

ORIGINAL

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1 UNITED STATES OF AMERICA
2 Environmental Protection Agency

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4 In the Matter of:

5 HUDSON RIVER PCBs SUPERFUND SITE:
6 REMEDIAL ALTERNATIVES -
7 STATE OF NEW YORK

8 - - - - - -X

9 Auditorium
10 Newburgh Free Academy
11 201 Fullerton Avenue
12 Newburgh, New York

13 Monday, April 2, 2001

14 Pursuant to Notice, the Public Meeting
15 in the above-referenced matter commenced at 7:17
16 o'clock p.m.

17 * * *

18 ELLEN GRAUER COURT REPORTING

19 133 East 58th Street

20 New York, New York 10022

21 (212) 750-6434

22 REF:40636
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P R E S E N T

On Behalf of the United States EPA:

MC CABE, Deputy Director, Superfund

TOMCHUK, Project Manager

OLSEN, Environmental Analyst

FISCHER, ESQ., Counsel

PRESENT:

ANN RYCHLENSKI, Public Affairs Specialist

FROLLINO, Community Relations

KAREN COGHLAN, TAMS Consultant

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15 EPA PUBLIC MEETING - NEWBURGH, NEW YORK

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P R O C E E D I N G S

(7:17 o'clock p.m.)

MS. RYCHLENSKI: Good evening. Would you all please take your seats? Thank you for coming out this evening.

This meeting is sponsored by the United States Environmental Protection Agency in order to discuss and take your comments on a proposal to clean up the contaminated sediments of the Upper Hudson River.

Tonight there is going to be a brief presentation, and then we will take your questions and your comments.

I am going to lay down a couple of ground rules so that everything goes smoothly and everybody has a chance to have their say.

If you want to come to the mike and you have not filled out one of these index cards, please do so.

Outside at the tables, we have the handouts, and there you can please fill out one of these cards.

Everybody has two minutes when you get to the mike.

1 I am going to draw your attention to
2 these two ladies down here (indicating), Karen and
3 Florence; they are very nice ladies, and they take
4 their jobs very seriously.

5 What they will do is let you know how
6 much time you have got.

7 When Karen holds up the green sign, you
8 have got time, probably about a minute or minute-
9 and-a-half.

10 When Karen gets to the yellow sign,
11 there are 30 seconds remaining and, when she gets
12 to the red, it is time to stop. Everybody gets
13 two minutes. Okay.

14 I want to let you know a couple of
15 things before we move into the presentation.

16 First of all, we are taking public
17 comment here tonight. We have a stenographer
18 sitting right down here in the front row.

19 When you come up to the microphone to
20 give your comments or to ask a question, please
21 identify yourselves. Please speak clearly, and
22 please spell your last names so that our
23 stenographers can get a good transcript and record
24 of tonight's proceedings.

1 You can send your comments to us until
2 April 17; that is how long we are accepting public
3 comment on this proposal.

4 The comments that you give us tonight
5 will go into the transcript, and we will answer
6 your comments and questions in a response summary,
7 which will answer all the questions and comments
8 which we get during this time some time in August
9 when we make our decision.

10 Now, there are other ways you can
11 comment. You can send your comments in to us at
12 EPA. You can send them to Doug Tomchuk, and that
13 is care of Hudson River Comments, USEPA, 290
14 Broadway, New York, New York, 10007.

15 Doug's address is on the proposed plan.
16 That is the blue document that is out there in the
17 handouts, and I hope that all of you have taken
18 one.

19 In addition, you can comment by e-mail,
20 and we are getting a lot of e-mails. We have
21 received over 20,000 on this. So, people are
22 certainly letting us know what they think.

23 You can e-mail us at Hudsoncomment --
24 that is one word -- dot Region2 -- also one word
with an arabic numeral "2" -- at EPA.gov. And you

1 have until April 17th.

2 I think that that is about it. Those
3 are the ground rules.

4 You know you have two minutes. If you
5 have not already signed in, please do so.

6 If you have not availed yourself of all
7 of the handouts, please do so.

8 I am going to introduce the gentleman
9 sitting to my immediate left, Mr. Bill McCabe.
10 Bill is Deputy Director of Superfund, EPA's Region
11 2 Office, and he is going to talk to you tonight
12 about the proposal EPA has out there about the
13 clean-up.

14 Present as well are Doug Tomchuk, Doug
15 Fischer, and Marion Olsen. And we will be happy
16 to answer your questions at the end.

17 Thank you.

18 MR. MC CABE: Thank you. As Ann
19 mentioned, there are a few of us up here.

20 Doug is a Project Manager; the other
21 Project Manager could not be here with us today,
22 who is Allison Hess.

23 Doug Fischer is our site attorney.
24 Marion Olsen, next to Doug Fischer, is the
25 toxicologist on the site.

1 So, let me begin with just a brief
2 history of the site, and then get into some of the
3 problems and then what our remedy for those
4 problems is.

5 We have conducted a 10-year study at
6 about \$25 million.

7 That is about the most extensive study
8 that I have ever seen, maybe the most extensive
9 one in the country.

10 Interestingly enough, we have gotten a
11 lot of comments about that. Some say, on the one
12 hand, "What has taken you so long?", and then, of
13 course, there are others on the other side saying,
14 "Why are you rushing to judgment?"

15 So, we are kind of in the middle of the
16 game.

17 This study, this peer review by five
18 different panels of independent experts, those
19 experts reviewed all of our documents, our six
20 documents.

21 We made a lot of changes; whether they
22 were major revisions, minor revisions, it did not
23 matter.

24 We made a lot of changes to accommodate
25 them.

1 We were very pleased with the results of
2 the peer review.

3 Obviously, everything was not perfect.
4 It is not easy, particularly for those who wrote
5 the documents, to sit in an audience and hear
6 people tear their work apart.

7 But, for the most part, we did quite
8 well. We are pretty pleased with it.

9 For instance, at peer review, there was
10 agreement on certain factors like -- certain very
11 important things, like the fact that the fish pose
12 an unacceptable in the Hudson River.

13 That is a rather key finding. Also,
14 there was agreement that widespread diminution of
15 contaminated sediments was not happening.

16 Not surprisingly, they talked about the
17 river system being very dynamic, and you would not
18 expect that to happen.

19 The site itself covers 200 river miles
20 from Hudson Falls to The Battery, as you can see
21 here (indicating slide).

22 The Upper Hudson, which is really the
23 focus of our study, is about 40 miles.

24 The rest of the river, the Lower Hudson,
25 is about 160 miles.

1 On the next slide, you can see that what
2 we have done with the Upper Hudson is divide it
3 into three sections.

4 The first section runs from Fort Edward
5 down to the Thompson Island Dam. That is about a
6 six-mile stretch of river.

7 And that includes what is known as
8 Thompson Island Pool which is considered to be the
9 most heavily contaminated area of sediments.

10 In fact, when DEC studied this back -- I
11 think they started in the mid-seventies, they
12 determined there were about 40 hot spots in the
13 Upper River.

14 Twenty of those hot spots are in this
15 first section.

16 And, again, that is a six-mile stretch
17 of the river.

18 The sediments averaged at about 42 parts
19 per million.

20 Section 2, which is another short
21 stretch there (indicating slide), that goes about
22 five miles down to the Northumberland Dam.

23 There are 15 hot spots there, and the
24 average sediment concentration is 26 parts per
25 million.

1 Then the third section, a very extensive
2 one, all the way down to the Federal Dam in Troy
3 -- that is 29 miles -- there are five hot spots
4 there with an average concentration of about nine
5 parts per million of PCBs.

6 What this is showing you is that,
7 obviously, the heaviest contamination area we are
8 really concentrating on, focusing on, is in the
9 upper two sections, the upper 11 miles of the
10 river.

11 Through this study we have learned a
12 great deal about PCBs and about the levels in the
13 river in the sediment and in the fish.

14 What we have determined about PCBs is
15 that they cause cancer in laboratory animals and
16 they are probably human carcinogens.

17 This is not only EPA's opinion, but the
18 opinion also of a number of national and
19 international agencies.

20 These agencies include the National
21 Institute of Environmental Health Sciences, NIEHS,
22 National Institute of Occupational Safety and
23 Health, NIOSH, and the World Health Organization.

24 There are also some serious non-cancer
25 health effects, such as low birth rates, learning

1 and memory problems, thyroid disease,
2 immunological deficiencies.

3 This kind of a determination was also
4 supported by the recently completed National
5 Academy of Sciences Study.

6 As a result of this, what we encourage
7 all to do is to follow the fish consumption
8 advisories.

9 Those include "eat none" from Hudson
10 Falls to Troy, and "eat none" for children under
11 the age of 15 and women of childbearing age in the
12 entire Hudson River.

13 These fish consumption advisories,
14 although they are very important, we do not
15 consider them long-term remedies for a variety of
16 reasons, obviously.

17 The Hudson River is a national resource.
18 We do not want to write it off.

19 There is also a goal in the Clean Water
20 Act of Fishable and Swimmable Waters, and probably
21 most important is the reality of people eating
22 fish whether that is for recreational, cultural or
23 subsistence reasons.

24 In fact, there was a Department of
25 Health study in 1996 which showed that one in six

1 that they surveyed had fish in their possession,
2 and one in ten had more than one fish in their
3 possession.

4 And, of course, this says nothing about
5 the oncological impacts to the River Otter, Mink,
6 Shrew, Bald Eagle, et cetera.

7 On the next slide that you see, what I
8 want to talk about a little bit is the PCB levels
9 in the water column.

10 What you will see here and what you have
11 heard is that, in 1977, you heard that there was a
12 90 percent decrease; you are way up here, and then
13 you come down here. And, yes, it is probably 90
14 percent.

15 What was not said at the same time,
16 however, is what happened in this time period.

17 In 1973, the dam was removed. In 1977,
18 General Electric stopped discharging PCBs from
19 their facilities. And in 1979, navigational
20 dredging ended.

21 So, what you really see from the mid-
22 eighties on is pretty level. The levels have not
23 changed very much in the water column.

24 The next slide -- what I want to show
25 here is -- this shows the Thompson Island Pool,

1 the load increase over the Thompson Island Pool.

2 What it shows here on the bottom is the
3 mass coming into the Thompson Island Pool, and
4 what is here in the red is the mass leaving the
5 Thompson Island Pool.

6 What this simply shows you is that, as
7 the water goes over the sediment in the Thompson
8 Island Pool, this is the increase, this is just
9 PCB homologue; it is just a way of looking at it.

10 So, there is a significant increase; we
11 figure in the neighborhood of three times extra
12 that the water column is picking up from the
13 sediment.

14 So, what does that say? It says that,
15 yes, the sediment is very important.

16 PCBs are coming from the sediments. It
17 is not all coming from upstream.

18 On the next slide, this just simply
19 shows you that we have been able to fingerprint
20 the sediments into the water column.

21 In other words, based upon this PCB
22 homologue pattern, the sediment in the water
23 column area is at the same pattern; so, we know it
24 is coming from there.

25 In other words, it is not coming from

1 upstream. It is not coming from some other
2 source. It is coming from the sediment because
3 they have the same PCBs there.

4 The next couple of slides that we will
5 show you have to do with the fish, the PCBs in the
6 fish.

7 And, again, they are basically what I
8 just showed you in the water column.

9 There are four different ones I will
10 show you. Black Bass here, the first one, from
11 Stillwater.

12 It shows you that same kind of a
13 precipitous drop, and then a leveling off. And
14 that is since the early eighties.

15 And then you will see the same kind of a
16 pattern. The next one is the Brown Bullhead, same
17 basic pattern.

18 Largemouth Bass, you see a slightly
19 different pattern here. There is a large increase
20 in the early nineties. This is as a result of the
21 Alan Mill Release.

22 But, as you can see, the levels have
23 dropped off again.

24 And the next one is the Brown Bullhead
25 again, the same kind of a pattern.

1 Again, it is because it is in the
2 Thompson Island Pool that they went up, and then a
3 leveling off again. So, we get the same thing.

4 With the water and the fish, what you
5 may have heard is that the levels are going down,
6 that there is no problem, you do not have to worry
7 about it.

8 Well, that is not the case. They have
9 been basically the same for quite a long period of
10 time, and we expect them to stay that way.

11 As far as the PCBs in the sediment,
12 natural dechlorination processes are not
13 sufficient to solve the problem.

14 You have probably heard that PCBs will
15 take care of themselves, that they will
16 dechlorinate and become harmless.

17 That is not the case. We have found
18 that that results in about less than a 10 percent
19 mass loss.

20 There is also, as I mentioned before,
21 little evidence of burial in the Thompson Island
22 Pool, burial of PCB-contaminated sediments by
23 clean sediments.

24 What are coring has shown -- the
25 sediment cores, the sampling of the sediment -- is

1 that more of those cores showed a loss of
2 inventory; in other words, it is moving out of
3 that area at a gain or burial, in other words.

4 Also, in 60 percent of our samples, the
5 highest PCB levels were in the top nine inches of
6 that core, again showing that it is near the
7 surface and it is not being buried.

8 Now that we know this, what are we going
9 to do about it?

10 Is source control the answer, as some
11 have said? Should we just take care of the source
12 and let the river naturally remediate itself?

13 The way we look at it is that source
14 control is an important part of the remedy.

15 We believe that the effort currently
16 underway by General Electric, under order of New
17 York State, is a very important effort.

18 GE is looking to remove its remaining
19 contribution of PCBs from their Hudson Falls
20 facility.

21 There is a plan in-house with the
22 Department of Environmental Conservation, which we
23 also have a copy of, and General Electric believes
24 it can eliminate the remaining source of PCBs.

25 That is great. We are all for it. It

1 is absolutely necessary, but it is not the only
2 remedy.

3 As I noted before, in the chart showing
4 the amount of PCBs entering into the water column
5 in Thompson Island Pool it's a significant amount.

6 General Electric uses loses about three
7 ounces a day from its facility; we say it is about
8 five or six. Whatever it is, it is a number of
9 ounces.

10 And we are saying that what is added to
11 the sediment in the Thompson Island Pool is about
12 one to one-and-a-half pounds. So, there is a
13 significant difference between the two.

14 And that is why we do not believe that
15 source control alone is the answer.

16 We absolutely believe it is necessary to
17 also clean up the sediments.

18 So, our proposed remedy, which on the
19 next few slides you will be able to see somewhat
20 -- and it is also on some charts out front, I
21 believe -- it shows you in red the areas we are
22 talking about remediating versus the rest of the
23 river, which is in blue.

24 And what you will see from here is that,
25 in River Section 1, down to the Thompson Island

1 Dam -- we are talking about 1.56 million cubic
2 yards of sediment.

3 River Section 2 goes down to the
4 Northumberland Dam; that is that five-mile
5 stretch. That is another 580,000 cubic yards of
6 sediment.

7 The final section, the 29-mile section,
8 Number 3, there is about half-a-million cubic
9 yards of sediment.

10 So, obviously, again, what we are
11 looking at -- what we are concentrating on is the
12 upper two sections, the upper 11 miles of the
13 river.

14 That is, by far, the most contaminated
15 area of the river that we are looking at for
16 remediation.

17 When you add in 340,000 cubic yards of
18 navigational dredging, you are talking about a
19 remedy of about 2.65 million cubic yards of PCB-
20 contaminated sediment that we are looking at
21 removing.

22 This will encompass about 500 acres out
23 of the total of 3900 acres.

24 That is why we are considering it to be
25 a targeted dredging effort.

1 It is not like we are going in and
2 ripping up, as I have heard, the entire river
3 bottom.

4 That is about 12 to 13 percent of the
5 total area that we are talking about remediating.
6 And, again, it is mostly in the first two river
7 sections.

8 On top of that, we are talking about
9 adding one foot of backfill, clean fill.

10 This will help to restore the habitat,
11 and it would also deal with any residuals that are
12 left behind.

13 This will remove about 100,000 pounds of
14 PCBs from the river.

15 We figure that there is about 200,000
16 left in these areas (indicating on slide) out of
17 all those initial discharges that we have heard,
18 you know, a million pounds or whatever it might
19 be.

20 But we figure there's about 200,000
21 left, and this will take care of about 100,000.

22 The next slide is a little bit difficult
23 to read, but the purpose of this is to show that
24 the river will remain open to navigation.

25 There has been a lot of talk about

1 you are going to be having so many boats in there,
2 so many barges and dredgers, et cetera, that
3 nobody is going to be able to use the river; it is
4 just going to be totally blocked off.

5 But what we have attempted to show here
6 and what is certain would be what it would look
7 like in the Thompson Island Pool.

8 And, again, it shows typical mechanical
9 equipment dispersal.

10 The whole point here is that this does
11 not look too bad. It does not look like it would
12 completely clog up the river.

13 And that is obviously the intent: we
14 will not be.

15 So, for those who have heard that -- I
16 mean, I just heard it the other day, in fact, when
17 I was testifying before the New York City Council,
18 that General Electric doubled the number that we
19 were talking about right there in front of me.

20 So, you hear a lot of numbers. But it
21 is obviously not our intent to impede navigation
22 and, in fact, we will not.

23 Some other items about the proposed
24 remedy -- there will be no new local landfills
25 built.

1 The residents of the Upper Hudson made
2 it quite clear to us that they were not interested
3 in having a new landfill built in their community.

4 We understand that, and we have agreed
5 with them. And we have said that we will not do
6 that.

7 Any sediment will be taken away to a
8 licensed facility outside of the Hudson Valley, an
9 existing facility.

10 It is business. They will be bidding on
11 it.

12 There will be two dewatering or transfer
13 stations sited one to the north and one to the
14 south.

15 There has been a lot of talk about
16 those, as to where they are exactly.

17 We have done some preliminary work on
18 that. We will be doing some more work in the
19 future, obviously, trying to figure out where the
20 best places for those facilities are.

21 Nothing has been selected. You really
22 could not select them at this point in time
23 because then you would have to have a lot of legal
24 work done prior to even selecting a remedy, which
25 I do not think too many people would be

1 appreciative of.

2 So, we are still looking at that. In
3 fact, I am sure there are some people in the field
4 in the coming weeks looking at a lot of the
5 questions we have been getting from the public, a
6 lot of -- just a lot of the concerns, particularly
7 those related to construction and how we are going
8 to deal with the hot spots, the shoreline, et
9 cetera.

10 So, there will be -- we will have more
11 people in the field dealing with those issues in
12 the coming weeks and months.

13 Another issue the community was adamant
14 about was the truck traffic.

15 Understandably, if you had a whole fleet
16 of trucks every day coming out of these
17 facilities, it would be pretty destructive to
18 local communities.

19 We are going to use trucks -- we are
20 going to minimize the use of the trucks as much as
21 possible.

22 We intend to use rail for the dewatered
23 sediment and barges for as much of the sediment
24 and backfill and anything else that we would
25 possibly need, equipment and what-have-you, for

1 these facilities.

2 There will be, of course, extensive
3 monitoring before, during and after.

4 We will be taking measures to protect
5 the water supplies.

6 We do not expect that to be an issue,
7 but we have heard that as a concern, and there is
8 a good reason to be concerned obviously.

