it
12 in five but let's throw in three more years
13 than what we need. Of course we're going to
14 go with something that's somewhat ambitious.
15 That is reasonable to me. So words, okay,
16 maybe the words were, whatever, indelicate or
17 something, but I don't think that's a big
18 deal.

19 Where the sediment goes, we did
20 mention that. I mentioned Texas for the
21 hazardous waste and I mentioned Niagara Falls
22 for the nonhazardous waste. Those were used
23 for costing purposes, that doesn't mean they
24 have to go there. The point was those are

1 existing -- it will go to existing licensed
2 facilities. Those facilities are monitored.
3 No, they do not all leak, as was noted,
4 however, so be it. They are licensed
5 facilities.

6 The point was that New York -- that
7 the residents of the Hudson Valley are not
8 interested in a new landfill. Well, it's not
9 going to go to a new landfill anywhere, it's
10 going to go to an existing landfill. That
11 was really the point of the Hudson Valley
12 residents.

13 Societal and economic factors that
14 you mentioned. We have a standard way of
15 doing business in the Superfund program, it's
16 been that way for a long time. We have a law
17 and we have regulations. Those are what we
18 have to follow. If we don't follow them,
19 we'll hear about it from others rather
20 strongly. We can't just go out and do
21 whatever we feel like. Perhaps sometimes
22 we'd like to in a federal government or state
23 government or any government. That's just
24 not the way life is. You have to deal with

1 what you're given. You have to deal with
2 what you're given, the laws and the
3 regulations. You can't just ignore them.
4 That's the way it is. There's lots of
5 attorneys out there that would jump all over
6 us as soon as we'd do it and they'd be right
7 and we'd be wrong and we lose. The fact that
8 we're going to try to address them in this
9 special case in some way -- I said try, I
10 don't know what we're going to do about it.
11 We're going to look at it. We do have to
12 address the NAS findings, that doesn't mean
13 we have to absolutely comply with them but we
14 do have to address them. We will do that.

15 Habitat restoration. Perhaps I'll
16 let Alison jump in on this one. I think we
17 mentioned -- I actually didn't mention it, I
18 think Alison did, that we would be putting
19 the foot down, backfill for habitat
20 restoration, some areas we wouldn't have to
21 do that. We will be working with the Natural
22 Resource Trustees, the state, to come up with
23 the most appropriate program. These are the
24 folks that know absolutely best. We're

1 certainly interested from anyone else if you
2 have comments, a better idea, we'll listen to
3 them. That's what we're here for, that's
4 what the public comment period is all about.

5 Is there anything you want to add
6 to that?

7 MR. HESS: I just wanted to add
8 that the proper time to do that would be
9 during remedial design after a final decision
10 have been reached. It would be premature to
11 do an entire design for all the areas that
12 would be dredged prior to final decision.

13 MR. McCABE: And the last person is
14 Jeff Ackens.

15 MR. ACKENS: I appreciate your
16 time. I guess everybody is glad that I'm the
17 last one coming up here. I didn't really
18 intend to speak here tonight.

19 I'm a resident of Highland, New
20 York as well as a licensed professional
21 engineer in the State of New York. I
22 practice in civil environmental work on a
23 consulting basis. I've also acted in the
24 capacity of the town engineer, so I

1 understand this public, a chance for a verbal
2 expression and opinion, which really isn't
3 nearly as important as a written opinion, I'm
4 formulating that now as we speak.

5 I brought my daughter here earlier
6 this evening because she's in a position of
7 having to debate this circumstance in her
8 class and I thought it was an interesting
9 opportunity. I really only intended to come
10 here tonight for my own professional
11 curiosity to see what the position was but I
12 brought her to town board meetings and let
13 her see the greater dynamics of politics and
14 how truth is delved at. And so I just threw
15 her into it. She had to go finish her
16 homework and go to bed and I drove her back.
17 But I had to come back and I decided I would
18 just throw this out for general consideration
19 for everyone.

