

**HUDSON RIVER PCB REASSESSMENT RI/FS
COMMUNITY INTERACTION PROGRAM**

**HUDSON RIVER PCB OVERSIGHT COMMITTEE MEETING
POUGHKEEPSIE, NY
OCTOBER 22, 1991**

On October 22, 1991, a meeting of the Hudson River PCB Oversight Committee (HROC) was held at the Ramada Inn in Poughkeepsie, NY. Attending the meeting were:

William McCabe, Deputy Director, ER RD, USEPA Region II; HROC Chairperson
Douglas Tomchuk, ER RD Project Manager, USEPA Region II
Ann Rychlenski, Community Relations Coordinator, USEPA Region II;
Chair of the Steering Committee
Stephen Hammond, Director, Bureau of Central Remedial Action, NYSDEC
Italo Carcich, Director, Bureau of Technical Services and Research, NYSDEC
Monte Greges, US Army Corps of Engineers, NY District
Frank Csulak, Coastal Resource Coordinator, NOAA
John King, Waterways Maintenance Division, NYDOT
Albert DiBernardo, TAMS Consultants, Inc.
John Claussen, Hudson Project Team, GE
Dan Abramowicz, GE; Scientific and Technical Committee
Tom Borden, Agricultural Liaison Group
Judy Schmidt-Dean, Citizen Liaison Group
Carl Deppe, Environmental Liaison Group
Darryl Decker, Governmental Liaison Group

Mr. McCabe welcomed the committee, opened the meeting, and deferred to Ann Rychlenski, who delivered a statement summarizing the proceedings of the October 16, 1991, Steering Committee meeting. She read into the record the specific questions which were the result of that meeting (attached) and which reflect the concern of the Steering Committee and their Liaison Group members over the State's recently publicized activities in connection with its contract with Malcolm Pirnie and its studies of Site 10.

Mr. Carcich recapped the State's position and stated that the Project Sponsor Group (PSG) within DEC has not deviated from the Project Action Plan developed in 1989. Although delayed somewhat by budgetary constraints and other factors, the PSG is proceeding with the plan by investigating the site and preparing applications. Mr. Carcich views the State's and EPA's efforts as parallel and said the State will reevaluate what EPA is doing in the reassessment to be sure they were not in conflict. The PSG has not eliminated any technology from its consideration at this point.

In response to the questions of several HROC members regarding whether the State would proceed to any implementation of the Action Plan prior to the completion by

EPA of its reassessment, Mr. Carcich stated that he felt the State, having "pressed hard" for EPA to do the reassessment, would not proceed to implementation without seeing that [EPA's] effort completed.

Mr. McCabe stated that since the Steering Committee meeting on October 16, 1991, there had not been an opportunity to brief EPA's Regional Administrator and have him talk to NYSDEC's Commissioner, so final answers to the questions raised at the Steering Committee meeting were not yet available. He went on to emphasize the importance of the Community Interaction Program (CIP) and the importance of public input to the outcome of the reassessment. He urged continued participation by all community representatives to ensure a balance of all viewpoints.

Considerable discussion ensued among HROC members regarding the PSG Project Action Plan, including questions about the continued expenditure of State money on the project prior to an EPA Record of Decision, the nature and scheduling of activities currently being undertaken by PSG and Malcolm Pirnie, the accuracy and timing of the newspaper article referencing the project, and related items. The response from the State throughout this discussion was that the expenditures did not imply a predetermined conclusion to either the State's process or EPA's, that current activities consisted of investigation and information gathering and not implementation, that work done now in this area could be beneficial at the outcome of the reassessment, and that the article had misquoted at least one PSG member. Liaison Group chairs and co-chairs present expressed their general distrust of the PSG and their feelings that the PSG's current actions were undermining EPA's efforts.

These Steering Committee representatives also all protested the inadequacy and/or lack of responses to the questions from the October 16, 1991, meeting. Mr. McCabe reiterated that the questions would certainly be answered but they were complex, involved legal considerations, and could not be properly addressed in the short time between meetings.

Two action items from the last HROC meeting were addressed. Mr. DiBernardo reported that TAMS had reviewed the testimony from the siting board hearings, as had been recommended. Mr. Ports reported that the 1990 fish tissue data would be available in December.

Discussion of the Phase I Report followed. Comments were taken in several general areas, first among which was the question of locating other sources of PCBs in the lower Hudson. TAMS and EPA representatives indicated that they would be working with other divisions at EPA to assist in evaluating some point source discharges in the lower Hudson. Mr. Frank Csulak indicated that NOAA's official comments were forthcoming. He recommended that EPA perform an ecological risk assessment for the lower Hudson in Phase 2, which is to include assessment of recreational risks. In addition, NOAA recommended that data on the short nosed sturgeon be utilized in the assessment and that an assessment of risk in four estuarine research reserves in the lower Hudson also be included.

A number of HROC members raised the issue of sampling lower Hudson River migratory fish to determine the source of PCBs in these fish. TAMS and EPA stated that this effort was not envisioned for this reassessment.

NYSDOT's Mr. John King emphasized that 375,000 cubic yards of sediment in the upper Hudson requires dredging for navigation and specified that this item be considered in the reassessment.