9 But we will have to come up with some
10 sort of contingency plan.

11 Again, we do not expect that to be an
12 issue.

13 There have been releases in the past,
14 including what I mentioned before at the Alan Mill
15 Release.

16 I do not believe there were contaminated
17 water supplies then, and those were far greater
18 than anything we could imagine here.

19 The construction time -- what we are
20 talking about is a \$460 million project presently.

21 We are talking about a three-year design
22 and a five-year construction period.

23 Now, what will the remedy achieve? It
24 will reduce the PCB levels in fish, obviously;
25 that is our main goal.

1 It will reduce the load of PCBs over the
2 Troy Dam by 40 percent.

3 It will allow the fish consumption
4 advisories to be reduced at least a generation
5 sooner.

6 It will reduce the PCB levels in
7 wildlife.

8 I see there is a press release from the
9 State concerning just that issue. I just saw it.

10 It will reduce the risk to those who
11 consume fish for subsistence reasons.

12 We know and we have heard from plenty of
13 folks that there are a lot of people who eat fish
14 as a matter of subsistence for protein and are not
15 as worried about teh fish consumption advisories
16 as they are about eating.

17 It will eliminate a significant amount
18 of PCBs from the river system in the case of
19 significant flood events.

20 And it will accomplish much in the much-
21 needed navigational dredging.

22 With that, I know Ann mentioned the web
23 site and the fact that we have gotten 20,000 e-
24 mails.

25 There's a lot of folks -- which is one

1 last, I guess, editorial comment: A lot of people
2 are writing us letters, obviously, and sending us
3 e-mails.

4 And a lot of folks are concerned that we
5 are not responding to them.

6 I would just like to point out, again,
7 20,000 e-mails, 11 or 12 cartons full of papers
8 with letters.

9 We obviously are looking at them all.
10 We are trying to compile them, kind of categorize
11 them.

12 And we will be responding to them, but
13 we will not be responding to them individually.
14 As you could imagine, that would be pretty much
15 impossible.

16 There are a lot of different categories
17 of comments, and that is the way we will be
18 dealing with them.

19 So, with that, before I turn it over to
20 the questions and comments from the audience,
21 there are three elected officials that I would
22 like to notice who would like to come up and say
23 something.

24 Daniel Ayehouse, representing
25 Congressman Hinchey; Katherine Hudson,

1 representing Attorney General Eliot Spitzer; and
2 Carl Pore, the City Manager for the City of
3 Newburgh.

4 Danny?

5 MR. AYEHOUSE: Thank you very much.

6 At this time, I would like to pass along
7 my thanks to EPA from Congressman Hinchey for
8 holding this meeting here in Newburgh.

9 Congressman Hinchey is in Washington
10 right now and is unavailable to be here, and asked
11 that I come and thank you for coming to Newburgh
12 for this public forum.

13 He also asked that I take this
14 opportunity to read the following statement:

15 "I strongly support EPA's decision to
16 dredge contaminated sediments from the largest hot
17 spots in the Hudson River.

18 "Over the past 30 years, I have worked
19 for many people in New York and Washington, D.C.,
20 to make the Hudson River cleaner.

21 "As a result of the Rockefeller Pure
22 Waters Program, the Federal Clean Water Act and
23 many other actions, the Hudson is healthier today
24 than at any time during the last century.

25 "Unfortunately, over a period of 30

1 years, General Electric has put one million pounds
2 of PCBs into the river from its facilities in
3 Hudson Falls and Fort Edward.

4 "Because of PCB contamination, our
5 beautiful river has the unfortunate distinction of
6 being one of the country's largest toxic waste
7 sites.

8 "Now, finally after a decade of studies
9 and delays, this last serious insult to the
10 integrity of the river can be removed.

11 "I applaud the EPA's comprehensive plan
12 to remove PCBs from the Hudson River. It is long
13 overdue, and I believe we should move forward with
14 it.

15 "PCBs are ranked as one of the most
16 dangerous hazardous substances in our environment
17 and pose significant risks to humans and to
18 wildlife.

19 "Significant studies have found that
20 PCBs cause cancer in animals and are probable
21 human carcinogens.

22 "It is not acceptable to leave the PCBs
23 where they are as the river is not cleaning
24 itself.

25 "PCBs do not break down to safe levels

1 naturally.

2 "A decade of independently-examined
3 scientific studies has determined that PCBs will
4 continue to pose unacceptable risk to human health
5 and the environment unless we remove them.

6 "These scientific studies have
7 determined that PCB are not going away naturally.
8 Without dredging, contamination of fish and
9 wildlife will remain at unhealthy levels in the
10 foreseeable future.

11 "For instance, a recent study by the New
12 York Department of Environmental Conservation
13 found that Snapping Turtles are so contaminated by
14 PCBs that they are literally living hazardous
15 waste sites.

16 "Fish in the Hudson River are
17 contaminated 10 times higher than the level
18 allowed by law, and these fish are contaminating
19 people.

20 "We know that many people eat fish from
21 the Hudson River and those who do face
22 substantially increased risks of cancer and other
23 serious health problems, especially our children.

24 "The types of PCBs that bioaccumulate in
25 fish and other animals and bind to sediments that

1 they have in the Hudson happen to be the most
2 carcinogenic.

3 "Unless the PCBs are removed, these fish
4 will remain contaminated at harmful levels.

5 "EPA science has shown that PCBs are not
6 sitting harmlessly in the bottom river in hot
7 spots.

8 "Roughly 500 pounds of PCBs are moving
9 downstream and into the food chain every year,
10 contaminating fish and wildlife from the Troy Dam
11 down to The Battery.

12 "EPA's proposed clean-up would
13 dramatically improve the health of the river by
14 removing 100,000 pounds of PCBs from the areas
15 where they are most concentrated.

16 "The risk to human health and fish would
17 be reduced fivefold immediately following the
18 clean-up.

19 "The State would be able to relax fish
20 consumption advisories much sooner than if nothing
21 were done.

22 "Unfortunately, GE has demonstrated that
23 it will stop at nothing to ensure the proposed
24 clean-up never happens.

25 "They have spent an estimated \$60

1 million that has completely distorted the facts in
2 an effort to deceive Hudson Valley residents.

3 "GE has even tried to have the Superfund
4 Law, which protects Americans from toxic wastes,
5 declared unconstitutional.

6 "GE objects to Superfund's provisions
7 that require the polluter rather than the
8 taxpayers to pay for the clean-up.

9 "I believe that GE should be held
10 responsible for the pollution and pay to clean it
11 up just like any other company is required to do.

12 "Seven years before the Government
13 banned PCBs, GE was told by the PCB manufacturer,
14 Monsanto, that PCBs were harmful substances and
15 yet they continued to dump them in the river.

16 "While GE claims that forcing them to
17 pay the cost of clean-up would be unfair because
18 their discharges were legally permitted at all
19 times, this is, in fact, false.

20 "PCBs continue to seep into the river
21 from their plant without a permit.

22 "And in 1975, a State Administrative Law
23 Judge ruled that GE's discharges violated State
24 water quality standards in the early 1970s.

25 "Documentation shows that in the early

1 1980s, GE violated the Clean Water Act by
2 exceeding their discharge permit.

3 "These violations directly contradict
4 GE's claims that they have always abided by their
5 permit.

6 "In my lifetime, tremendous progress has
7 been made in cleaning up the Hudson River.

8 "Both the New York and the Federal
9 Government have made substantial investments in
10 bringing the Hudson back to life.

11 "GE should now take responsibility for
12 its share.

13 "EPA's plan to dredge PCBs from the
14 Hudson should go forward so that future
15 generations are not left with the legacy of
16 pollution, and the residents of the Hudson Valley
17 can fully enjoy the benefits of a clean Hudson.

18 "Thank you very much."

19 (Applause.)

20 MR. MC CABE: Thank you.

21 Ms. Hudson?

22 MS. HUDSON: My name is Katherine
23 Hudson. I am an Assistant Attorney General in the
24 Environmental Protection Bureau, and I welcome
25 this opportunity to present the statement of the

1 New York State Attorney General, Eliot Spitzer, in
2 support of the Environmental Protection Agency's
3 remedy for contaminated sediments in the Hudson
4 River.

5 The Attorney General strongly supports
6 EPA's decision to dredge sediments from the most
7 contaminated areas of the Hudson River.

8 Fish throughout the Hudson River, from
9 Hudson Falls to The Battery, are contaminated with
10 PCBs. Wildlife is contaminated.

11 As confirmed by the new mammal and flood
12 planning PCB data released by the Department of
13 Environmental Conservation just today, humans are
14 exposed and are also contaminated with PCBs.

15 It is time to address that problem. We
16 applaud the EPA in Washington and Region 2 for the
17 care and thoroughness they exhibited in reaching
18 this conclusion.

19 And we applaud the Department of
20 Environmental Conservation staff for the time and
21 effort they have expended in studying the river
22 and reviewing the EPA' proposal.

23 Congress made a decision 20 years ago --
24 and has repeatedly reaffirmed it since then --
25 that there is a compelling need to clean up toxic

1 waste sites.

2 Companies responsible for the
3 contaminants must clean them up, preferably by
4 removing them.

5 States around the country, including New
6 York, have made similar judgments passing similar
7 toxic waste clean-up laws.

8 The Hudson River, after decades of
9 study, is long overdue for a clean-up.

10 Based on the extensive evidence in the
11 record, EPA's technical and scientific staff have
12 made four critical determinations with which DEC's
13 technical staff agree.

14 These four points amply justify EPA's
15 proposed remedy.

16 According to the EPA:

17 1. PCBs cause harm to humans and
18 wildlife, including harm to the immune,
19 reproductive, nervous, and endocrine systems.
20 PCBs are probable human carcinogens.

21 2. PCBs in the Hudson River sediments
22 are available to fish and other animals and from
23 there can be ingested by humans. We know that
24 people are still eating contaminated fish from the
25 Hudson River.

1 Indeed, the impacts on downstate
2 residents with respect to the consumption of fish
3 are particularly acute.

4 The New York State Department of Health
5 advises that children and women of childbearing
6 age eat no fish from the Hudson River and that
7 others seriously restrict consumption because the
8 fish are contaminated by PCBs.

9 However, despite this advice, anglers
10 continue to eat the fish they catch, and they
11 often share the catch with members of their
12 families.

13 The advice goes unheeded and, in many
14 cases, unheard.

15 Recent studies show that recreational
16 anglers regularly eat fish from the river and that
17 many share the fish with family members.

18 This activity increases with distance
19 where downstate anglers are much more likely to
20 eat the fish than their upstate comrades.

21 Members of minority groups are also more
22 likely to consume the fish.

23 In 1992, a study found that, while only
24 47 percent of Whites ate fish they caught from the
25 Hudson River, 77 percent of Blacks and 94 percent

1 of Hispanics consumed the contaminated fish.

2 Further, this study showed that
3 approximately 50 percent of downstate anglers
4 reported sharing Hudson River fish with the most
5 at-risk population, women and children.

6 3. The Hudson River is not cleaning
7 itself of PCBs.

8 While the river is cleaner now than it
9 was 30 years ago, that is largely because the
10 State has expended tremendous resources to reduce
11 sewage and other industrial discharges.

12 The PCBs that remain in the river,
13 however, are invisible.

14 The PCB levels in the fish have decreased
15 only marginally in the over 20 years since GE
16 stoped using PCBs at its Hudson Falls and Fort
17 Edward plants.

18 Over the last seven years, PCB levels
19 have remained essentially stable.

20 Unless the PCBs are removed from the
21 river, the fish will remain contaminated.

22 4. Dredging the hot spots in the Hudson
23 River will remove large quantities of PCBs and, in
24 conjunction with control of the continuing
25 discharges from the Hudson Falls plant, will lead

1 to major improvements in the river.

2 This remedy will dramatically decrease
3 human health risks, particularly in the Upper
4 Hudson River Valley.

5 It will also cut almost in half the flow
6 of PCBs over the Troy Dam, significantly assisting
7 the recovery of the 150 miles of the Lower Hudson
8 River.

9 These long-term benefits far outweigh
10 the limited short-term impacts that may result.

11 In addition to these scientific findings
12 by EPA, a well-established body of law supports
13 requiring GE to clean up its PCBs from teh Hudson
14 River.

15 For 20 years, companies big and small,
16 regardless of the legalities of the discharges,
17 have cleaned up their toxic discharges under the
18 Federal Superfund Program and its state
19 equivalents.

20 There is no reason to treat GE
21 differently.

22 Moreover, contrary to the common
23 misperception, GE's discharges were not always
24 permitted or legal.

25 Indeed, GE had no permit for most of its

1 discharges. And even some of its discharges
2 pursuant to a permit were found to be unlawful.

3 When GE charges unfairness of requiring
4 it to clean the Hudson River of PCBs it put there,
5 one can only ask whether or not it would be more
6 unfair to ask New Yorkers to let still more
7 decades pass before the Hudson River fish are
8 safe, before the environment is cleaner.

9 Every year, the State is faced with
10 dozens of companies who refuse to clean up site
11 contaminated with their waste. Would it be fair
12 to them to make the taxpayer foot the bill for
13 GE's clean-up and not theirs?

14 And would it be fair to them to let GE's
15 pollution remain in the river while the State
16 required others to perform and pay for a clean-up?

17 The State and Federal Governments have
18 spent billions of dollars reducing sewage and
19 other discharges into the Hudson River.

20 Would it be fair to those taxpayers to
21 have all that effort undercut because GE refuses
22 to clean up its own pollutants?

23 Should we not finish the job of cleaning
24 up the Hudson River and revitalizing the river?
25 We must clean it up, not leave it contaminated.

1 The Attorney General, several years ago,
2 said that the clean-up of the river had been
3 delayed too long.

4 Several years ago, EPA committed to
5 issue a proposed remedy by December of 2000.

6 We congratulate EPA for meeting its
7 commitment.

8 Now is the time to deliver. It is time
9 to start the clean-up.

10 The Attorney General calls on GE to join
11 us in supporting this sound and fair remedy for
12 the Hudson River.

13 Together we can make progress and leave
14 our children and grandchildren a legacy we can
15 still be proud of.

16 (Applause.)

17 MR. MC CABE: Thank you.

18 Carl Pore?

19 MR. PORE: Thank you for holding this
20 meeting in the City of Newburgh, and I welcome
21 everyone to my alma mater, the Free Academy, Class
22 of '69. Where did the time go?

23 For many, many years, the Hudson River
24 has been a harbor of light for the City of
25 Newburgh.

1 The City has an illustrious history as a
2 strategic location; George Washington chose
3 Newburgh for his headquarters during the
4 Revolutionary War.

5 From that time, through the period of
6 its industrial growth as an important port city
7 and center for shipbuilding to the modern day
8 where the people are striving to reclaim the
9 Hudson River Waterfront for public use and
10 recreation, Newburgh has a rich history.

11 The river has been critical to the
12 City's growth and prosperity. Without the Hudson
13 River, there would be no Newburgh.

14 Governor Pataki has declared the river
15 as New York's life blood. It is Newburgh's life
16 blood as well.

17 After years of neglect and industrial
18 misuse, like many cities, towns and villages up
19 and down the Hudson River, Newburgh has undertaken
20 an ambitious effort to revitalize its waterfront.

21 The City has rezoned its waterfront,
22 industrial zones to waterfront classification that
23 encourages water-dependent uses and public access.

24 Former industrial properties, including
25 the Consolidated Iron site, are being cleaned up

1 and readied for redevelopment.

2 The City recently created a new public
3 park, the Ward Brothers Memorial Park, as a part
4 of the local revitalization of the waterfront, and
5 seeks to encourage water-dependent purposes and
6 increase public access to bring the people back to
7 the river.

8 The City has worked with Central Hudson
9 Gas and Electric to relocate a facility once
10 located along the waterfront.

11 Central Hudson's waste posed a threat to
12 human health and the environment and suggested
13 that a limited capping program would suffice to
14 eliminate any risk to the public or the river.

15 The City's experts disagree and have
16 vigorously pressed for active remediation both on
17 land and in the river.

18 Based on the advice of its experts, the
19 City believes that dredging is a safe, viable and
20 cost-effective way to remediate sediment
21 contamination and restore the river to health.

22 The City is pleased that, after many
23 decades of debate, the EPA has finally ordered GE
24 to clean up its mess so that the Hudson River can
25 safely be returned to the people who have

1 cherished and depended on it for so many, many
2 years.

3 Thank you.

4 (Applause.)

5 MR. MC CABE: Thank you.

6 I will read the cards out 10 at a time.
7 Please come up to the microphones, either one, and
8 then we will announce the next 10 a little bit
9 later.

10 And please state your name, spelling it,
11 and your affiliation for the stenographer here.

12 MS. SCHMIDT-DEAN: My name is Judy
13 Schmidt-Dean, Chair of the Citizens Liaison Group.

14 When I look back on the last 10 years of
15 study of PCBs and look at all of the things that
16 we have studied -- the water, the sediment, the
17 fish and more -- I realize there is one thing we
18 have not studied: me.

19 You can study things in laboratories,
20 theorizing until you are blue in the face, but why
21 even bother?

22 You have four generations of people who
23 have lived with this so-called contamination.
24 Isn't it about time you actually looked at their
25 health?

1 I am, therefore, making a formal request
2 that, before the EPA issues a Record of Decision,
3 that it conduct a comprehensive health study of
4 those residents who live and work along this 40-
5 mile corridor.

6 It is the only way that you can truly
7 learn what the effect of PCBs contaminating the
8 fish has had and will have on the human
9 population.

10 MR. MC CABE: Thank you, Judy.

11 Marion, would you like to respond?

12 MS. OLSEN: There is currently a study
13 being conducted by the New York State Department
14 of Health, including Hudson Falls and Glens Falls
15 as a control population.

16 And they are looking at the effects on
17 the nervous systems of adults between, I
18 believe, the ages of 40 to 70.

19 The first study was done last year;
20 there were about 100 people involved, and they
21 will be doing another hundred folks this year.

22 They will evaluate the data and then
23 develop a report and analysis of the data.

24 MS. SCHMIDT-DEAN: Well, I know about
25 the report, too, Marion.

1 But when you consider that there are
2 hundreds of thousands of people, not just 100 --
3 and especially in Glens Falls, not even where I
4 live, right on the river -- that is just not
5 enough. It is just not enough.

6 MS. OLSEN: This is a design that was
7 developed by the New York State Department of
8 Health.

9 It was reviewed by the Agency for Toxic
10 Substances and Disease Registry.

11 And, usually -- this is the type of
12 study that will be done. We are looking at
13 representative people in that community to look at
14 the effects.

15 MS. SCHMIDT-DEAN: Then I have have to
16 ask, why did they go to Glens Falls? Why didn't
17 they just stay on the river?

18 MS. OLSEN: Because that is their
19 control population that is being evaluated. They
20 need a control that has not been impacted to
21 compare with those individuals that are actually
22 exposed.

23 MS. PULVER: Good evening. My name is
24 Marilyn Pulver, P-u-l-v-e-r. I am the Town
25 Supervisor of Fort Edward.

1 I understand that there was an
2 announcement that the village of Fort Edward
3 supports dredging because of the economic loss to
4 the community of boat traffic.