20 I found myself in an interesting
21 situation where I had to explain the
22 situation, this process, and I consider
23 myself fairly learned, to a 12 year old.
24 Which is -- and I boiled it down. I did all

1 of my research. I do a lot of work in
2 environmental remediation and solid waste
3 management in the last eight or nine years of
4 my profession, so I'm fairly learned but
5 mostly in a design capacity, construction
6 management, and so I don't know the nuts and
7 the bolts of it. I'm not a toxicologist, I'm
8 not an aquatic biologist. But I spent the
9 time to delve into it, figure out what I can
10 figure out.

11 So I boiled it down to there's a
12 product that has been discharged to the river
13 and it is a proven carcinogen, it's dangerous
14 to the public health. I wasn't going to try
15 to explain systematic toxic incident
16 destruction and all of that, yadda-yadda,
17 because it's going to go right over her
18 head.

19 I said it's sitting there in the
20 river and every day -- we drive across the
21 river all the time, you see the river is
22 brown, you know there's sedimentation, you
23 know there's sediments being discharged into
24 the river, yes, it's being covered up. That

1 doesn't mean that the product is no longer
2 going to be exposed to the environment,
3 humans and the environment. You can have
4 floods, you can have the worms and the crabs
5 and whatnot that work in and out of the
6 bottom layer of the river and who eats those,
7 the other animals. And I drew her a cross
8 section and ultimately you get fishermen and
9 humans that are eating crabs and fish and
10 whatnot. There's a possibility for this
11 material to be in the environment.

12 And so in boiling it all down I
13 said your decision is what are you going to
14 do. You can remove it, you can try to treat
15 it in place or you can leave it be. And
16 she's very much exposed to what's going on
17 right now with the media and whatnot and
18 that's why I came back, because what she has
19 to figure out and what everybody has to
20 figure out is balancing this whole truth
21 issue. And the only way I can throw it to
22 her is look at the extremes. Bioremediation
23 is a possibility -- if you look at the two
24 extremes; if you remove it, it's gone; if you

1 leave it in place, natural attenuation is
2 supposed to be fine. And somewhere in there
3 is the truth and it may get lost in politics
4 and may get lost in scientific jargon and
5 engineering discussions and whatnot. But you
6 have to look at who benefits from the
7 decisions.

8 I think, if you really want to
9 weigh everything, if you leave it in place,
10 there's a community benefit and if you remove
11 it, there's a community benefit. If you
12 remove it does GE benefit, but if you leave
13 it in place does GE benefit. From what I
14 hear on the radio and the campaigns, there is
15 no debate for the scientific, it's becoming a
16 political debate on behalf of GE. And as a
17 scientist I do not appreciate that. I'd
18 rather prefer to see it dealt with
19 scientifically. I understand there's a
20 possibly for bioremediation, the technology
21 is going to advance every year, but the
22 process you are doing it through is a
23 nightmare of years, not to mention work
24 you've done beforehand. So I understand

1 that. So there comes a point when you're
2 just -- we're going to say we're doing the
3 best we can.

4 When you write your specifications,
5 you put together your contract documents and
6 you leave your availability for means and
7 methods for contractors, there is an option
8 for perhaps changing how to remove this
9 toxicant from the environment later, great,
10 might be able to take advantage of it.

11 The bottom line is GE is saying
12 leave it in place, it's not a problem. And
13 everybody else I believe agrees something has
14 to be done with it. Dredging may not be the
15 best but there has to be something
16 addressed. And I think GE makes their
17 position by saying leave it alone. And at
18 least from the scientific community and the
19 public that wants to get into the whole
20 toxicology issue, you realize you can't leave
21 it there.

22 And I strongly agree with dredging
23 or some form or fashion for addressing the
24 chemical issue. So for whatever it's worth.

1 MR. McCABE: Thanks, Jeff. It
2 looks like we have at least one more comment
3 here.

4 MEMBER OF AUDIENCE: It's not a
5 comment, it's a question. And I appreciate
6 your indulging me in making a point that
7 comes from what was said here tonight, and
8 that is the concern about material leaking
9 from the Hudson Falls site.

