

70397

ERRATA SHEETS

Date: 1-23-01

Hudson River PBCs Public Meeting

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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 then 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 couple of minutes. If we're having problems  
2 asking 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

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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 in 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.

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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       Mel 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 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 Manna 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

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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 Manna Jo Greene.

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1 MS. GREENE: 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 anti-estrogenic 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

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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

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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 turbidity  
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

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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 turbidity every on a 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 turbidity 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 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 Garthwaite,  
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 Garthwaite.

12 MS. GARTHWAITE: My name is Betsy,  
13 G-a-r-t-h-w-a-i-t-e, 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

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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. GARTHWAITE: 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.

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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 non-cancer 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. GARTHWAITE: 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

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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 turbidity 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

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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 of 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 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 out 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 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 show 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.

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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 Christie  
9 Whitman 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. And 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. ROBBIE: 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 (Applause.)

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

4 MR. RHUE: Thanks a lot for having  
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                   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

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1 to be silk screens everywhere. Obviously  
2 where the currents are too strong 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

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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       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 Garthwaite, 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 to 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. TOMCHUK: It is many miles  
23 from the proposed remediation and you would  
24 not expect impacts from upriver to make your

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 have missed  
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

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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 vicinity 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 going to be used primarily as a delay tactic  
2 and that the 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

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1 managing natural resources." Ms. Whitman  
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 Garthwaite.

7 MS. GARTHWAITE: 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

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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

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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 shelling 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

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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 regional 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 Whitman goes, I think you'll have no problem

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1 facility. For costing purposes I believe we  
2 used a TOSCA (phonetical) or hazardous waste  
3 facility in Texas. And for costing purposes  
4 we used the non-hazardous 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

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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 we get to

1 I'm chief technical officer of a company  
2 Environmental Remediation Technology Company  
3 in Orange County. Spent my entire life 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 EPA's 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

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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 (Phonetical) treatment. So  
18      basically mechanical dredging is swamped with  
19      technical problems and particularly in the hand of  
20      the 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 criterion 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

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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 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

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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, would still  
24 be open during remedial design, maybe in the

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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 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

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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,

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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 *fait accompli*. I don't know what I've  
21 missed but it's not supposed to be a  
22 *fait accompli*. 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 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.

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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 *fait accompli*, 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        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       a foot of backfill down 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

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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 non-timed critical  
18 removal action." I don't think the words  
19 "non-timed 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

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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 non-timed 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 noontime 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 we 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 treble-damage provision of the  
21 law.

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