5 If today was April Fool's Day, I would
6 consider it a joke. But today is April 2nd, and
7 it is a bald-faced lie.

8 This is just one more prime example of
9 paid environmentalists misrepresenting the facts.

10 The village of Fort Edward passed a
11 resolution regarding navigational dredging of the
12 yacht basin; not a part of this project, not
13 environmental dredging of the Hudson River. The
14 village is opposed to EPA's proposal.

15 Fort Edward's Mayor, Ed Ryan, and Fort
16 Edward Town Supervisor, Marilyn Pulver, announced
17 on December 19, 2000, that the village and the
18 town of Fort Edward remain steadfastly opposed to
19 the EPA's proposed decision to dredge the Hudson
20 River.

21 Any articles that have questioned the
22 unity of Fort Edward concerning this are
23 absolutely incorrect.

24 Our community, for a quarter of a
25 century, has battled all dredge and dump proposals

1 due to the devastating economic impact of such a
2 project, and this one is no exception.

3 We adamantly support our December
4 resolution, and call upon EPA to heed the voice of
5 the upriver communities.

6 Sixty-five upriver communities are
7 united in opposition to EPA's proposed plan, and
8 we ask that EPA consider in its process of
9 decision-making the level of impact to the upriver
10 communities and the consequences of this dredge
11 proposal.

12 Thank you.

13 (Applause.)

14 MS. RUGGI: Good evening. My name is
15 Sharon Ruggi, R-u-g-g-i.

16 I am a councilwoman in the town of Fort
17 Edward.

18 And I do have a question. But, first, I
19 want to express my appreciation for the fact that
20 you have changed you resuspension numbers, though
21 we have really no idea how this number has been
22 derived.

23 And my question is very simple: Are you
24 committed to revising the numerical predictions
25 that you initially had regarding resuspension?

1 MR. TOMCHUK: At the time we looked at
2 resuspension, it was fairly late in the process.

3 That is one of the reasons that we did
4 make a change in the estimated projections from 20
5 pounds.

6 We had reason to change it to 238
7 because we did not get a chance to run the actual
8 numbers through -- we do not believe it is really
9 necessary to run it through the model to predict
10 the transport of fish concentrations because, if
11 you look at the 100-year flood event, you have
12 more resuspension of PCB-contaminated material or
13 pounds of PCBs being suspended in that type of
14 event.

15 And in about a two-year time frame, you
16 do not see any evidence of that.

17 So, from looking at that, we did not
18 believe that the impacts of the resuspension of
19 about 200 pounds over the lifetime of the dredging
20 project would be worth -- would make enough of an
21 impact to see a difference in the long-term
22 projection on the model.

23 MS. RUGGI: So, exactly what numbers did
24 you use in order to refigure the resuspension?

25 MR. TOMCHUK: We used the actual make-up

1 of the sediment that would be removed, the
2 particulate material, percent of fines, and the
3 coarse material and sand.

4 MS. RUGGI: So, you did take into
5 account the resuspension that has been noted in
6 other dredge sites?

7 I mean, it seems that the most amount to
8 date has been 2.2 percent.

9 So, you did not use that number in any
10 way when you --

11 MR. TOMCHUK: Actually, that number of
12 2.2 percent that you referred to in the last
13 public meeting is just from one USGS paper.

14 We have taken a look at that paper. We
15 think that there are some difficulties with that.

16 We do not feel that that is a number
17 that would be applicable to the Upper Hudson.

18 I think you have to look at the distance
19 downstream, sampling at key points, a couple of
20 other factors involved there.

21 We think that -- we have looked at
22 another project where we found .12 in
23 resuspension. There is no paper on that; that is
24 just some internal work that we have done.

25 And we think that that is more in line

1 with what we expect from what we have seen from
2 the turbidity monitoring there and at other sites.

3 So, we do not believe that the 2.2 is
4 the lowest. We believe that the number that we
5 are coming up with now, that it will be about 38
6 pounds per year, will be accurate.

7 MS. RUGGI: Could you tell me, that .12,
8 that was at what site?

9 MR. TOMCHUK: That is for New Bedford
10 Harbor hot-spot removal.

11 MS. RUGGI: Thank you.

12 MR. MC CABE: Resuspension has obviously
13 become a major issue in the last month or two.

14 As Doug mentioned, we are doing a lot
15 more work with it. We are looking at a lot of
16 studies that are out there, and that is what the
17 public comment period is for.

18 We are hearing a lot of different
19 things, and we are going to be responding in more
20 detail when we have completed our analysis.

21 MS. CIARIMBOLI: My name is Donna
22 Ciarimboli, C-i-a-r-i-m-b-o-l-i.

23 My comments tonight are from my heart.
24 I am a lifelong resident of the City of Newburgh.

25 I am a member and sit on the Board of

1 Directors of Hudson River Clearwater, and I am
2 also a member of the Executive Board of the Beacon
3 Sloop Club, which is a local environmental group
4 which serves to protect and preserve the Newburgh-
5 Beacon Bay area.

6 I also have five children, and three
7 grandchildren that will grow up in the City of
8 Newburgh.

9 And in my house, in my family, when
10 someone makes a mess, it is their responsibility
11 to clean it up.

12 So, I am urging the EPA to continue to
13 recommend that GE be responsible and clean up the
14 mess they made to my river, the Hudson.

15 A few years back, I was a member of a
16 team of Clearwater volunteers that went down to
17 the river shore to ask people fishing if they knew
18 about the restrictions on the fish that they were
19 catching and if they had heard of PCBs.

20 In Newburgh, we went to the dock and
21 along the shoreline.

22 About 50 percent of the people fishing
23 knew about the health advisory pertaining to
24 eating the fish, and the other 50 percent did not.

25 The health advisory states that all

1 women of child-bearing age and children under the
2 age of 15 should not eat any fish from the Hudson
3 River.

4 Everyone I interviewed intended to eat
5 the fish they caught, warnings or not.

6 I continued to ask these questions,
7 going down the river's edge and, through the
8 years, more and more people are not aware of the
9 advisory.

10 We have a large number of low- to
11 middle-income families that have recently made
12 Newburgh their home, and many of them can be found
13 along the river shore fishing for eels, catfish
14 and stripers.

15 For some, this is recreation but, for
16 others, it is a part of their culture and,
17 realistically, food on the table.

18 No amount of signs or orders are going
19 to stop them from feeding the youngsters, the
20 pregnant mothers and wives and older people that
21 fish the bounty of the Hudson River.

22 The only solution is for the river to be
23 cleaned ASAP.

24 The bottom of the river, where the eels,
25 catfish and crabs live is called "The Benfick

1 Level" or "The Benfick Line".

2 For me, the bottom line is that PCBs
3 have to be removed from there, and it must be done
4 immediately.

5 (Applause.)

6 MR. BALLANTINE: My name is Chris
7 Ballantine. I am here tonight representing the
8 Sierra Club.

9 The Sierra Club fully supports your
10 Preferred Alternative Number 4.

11 I believe that, in some instances, we
12 ought to be looking at recovering more PCBs from
13 the toxic hot spots.

14 I have two specific questions tonight
15 for EPA.

16 I understand, through newspaper
17 articles, that the group CEASE is trying to
18 arrange a meeting with Administrator Whitman of
19 the EPA.

20 And my call to you is, if that meeting
21 happens, I would hope we would be given the
22 courtesy of the environmental community meeting
23 with the EPA Administrator as well.

24 Obviously, politics have changed, but
25 the fact that we need to clean up and restore this

1 river has not.

2 And I would respectfully urge equal
3 opportunity.

4 My second question concerns the fact
5 that a notice that is being released from DEC
6 today that we need to evaluate carefully suggests
7 to me that the problem is actually far worse than
8 we are talking about.

9 As I understand it, the EPA proposed
10 remedy only addresses material in the river and
11 not in the adjacent floodplains.

12 And I think it bears out that there is
13 serious contamination in these floodplains.

14 The other thing that will fall faster
15 than GE's credibility if we are not careful will
16 be property values.

17 So, I would urge all my good friends in
18 the Upper River communities to think twice about
19 slamming the Environmental Protection Agency and
20 opposing the clean-up until you know whether or
21 not this material is in your back yard.

22 I thank you.

23 (Applause.)

24 MR. MC CABE: Just one comment on that.

25 CEASE wants to meet with the new

1 Administrator, and I think there are quite a few
2 other people who want to meet with the
3 Administrator.

4 We will certainly take it all into
5 consideration.

6 Region 2 has not yet briefed the new
7 Administrator, so we will let you know.

8 Doug, go ahead.

9 MR. TOMCHUK: I just checked in a little
10 bit more detail my answer to Sharon Ruggi
11 previously concerning the differences between the
12 numbers in the FS.

13 And I knew 30 pounds of PCBs was a small
14 correction factor.

15 The larger correction was that, in our
16 models, we looked at Tri-Plus PCBs, PCBs with
17 three or more chlorines per molecule because that
18 is the consistent basis over the long-term time
19 frame.

20 And the number was not a total PCB
21 number.

22 So, the total PCB number was never
23 calculated previously. And 38 pounds is total
24 PCBs.

25 I just wanted to make sure that

1 everybody understood that.

2 MR. MC CABE: Patrick?

3 MR. SHANNON: My name is Patrick
4 Shannon.

5 I would like to commend the EPA for the
6 proposed plan to clean up the PCBs.

7 I am glad to see that, after years of
8 study, we are finally looking at a realistic
9 clean-up.

10 When the question occurs as to whether
11 or not dredging is the right way to clean up the
12 river, I believe that, in fact, it is.

13 General Electric did their own project
14 in cleaning up the Hudson. They used a clamshell
15 with a pilot project, and they did a good job of
16 it.

17 It was on a smaller scale, but it proves
18 that, with GE's technology, it can be a very
19 successful project.

20 So, I urge EPA to go ahead with the full
21 plan.

22 (Applause.)

23 MR. CIRNIGLIA: I am Vincent Cerniglia.
24 I am a lifelong resident of the Hudson Valley.

25 Years ago, before industrialization,

1 whatever pollutants were in the river were there
2 from the air.

3 Companies came in and they made their
4 money building things that bring good things to
5 all our lives.

6 And for that, I am thankful. But by the
7 same token, when they made their money, in the
8 process, they polluted the waters that we either
9 drink or eat from, and I think it is their
10 responsibility to clean it up.

11 That should be part of their profit
12 model, and it is something that they should have
13 taken into consideration when they built these
14 plants to begin with.

15 Hindsight is great but, ultimately, they
16 need to look at that.

17 And I applaud them for doing their
18 designs now to show how they can clean their own
19 sites, but they have created a bigger problem that
20 they need to address.

21 And if they had spent as much money in
22 that as they do in their advertising, we would be
23 a little bit further along right now.

24 Thank you.

25 (Applause.)

1 MS. HEALY: My name is Maryellen Healy,
2 H-e-a-l-y. I am a resident of the Hudson Valley.

3 And I would like to congratulate the EPA
4 for its plan to actively remove the PCBs from the
5 targeted hot spots in the Upper Hudson.

6 In particular, I am concerned that
7 pregnant women and developing fetuses are
8 particularly vulnerable to these types of chemical
9 exposures. And we must protect the children.

10 There is a report by a team of doctors
11 called "In Harm's Way", and it says that millions
12 of children in the United States have learning
13 disabilities, reduced IQs and exhibit destructive
14 aggressive behavior because of exposure to toxic
15 chemicals, and these are preventable contributors
16 to these conditions.

17 I work in the field of early
18 intervention, and I see on a daily basis the
19 effect of lead poisoning on brain development:
20 language, learning, behavior and sensory
21 retardation have all been tested and documented.

22 PCB exposure is no different. Through
23 deliberate exposure by the chemical industry and
24 profit-seeking corporations, we humans and the
25 animal population carry a burden of lead, mercury,

1 pesticides, dioxins and PCBs.

2 I do not believe that the river will
3 clean itself up. I believe that it is pure
4 propaganda that General Electric has spent endless
5 dollars advertising.

6 I see countless dollars wasted on
7 advertising when we have a public health issue at
8 hand.

9 Cost should not be a deterrent to public
10 health initiatives, and we are failing to protect
11 the children from industrial poisons.

12 And I would like to say that I agree
13 with Rachel Mann who said that, to some, our
14 current regulatory system is like a trial in which
15 the criminal defendants get to serve on the jury.

16 If we want to have children who can
17 play, who can think and who can learn normally, we
18 will have to change our corporations and our
19 government so that protecting brain development
20 comes ahead of protecting profits.

21 Please, actively remove the PCBs from
22 the targeted hot spots along the Upper Hudson.

23 It is time to start the clean-up.

24 Thank you.

25 (Applause.)

1 MS. ROWAN: I am Kathy Rowan, R-o-w-a-n,
2 head of corporate responsibility for the
3 Merryknoll Sisters, and international Catholic
4 religious organization serving in over 30
5 countries.

6 The Sisters' headquarters is in Ossining
7 on a hill overlooking the beauty of the Hudson
8 River.

9 The Sisters are members of a religious
10 organization along the river, LORE.

11 In our mission statement, LORE believes
12 that we share a kinship with all creation and that
13 ecologically sound care of the land is a key part
14 of our mission.

15 We come together to address the
16 interrelated issues of poverty, justice, and
17 ecology in this vital region.

18 For us, the presence of PCBs in the
19 Hudson River is a moral issue and is related to
20 poverty, justice and ecology.

21 Because of the presence of PCBs, the
22 government considers eating even one fish a danger
23 to children and women of child-bearing age.

24 PCBs pose a serious health risk to the
25 residents of the Hudson Valley.

1 We are especially concerned for those
2 who may rely on Hudson River fish for their
3 nutrition.

4 We are concerned about justice; that
5 those who pollute be held accountable for their
6 actions.

7 As institutional shareholders, the
8 Merryknoll Sisters have drafted a resolution
9 calling on companies to clean up the river.

10 We are concerned about ecology and the
11 health and safety of the web of life linked so
12 closely with the Hudson River.

13 We support Christie Whitman's statement
14 on the EPA's web site, her commitment to leave
15 America's environment cleaner when we are done
16 than when we started.

17 And we urge the EPA to act as quickly as
18 possible to reduce the risks to health and the
19 environment which the PCBs in the river have posed
20 for so many years.

21 Thank you.

22 (Applause.)

23 MR. SULLIVAN: My name is Ned Sullivan,
24 Executive Director of Scenic Hudson.

25 I previously served in the New York

1 State Department of Environmental Conservation
2 overseeing dozens of hazardous waste clean-up
3 projects.

4 I support the EPA's proposal to dredge
5 the Hudson River of PCBs, and I thank you for
6 going around the region to share your plan and all
7 the great work that you have done in putting it
8 together and making a technical decision.

9 And I know there are people in the
10 Department of Environmental Conservation who have
11 extensive experience in cleaning up hazardous
12 waste sites and, with their endorsement and
13 support, the clean-up will be a successful one.

14 It is the broad consensus of the
15 environmental community that PCBs pose serious
16 human health and environmental risks.

17 Yet, GE, just last week, said PCBs are
18 not a health risk.

19 This contrasts markedly with the State
20 Health Department's warning to children and women
21 of child-bearing age not to consume any fish
22 caught in the Hudson from Hudson Falls to The
23 Battery.

24 In your chart here, you show
25 dramatically that the 90 percent climb in PCB

1 levels in fish occurred years ago when GE was
2 ordered to stop discharging PCBs into the Hudson,
3 and they have leveled off at levels that exceed
4 the safe threshold for consumption.

5 I want to address the effectiveness of
6 remedial technology to address this problem.

7 Scenic Hudson conducted a study
8 nationwide, and found that dredging technologies
9 are effective, that sediment clean-ups in -- we
10 looked at 90 different sites and we found that 70
11 clean-ups reduced average contamination
12 concentrations in sediments by 82 to 99 percent.

13 And the average reduction in fish
14 concentrations ranged from 56 to more than 99
15 percent.

16 So, the technology is there, and it is
17 effective.

18 And we urge the Bush Administration to
19 follow its three bad decisions for the environment
20 in its first 70 days in office with a good
21 decision to clean up the PCBs in the Hudson.

22 Thank you.

23 (Applause.)

24 MS. SYLCON: My name is Carol Sylcon,
25 S-y-l-c-o-n.

1 I live in the Town of Newburgh. I was
2 born and raised in Cornwall.

3 I am a member of the Beacon Sloop Club,
4 and I have done some work here in the City of
5 Newburgh and helped people with Literacy
6 Volunteers, was a consultant with Literacy
7 Volunteers having done studies with the needy
8 population.

9 And having been down along the
10 waterfront, I have run into people who are
11 subsistence fisherpeople.

12 And I came to realize that some of the
13 people cannot read the signs concerning the fish
14 consumption advisories.

15 Also, in Beacon, I hooked up with a
16 person who ran a Hispanic radio station who
17 learned about the advisories and was appalled that
18 it was not in a lot of the Hispanic newspapers.

19 So, I hope the media will make more of
20 an effort to get this information concerning the
21 PCBs and the EPA proposal out to some of the
22 smaller minority stations and newspapers.

23 And I want to thank you very much for
24 all that you are doing, have done and will
25 continue to do. Thank you for not forgetting

1 Newburgh.

2 And thanks again for everything.

3 (Applause.)

4 MR. OBERHAUSER: My name is Daniel
5 Oberhauser.

6 I am with the Fishkill Democrat
7 Committee. I am Chair of the Committee.

8 I am thankful to the EPA and to all of
9 the people here who are participating in this
10 important effort.

11 Years ago, there used to be commercial
12 fishing in the Hudson River.

13 Today there is no longer any commercial
14 fishing, as there used to be. And this is because
15 of PCBs.

16 Generations of fishermen had to give up
17 their livelihoods and find other sources of income
18 so that they could support their families.

19 I feel it is an insult for General
20 Electric to show to the public on television one
21 of the most ineffective dredging techniques using
22 a clamshell steam shovel to pick up sludge and
23 sediment from a body of water.

24 There are more modern ways to do
25 dredging today.

1 Some of the municipalities along the
2 river take their water from the river to get water
3 to their communities.

4 And these PCBs I have no doubt are
5 getting into these water sources.

6 It is a hazard to all humans, wildlife
7 and plant life as well.

8 There are many ships and barges that
9 cruise up and down the Hudson, and they stir up a
10 lot of this sediment, as do storms.

11 And these sediments do not just lay
12 there and be hidden forever; they float around and
13 get into all kinds of water sources for all kinds
14 of living things.

15 And I just wanted to make sure that this
16 gets taken into consideration.

17 MR. MC CABE: I just want to point out
18 one thing.

19 As far as we know, it is completely
20 accurate that the water supplies are not in
21 danger.

22 I mean, they are all heavily regulated,
23 and there are no PCBs that are exceeding limits,
24 to our knowledge.

25 MS. RAYNOR: My name is Helen Raynor, a

1 member of the Sisters of the Presentation located
2 over in New Windsor.