10 And I have a concern, and it jumped
11 out of the page when I read this in the
12 report the first time. I want to call it to
13 your attention. "The preferred alternative
14 is the removal targeted dredging alternative
15 REM-3/10/Select in conjunction with source
16 control at the GE Hudson Falls plant, to be
17 accomplished via a separate nontimed critical
18 removal action." I don't think the words
19 "nontimed critical" are appropriate. I
20 think it is time critical that within the
21 three years of the design process of the -- I
22 mean I haven't the words right, but you know
23 what I mean in terms of the remedial design.
24 You're actually designing the remedy, there

1 should be a time limit that says by the end
2 of that three-year period there will be no
3 more leaking. And I'd like to see that
4 readdressed or ask if there's a way that that
5 can be readdressed.

6 MR. McCABE: There's two points
7 there. One, it's terminology, it's our
8 terminology. A nontimed critical removal
9 action differs from a time critical removal
10 action only in the planning period. If you
11 have a six-month planning period you call it
12 a nontime critical. It has the same
13 requirements, it's still a removal action.

14 The probably more important point
15 is that's not the method we're using. GE has
16 told the state they'll deal with it, the
17 state told us GE will deal with it, so we are
18 in abeyance while the state deals with GE to
19 take care of that problem. So depending upon
20 what kind of movement is made by the time
21 when August comes around, that language will
22 very likely change.

23 MEMBER OF AUDIENCE: Thank you.

24 MR. McCABE: Anymore comments?

1 MR. KUSMYERSKI: My name is Mike
2 Kusmyerski, I reside Marbletown, New York.
3 And my question is the EPA has recommended
4 dredging. Does the EPA also have the legal
5 authority to commence that dredging and, if
6 not, what government agency does or which
7 government agency could put a stop to it.

8 MR. McCABE: The EPA has the
9 authority. What we do when he sign the
10 record of decision is we attempt to -- we
11 work with the responsible party, we notify
12 them of the problem obviously and we try to
13 work on an agreement, consensual agreement
14 with them to implement the remedy. If that
15 doesn't work, we can order them unilaterally
16 to do it. If they don't comply with that
17 unilateral order, they are subject to not
18 only the cost of that when we do it but three
19 times that as a penalty, as a maximum. So
20 that's the trouble damage provision of the
21 law.

22 If they still don't comply with the
23 unilateral order, than the government, the
24 Superfund, would pay for it. Obviously 460

1 million dollars is a great deal of money.

2 MR. FISCHER: There's actually one
3 other option available to us. We can also go
4 to court prior to implementing the remedy,
5 even if they don't do it consensual, in order
6 to comply with the order.

7 MR. KUSMYERSKI: And your
8 resolution today is to do the dredging, so
9 the dredging will commence, or is there
10 another --

11 MR. McCABE: We have to sign the
12 record of decision. The currently proposed
13 remedy is to do dredging. If that's the
14 remedy in August, then we would follow this
15 process. I'm glad Doug is here to remind me
16 of that other option, an attempt to have the
17 responsible party do it first. So we don't
18 know that answer. We might have some pretty
19 good feelings about it but we don't have any
20 -- we're not there yet.

21 MR. KUSMYERSKI: Thank you.

22 MR. McCABE: Thank you. Well, I
23 think that about does it. I'd like to thank
24 those of you who have remained throughout, we

1 appreciate it. We'll take into account your
2 comments. We take them very seriously, as we
3 said. And once again, I'd like to thank you
4 very much. Good night.

5 (Applause.)

6
7 (whereupon, the Public Meeting was
8 concluded at 10:25 p.m.)
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C E R T I F I C A T I O N

I, Lora J. Curatolo, RPR, Certified
Shorthand Reporter, Certificate No. 1031-1,
and Notary Public, do hereby certify that I
recorded stenographically the proceedings
herein at the time and place noted in the
heading hereof, and that the foregoing
transcript is true and accurate to the best
of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of February 2001.

Lora J. Curatolo
LORA J. CURATOLO, CSR, RPR