Dan Abramowicz, GE scientist and Co-chair of the Scientific and Technical Committee (STC), gave a synopsis of the technical discussion and committee concerns raised at the STC meetings which have occurred since the last HROC meeting. In addition, he stated in brief some specific comments to the Phase I Report from several STC members. Discussions concerning the role of the STC in the reassessment ensued. EPA issued a memo to the HROC members concerning this issue (attached).

Three action items resulted from this meeting:

- it was recommended that Mr. Constantine Sidamon-Eristoff, EPA Region II Regional Administrator, be invited to attend one of the next meetings personally;
- it was recommended to have a meeting to receive/discuss the pending answers to the Steering Committee's question; and
- it was requested that a timetable of target calendar dates for the PSG Action Plan be obtained.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

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**COMMENTS OF THE STEERING COMMITTEE
TO THE HUDSON RIVER OVERSIGHT COMMITTEE
TUESDAY, OCTOBER 22, 1991
POUGHKEEPSIE, NEW YORK**

Presented by Ann Rychlenski, Chairperson
Steering Committee

In addition to Bill's comments, I would like now to read into the record the questions raised at the Steering Committee Meeting held last week in Saugerties, N.Y. Although the initial agenda of that meeting centered around discussion of the Phase 1 Report, that agenda was not held to as you have just heard via Bill's opening statement.

As Chairperson of the Steering Committee, I would like to report on that meeting. Because of the serious nature of the questions, I will read my report and submit it as an attachment to the minutes of tonight's meeting. Following are the questions posed by the Steering Committee:

1. Why participate in the extensive Community Interaction Program that EPA has designed for the Reassessment if in fact public input will not have an impact and DEC will dredge no matter what EPA's ultimate decision is?

Steering Committee members, many speaking for their membership, stated they will need their time and energy to oppose the DEC project and therefore anticipate having to choose between the two efforts if DEC can indeed dredge as it has stated it will.

2. In a question of ultimate jurisdiction, if EPA's decision on a federal level is a remedial alternative other than dredging, does DEC have the authority to proceed arbitrarily with the Project Sponsor Group's dredge project?

3. In a related question, members asked that since DEC is actively participating in the reassessment process, will DEC abide by the EPA decision if it is other than a dredging decision?

4. Are federal permits (EPA, Army Corps) being processed for the Project Sponsor Group's effort before the Reassessment decision under Superfund can be made (i.e., TSCA, wetlands, etc.)?

The unanimous feeling among Liaison Group members was that if this is so, it presents a great credibility question re the entire Reassessment project.

5. Are DEC's costs reimbursable if these contract funds for Site 10 are being spent prior to EPA's making a decision as part of the Reassessment? Are the funds reimbursable at all?

6. Is there anything EPA can do to stop DEC from proceeding with its activities pertaining to the development of Site 10 until the completion of the Reassessment?

Steering Committee membership felt this would go a long way toward reinforcing the concept of objectivity which EPA has been stressing during this project, and which is the foundation of the Community Interaction Program. The membership feels that these activities by DEC are totally undermining the current federal process to which they have given much of their time already.

**HUDSON RIVER PCBs SITE
REASSESSMENT RI/FS**

**PURPOSE OF THE SCIENTIFIC
AND TECHNICAL COMMITTEE**

The purpose of the Scientific and Technical Committee (STC) is to assist the U.S. Environmental Protection Agency by providing technical input to the Reassessment RI/FS process, in evaluating scientific data collected on the project, and providing technical dialogue on a variety of pertinent project topics. The committee members and chairpeople have roles which are described below. As a committee the STC will:

- meet periodically as the project warrants.
- determine issues or topics of a technical nature which should be raised at the Hudson River PCB Oversight Committee (HROC) meetings.

EPA will conduct the meetings in accordance with the prescribed agenda. Participation in the discussions during committee meetings will be limited to committee members, special presenters, EPA and its representatives.

Role of the STC Members

The committee consists of researchers and scientists that are familiar with the site, PCBs, modeling, toxicology and other relevant disciplines. The committee members will be asked to:

- review and provide comments on plans and documents presented by EPA.
- identify additional sources of information in their field of expertise relevant to the Reassessment RI/FS.
- provide members and EPA with knowledge of on-going research which may be pertinent to the project.
- offer and encourage technical discourse with the other researchers and scientists on the committee.

Committee members may also be requested to make presentations on their area of expertise to EPA, the HROC, or groups that have been organized as part of the Community Interaction Program.

EPA will reimburse committee members for reasonable travel expenses for attendance at committee meetings in accordance with federal guidelines.

Role of the Chair and Co-Chair

The chair of the STC, or the co-chair acting in lieu of the chair, shall assume the following roles:

- represent the STC on the Hudson River PCB Oversight Committee (HROC), and report to the STC on the activities of the HROC.
- assemble and coordinate all written comments on project plans and documents submitted by committee members.
- assist EPA in establishing meeting agendas.
- review meeting minutes prior to submission to committee members.

EPA will provide assistance to the chair or co-chair as is necessary for them to carry out their functions.