3 We have been in the area for 80 years,
4 so we have a vested interest in the Hudson River.

5 I grew up along the Hudson, and I fished
6 for stripers with my father and my grandfather,
7 and that was before GE messed the river up.

8 I think GE should be held responsible
9 for cleaning up the mess they have created in the
10 Hudson.

11 The PCBs were created and dumped by GE,
12 and they have the technology to clean it up.

13 I really cannot believe that they would
14 have gone ahead and invented PCBs without knowing
15 how to clean it up.

16 I think this is a moral issue, a matter
17 of right and wrong, and it touches on the quality
18 of life of human beings and non-human beings all
19 along the river.

20 This contamination is adversely
21 affecting health and, as many people mentioned,
22 especially the children.

23 John Coleman was in the Bronx on
24 Thursday and reminded us that slavery, civil
25 rights and women's rights never made headway until

1 they were addressed as moral issues.

2 And, therefore, I repeat what he said
3 down there: The environment needs to be embraced
4 as a moral issue because it is not just a clean-up
5 program or an economic issue.

6 My personal opinion is that we should
7 dredge.

8 However, my one concern is, where will
9 the sediment go? Whose back yard will it end up
10 in?

11 It is nice that the Hudson River people
12 will not have to worry about it, but who will?

13 There is a principle in biology that
14 says, "There is no away since the earth is a
15 whole."

16 (Applause.)

17 MR. MC CABE: Responding to where the
18 sediments will go, they will be -- the plan
19 envisioned right now is that they will be
20 dewatered and taken by rail to facilities that are
21 permitted for the disposal of the PCBs.

22 What we did in our planning was, for
23 costing purposes -- since we need to analyze
24 alternatives also on a cost basis -- was that we
25 selected out of a number of available disposal

1 facilities, one in Texas, for the PCB-contaminated
2 waste.

3 That would be the waste that is
4 considered under the Toxic Substances Control Act
5 to be regulated, over 50 parts per million; and
6 that was Texas.

7 But there are a number of facilities.
8 And, again, this would be bid out, and this is
9 something that these facilities want.

10 And non-toxic or under 50 could go to a
11 landfill in the Niagara Falls area.

12 Again, there are other facilities
13 available.

14 Also, it is important to remember that
15 the concern with respect to PCBs is through the
16 food chain, through the fish.

17 It is not that they are good for you by
18 any stretch of the imagination, but it is not a
19 consideration at these landfills.

20 So, while it not a perfect solution,
21 that they are not completely destroyed, there are
22 facilities that are well-regulated and permitted
23 to handle this waste.

24 And that is where they would go.

25 MR. RUBINSTEIN: Good evening. My name

1 is Ed Rubinstein, and I am a journalist.

2 Unlike a lot of the great people here, I
3 am not originally from the Hudson Valley. I am
4 originally from New York City.

5 I have various friends who work for the
6 EPA in the New York office and have friends who
7 have tagged Bass and other fish.

8 I also am familiar with the PCB levels
9 in our fish.

10 From my name, Rubinstein, a lot of
11 people could figure out I have a Jewish heritage.

12 This weekend begins Passover, and one of
13 the main ingredients in gefilte fish is carp.

14 Well, wouldn't it be great if the Hudson
15 River could become a mecca for carp?

16 (Laughter.)

17 MR. RUBINSTEIN: Anyway, I do have a
18 couple of questions.

19 Is there any breakdown of the funds, the
20 460 million?

21 Secondly, on the remediation front, is
22 there anything in the area of emerging technology
23 that could make this project move along quicker?

24 MR. MC CABE: A breakdown of the funds
25 in terms of where they are coming from or --

1 MR. RUBINSTEIN: What gets used for
2 what? What goes where?

3 MR. MC CABE: The cost of each
4 individual item, like, how much expenditure for
5 disposal and that kind of thing?

6 MR. RUBINSTEIN: The \$460 million, how
7 are those costs allocated?

8 What line items are for what?

9 MR. MC CABE: All right.

10 Doug, do you want to go over that?

11 MR. TOMCHUK: I will address that. The
12 largest thing so far is the disposal cost; you
13 know, it is the transportation and disposal in
14 these off-site facilities.

15 They just -- let me add this up quickly
16 -- add up to about 300-plus-million of that
17 figure.

18 The design and the testing and things
19 like that would be about \$25 million.

20 There is a whole table of information
21 here, so it is hard to pull things out.

22 But the biggest cost by far is the
23 transportation and disposal.

24 Treatment would cost more than that
25 though. That is one of the reasons why that was

1 the preferred remedy.

2 The backfilling costs about \$40 million
3 -- 40- to \$45 million.

4 So, there is a whole breakdown here.
5 The dredging is about \$54 million.

6 MR. MC CABE: And as far as new
7 technology, we have been looking for something in
8 situ, in place in the river.

9 And, unfortunately, we have not been
10 able to come up with something there.

11 There are, of course, a number of
12 technologies that could destroy PCBs, all the way
13 up to thermal treatment.

14 That, of course, since we are not going
15 to site a landfill in the Hudson Valley, we are
16 not going to site a thermal treatment facility in
17 the Hudson Valley.

18 So, once we take it away from there,
19 then there is no point to thermally treating it at
20 a disposal facility and then disposing of it
21 there.

22 So, we do have to consider cost as one
23 of the many factors.

24 MR. TOMCHUK: I guess one other last
25 point is that one of the things that we are

1 supposed to be looking at during this design
2 period -- that we will be looking at -- is some
3 beneficial reuse of the non-PCB waste, non-toxic
4 waste.

5 So, there are some opportunities of
6 beneficial use of that material.

7 There are a number of facilities that
8 are looking into that type of product, being like
9 an aggregate type product in cement or making
10 cement out of it.

11 So, there are some options there that
12 will be explored.

13 They are not in the cost estimate. They
14 would be able to reduce the cost estimate if they
15 could be actually used.

16 MR. MC CABE: There is actual product
17 testing going on from sediments in the New York
18 Harbor area and, hopefully, we will get something
19 from that.

20 MR. TOMCHUK: And these are present work
21 costs.

22 MS. INGERRA: I am Amanda Ingerra. I am
23 here representing (inaudible) Public Interest. We
24 are a church group in the City of New Paltz.

25 We are a student-run activist

1 organization, and I am an environmental intern.

2 I have lived in Kingston, New York, my
3 whole life.

4 And when I was younger, I was not
5 allowed to swim in the Hudson.

6 And I want my children to have the
7 opportunity to be able to swim in the Hudson.

8 And it really saddens me that GE has
9 polluted not only our river, but our minds with
10 their false advertising.

11 And I did actually -- I read a study in
12 the Daily Freeman last week -- and, I'm sorry, I
13 do not remember -- it was a local geologist; I do
14 not remember his name.

15 He is a university professor. He had
16 studied the sediments, and he concluded that
17 because -- the reason I am saying this is because
18 the residents of the Lower Hudson Valley do not
19 think that it is as polluted as the Upper Hudson
20 Valley.

21 The geologist concluded that Kingston
22 has the third highest level of PCBs in the Hudson;
23 the first being the Upper Hudson, the second being
24 that New York Harbor, and the third being
25 Kingston.

1 And I do not know if you have done
2 studies on that or not.

3 And I think that people should know that
4 it does affect them.

5 And that is pretty much it.

6 MR. MC CABE: Thanks, Amanda.

7 Did you want to say something, Doug?

8 MR. TOMCHUK: Actually, we have not seen
9 a paper about the levels in the Kingston area.
10 So, if you have information on that, please submit
11 that directly during the public comment period.

12 MS. INGERRA: Okay.

13 (Applause.)

14 MS. SWINGLE: I am Melissa Swingle, and
15 I am not originally from this area.

16 I am a student who came to this area
17 and, like many people who came to this area, I did
18 not know about not being able to fish and swim in
19 the Hudson River because of the PCBs.

20 So, this is just proving that there are
21 more innocent victims, and they are getting hurt
22 more and more.

23 And we do have to blame GE. A lot of
24 people have raised the issue as to why it has
25 taken so long.

1 Well, who do we blame for that? We keep
2 letting these corporations get away with hurting
3 ourselves, hurting our environment. And it is
4 unfair.

5 I do want to thank you for what you have
6 done, and I hope you can get the problem solved
7 soon.

8 MR. MC CABE: Thank you, Melissa.

9 (Applause.)

10 MR. SCHAFFO: Rich Schaffo from Scenic
11 Hudson.

12 We have heard a lot about the USGS 2.2
13 suspension rate.

14 I just wanted to read a statement that
15 was from a report done by the Fort James
16 Corporation in January 2001 after that USGS study
17 was done on the Fox (phonetic) River.

18 It states that after completing the
19 dredging project, quote, "The turbidity monitoring
20 data showed the dredging activities did not cause
21 significant sediment resuspension."

22 There is just another point I want to
23 clarify. The Friends of a Clean Hudson released a
24 list of municipalities that support the clean-up
25 today.

1 It is a list of 53. I will submit the
2 list to you. It does not include the Village of
3 Fort Edward on it.

4 Fort Edward did pass a navigational
5 dredging resolution calling upon the EPA to do
6 that navigational dredge because they know that an
7 environmental dredge will require more disruption
8 for contamination to be removed.

9 And just in terms of the other talk
10 about the DEC release of the data today, I just
11 wanted to point out a couple of things.

12 They are really underscoring the
13 falseness of GE's claims that the river is
14 cleaning itself up and that PCB levels are
15 declining.

16 From the press release, "The New York
17 State Department of Environmental Conservation
18 Commissioner announced today that the findings
19 from a preliminary study of the Upper Hudson River
20 Valley showed elevated levels of PCBs in
21 floodplain soils and mammals that live near the
22 river.

23 "The preliminary results indicate that
24 wild geese and river otters have been exposed to
25 PCBs and have elevated levels of PCBs in their

1 bodies.

2 "River otter have 172 parts per million,
3 and PCB contamination levels were found in fish in
4 the Hudson River that have not dropped
5 significantly since the mid-1980s; and that the
6 concentration levels in fish have varied over
7 time, but still greatly exceed values of
8 reasonable risk for human consumption of fish,
9 including the EPA's goal of .05 for unrestricted
10 consumption."

11 So, the basic point is that fish levels
12 are not declining; the river is not cleaning
13 itself, and we need to move on this aggressive
14 clean-up ASAP.

15 Thank you.

16 (Applause.)

17 MR. MICHAELS: I am Craig Michaels, and
18 I am here tonight on behalf of Riverkeeper. We
19 are an environmental group in Garrison, New York.

20 We have heard over and over again that
21 General Electric wants to clean the river; they
22 care about a clean river; they would like to clean
23 up the source of the PCB contamination.

24 And, in fact, they have spent millions
25 of dollars cleaning up their plant sites since

1 1977.

2 And recently they spent millions more
3 telling us about those clean-ups.

4 So, what about this clean-up? GE seems
5 to commend itself for the fact that they now have
6 only three ounces of PCBs leaking into the Hudson
7 River every day.

8 They think this is a good thing: "We
9 are down to three ounces."

10 Well, you know, this chemical was banned
11 in 1977, the plant was closed in 1984, and there
12 are still three ounces a day coming into the
13 river. I think that is pathetic.

14 GE should have never -- if they were a
15 responsible company, they would have never buried
16 what they knew to be a toxic chemical in bedrock
17 that any geologist in the world could tell you was
18 unstable at best; nevermind the fact that this
19 whole clean-up was part of a settlement with the
20 State and that GE was required by the State to do
21 this.

22 What is even more pathetic and
23 disgusting about General Electric though is the
24 fact that they completely disregard the EPA's
25 accepted decade-long peer-reviewed scientific

1 research.

2 Now, this research that was referred to
3 here tonight said specifically that the main
4 source of PCB contamination in the Lower Hudson is
5 the PCB-contaminated sediments in the Upper
6 Hudson, not the plant sites themselves.

7 And, in fact, we have proof -- GE's old
8 plant, as I said, leaks about three ounces a day.
9 So, now, if that was the only source of
10 contamination, we would have about 68 pounds per
11 year coming over the Federal Dam in Troy.

12 And, instead, we have more like 500
13 pounds.

14 So, there is no way that their site can
15 be the only source of contamination.

16 The main source is the sediment. The
17 PCBs are not being buried; they are not breaking
18 down. They are washing downstream to us every
19 year.

20 Now, this is not an either/or scenario,
21 as GE would have you believe.

22 They want you to believe that, "We have
23 to clean up our plant, or we will clean up the
24 river."

25 And, actually, it is both: They need to

1 follow through on the requirements to clean up
2 their plant site, and they need to get rid of the
3 main source of contamination, which is the
4 sediment.

5 And if GE does not want to dredge, then
6 it better come to the table with a better
7 alternative that they can do.

8 And instead of coming to the table, they
9 are out there telling us lies, that PCBs do not
10 harm humans.

11 And what this is is exactly what the
12 tobacco industry did. It is tobacco science:
13 Don't buy it. GE lies. GE deceives us, and then
14 spends millions of dollars trying to avoid a
15 clean-up for a river that they singlehandedly
16 devastated.

17 (Applause.)

18 MR. MC CABE: There is a question from a
19 Hubert Boyd here: "Is it true that PCBs in the
20 Hudson were legally disposed of under existing
21 laws, regulations and permits?"

22 I think they would say partially so. I
23 think you heard quite well before from the
24 Attorney General's Office exactly what was legal,
25 what was not legal, what was in gray areas or

1 whatever.

2 But I think it is most important to
3 remember, which GE itself recognizes that, under
4 the Superfund Law, they are responsible parties.
5 End of story.

6 Did you have other comments, sir?

7 MR. BOYD: My name is Hubert Boyd, B-o-
8 y-d, and I am a resident of Newburgh.

9 And I guess for the record I should
10 indicate I was once employed by GE about 30 years
11 ago until I was layed off. So, I hold no grief
12 one way or the other for GE.

13 But as a chemist, I would have to ask
14 some questions.

15 How many residents in the impacted area
16 have been shown to have been affected by PCBs?
17 How many cancer cases have been caused by PCBs?

18 For \$460 million, how many cancer cases
19 will be prevented by the clean-up?

20 And I ask those questions as an
21 individual and as a scientist.

22 MR. MC CABE: Before I turn it over to
23 Marion, who is our toxicologist, the way that we
24 do our risk assessments -- well, first of all, let
25 me start with saying that there are a variety of

1 bans and restrictions in the river.

2 So, even if someone were to have done
3 such a study, while we know that people do not
4 always obey those, certainly an awful lot of
5 people who could eat the fish do not eat the fish
6 now.

7 So, we do not have any particular number
8 of residents. The basis is not a whole
9 population; we do them on an individual risk. So,
10 we do not know particular numbers or how many
11 cancers are there now, how many would be prevented
12 in the future.

13 Marion may want to comment on that, as
14 she did mention a study that was underway.

15 MS. OLSEN: In our risk assessment
16 process, essentially what we are looking at is
17 current and future exposure.

18 And in the risk assessment for the Upper
19 Hudson River, our increased risk was one in a
20 thousand.

21 And to put that in perspective, it is a
22 thousand times higher than EPA's goal of
23 protection and 10 times higher than the highest
24 level that is permitted.

25 In addition, we looked at non-cancer

1 health effects.

2 And we looked at young children, we
3 looked at adolescents, and we looked at adults.

4 And those levels in the Upper Hudson,
5 for the young children, they were about a hundred
6 times the level that is considered basically safe.

7 This is what is called a "reference
8 curve", and it is a level that is set to be
9 protective of children and other populations that
10 are exposed.

11 For the adolescents, it was 71 times
12 higher, and for the adults it was 65 times higher.

13 We did a separate human health risk
14 assesment for the Mid-Hudson, and the risks were
15 about half of that level.

16 And this looked into the future. And,
17 again, as Bill mentioned, we are looking at risks
18 to recently exposed individuals.

19 The toxicity information that is used in
20 this is very much from analyses that were
21 conducted by EPA.

22 In 1996, EPA conducted a reassessment of
23 the cancer data, and concluded, again, that PCBs
24 are a probable human carcinogen.

25 And we also made specific

1 recommendations for the toxicity values that are
2 used.

3 For non-cancer, the reference values
4 were developed in about mid-1990. And EPA is
5 currently involved in reassessment of this data.

6 I mention this because the toxicity
7 information that is used is used at all of our
8 Superfund sites across the nation.

9 This has gone through peer review, and
10 it has been used by the agency throughout risk
11 assessments at different sites.

12 And I hope that addresses your question.
13 All of the information is also presented in our
14 Women's Health Risk Assessment, which also was
15 externally peer-reviewed -- it is actually a
16 separate document.

17 And if you review it, you can review the
18 Agency's conclusions related to health risks from
19 the Hudson River.

20 MR. MC CABE: And Marion will probably
21 kill me for saying this, but she can explain this
22 program that is going on with DOH to you again
23 later.

24 But it is very difficult, as you may
25 imagine, with all the different contaminants that

1 are in the environment, to isolate one.

2 I am sure there is some way to estimate
3 doing it, but it is still rather difficult to
4 estimate what one particular contaminant at
5 whatever levels you may have been exposed to over
6 your lifetime for cancer may have done to you.

7 MR. LEWYTA: My name is John Lewyta, L-
8 e-w-y-t-a.

9 I just wanted to say that I appreciate
10 -- I did send an e-mail, and you responded back to
11 me within four hours.

12 I run an industrial services company
13 over here in Cornwall, New York.

14 And my company is currently involved
15 with a variety of industrial wastewater clean-ups,
16 primarily in pulp and paper.

17 Also, my affiliated companies are doing
18 dredging projects currently right now in the State
19 of Ohio and the State of Michigan.

20 Basically, as an independent engineering
21 consultant, I am supportive of the dredging of the
22 Hudson River, obviously; it is my bread and
23 butter.

24 My company uses a variety of cost
25 effective and environmentally sound technologies

1 in our projects.

2 If you look at the sequential steps in
3 the process of these types of clean-ups -- with
4 dredging, dewatering, and disposal -- there are a
5 lot of proven technologies out there in the
6 marketplace and also some emerging technologies;
7 in fact, we are looking at a couple of them in New
8 Jersey.

9 As an engineer, we usually pick up where
10 the scientists leave off. And I was trained to
11 deal with environmental issues both in my
12 corporate life and in my private life.

13 So, I am really glad to see that you are
14 driving this process basically based on
15 fundamental science and not being sidetracked by
16 political science on both sides of the issue.

17 Thank you.

18 (Applause.)

19 MR. PINES: My name is Larry Pines. I
20 am a researcher, and I have been one for several
21 years.

22 I am just wondering -- on the disposal
23 of this material, I did not see anything in the
24 report there about what is going to happen to the
25 water that has been squeezed out or whatever,

1 removed from the sediments.

2 The sediment itself I saw is going to be
3 trucked or transferred by rail to landfills,
4 permitted landfills.

5 Several years ago, I received a big book
6 from the EPA about systems for treating toxic
7 wastes and things like that, one of which was
8 high-energy electron beam irradiation which,
9 apparently, was used in Brooklyn.

10 And, also, I talked with some folks down
11 in, I think, Atlanta who were using it down there.

12 And this process could eliminate the
13 PCBs from the water and the sediment, and it flows
14 from technology such as putting it on a barge,
15 sucking it up out of the river, running it through
16 this process, and then disposing of the sediment
17 back into the river and the water back in.

18 As long as you can destroy the PCBs
19 right there as you collect them, I do not see any
20 reason why not to use it, other than the fact that
21 this technology requires a great deal of
22 electricity.

23 And contrary to what they are saying in
24 California and what President Bush is saying,
25 there is no energy crisis; it is just merely a

1 crisis of ethics.

2 There is plenty of energy right here in
3 the Hudson Valley, and several megawatts of
4 electricity right here in Newburgh that goes
5 untapped.

6 The technology is available to tap that
7 energy, but the Department of Energy has not --
8 they are not in that process -- they are not in
9 that business.

10 Apparently, people cannot get grants to
11 develop technology such as that where we would
12 have distributed generation plants rather than
13 centralized generation plants.

14 If it is possible, maybe you people at
15 EPA can talk the Department of Energy into
16 revising their thinking so that this process could
17 go forward.

18 MR. TOMCHUK: The main thing that we
19 have been considering at this time has been a
20 fairly conventional system using something like
21 activated carbon or UV oxidation type system
22 possibly.

23 And that would be for water treatment
24 after the solids have been removed.

25 So, we will comply with all applicable

1 standards before the water would be discharged
2 back into the environment.

3 So, that is what we have considered. I
4 am not aware of the electron beam radiation
5 technology; it sounds like an interesting --

6 MR. PINES: It is in your book.

7 MR. TOMCHUK: What's that?

8 MR. PINES: It is in your book. EPA's.

9 That is where I got it from.

10 MR. TOMCHUK: Okay. Yes. It is
11 possible I personally am not aware of everything.
12 We have evaluated a lot of things for this study.

13 You know, there is a lot of work going
14 on in different places; I had not picked up on
15 that one, if that could be technically promising
16 and cost effective.

17 Bringing in electric power can be, you
18 know, difficult, too, and expensive. So, there
19 might be a balance of that in the program as well.

20 MR. PINES: Well, as I said, the
21 Department of Energy apparently does not have the
22 inclination to go for distributed power generation
23 and they seem to be sticking with large power
24 plants, centralized generation.

25 This process is being used over in

1 Europe right now, and it generates quite a bit of
2 electric power.

3 And you might want to check with the
4 Department of Trade and Industry in Britain, or
5 you might want to check with the CORDIS people
6 over in the European Union, C-O-R-D-I-S.LU.

7 MR. MC CABE: Okay. Thanks, Larry. That
8 is what the comment period is for, to hear any
9 kind of new ideas out there.

10 I am not familiar with that technology
11 myself either, but any information you have we
12 will be happy to look at.

13 MR. WALL: Hi. I am Robert E. Wall from
14 Pine Ridge, New York.

15 And as a user of the Hudson River, I
16 have been concerned about PCBs and dioxins and
17 mercury for a number of years, going back 30
18 years.

19 I have observed in studies that the
20 flesh of striped bass has been analyzed.

21 I noticed you people did not talk about
22 that aspect of it.

23 One of the main concerns that Hudson
24 River fishermen of New Jersey have is that the EPA
25 has changed its system of evaluation of PCBs in

1 the flesh of striped bass.

2 And I have a question: Why was that
3 changed, going from whole-carcass analysis to
4 filets?

5 Canadiens used filets for a long time in
6 Lake Ontario studies, and we have always used in
7 New York whole-carcass analysis.

8 And it does not apply directly to our
9 problem, but it was a question that New Jersey was
10 asking. And I associate with some respondents
11 down there.

12 We all live downstream, and thank you
13 for coming downstream and looking at the potential
14 problems that people have brought to you.

15 I certainly support a health study on
16 the downstream effects, and would like you to look
17 at that.

18 I would also ask you to consider a pilot
19 program of what flotation in the water column of
20 PCBs might be if you did what you are planning to
21 do, instead of going full-scale.

22 We have waited approximately 30 years to
23 accomplish what we have at this point; another
24 year or two with pilot studies below the Troy Dam
25 and down in our area is not going to keep us from

1 accomplishing our goals.

2 I think we are all after the same thing.
3 It is just that I would hate to see our water
4 supplies and PCBs in the striped bass rise.

5 Thirdly, commercial fishing of striped
6 bass is highly recommended at this point by
7 commercial fishermen.

8 How come they can use that high level of
9 toxic chemicals in their products is kind of iffy,
10 and we cannot look at it.

11 MR. MC CABE: Okay. The pilot study
12 effort has been raised by a number of people, and
13 it is something we are looking into.

14 We have not made a particular decision
15 on that, but it has been suggested by a number of
16 folks.

17 Commercial fishing is different from our
18 proposal or our exposure scenario in that is --
19 they use what is considered a market basket
20 approach in that they obtain their fish from a
21 variety of sources and you have a variety of fish
22 that you are eating.

23 We have assumed that you would all be
24 eating fish from the Hudson River, so the
25 exposures are very, very different.

1 And the FDA level, as you are very well
2 aware, is two parts per million, and what we are
3 looking at is .05 parts per million.

4 So, it is just a matter of what your
5 exposure scenarios are.

6 That is what the whole thing about fish
7 filets is about; that our exposure for humans is
8 based upon filets.

9 MR. TERRY: My name is Ijahi Terry,
10 spelled I-j-a-h-i Terry.

11 I am a resident of Monroe-Woodbury.
12 Tonight I am representing Castleton State College
13 in Vermont.

14 I have two questions. One: Is it true
15 that GE is not the only company that dumped PCBs
16 into the Hudson River?

17 If so, why haven't these companies been
18 brought out to help pay for this clean-up?

19 MR. MC CABE: GE is certainly the
20 primary responsible party here.

21 If there are some other minor
22 dischargers over the history, that is possible.

23 But GE is by and large the only
24 responsible party. They are certainly responsible
25 for almost all the contamination.

1 But, more importantly, at this stage of
2 the game, we are not looking for anyone to pay for
3 it.

4 Right now, we are trying to make a
5 technical decision. We are trying to separate
6 those two items.

7 There is a lot of talk about, you know,
8 GE did it; clean up the mess, pay for it, et
9 cetera.

10 But what we are trying to do right now
11 is come up with a decision, and that is based upon
12 science.

13 And after that decision is made as to
14 what is the right remedy, then we would deal with
15 who has to pay for it.

16 Yes, we would go after the responsible
17 parties first.

18 We have a variety of legal mechanisms to
19 do that; failing that, there is what is known as
20 the Superfund that we would attempt to use then to
21 pay for it from the Federal side.

22 Of course, we could also sue General
23 Electric to do it.

24 Like I said, there is a variety of
25 enforcement mechanisms available.

1 But that is for the future. For right
2 now, our concern is what the right decision is for
3 the River.

4 And that is really what we are trying to
5 focus on.

6 I know everyone likes to talk about the
7 other side, but that is for another day.

8 MS. KATAM: Good evening. My name is
9 Sandra Katam, and I am the President of the
10 Stewart Park and Preserve Coalition.

11 Those of you who live in our area know
12 that our focus has been saving open land adjacent
13 to Stewart Airport.

14 And we are still working on this. We
15 have some land left to go.

16 Our organization passed a resolution to
17 support the dredging.

18 And I would like to comment personally
19 this evening on the issues that appear to be
20 emerging.

21 I am extremely saddened to see that a
22 company such as General Electric, which has
23 substantial culpability by not having
24 responsibility, and is conducting those activities
25 that will prevent them from assuming their

1 responsibility, has actually made some headway
2 with the public.

3 I have to tell you that there are
4 similarites here with what we deal with with the
5 Stewart issue.

6 When it serves the opposition, they do
7 not tell the truth. They confuse the figures.
8 They step aside from responsibility.

9 And I would be willing to assume and
10 suspect that, if GE were not liable for these
11 costs, the dredging would go forward without any
12 opposition whatsoever and they would not be
13 fighting the project.

14 I am reminded of a project that occurred
15 at Cold Spring that was a cadmium clean-up.

16 I do not remember any problem with that
17 whatsoever.

18 But you know what? My understanding is
19 that it was entirely paid for by public funds.

20 Whenever there are clean-ups to be done
21 and it is going to be paid for with public funds,
22 nobody gets upset.

23 What was that big power plant that
24 closed on Long Island; Shoreham? The public not
25 only had to construct the plant, but they had to

1 pay for its dismantling.

2 Nobody got excited or upset.

3 You have to remember that the bottom
4 line is money. We must not forget this. We must
5 not let ourselves be misled by so-called
6 information which is based on corporations -- in
7 this case, GE -- trying to escape their
8 responsibility because it will cost them money.

9 And I want to remind you that they have
10 contaminated other sites besides the Hudson.

11 If we establish a precedent here for
12 them to clean up the Hudson, then all the other
13 sites, there would be a precedent for them to
14 clean up those sites as well.

15 This is a very serious financial issue
16 for them.

17 How much proof do you need? From their
18 perspective, nothing will prove that there is
19 going to be damage. Nothing.

20 And I do want to advise you that you are
21 working with a very difficult issue because it
22 would appear that decisions made on the
23 Presidential level have been, from my perspective,
24 adverse to the environment.

25 So, I urge you to be brave. I urge

1 Hudson Valley citizens to please try to ignore the
2 propaganda.

3 And I wish us all luck.

4 (Applause.)

5 MR. MC CABE: Thank you very much,
6 Sandra.

7 I just want to make one point. The
8 clean-up that Sandra was referring to at Cold
9 Spring was the Marathon Battery site, which
10 actually was paid for by the responsible parties.
11 It was not paid for out of public funds.

12 It looked like we were going to have to
13 fund it but then, at kind of the last minute, we
14 found the responsible party.

15 We were talking about an estimated \$100
16 million clean-up.

17 Doug pointed out to me that one of the
18 parties was the U.S. Army, so you could look at it
19 that way.

20 But, in any event, they were responsible
21 parties. And that is the goal of Superfund,
22 regardless of whether it is the Federal Government
23 or private parties, to pay for it.

24 MR. TORLEY: My name is Larry Torley,
25 from Windsor.

1 I have a couple of questions for you.

2 First, in your proposed plan, you talk
3 about the time for fish to reach the safe level of
4 34 to 37 years, and I was wondering how you
5 arrived at that figure.

6 I looked at the plot graph that you
7 have, and you could pick a time frame anywhere you
8 want.

9 Where were you actually calculating that
10 time frame from? Where do you start and where do
11 you stop?

12 MR. TOMCHUK: The time frame would be
13 from the time of the completion of the project to
14 the --

15 MR. TORLEY: In the NMA, when I looked
16 at your graph, you explained the various PCB
17 levels in the fish over time.

18 Depending on where you started and where
19 you stopped the curve, you can generate a time to
20 zero effect anywhere you want.

21 So, what did you actually use as your
22 generated time limits?

23 MR. TOMCHUK: There was a model that we
24 used --

25 MR. TORLEY: But how well does that fit

1 the data you have?

2 MR. TOMCHUK: How well did the model fit
3 the --

4 MR. TORLEY: Yes. How well does the
5 model fit your data?

6 MR. TOMCHUK: Well, it calibrated well.
7 However, the calibration is one of many
8 calibrations that could be utilized to fit the
9 type of data set.

10 It was peer-reviewed. We believe that
11 it is a good model for forecasting to -- within
12 limits.

13 We did get some warnings about the long-
14 term forecast capabilities.

15 On the one hand, we have a model that
16 gives us a lot of explanation of what happened in
17 the past and gives us explanations as to any one
18 system.

19 But we do have to be cautious in the
20 forecasting.

21 When you have two different
22 alternatives, some of the uncertainties do drop
23 out because you use tracking in the model.

24 The years are really a certain time-
25 frame prediction.

1 MR. TORLEY: I know the peer-review said
2 you did a terrific job in your calibrations, but
3 that does not mean that, when you go forward,
4 because of all those factors, that they are all
5 going to be the same.

6 MR. MC CABE: And what we found out --
7 and Doug can help me on this -- is that when we
8 used the data for the last few years to try and
9 see how it was running, if you adjusted for the
10 flows, it did well within a factor of two, I
11 think, something like that.

12 But that shows you right there that we
13 have to adjust for the flows which were not
14 predicted. And that is what can happen.

15 MR. TOMCHUK: The uncertainty bounds are
16 built into a lot of different things because we
17 have modeled out for a six- to seven-year period.

18 After 2000, you have the uncertainties
19 and risk assessments --

20 MR. TORLEY: In Table 2 on page 28, it
21 looks like there is data for Cap 310 all the way
22 out, and it looks significantly different.

23 MR. TOMCHUK: I think what you are
24 pointing out is one of the reasons we selected the
25 cap -- the REM 310 was selected rather than

1 REM 000 is that it is the most cost effective for
2 the amount of risk reduction; that we do not get
3 significant risk reduction from the REM 0003.

4 And if you get the chance to look
5 further into that, we do not believe that the
6 capping alternative provides as much long-term
7 assurance that the cap will be maintained, and
8 there still is a lot of dredging that needs to be
9 done, 1.7 million cubic yards, so you are not
10 limiting dredging.

11 So, you have the long-term reliability
12 of a cap to worry about, as well as most of the
13 concerns about dredging.

14 MR. TORLEY: But your table also shows
15 -- indicates that they are still working on the
16 bentonite process.

17 But, as one of the previous gentlemen
18 said, you are not planning any pilot tests on
19 this.

20 You are just going to go with the \$460
21 million project and go without any pilot tries?

22 MR. TOMCHUK: There are about 17
23 different projects that have dredged PCBs from
24 various water bodies.

25 And, basically, you know, when you are

1 scaling up -- I mean, a lot of those were smaller.

2 While a pilot study could show you
3 something about process handling, I do not think
4 the dredging technique itself would be the main
5 benefit of that.

6 Process handling would probably --
7 materials handling on the shoreline would probably
8 be of benefit, but I think that we have had other
9 projects where it has been conducted.

10 There are other ones that are starting
11 this year and next year: U.S. Steel, 750,000
12 cubic yards in Indiana, and the Reynolds site on
13 the St. Lawrence.

14 There are numerous projects where we
15 have seen that dredging works successfully.

16 MR. TORLEY: You said you have seen
17 several projects on a smaller scale.

18 What has been the resuspension rate you
19 found there?

20 MR. TOMCHUK: It is very difficult to
21 actually calculate the resuspension rates for a
22 lot of these.

23 Most of these that have been done have
24 been done for turbidity, not for PCBs.

25 As far as the solids go, we do believe

1 we will see something on the order of -- I believe
2 it is .2 percent of solids resuspended, which is
3 similar to the type of resuspension that we
4 calculated at the New Bedford site that I
5 mentioned previously.

6 So, we believe that the resuspension
7 that we are looking at -- that we calculate based
8 on the models that were calibrated on these other
9 projects for solids would be valid.

10 MR. TORLEY: So, you have actually done
11 the calculations, measured PCBs versus turbidity
12 to make your correlation?

13 You said the resuspension rate -- it was
14 done on the turbidity, and I think you need to
15 experiment to how what the PCB dispersal rate is
16 versus the turbidity measurements.

17 MR. TOMCHUK: They did studies in the
18 USGS paper that was mentioned previously --

19 MR. TORLEY: That is that 2.2 percent.
20 Was that based on using the actual chemical
21 analysis of PCBs in the resuspended material when
22 they got 2.2 percent?

23 MR. TOMCHUK: Yes.

24 MR. TORLEY: What was their turbidity
25 measurement?

1 MR. TOMCHUK: Actually, in one of the --
2 there were two projects.

3 In one of them, there was a loss of
4 turbidity downstream, and that was constant
5 turbidity monitoring.

6 A lot of this is difficult to judge
7 because --

8 MR. TORLEY: Do you see what this is
9 coming to? You really do not have a good picture,
10 a good handle on what your actual dispersal rate
11 of PCBs will be when you do this project.

12 You have not done a pilot study on
13 either.

14 You have done these other ones,
15 mentioned turbidity, but not PCBs.

16 When you measure PCBs chemically versus
17 turbidity, you get wildly different values, a
18 great difference between your standards.

19 MR. TOMCHUK: What is your question
20 then?

21 MR. TORLEY: You just answered my
22 question.

23 You said you really do not know what the
24 dispersal is going to be. You have a very wide --

25 MR. TOMCHUK: I can tell you that the

1 dispersion will be less than what leaches out of
2 those sites over a short -- after a couple of
3 years, there will be less than would annually leak
4 out of the sites.

5 You have to remember that these things
6 are not covered --

7 MR. TORLEY: Five years in, I mean, yes,
8 because you take most of it out.

9 But how is a spike going to be versus a
10 leaking rate?

11 MR. TOMCHUK: There is not going to be a
12 spike that is going to be measured that far
13 downstream; I can tell you that much.

14 It might be measureable at some point
15 downstream; the fish might go up for a little
16 while, but it will not be a long-term problem.

17 I am not sure where you are going. You
18 are asking some questions --

19 MR. TORLEY: It looks like you have not
20 gotten a data base sufficient to make a \$460
21 million decision.

22 MR. MC CABE: The resuspension issue,
23 this is something that we are obviously looking
24 at.

25 We have heard all about this USGS study.

1 We believe there are some issues with mass and
2 bounds.

3 We are not prepared to go into all the
4 details now.

5 We are still analyzing it. The
6 resuspension issue is getting a lot of play.

7 Doug has mentioned that there is a
8 significant amount of PCBs going over the Troy Dam
9 now. We are talking about 500 pounds in the past;
10 a lot more than when the Alan Mill event happened;
11 a whole lot more than that.

12 We have not seen really that great an
13 impact based upon that.

14 So, I do not think this minor amount,
15 whether it is 20, 38, whatever the number actually
16 ends up being -- it is something we will, of
17 course, want to control as best as possible.

18 But that should not be the main focus
19 here.

20 MR. TORLEY: So, you said there's a lot
21 of it coming over the dam during a particular
22 event, a flood; you said there was not much
23 effect, there was not much effect of a huge spike.

24 What is the effect of a very low level
25 leakage rate?

1 If you capped it, you are going to have
2 a very, very low level in a leak. I am just
3 suggesting that capping sounds better.

4 Finally, you mentioned (inaudible) was
5 50 parts per million?

6 Did I mishear you when you were talking
7 about the most concentrated levels being about 42
8 parts per million?

9 MR. MC CABE: That was an average. That
10 was in River Section 1.

11 MR. TORLEY: Which is the most
12 contaminated, 42 parts per million?

13 MR. TOMCHUK: On an average.

14 MR. MC CABE: That was an average
15 number.

16 MR. TORLEY: Over the entire course of
17 Section 1?

18 MR. TOMCHUK: Yes.

19 MR. TORLEY: What actually is the
20 minimum or maximum tolerable or minimum effect in
21 the animals?

22 You mentioned five times the no effect
23 level.

24 What is the no effect level?

25 MS. OLSEN: Okay. When EPA develops a

1 reference dose -- which is essentially what you
2 are talking about -- we looked at a study that was
3 conducted in monkeys.

4 It was published literature. It was
5 evaluated.

6 I believe the low one was divided by a
7 factor of 300, and the reference dose is two times
8 ten to the minus five milligrams per day.

9 MR. TORLEY: What is the human exposure
10 based on the number you found in fish?

11 MS. OLSEN: We have not calculated that
12 from the study --

13 MR. TORLEY: So, you have no idea what
14 the human body effect is?

15 MS. OLSEN: There has been a ban on
16 fishing for the last 25 years.

17 So, to attempt to do that study, one
18 would first have to identify those individuals who
19 have been consuming the fish and, secondly, the
20 New York State Department of Health Study may
21 provide some information, but it has not been
22 completed yet.

23 MR. TORLEY: And when will it be
24 completed?

25 MS. OLSEN: Individuals will be sampled

1 this summer, and then there will be an analysis of
2 the data, which may take a year or more to
3 complete.

4 MR. TORLEY: So, to date, there is no
5 evidence of human disease caused by the PCBs in
6 the river?

7 I am talking about evidence, not
8 extrapolation.

9 MS. OLSEN: I would like to respond to
10 that just for one second.

11 There have been other studies that have
12 been conducted on individuals who were exposed to
13 PCBs.

14 These were studies of children who were
15 exposed in utero while their mothers consumed
16 PCBs.

17 There were studies in Michigan, studies
18 in North Carolina. And there have recently been
19 Dutch studies, where they have followed children
20 who were exposed.

21 Under these conditions, they have
22 information on the mothers' PCB levels, the
23 children's PCB levels, and some of the effects
24 that have been associated with PCB exposure.

25 If you would like the references for

1 those, I would be happy to provide those after the
2 session.

3 MR. MC CABE: Thank you.

4 MR. SCHUYLER: I am Steve Schuyler, S-c-
5 h-u-y-l-e-r.

6 I wanted to say that I believe that the
7 anti-dredging position that was expressed by Fort
8 Edward is really in response to fear-mongers like
9 General Electric and is shortsighted and based on
10 local economic concern and not what is good for
11 the Hudson River as an ecosystem.

12 Incidentally, if CEASE speaks with
13 Administrator Whitman -- I teach Government here
14 at Newburgh Free Academy, and some of my students
15 are here tonight as well.

16 And I took a quick poll of them before I
17 came down here, and we would also like to meet
18 with Administrator Whitman.

19 (Applause.)

20 MR. SCHUYLER: But one of the things
21 that I try to encourage in my students is a sense
22 of responsibility for their actions and for their
23 inactions.

24 And I would like to know who is going to
25 come to my class and explain to my students why

1 they should be held accountable for their actions
2 while corporate highrollers, such as GE, are not
3 held responsible for their actions.

4 Thanks a lot for being here, and the
5 work you are doing.

6 (Applause.)

7 MR. MC CABE: As I said, once we select
8 a remedy, we are going after those who are
9 responsible, just as we do at every Superfund
10 site.

11 And, actually, we have a very good
12 success rate both in Region 2 and nationally at
13 having responsible parties clean up.

14 MR. ROE: My name is Fred Roe, spelled
15 R-o-e, and I am a resident of the City of
16 Poughkeepsie.

17 I believe the key issue that we are
18 talking about today is what to do with the PCBs,
19 not so much who pays, as the gentleman mentioned.

20 And I believe that in sort of a perverse
21 set of circumstances, we are really a little bit
22 fortunate that the PCBs are in defined locations.

23 In another sense, PCBs that are climbing
24 to the level of the contamination rates we are
25 seeing can be extremely toxic, I believe, in both

1 river animals and people.

2 And I point to the incident that
3 happened at the SUNY New Paltz campus, where PCBs
4 found their way in, and just had a devastating
5 effect on people and the buildings and to all of
6 us, the taxpayers.

7 My position is that I am 100 percent in
8 favor of the removal of PCBs from the river.

9 I believe that PCBs residing at the
10 bottom of the river do not get better with time,
11 as has been pointed out.

12 I believe this would be a public health
13 issue potentially affecting a large geographic
14 area.

15 And with about 500 pounds of PCBs
16 flowing over the Troy Dam, that points out that
17 this is not a static situation, but that very
18 likely the contamination is building.

19 I would say that, in this instance, we
20 are roughly talking about \$5000 per pound of PCB
21 in your projected costs.

22 In strange events as we have been in New
23 Paltz, I am sure that the cost was much higher per
24 pound. And the events that caused that to happen
25 were very odd and strange.

1 And odd things do happen, including a
2 barge going down the river dragging its anchor for
3 many miles in the Poughkeepsie area last year.

4 If that had been over a capped area, I
5 am sure that would have created a disturbance.

6 Thank you.

7 MR. MC CABE: Thank you.

8 MR. LEBEAUX: My name is John Lebeaux.
9 I am originally from France but, as I kayak along
10 the Hudson River, I realize these this is truly a
11 very beautiful area.

12 I, for one, would like to be able to eat
13 fish from the river.

14 It would help us if you could reassure
15 and educate more fully the residents along the
16 river about the dredging process.

17 I think that very little has been said
18 in terms of describing the dredging itself. I
19 have seen in the newspapers, however, different
20 types of scoopers for dredging the river.

21 So, I think it would help if you would
22 give some reference as to perhaps where we could
23 view such a dredging situation going on right now.

24 So, two questions to you -- or, two
25 requests, if you wish: One, give us some

1 description on the dredging process, on the
2 operation. Second, gives us some reference where
3 we could look into it.

4 Thank you.

5 (Applause.)

6 MR. MC CABE: As for describing the
7 dredging operation, it is either going to be
8 mechanical dredging or hydraulic dredging.

9 We have not selected a particular type
10 of dredging. They both work, but they, of course,
11 both mean different processes used all the way
12 through the dewatering process.

13 The hydraulic dredging would have a
14 pipeline to the facility. There would be a great
15 deal more water to deal with, to dewater and to
16 treat. It would require a bigger facility.

17 Mechanical dredging does not require
18 that. It would be a kind of -- there would be
19 some kind of dewatering equipment; there still
20 would be dewatering.

21 We are talking about an environmental
22 dredging operation, a very careful operation, not
23 like you have seen, I guess, on some videos or
24 commercials or whatever.

25 It'd be taken by barge to a dewatering

1 facility.

2 I would reference you to the slide of
3 the Thompson Island Pool, what it would look like;
4 there were a combination of 20, I think, barges
5 and dredges and whatnot.

6 And the whole point of the slide was
7 just to show that it does not completely jam up
8 the river.

9 In fact, you can see that. It is a
10 pretty big river, and there is quite a bit of room
11 out there.

12 And we have no intention of impeding
13 navigational dredging.

14 So, it is possible that the final remedy
15 would be selected with a combination of both; it
16 is possible that it would be left open; that we
17 decide some sort of performance specifications to
18 deal with the removal of the sediment.

19 It is likely in the end that both kinds
20 of dredging will be used, but they both work.

21 As far as scaling them up, I suppose
22 that if you were to do a pilot project, that would
23 be the one thing that people would look at, if you
24 could create that kind of a scale-up.

1 We know you can dredge; I mean, it is
2 done all over the place.

3 But can you dredge at that rate? That
4 is what some people have questioned.

5 We have said we are going to do it in
6 five years. That, of course, means we are going
7 to do it at a certain rate per year. And some
8 have questioned that rate.

9 A pilot project could show that you
10 could scale it up to that level.

11 But like any kind of project in any kind
12 of construction field, we do not see any
13 impediments to scaling it up.

14 It is not innovative technology; it is
15 all proven technology. You use more of it.

16 We do not really anticipate that being a
17 problem.

18 MR. MELLEY: I am Andy Melley from
19 Hudson River Sloop Clearwater.

20 Would it be safe to say that, whereas GE
21 is deriving a great deal of energy -- putting a
22 great deal of energy into saying that you cannot
23 do a project this size, a project this size has
24 never been done.

25 Would it be safe to say then that this

1 is not a single monolithic project, but a series
2 of much smaller projects?

3 I mean, it is, after all, all those
4 little red spots on the map.

5 I mean, it seems to me that this is a
6 total no-brainer, and I do not understand quite
7 exactly where they are coming from.

8 In the Netherlands now, there is a
9 project they are preparing for; a 21-million-
10 cubic-yard dredging operation, which includes
11 PCBs.

12 Anyhow, moving right along, you know,
13 you obviously know about Clearwater's support for
14 your efforts.

15 And I also want to join the other people
16 in thanking you for having come to the Mid-Hudson
17 Valley again.

18 My staff has been reaching out to over
19 90 communities working the municipal resolution
20 issue.

21 The municipal resolution issue is not a
22 contest to see if we can beat GE.

23 In fact, since December, we have, as of
24 today, gotten to 53 positive resolutions, and it
25 will be well over 60 by the time all this is said

1 and done.

2 But the point is to talk to people one
3 at a time and get at these little spurious
4 arguments that GE has been setting up and keep
5 knocking them down. Little ducks come up; we
6 shoot at them, and they fall down. It is just
7 happening over and over again.

8 But there are two issues that I would
9 like to ask if you would not mind addressing.

10 One of the issues: John Magnon
11 (phonetic) from GE was showing a graph at a public
12 meeting in which he said that GE has run your
13 model and your model indicates that the
14 resuspension of PCBs will result in a net loss in
15 terms of environmental quality.

16 Have you evaluated GE's data, and can
17 you speak to the accuracy of their statements?

18 MR. MC CABE: We obviously have not
19 looked at -- GE has their own models, and they
20 have run them.

21 We have not evaluated their runs of our
22 models, just as we have not evaluated their own
23 model.

24 I mean, we are more interested in our
25 model and the way we run it.

1 I assume they -- they probably used
2 different assumptions than we used.

3 And I do not know if you have anything
4 else to say, Doug --

5 MR. TOMCHUK: Well, I do not know what
6 their assumptions -- assuming that they would all
7 be the same, there could still be something else
8 in someone else's model that --

9 MR. MELLEY: Well, before the public, I
10 can say that I have run your model, and it shows
11 that -- Clearwater runs the EPA model, and it
12 conclusively proves that there will be zero
13 resuspension, and it would have equal validity
14 before the public --

15 MR. TOMCHUK: We will check and get back
16 to you.

17 (Laughter.)

18 MR. MELLEY: Thanks very much for
19 coming.

20 (Applause.)

21 MR. MC CABE: Our model was peer-
22 reviewed. There was a debate there for quite some
23 time about which model was better; we should have
24 a contest of models, you know, run one against the
25 other; which one would be acceptable.

1 We said, "Look, it is a tool." If the
2 tool is proven to be sound and acceptable, which
3 the peer review has found it to be, then it works
4 and it is fine.

5 As you have heard before, also, you can
6 calibrate a model a lot of different ways.

7 That does not mean that, in the forecast
8 mode, that is going to exactly work that way. It
9 depends on all those assumptions you made, all
10 those coefficients that you fill in to make it
11 work.

12 So, our's worked. We are happy with it.
13 GE, I guess, is happy with theirs.

14 MS. METAXAS: I am Emily Metaxas, and I
15 am a resident of the City of Newburgh. I am a
16 transplant from Connecticut to the Hudson Valley.

17 I am here representing a group known as
18 the Newburgh Neighbors Network.

19 We are a grassroots organization here in
20 the City of Newburgh, comprising about 200
21 homeowners here in your district.

22 We are mainly preservationists and
23 environmentalists, and we are deeply concerned
24 with our quality of life here in the City of
25 Newburgh.

1 We realize that the health of our city
2 depends upon the health and safety and beauty of
3 our river.

4 Our group was instrumental in
5 successfully fighting the 1999 plan to barge New
6 York City garbage to our waterfront here.

7 We have been lobbying the DEC on behalf
8 of the City of Newburgh to force Central Hudson to
9 clean up their contamination here on the
10 waterfront.

11 And we most recently lobbied the
12 Newburgh City Council to come out in favor of a
13 resolution in support of the dredging of the PCBs
14 from the Hudson River.

15 So, I am, therefore, here just to say
16 that I would like to go on record to say that the
17 leadership of the Newburgh Neighbors Network,
18 comprising 200-plus citizens in the City of
19 Newburgh, recently, at the last meeting, voted in
20 favor of the dredging of the PCBs from the Hudson
21 River.

22 Thank you.

23 (Applause.)

24 MR. METAXAS: Hello. My name is Bob
25 Metaxas. I live at 318 Grant Street in the City

1 of Newburgh.

2 And I also am a member of the group
3 called the Newburgh Neighbors Network, of which my
4 wife just spoke.

5 I have done quite a bit of research
6 personally and looked at the Clearwater website,
7 which is probably one of the best demonstrations
8 of the current technological dredging that takes
9 place.

10 We have said before -- and my wife
11 agrees with me -- that dredging is probably a bad
12 word in light of the new techniques that are
13 there, and it appears to me to be a floating barge
14 with substantial negative pressure, a vacuum type
15 process which actually sucks the sediment out with
16 catches to catch stray sediment that fly away from
17 the induction end.

18 So, it seems a very reasonable and
19 prudent argument -- and, of course, the EPA -- I
20 mean, how many millions of dollars have been spent
21 for studies, and how many thousands of top
22 scientific minds have looked and confirmed your
23 findings?

24 And GE is a very large, diverse, well-
25 run, multi-national corporation, and they are

1 really a credit in the international community to
2 the United States; they are indicative of what is
3 possible for a corporation given the free range to
4 pursue capitalist goals.

5 I studied GE in a very good business
6 college where I went to school, all the way to
7 advanced management.

8 Jack Welsh is probably one of the most
9 quoted and lauded CEOs in existence.

10 And I thought, I see, now wrongly that
11 GE had corporate spirit and a patriotism that
12 demonstrated above the almighty dollar or the
13 return on investment or the return -- or, earnings
14 on stock prices, that the health of our children
15 and the quality of our environment where we live
16 and work is much more important than that.

17 They are a company that can readily
18 afford this clean-up. And it is insultingly
19 disingenuous for them to have undergone this
20 massive marketing misinformation campaign, as far
21 as going to put logos on websites that look like
22 environmental groups'.

23 I clicked on one thinking it was yet
24 another environmental group for the dredging, and
25 it was GE's arguments against it. And there it

1 was in very small print: "GE".

2 So, I just wanted to say that it is
3 insulting what GE is doing.

4 I laud your efforts and encourage you to
5 pursue the clean-up.

6 Thank you.

7 (Applause.)

8 MS. GRAY: Hi. I will keep it brief.
9 My name is Josie Gray, G-r-a-y.

10 I am a homeowner in Beacon, New York. I
11 have been living in the Hudson Valley most of my
12 adult life.

13 I am also a student of the Hudson. And
14 on my own, I have been reading and researching the
15 history of my own community and about the natural
16 environment in the Hudson River Valley.

17 And I have taken the time to learn about
18 PCBs, about the health effects and about the
19 nature of the problems.

20 And I commend the EPA for taking the
21 time to do full research and respond to the
22 issues.

23 The PCBs, especially those in the hot
24 spots, must be removed.

25 If dredging is done with care and using

1 the most modern equipment, it is the best
2 solution.

3 GE has had over 10 years to ponder this
4 and should not be allowed to delay this process
5 any further.

6 The PCBs should be removed because
7 today, unlike 20 years ago, we have a healthier
8 river full of life in and on its banks.

9 Some day, we may even have a commercial
10 fishery again.

11 GE is spending millions to buy out
12 public opinion, but they have not bought me or
13 anyone else who takes the time to look carefully
14 at this complex problem.

15 Thank you.

16 (Applause.)

17 MR. CROSS: Hi. I am John Cross, C-r-o-
18 s-s.

19 And actually I become more than cross:
20 I become furious when I am watching all those GE
21 commercials or miscommercials.

22 I think it is a political process. I
23 appreciate the hearing you are having. A lot of
24 people showed up; it is tough to show up this late
25 at night, stay this late.

1 And this, I think, demonstrates that
2 people really care about this area.

3 It is a beautiful area. It is a
4 beautiful river. It is one of the most important
5 rivers historically in this country.

6 We would like to see transport coming
7 back to the river, for it to be properly dredged
8 out for boats to go up and down the river.

9 I think that not just fishing but
10 tourism would pick up in this area, land values
11 would go up, et cetera. So, there are a lot of
12 benefits in this plan.

13 I particularly agree with your
14 alternative, the hot-spot dredging.

15 It would be nice to get more PCBs out;
16 but it does get kind of ridiculous to go further
17 than that right now.

18 And the capping plan just sounds
19 ridiculous; it sounds like it might work on a very
20 small scale but, in a huge river like this, with
21 all the things that can happen, it just does not
22 sound like a good idea.

23 Anyway, I would like to say that my main
24 concern is that, unless you have a very, very
25 strong report, it is going to be nixed by your

1 boss; I really have that feeling.

2 So, it is important to make sure that
3 whatever plan you put together is very strong.

4 GE is sitting on a \$400 million profit
5 basically if they can avoid paying for this
6 because, you know, if you figure they've spent \$60
7 million for the advertising and they would save
8 \$460 million, that is a \$400 million profit.

9 So, it is in their interest, obviously,
10 not to do this, even though they are the
11 responsible party.

12 Thank you very much for being here.

13 (Applause.)

14 MR. GABOR: Good evening. My name is
15 Michael Gabor, G-a-b-o-r. I live here in the City
16 of Newburgh.

17 I just want to thank you for coming out
18 to Newburgh and giving us the opportunity to be
19 here.

20 I am also here representing the Newburgh
21 Neighbors Network.

22 I just wanted to also kind of represent
23 the future generations who obviously are not here
24 today to speak on this issue.

25 Our forefathers thought a lot about our

1 generation 100 to 200 years ago. You can see it
2 in the City of Newburgh, with the architectural
3 wonders that overlook the Hudson River.

4 Unless we do this now, we are losing any
5 hope of cleaning this mess up.

6 As time goes on, the viability of the
7 clean-up effort will fall off. Forget the cost.
8 Forget the temporary loss of income of people
9 whose lives presently depend on the river.

10 We need to do this for the future
11 generations, and I thank you for your time.

12 (Applause.)

13 MR. KURIYAKU: I am Lee Kuriyaku. Two
14 comments.

15 One: Our communities will benefit from
16 the dredging. That does not mean that I know that
17 that is the right answer; I am just saying that
18 our communities will benefit from it.

19 I was a councilman in Beacon for six
20 years. I also ran for State Assembly in seven
21 communities in this area along the Hudson,
22 including the City of Newburgh and the City of
23 Poughkeepsie.

24 I can say that my comments echo those of
25 Kerry Forrest in Newburgh, that Beacon has done a

1 lot to revitalize its waterfront in the last
2 several years.

3 We had a garbage dump, and we turned it
4 into a park.

5 We had a sludge incinerator. We shut it
6 down. We ship our sludge out now.

7 We had an empty box plant on our river
8 for 15 years and, rather than putting another
9 factory in, we are putting in the largest modern
10 art museum in the region.

11 We have junk yards torn down and we are
12 doing redevelopment there.

13 The things that we are doing in Beacon
14 will benefit greatly from having a river that is
15 clean, that encourages people back to the river
16 for recreational, commercial and residential uses.

17 So, for that, I think limited dredging
18 helps our communities.

19 My second comment is one of how to
20 decide whether to dredge.

21 The decision of whether to dredge is one
22 that is really quite simple: Rely on the experts.

23 And that means you do not rely on people
24 like me. I am not an expert.

25 It is a highly techniccal decision; that

1 means you rely on science, not on ads; you rely on
2 science, not on politicians.

3 Science means you agree on a set of
4 standards up front, you decide what studies you
5 make up front, you hire experts to do those
6 studies, you wait patiently for the results.

7 You undertake peer review, and you ask
8 the peers to review the studies, and you rely on
9 those peer reviews of the original studies.

10 That seems to be what the EPA has done
11 in taking a very deliberative process.

12 I am not an expert on this subject. I
13 hazard a guess that, other than people up on the
14 stage, none of us is.

15 And that means you rely on the experts.
16 The analogy is very straightforward.

17 Assume someone gets cancer: Are you
18 going to ask a doctor or are you going to ask a
19 politician? Are you going to ask the doctor or
20 the lawyer? Are you going to ask the ad
21 executives or are you going to ask the doctor?

22 And once you ask the doctor, I suppose
23 you will ask for a second opinion. But when you
24 are through, I would assume that you will trust
25 the doctor's opinions.

1 And the final educated answer has been,
2 "You go with limited dredging." And that is what
3 I think we should support.

4 Thank you.

5 (Applause.)

6 MR. NESTLER: My name is Rick Nestler.
7 That is N-e-s-t-l-e-r.

8 I have been a resident of the Hudson
9 Valley for over 25 years.

10 I have a couple of questions here. But,
11 first of all, I would like to thank you for
12 finally pushing this project forward.

13 And I hope that, regardless of the
14 National Administration that has just stolen the
15 election --

16 (Applause.)

17 MR. NESTLER: That you will continue to
18 press onward.

19 The first question is -- I have heard
20 lots of numbers thrown around as to how many
21 pounds of PCBs were actually dumped into the
22 river, everything from a million down to your
23 figure of 200,000 pounds.

24 Is that what you are going with, the
25 200,000 pounds?

1 MR. MC CABE: The 200,000 pounds is what
2 is left; the rest of it has dissipated on down
3 river.

4 MR. NESTLER: Okay. The next question
5 is -- apparently, you are going after about
6 100,000 pounds or somewhere between 40 and 50
7 percent?

8 MR. MC CABE: Approximately, yes.

9 MR. NESTLER: And why are we not going
10 after the rest of that, is it too spread out?

11 MR. MC CABE: We developed a number of
12 alternatives which went further than the one that
13 we selected.

14 And based upon a number of analyses,
15 including what is cost effective, it did not
16 really make sense; we did not get that much more
17 risk reduction in going further because, as I
18 said, much of it has dissipated.

19 MR. NESTLER: Okay. Thirdly, would it
20 be correct to characterize this resuspension issue
21 of possibly up to 38 pounds of this stuff going
22 over the Troy Dam as miniscule compared to the
23 rest of the project?

24 MR. MC CABE: It is certainly minor
25 compared to what we are dealing with, but it is

1 something that we need to -- since there are so
2 many questions about it, it is something that we
3 need to firm up as best we can before we go
4 forward and to analyze those other projects that
5 have come up with different numbers.

6 MR. NESTLER: But it would be better to
7 take the PCBs out of the river and risk this minor
8 resuspension than leave it lying around in the
9 river?

10 MR. MC CABE: Without question. We are
11 talking about 200 pounds over five years versus
12 what is going over now, approximately 500 pounds
13 in one year.

14 MR. NESTLER: Thank you.

15 (Applause.)

16 MR. HINCE: Hello. My name is Eric
17 Hince, H-i-n-c-e.

18 I am a licensed professional geologist,
19 and have spent my entire career, nearly 14 years,
20 in the professional practice of environmental
21 science.

22 I am the Chief Technical Officer of a
23 company that specializes in in situ bioremediation
24 technologies.

25 My comments are a follow-up to mine at

1 the last public hearing in February in
2 Poughkeepsie.

3 First, for the record, I disagree again
4 with EPA's remedy, and I also disagree with GE.

5 I think that active remediation is
6 necessary, but do not feel that the studies have
7 adequately supported the selected remedy since
8 they have neglected many other technologies.

9 In fact, what I refer to is the point
10 considering bioremediation technologies.

11 From your own FS, the references cited
12 are nearly 10 to 11 years old. In the realm of
13 technology, that is simply outmoded.

14 Technologies, as I have been informed by
15 your consultants -- the technology evaluation
16 ended four years ago.

17 In some respects, certain portions of
18 the FS were essentially out of date before they
19 went to press.

20 Specifically, our company has developed
21 a technology that has significant potential, we
22 believe, for the in situ treatment of PCBs.

23 Grossly oversimplified, this technology
24 consists of granulated composition or pellets or
25 briquettes which can sink into sediments and treat

1 PCBs in place without dredging.

2 Mr. McCabe, you said at the second
3 public hearing in a row, that that would be a goal
4 and that, if such technologies were available, you
5 would conduct a pilot study.

6 Let the record show this will be the
7 third time I have provided information to
8 yourselves and to your consultants concerning our
9 technology.

10 We are not asking for money. Let the
11 public record show that we discussed our offer to
12 provide a certain amount of the technology for
13 free simply on the condition that the EPA share
14 the data.

15 So, to reiterate, a technical review of
16 remedies that is, in some cases, a decade out of
17 date, is insufficient.

18 If you expect a robust support not
19 simply by those people who have expressed their
20 support for the EPA, but of critics such as GE and
21 others, then I think it is imperative that the EPA
22 do more than simply appear to be going through the
23 motions of public comment on what seems to me to
24 be an obvious and pretty much foregone conclusion:
25 You are going to dredge no matter what. You are

1 going to dispose of it in a landfill no matter
2 what.

3 If this comment period is truly true-to-
4 form and true to the law, if certain technical
5 issues are raised which have direct bearing on the
6 implementability and technical merits of the
7 selected remedy, you are obligated under the law
8 -- it is not a policy issue; it is a legal issue
9 and a technical issue -- to reevaluate that remedy
10 and give full consideration to those that could
11 work.

12 May the record show that I am going to
13 hand you information on our technology for the
14 third time now in three months.

15 And I stand here committed to support
16 the pilot study, and my company will provide the
17 product and the support. All we ask is for data,
18 and let the merits fall where they will.

19 It may work. It may not work. But what
20 are you afraid of?

21 MR. MC CABE: Eric, the comment period
22 -- it is a four-month comment period. I assume
23 you want us to take your proposal and answer it
24 specifically, and go out to the public with a new
25 proposal.

1 We have to take comments. We are taking
2 your comments; you are saying it for the third
3 time, and at that's fine.

4 We certainly will look at it. We are
5 always looking at new technologies.

6 A lot of people during the comment
7 period are offering technologies and their ideas
8 about what we could do.

9 That is great. We will look at them.
10 That is why we have the comment period. And, yes,
11 we will look at it.

12 I do not recall promising a pilot study
13 but, other than that, what you said was pretty
14 accurate --

15 MR. HINCE: At the last public hearing,
16 you stated, almost in quote, that it is not like
17 somebody had come to you with a technology that
18 could work in situ because, if they did, you would
19 conduct a pilot study.

20 I talked to you after that hearing, and,
21 as far as I am concerned, I have a flat-out
22 recollection of that conversation.

23 You said, "Well, has the technology gone
24 through the Site Program?" And I made a point of
25 saying, "Where does it say in the National

1 Contingency Plan that you will only review
2 technologies on a Superfund site that have gone
3 through the Site Program?"

4 You said, "Well, it doesn't. It is just
5 our policy."

6 So, I want to know where policy
7 supersedes the law and supersedes good engineering
8 practice and good scientific practice?

9 I do not expect you to change the remedy
10 or switch to any remedy that cannot be supported
11 by thorough analysis of the nine NCP evaluation
12 criteria.

13 But you have stated on the record,
14 agreeing with me, that you more or less have
15 selected land disposal as the ultimate remedy
16 because all the treatment alternatives were too
17 expensive.

18 So, what you have essentially admitted
19 on the record is that you have tossed out eight of
20 the nine criteria in lieu of one where an RP in
21 the private sector or myself as a professional
22 representing such an RP would have the book thrown
23 at them if we said, "Well, we have looked at
24 remedies but, you know, guess what, they are all
25 too expensive, so we are not going to do it."

1 I mean, you have to sometimes, I think,
2 listen to what you say and recognize that you are
3 accountable to the same system that the private
4 sector is held.

5 And everybody wants to come here and
6 bash GE. I am not beholden to them or you. I
7 disagree with them.

8 I have given this information to General
9 Electric. They said they will look at it. I have
10 not heard back.

11 I have given it to Congressman Hinchey's
12 advisor. I have not heard from Congressman
13 Hinchey.

14 So, all I am asking is what is going on
15 here? Isn't ending the technology review four
16 years ago, isn't that not adequate?

17 Isn't using scientific arguments --

18 MR. MC CABE: I hear your point, and I
19 differ with you on what I said previously about
20 doing a pilot study, but it is neither here nor
21 there --

22 MR. HINCE: It will be in the
23 transcript. We will look at the transcript --

24 MR. MC CABE: More important is that you
25 have given us the information, and we will take a

1 look at it.

2 You apparently are looking for immediate
3 feedback. I am sorry, but you are not going to
4 get that, nor is everyone else who has submitted
5 all their comments and are giving us technologies
6 and ideas to look at.

7 We have to look at them; it is really
8 that simple.

9 There is no instant gratification. And
10 your assertion about throwing out eight of the
11 nine criteria, I disagree with that, too.

12 Be that as it may, we disagree; that is
13 okay.

14 MR. HINCE: You stated on the record the
15 last time that, basically, you had looked at
16 treatment alternatives but had decided not to go
17 with them because they were too expensive --

18 MR. MC CABE: We have looked at
19 treatment alternatives and, for a variety of
20 reasons, we have not chosen them.

21 MR. HINCE: Go to the transcript --

22 MR. MC CABE: Thank you, Eric.

23 MR. ASCENZO: Steve Ascenzo, A-s-c-e-n-
24 z-o.

25 Somebody said the Hudson River is on a

1 a fault line? Is that true?

2 A VOICE: Yes. The Ramapo Fault.

3 MR. ASCENZO: If something were to
4 happen, isn't that going to send the sediment back
5 up into the river and contaminate the whole river?

6 MR. MC CABE: Can you address that,
7 Doug?

8 MR. TOMCHUK: There are fault lines that
9 run along the Hudson Valley. I am not familiar
10 with all of those exactly.

11 But, yes, a seismic event of a large
12 size could probably kick some sediment up into the
13 river.

14 I think I should note that, on the
15 geological clock, that could happen tomorrow or it
16 could happen in 10,000 years. It is the same time
17 frame, you know, within that type of clock.

18 So, you can plan for those things to a
19 certain degree. I think that is one of the
20 reasons that we did not move toward a capping
21 alternative; that we selected a removal
22 alternative because of long-term uncertainty with
23 respect to a cap lasting.

24 MR. ASCENZO: So, if this happened,
25 though, would the cities and towns that use the

1 water along the Hudson be able to deal with this
2 sudden big rise in PCBs?

3 They probably would not, right? Because
4 wouldn't that spike and exceed --

5 MR. TOMCHUK: Again, I cannot answer
6 that; it is just too vague.

7 I mean, you know, certain seismic
8 events, yes, maybe some other kind of catastrophic
9 event, like if there are dam failures and a big
10 flood comes down.

11 At the same time, you probably could not
12 drink the water for other reasons in that type of
13 case anyhow due to bacteria instead of just the
14 PCBs.

15 And the water treatment plants may not
16 even be operational.

17 So, it gets a little theoretical.

18 MR. ASCENZO: I just -- nobody mentioned
19 it. I mean, to me, that is important because it
20 definitely plays into this capping or not.

21 I guess I would just say that I think
22 you guys are doing a great job.

23 There is really no -- it is not like you
24 guys are going to become President of the country
25 or President of your division if you get GE to pay

1 for the clean-up; whereas, GE is looking to save
2 money, and some of the opponents to this are are
3 out to get money.

4 God knows, GE probably paid half the
5 guys who came up here just to say what they said.

6 And I think you guys are doing a great
7 job. I am proud of you, and thanks for all your
8 hard work.

9 MR. MC CABE: Thank you, Steven.

10 (Applause.)

11 MR. MARTIN: My name is Craig Martin.
12 First of all, I would like to thank you for coming
13 here tonight.

14 However, I would also like to express
15 some dissatisfaction at the length of time it has
16 taken to get to this point since there were
17 presentations that were held in '86 or '87 on the
18 same topic, although I believe they were held by
19 the Department of Environmental Conservation.

20 The preferred alternative at that time
21 was 50 percent or more -- actually, it was very
22 similar to the preferred alternative presented
23 tonight, in that the preferred alternative was to
24 dredge the hot spots.

25 However, the landfill, at that time,

1 that was proposed was right there adjacent to the
2 river in the Town of Fort Edward, Washington
3 County.

4 The presentation tonight was very
5 similar to that in that it addressed only the
6 preferred alternative; it did not address the
7 other alternatives which were studied.

8 Although I realize there is voluminous
9 information available to us, those of us who take
10 the time to come to the meeting, I believe, do
11 deserve at least a synopsis of the alternatives
12 studied especially in light of the fact that the
13 preferred alternative contains only roughly 50
14 percent removal of the PCBs; the remaining 50
15 percent you refer to as being dispersed or
16 encapsulated in time in situ.

17 It leads me to believe that -- well, you
18 have said that roughly three-quarters of the cost
19 of the project is transporting the dredged
20 materials to a site such as in Texas.

21 Therefore, there should be some
22 credibility lent to the argument that the in situ
23 processes which are available should at least be
24 explained as to what their disadvantages are.

25 Also, what is very similar in regards to

1 that previous meeting was your brief reference to
2 monitoring programs which would be in place to
3 monitor the rate of resuspension.

4 However, on further analysis, tonight
5 you have admitted that most of the resuspension
6 studies that have been done in the past have been
7 based upon turbidity criteria as opposed to PCB
8 levels.

9 The answer which I received that night,
10 when I specifically asked if there was a
11 contingency plan or a triggering level which would
12 require halting the project, I was informed that a
13 contingency plan would be developed.

14 Here, 13 to 15 years later, the
15 presentation is that monitoring systems will be in
16 place; however, a contingency plan is yet to be
17 developed and that, upon further investigation,
18 only one study really has addressed the PCB issue
19 as opposed to the turbidity issue.

20 The question that I have directly is --
21 you mentioned with regards to the monitoring
22 program, perhaps a performance specification
23 should be written into the contracts.

24 Is the dredging technology -- the two
25 types of technology mentioned tonight, have they

1 advanced to a point such that a performance
2 specification can be written whereby the
3 contractor would have to provide a bond to address
4 the resedimentation or the resuspension issue, or
5 would the bonding companies run away and thereby
6 cause your assumptions in your models to be
7 grossly inadequate?

8 The public would then -- by no means
9 would a judge look at GE to say, "Okay, now, GE,
10 you paid for this process; the EPA thought it
11 would fix it, but subsequently has made it worse."

12 In that case, we would be stuck, as has
13 happened with other projects, with the public
14 footing the bill for a fix which the government
15 bodies at that time thought -- at that time, they
16 thought that the channelization of the Everglades
17 was the be-all and the end-all.

18 And here we are now footing a huge bill
19 to fix that.

20 MR. MC CABE: Those are good questions,
21 Craig.

22 You are correct in terms of the length
23 of presentation or the type of presentation.

24 It was a conscious decision on our part
25 because we will be doing about 11 of these -- at

1 least that is the current number -- and we have
2 had audiences up to, I don't know, 11-, 12-, 1300
3 people, whatever.

4 At a normal or standard Superfund
5 presentation, we probably, with a study of this
6 length -- although, remember we did do all the
7 remedial investigation. Reports were all done
8 separately, so we had separate meetings on those.

9 But on a study of this length, we could
10 easily go for hours, and we thought that people
11 were so interested in asking questions, that we
12 would give shorter presentations, just giving the
13 briefest facts, and rely on the written
14 documentation and deal with people's questions.

15 You are right; it could have been done
16 the other way.

17 We did not think that people would sit
18 here, whether it is here or elsewhere, and really
19 want to wait.

20 There are a lot of things that we are
21 hearing on this study, a lot of issues that people
22 have, a lot of problems that people see with the
23 dredging scenario that, quite frankly, we have not
24 seen elsewhere.

25 Does that mean they do not exist? No.

1 But I think it means that there was not
2 the same level of awareness or concern or whatever
3 you might term it that those projects, like the
4 St. Lawrence River -- in our region, we just went
5 ahead and we did it. We dealt with it, and
6 everyone was pretty satisfied; they were not as
7 concerned about some of these issues.

8 That does not mean these issues are not
9 important or that these people now are wrong.

10 And that is why we are trying to address
11 them, but that is also why there is a dirth of
12 information on past projects, because people were
13 not concerned about all of these issues.

14 The performance specifications, we
15 believe -- I am not sure if I will get to your
16 question, but the performance specs will cover a
17 variety of performance issues, including
18 resuspension.

19 I cannot tell you exactly how we would
20 do it. We are looking at a number of contracting
21 mechanisms now.

22 But we believe that -- yes, we will
23 definitely deal with issues like that, but it is
24 not to the point -- you know, it is not like this
25 is going to go bad for months and we say, "Oh, my,

1 look at that. There is a problem. We should not
2 have done that."

3 It is going to be much more -- I will
4 not say instantaneous, but much more of a daily or
5 hourly type of basis, the kind of monitoring we
6 will be doing.

7 So, we are going to find out if there is
8 a problem. If it is necessary, we will shut down
9 the project, and make sure to implement whatever
10 measures are necessary to correct the problem.

11 Exactly how that will be done, we
12 certainly have not gotten that far.

13 We are conceptualizing some things, and
14 we are not yet into design, but they are all
15 issues that people have raised that we have to
16 decide how much of that will go into a performance
17 spec.

18 Of course, obviously, the more you put
19 in, the more difficult it is for the contractor to
20 deal with.

21 MR. ZELNER: Good evening. My name is
22 Alan Zelner.

23 First, I want to thank you for coming to
24 Newburgh to listen to us, and we encourage you to
25 continue with having these open meetings

1 throughout the process.

2 I am a resident here in the City of
3 Newburgh. I live a few blocks from the Hudson
4 River.

5 I am a member of some of the
6 neighborhood organizations that you have heard
7 mentioned here; the Beacon Sloop Club, the
8 Newburgh Neighbors Network, and Clearwater.

9 I am also a manufacturing engineer.

10 As a resident here in the City of
11 Newburgh, I live here with my wife and my three-
12 year-old child. We live just a few short blocks
13 from the Hudson River.

14 We visit the waterfront frequently. We
15 walk down there. We talk to our neighbors who
16 fish and trap at the waterfront right at Newburgh
17 Landing.

18 We swim in the Hudson River, we sail.
19 We spend lots of time on and in the river.

20 So, first of all, I do want to say in
21 the strongest terms that I do want to support the
22 immediate remediation of the Hudson River PCBs
23 through hydraulic suction or a dredging program,
24 along with rigorous monitoring to be sure that it
25 is done right. And things can be done right.

1 I also want to say that we are up here
2 in the Hudson Valley -- I am sorry to tell you
3 that my father, who had lived here in the Hudson
4 Valley for many years, just died a few months ago
5 of cancer.

6 My wife just had two miscarriages. So,
7 one of the other things I would ask you is to
8 advocate studies as to the long-term effects of
9 Hudson River PCBs on communities, endocrine and
10 carcinogenic effects.

11 Thirdly, as a manufacturing engineer who
12 works in industry, I can tell you that, sure,
13 industry wants to minimize cost; sure, certain
14 assignments will be given to people and told,
15 "Well, if you do not take this assignment,
16 somebody else will, so you might as well take it."

17 But industry must have a responsibility
18 towards the communities in which they operate.

19 And you and the United States Government
20 must not allow there to be any confusion or
21 exceptions on that point.

22 In fact, I can tell you that I would
23 suspect that the representatives of General
24 Electric or any other corporation publicly
25 fighting this -- I very strongly suspect that

1 personally they hope that you will do the right
2 thing and proceed with immediate and thorough PCB
3 removal.

4 Thank you.

5 (Applause.)

6 MR. KUKONIN: Good evening. My name is
7 Ken Kukonin. I am a Cornwall, New York, resident;
8 formerly, a program manager for the largest
9 environmental remediation corporation in the
10 United States.

11 I have been involved in a lot of PCB
12 remediation projects for the EPA, as well as
13 private sector industrial clients such as GE.

14 I just want to note a couple of
15 observations and comments about dredging.

16 The technology has changed greatly over
17 the past few years.

18 And the hydraulic dredging that was
19 discussed earlier can almost be considered
20 surgical dredging; you have a great deal of
21 control over the amount of sediment that is
22 removed and how it is removed.

23 The water that is extracted, as was
24 mentioned earlier, does serve to contain the
25 resuspension of sediments.

1 And there have been a lot of good
2 success stories here in New York State.

3 There was the Grassy River, which I was
4 involved in on the periphery up in St. Lawrence
5 County, which is a fast-moving body of water.

6 Also in Upstate New York, one of the
7 largest cities in this State has recently
8 completed a dredging project that restored a
9 three-and-a-half-mile long white sand beach which
10 I believe is the longest white sand beach in the
11 United States; and that is at Plattsburgh.

12 The amount of sediment that was removed
13 from there was approximately 200,000 cubic yards.

14 And that was originally supposed to be a
15 three-year project by the New York State DEC.
16 That was completed in one season.

17 Now, that was a very complicated
18 project, probably a little bit more complicated
19 than what would take place on the Hudson River.

20 So, the fears of it dragging on forever
21 are probably unfounded.

22 And one of the things that we should
23 consider is not looking at the minutia, but trying
24 to see the forest here.

25 Thank you.

1 (Applause.)

2 MR. WECKERLEY: My name is Urgan
3 Weckerley. I am a lifelong resident of Orange
4 County.

5 I have been boating on the Hudson since
6 before PCBs were invented.

7 I am also a volunteer with the Sierra
8 Club. I volunteer for the Fort Edward Friends. I
9 am on the executive committee of our State
10 Planning Chapter.

11 I would also rather be watching the NCA
12 basketball finals as we are speaking here tonight.

13 (Laughter.)

14 MR. WECKERLEY: One of the things that
15 gets me kind of nervous is when we talk about the
16 risk assessments and allowable limits and
17 standards.

18 And, earlier, you indicated how
19 difficult it was to factor out specific responses,
20 reactions, to a particular pollutant.

21 My concern is the flip side of that:
22 What about the synergy to all of the other
23 pollutants we have to endure here?

24 Are you looking into that or are you
25 taking those into effect?

1 Are we taking into account the toxic
2 cocktail that we are absorbing all the time,
3 especially our young children, especially infirmed
4 older citizens, especially those with other
5 sensitivities?

6 I think those are other things that need
7 to be looked at, not just PCBs in isolation.

8 I am in favor of -- the Sierra Club is
9 in favor of total removal of PCBs by whatever
10 means.

11 And the argument really should be not
12 whether it should be done or not done, but how it
13 should be done.

14 The GE solution at this point is a toxic
15 morphine drip that will poison us forever.

16 One solution that was recommended was
17 capping the underwater hot spots.

18 Have studies really been done regarding
19 the riverbed geology and the whole effect of
20 channeling, totally independent of river flows, of
21 floods, of low water and drought; but just the
22 normal channeling within the river bed itself that
23 occurs which will expose at one point or another
24 and shift back and forth all the toxins that seem
25 to be covered but never really are?

1 I have not heard that described this
2 evening or elsewhere; that whole channeling effect
3 that takes place that no capping will ever solve.

4 MR. MC CABE: The person who would cover
5 the synergy I suspect would be Marilyn.

6 MS. OLSEN: The whole question of
7 synergy has been looked at by the Agency at
8 various times.

9 I would mention, however, that in
10 addition to synergy there is also antagonism.

11 And there have been studies that have
12 looked at those potential effects.

13 What EPA has developed as part of its
14 policy is a mixture of guidelines that basically
15 set forth the way in which we evaluate chemicals
16 where we have multiple chemical exposure.

17 And we use adaptivity unless there is
18 specific information that we need to look at one
19 or either of the antagonisms or a synergistic
20 effect.

21 There are very few chemicals that
22 actually have been shown to be synergistic, so it
23 is a small universe.

24 And we feel that the nature of our risk
25 assessment process, which has gone through peer

1 review, which has been evaluated by a number of
2 scientists, provides a protective approach for
3 protecting children, adolescents, adults, within
4 the -- who are being exposed to environmental
5 contaminants.

6 The Agency also recognizes the
7 importance of childhood exposures to chemicals.

8 And as part of our risk assessment
9 process, we do specifically -- at most sites where
10 we have residential exposures -- for the Hudson,
11 for example, we did look at children ingesting
12 fish.

13 So, we do include that as part of our
14 process and our evaluation.

15 MR. MC CABE: The only comment I would
16 make is that I remember one particular set of peer
17 reviewers, who were European, said about the river
18 system who basically said what you just said; that
19 it is a very dynamic system and of course stuff is
20 going to move around.

21 What is settling today is going to scour
22 tomorrow. And there is a problem now; we expect
23 there is going to be a problem for a very long
24 time.

25 But as far as any analyses, Doug, is

1 there anything you can say about that?

2 MR. TOMCHUK: Actually, we have done
3 some modeling, particularly, you know, high-flow
4 events and the scour that would happen during that
5 type of thing.

6 And we have done some long-term
7 modeling.

8 But these have pretty coarse scales.
9 So, it is hard to look at it through that point of
10 view, through the modeling.

11 What we do have, in fact, is sonar which
12 we can look at to show where the deposits are
13 today to compare that to what we saw in 1977 from
14 the physical descriptions that were taken when the
15 DEC went out and sampled; and in 1984, again, when
16 they were doing those types of sampling events.

17 And that gives us the opportunity to go
18 out and compare the sites with sonar and
19 additional physical descriptions, you know, prior
20 to the actual input for the design and prior to
21 the actual remediation effort.

22 We know that, for the most part, the hot
23 spots are pretty much in the same spots, and we
24 think that they may change a bit.

25 So, we will take the data and the

1 modeling.

2 We do not understand what goes on at
3 every location, and we need to make generalities
4 and apply that.

5 What we do know is that PCBs are still
6 getting into the water and getting into the fish,
7 and they are still bioavailable.

8 MR. WECKERLEY: Well, that just brings
9 home the point that total remediation is really
10 the only way to go.

11 And thank you so much for your efforts.

12 MR. MC CABE: Thank you.

13 (Applause.)

14 MR. SUSSMAN: Good evening. The EPA, it
15 seems to me, is at a crossroads nationally.

16 We have tremendous movement backward
17 with regards to environmental concerns.

18 Many people in our county, in Orange
19 County, are outraged, frankly, at a lot of the
20 things that are being done at the national level,
21 and are waiting for the shoe to drop here on this
22 project.

23 Now, I think one of the critical issues
24 is that the EPA has to cooperate with local
25 governmental officials because there is a great

1 deal of misinformation which is being spewed by GE
2 and is being accepted by these local governmental
3 leaders who are unable -- because they do not
4 understand the issues technically -- to refute
5 what GE has been stating to their population.

6 I think it is critical that we take a
7 broad view working with local county,
8 governmental officials so that they fully
9 understand exactly what you are doing and
10 understand the dynamics of the political process
11 from here.

12 I think the general consensus locally is
13 that this project will not go forward; George W.
14 Bush and Ms. Whitman are going to stop it.

15 And I think there has to be reassurance
16 for our local people that science will prevail,
17 not demagogery and politics.

18 The only other point I would make is
19 this: Total remediation, yes. You have to start
20 somewhere.

21 I think you should not in your report
22 overcommit to a hot-spot -- to a limited
23 remediation alternative.

24 You should suggest that stages be done.
25 That should be clearly the first stage because it

1 is the most intense problem. We have identified
2 that problem.

3 But you should go on to state that,
4 assuming the technology exists, clearly your
5 policy preference is for total remediation.

6 (Applause.)

7 MR. SUSSMAN: And I think the report
8 should be very, very plain on the logic of the
9 sequencing because, from a public policy point of
10 view and an environmental point of view, it makes
11 no sense to go after the smaller problems first
12 but, rather, to focus on those areas where the
13 problems are more intense with the objective being
14 total remediation.

15 And I think your position should be to
16 recommend that from an environmental and policy
17 perspective.

18 But I cannot overemphasize enough to
19 someone involved in their local county government
20 that you need to be in touch with the county
21 legislators, the county executives, the town
22 officials, so they can in a sense be your
23 ambassadors and not be disseminating
24 misinformation about what you propose.

25 Thank you.

1 MR. MC CABE: Thank you, Michael.

2 (Applause.)

3 MR. MC CABE: I mean, a lot of what you
4 have said is true.

5 I wish I could figure out a way to get
6 to everyone.

7 I mean, we have certainly tried whether
8 it is through these kinds of meetings, which I
9 know are limited, or through our community
10 involvement program which has a governmental group
11 on it --

12 MR. SUSSMAN: Let me explain briefly,
13 because I do not want to take a lot of your time.

14 As you know, there are legislative
15 bodies that function for each of our counties, the
16 neighboring counties, whether it is Dutchess
17 County, Orange County, going up and down the
18 river.

19 I think it is critical that you brief
20 the county legislators and the county executives
21 in each of these counties -- and not all of them
22 have county executives -- as well as their health
23 commissioners, their planning departments.

24 You invite them to either separate
25 meetings or one large meeting -- I would think

1 that separate meetings would be more efficacious
2 -- and brief them and answer their questions, as
3 well as the mayors in the major communities along
4 the river.

5 What you have now, frankly, is GE
6 bombarding many of their constituents with a lot
7 of misinformation and a lot of these politicians
8 do not know what from what on this kind of an
9 issue.

10 And you are in a position technically
11 and I think you have a responsibility to assist
12 them.

13 You understand what is going on publicly
14 with the huge ad campaign, and I do not expect
15 this EPA to countervail that on that level.

16 But I do expect appropriate information
17 and briefing.

18 Thank you.

19 (Applause.)

20 MR. MC CABE: Thanks, Michael.

21 A PERSON: Why can't the county
22 legislators come here?

23 MR. SUSSMAN: The issue is not whether
24 they come here. The issue is that we need to
25 reach them so they fully understand what the EPA

1 is trying to do.

2 They may not come here, but they are
3 still pretty good people for the dissemination of
4 appropriate information.

5 You need to reach out to them. It is
6 your project.

7 MR. MC CABE: Thank you.

8 The last registered speaker is Alan
9 Whitman.

10 MR. WHITMAN: First, I want to thank the
11 two ladies here who kept diligently coming back
12 and forth with new speakers.

13 When I arrived, I was told that I had
14 two minutes.

15 And I was a little bit upset, frankly,
16 because I do not watch TV and I do not subscribe
17 to the newspapers; I have dyslexia.

18 So, what I did was to call you people in
19 New York a few days ago, and you very nicely sent
20 me your point of view.

21 And I want to tell everybody they
22 attached a very nice little clip here, which is a
23 lot safer and easier to work with than a
24 paperclip.

25 I thought, as I moved along here, that I

1 would be able to take the two minutes from a few
2 speakers who, naturally, want to go home and have
3 dinner.

4 I would like to go home and have dinner,
5 too, but I cook my own dinner so I can go home
6 anytime.

7 So, if you will bear with me, this will
8 take 10 minutes.

9 MR. MC CABE: Well --

10 MR. WHITMAN: I am the last speaker,
11 right?

12 MR. MC CABE: I believe you are the last
13 registered speaker.

14 But is there any way you could shorten
15 it a bit, Alan?

16 MR. WHITMAN: I will go as quickly as I
17 can, believe me.

18 You will be glad to know that the only
19 information, the only source of information I used
20 is this (indicating document).

21 I do not know anybody at GE, and I have
22 not spoken with GE, and I have not gotten anything
23 out of the newspapers.

24 EPA prefers that they dredge 2.65
25 million cubic yards out of the Hudson, the Upper

1 Hudson; \$460 million, and it will take five years.
2 If anybody disagrees, just holler.

3 Your objective is to reduce cancer risks
4 and non-cancer hazards for people eating fish from
5 the Hudson by reducing the concentration of PCBs
6 in fish. And I cite page 13 of the EPA report.

7 My question is: Do you have a deal with
8 the shipping industry to get GE to foot the bill
9 to clear waterways?

10 Nobody has talked about that tonight.

11 EPA, page 11: Dredging for navigational
12 purposes has been conducted -- I may be wrong
13 here; it could have been done for other purposes,
14 but these are the words you use in your prospectus
15 -- "...none since 1979..." -- that is 22 years, 21
16 years -- "...1978, '75 and '74..." which, to me,
17 if I were in the shipping business, I would
18 probably look for some dredging so I could operate
19 without running afoul of the water -- of the
20 ground underneath.

21 I say there should be no remedial
22 dredging.

23 EPA says -- and I quote -- "The water
24 should be safe for boaters, waders and swimmers."
25 EPA document, page 11.

1 I believe you call them -- I am sorry
2 because I did not bring my dictionary, but there
3 is a good word to use.

4 Again, as to remedial dredging, I will
5 quote the EPA: "There is no Federal or New York
6 State PCBs clean-up standards." EPA document,
7 page 13.

8 Again, there should be no remedial
9 dredging.

10 You talk about peer review, that
11 everyone generally is agreed.

12 That frightens me: "generally agreed".
13 Where don't they agree? That is a question in my
14 mind.

15 PCBs are considered probable
16 carcinogens. "Probable"; there we are: doubt.

17 The document says "...they can alter
18 health..."; well, that is stronger. EPA, page 7.
19 There should be no remedial dredging.

20 What if the \$460 million turns into \$5
21 billion or even just \$1 billion? Who pays this
22 money?

23 What if the five years turns into 10 or
24 20 years?

25 And what if the courts hold EPA, et al,

1 responsible for damages that might come up?

2 We cannot tell who is going to sue in
3 this society. What if? Just think about it.

4 In summary, A, is the EPA dealing with
5 the shipping industry? There has been no dredging
6 since 1979.

7 The EPA says the Hudson should be safe
8 for recreators, but the EPA has no dredging
9 standards.

10 The peer review is equivocal. I am a
11 taxpayer. I am a householder. I am a small
12 businessperson.

13 We will pay all the bills, ladies and
14 gentlemen.

15 The Government does not create money; we
16 pay it.

17 If something happens, it ends up being
18 up to us. Is it worth \$460 million to babysit
19 intelligent New York citizens who are fisheaters?

20 To me, that is the point. The issue is
21 not the PCBs. It is that we have to protect
22 people who cannot make decisions for themselves.

23 We have to remove the PCBs and spend
24 hundreds of millions of dollars to relieve these
25 poor people while if they read -- I am dyslexic,

1 so I know it is difficult to read and then to
2 think about it.

3 Do we want to spend \$460 million for
4 that?

5 I say there is no quo like the status
6 quo. Let's keep things as they are.

7 Thank you.

8 MR. MC CABE: Thank you, Alan.

9 Okay. With that, I think there is one
10 more comment here.

11 MR. OBERHAUSER: Daniel Oberhauser. I
12 spoke earlier.

13 I had fish for dinner tonight, but I
14 know it was not from the Hudson.

15 Years ago, up until 1980, I used to take
16 my four children, and we used to swim in the
17 Hudson River at Sandy Hook.

18 I have not done that since, and I guess
19 you can assume what the reason is.

20 But my one question that, really, I
21 think, is pertinent is: Has anybody other than GE
22 evaluated their study and their model, analyzed it
23 and confirmed it or not?

24 MR. MC CABE: No. For GE's model? No.
25 As I stated before, we have done our own modeling.

1 We had our own model peer-reviewed, and
2 the model is a tool.

3 Our tool was successful. It works. And
4 we are using it.

5 And we do not really see any need to use
6 GE's tool.

7 MR. TOMCHUK: GE did have its model
8 published in Environmental Science and Technology.
9 I do not know if the whole model was reviewed, if
10 the article was reviewed before it was published.

11 MR. OBERHAUSER: That was their model,
12 but no other organization reviewed it, or
13 institute.

14 MR. MC CABE: Apparently, it was
15 published in a scientific journal, but we did not
16 do it ourselves.

17 MR. TOMCHUK: We are not using it
18 either.

19 MR. OBERHAUSER: Well, I believe it is
20 better to be safe than sorry.

21 MR. MC CABE: Thank you.

22 Okay. With that, I would like to thank
23 those of you who remained.

24 I would like to thank you all very much
25 for your information.

1 Good night.

2 (Whereupon, at 10:36 o'clock p.m., the
3 Public Meeting was concluded.)

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C E R T I F I C A T I O N

I, BAMBI GORDON-KIMM, a Certified
Court Reporter, do hereby certify that I recorded
stenographically the proceedings herein at the
time and place noted in the heading hereof, and
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106:20; 128:8; 167:1;

168:20; 169:18; 170:3

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168:20

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*** ERRATA SHEET ***

ELLEN GRAUER COURT REPORTING
133 East 58th Street, Suite 1201
NEW YORK, NEW YORK 10022
212-750-6434

NAME OF CASE:
DATE OF DEPOSITION:
NAME OF WITNESS:

PAGE	LINE	FROM	TO

Subscribed and sworn before me
this ____ day of _____, 2001.

(Notary Public)

My Commission Expires: