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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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**US Environmental Protection Agency
Hudson River PCBs Reassessment Remedial Investigation/Feasibility Study (RRI/FS)
Community Interaction Program**

**Steering Committee Meeting
June 21, 2000
Latham, NY**

DRAFT

On June 21, 2000, the United States Environmental Protection Agency (EPA) hosted a Steering Committee meeting at the Holiday Inn Express in Latham, New York. Sign-in sheets are found in Attachment 1. The use of brackets - [] - indicates clarifications made by the writer in cases where unclarified text would be unclear to those not at the meeting. Only one of the two tape recorders used at the meeting proved to be functioning correctly; however, a copy of the audio tapes from the second machine is available on request.

Ann Rychlenski, EPA Community Relations Coordinator for the Hudson River PCBs Superfund Site and Steering Committee Chairperson, opened the meeting with a review of the agenda and introductions.

Attending were the following Steering Committee members:

- Ann Rychlenski;
- Doug Tomchuk, EPA Project Manager;
- Alison Hess, EPA Project Manager;
- Tom Bordon, Agricultural Liaison Group Chairperson;
- Judith Dean, Citizen Liaison Group Chairperson;
- Marilyn Pulver, Agricultural Liaison Cochairperson;
- Marion Trieste, Environmental Liaison Group Cochairperson;
- John Santacrose, Environmental Liaison Group Chairperson; and
- Bill Ports, NYSDEC Project Manager for Hudson River remedial project.

Non-committee members attending from EPA were Marian Olsen, environmental scientist; Melvin Hauptman, Leader of the Sediments/Caribbean Team and team leader for the RRI/FS; and Doug Fischer, attorney.

Alison Hess opened the formal portion of the meeting with a report on the human health and ecological risk assessment peer reviews. The human health risk assessment (HHRA) and ecological risk assessment (ERA) were peer reviewed on May 30 and 31, 2000, and June 1 and 2, 2000, respectively, by two separate panels of experts. Two members of the human health panel of six found the HHRA acceptable with minor revisions; two found the report acceptable with major revisions, and two found the report acceptable with revisions (unqualified as to major or minor.)

Highlights from the sessions are as follows. Peer reviewers:

- Agreed with the use of the agency's consensus values for the toxicity of PCBs;
- Found that the fish consumption rate of one 8-ounce fish meal per week used for the reasonably

- maximally exposed (RME) adult was reasonable; and
- Agreed with EPA's overall conclusion that eating fish from the Upper Hudson River poses cancer risks and non-cancer health hazards above EPA's levels of concern.

The panel made a number of recommendations, including the following three highlights. The panel:

- Recommended that EPA consider exposures to sensitive sub-populations, namely the developing fetus and nursing infant;
- Recommended that EPA enhance its uncertainty analysis; and
- Recommended a number of different ways to improve the presentation of the risks in the text.

There were six peer reviewers for the ecological risk assessment peer review. Four found the ERA acceptable with major revisions, and two found the report unacceptable as is. Ms. Hess said this means there is more work ahead for EPA on the ERA. Among the panelists recommended that EPA:

- Provide a full description of the ecosystem in and along the Hudson River,
- Rethink how the agency uses the weight of evidence approach, in which EPA evaluates different lines of evidence for ecological risk;
- Reduce conservatism in the ERA; and
- Consider performing a quantitative sensitivity and uncertainty analysis.

Peer reviewers also made recommendations as to how to improve the presentation in the text. The final peer review report is due out some time in July. EPA will respond with a formal written responsiveness summary, expected to be released a couple of months after the peer review report. The responsiveness summary will be completed before EPA releases the proposed plan. EPA has already begun discussions on how to respond to and implement the panelists' recommendations. Ms. Hess stressed that all the information in the risk assessment - the risk assessment reports themselves, the responsiveness summary, the peer review responsiveness summary, and any other related information - will get funneled into and factored into the feasibility study.

With regard to implications of the peer reviews for the feasibility study, EPA feels that with the results of the HHRA peer review, the agency has enough information to proceed to the FS stage, in which a range of alternatives, including the No Action alternative as required under Superfund law, is being developed. EPA believes the range of alternatives being developed to address the human health risks from ingesting fish will address the ecological risks that may be present due to contaminated fish as well. EPA does not anticipate any change to the schedule: the proposed plan (PRAP) will be released in December 2000. In closing, Ms. Hess stressed for the record that the agency has not made any decision on the preferred alternative at this time.

Doug Tomchuk reported next on the peer review of the Revised Baseline Modeling Report (RBMR). That peer review began in January 2000 and ended with a two-day meeting on March 27 and 28, 2000. The peer review report dated May 10, 2000 has been released; it is in the information repositories and available on the EPA website, www.epa.gov/hudson. Mr. Tomchuk stated EPA was happy to report that the peer reviewers found the RBMR acceptable with minor revisions. The peer reviewers agreed with the overall format of the models. Mr. Tomchuk reminded the audience that EPA had undergone a modeling approach peer review previously and had taken the resulting recommendations [on the format of the models] into account going forward.

Six of the seven reviewers found the HUDTOX (fate and transport) model acceptable with minor revisions; the seventh found it acceptable with revisions somewhere between minor and major. Two of the reviewers did not have enough specific expertise to comment on the FISHRAND (bioaccumulation) model. Four of the other reviewers said the model was acceptable with minor revision and one with major revision. Mr. Tomchuk said the problems were more with report format than the model itself.

The recommendations of the peer reviewers (taken from the Executive Summary of the Peer Review Report) follow.

- The reviewers recommended that EPA evaluate two options for obtaining direct evidence to better substantiate the model assumptions and findings related to net deposition, burial rates, and depth of mixing.
- The reviewers recommended that EPA further test the sensitivity of forecast results for the models' horizontal and spatial resolution.
- Concerned that the EPA fate and transport models might significantly underestimate the degree of sediment redistribution, reviewers gave four specific recommendations for how EPA should address possible errors in sediment resuspension [algorithm], the assumption of constant settling velocity, the neglect of non-cohesive bedload, and low spatial resolution.
- The reviewers recommended that EPA verify the solids balance in the Upper Hudson using total suspended solids from locations other than just Ft. Edward and Waterford (*i.e.*, locations between the two).
- The reviewers recommended that EPA simulate the effects of a 100-year flood occurring at various times, in addition to the flood of 1998, which Mr. Tomchuk explained was the modeling assumption given that the concentrations [as a result of that event] would be the highest.
- The reviewers recommended that EPA update the constants used in the FISHRAND (the Gobus model) with new information available in scientific literature.
- The reviewers recommended that EPA evaluate three specific concerns regarding the approach to calibrate FISHRAND and provide justification for those aspects of the model calibration.
- The reviewers recommended that EPA investigate the implications of steady-state assumptions on the overall bioaccumulation modeling approach.
- The reviewers recommended that EPA revise its bioaccumulation models to predict how PCB levels vary with age/size classes of fish, particularly for species near the top of the aquatic food web, or provide justification for why this is not necessary.
- Suspecting that the composition of Tri+ PCBs in the Upper Hudson River sediment, water, and fish will change over the 70-year forecast period, the reviewers recommended that EPA run its fate and transport and bioaccumulation models for certain PCB congeners.

Mr. Tomchuk stressed that, importantly, the peer reviewers recommended that EPA use caution employing any type of models in the predictive mode, to obtain absolute forecast numbers [such as, for example] of when a certain concentration would be reached. He said the models are excellent tools for understanding what is going on in the system, but due to the uncertainty in the assumptions that are built into the models, caution must be used when making predictions.

EPA will respond in writing to these recommendations. Not all the recommendations will result in additional modeling work; some of the comments will be addressed in writing. With respect to the caution about using models in the predictive mode, Mr. Tomchuk emphasized that EPA believes the models can be used for comparison purposes fairly well, such as comparing two alternatives to determine their relative benefits, but said other information gathered during the reassessment will be used to make the final decision.

Some of the modeling work EPA plans to do generally can be considered sensitivity analyses; determination of any revisions to the risk assessments and the feasibility study will depend on the results of these analyses. Mr. Tomchuk read a list of additional modeling exercises EPA is planning:

- Provide more complete information on solids mass balance and historical calibration, basically giving the solids results at Thompson Island Dam (TI Dam) and Schuylerville (direct response to peer review comment).
- Conduct a forecast simulation with the 100-year peak flow placed just prior to the computed increases in surface sediment concentrations due to long-term erosion; based on the outcome of the water and sediment forecast in HUDTOX, corresponding fish calculations will be derived through FISHRAND.
- Investigate alternative scenarios for the upstream boundary of PCB concentrations in the forecast simulation for No Action in both the HUDTOX and FISHRAND models, because the upstream boundary conditions really drove some of the assumptions of what the forecast came out to be. EPA will provide more information on the principal factor that determines the crossover point from control by the sediment to control by the upstream boundary.
- Attempt a historical calibration and a No Action forecast simulation with database tributary solids load below the Thompson Island Pool (TI Pool). The original calibration involved addition of certain loads within acceptable bounds with assumption that the river was net depositional. This is the net erosion case and will be calculated utilizing the data [without the net depositional assumption load additions]. If such a calibration is possible, new fish values will also be developed. This is in response to the peer reviewers' concern that net deposition in the HUDTOX model was an assumption not supported by site-specific data. If historical calibrations is successful, then the forecast simulation will provide a range of possible system behavior.
- Recalibrate the FISHRAND model without including the water partitioning coefficient, using a point estimate rather than a range of results.
- Follow through the HUDTOX runs of individual congeners (BZ28, 52, 101/90, and BZ138) with the FISHRAND model, in response to the request for congener-specific modeling.
- Evaluate the sensitivity of the FISHRAND model to order of magnitude changes in the Gobus rate constants and provide information on the sensitivity results to changes in rate constants.
- Look at epiphytes at the base of the food web and their lipid content assumptions in the FISHRAND model to be sure they are correct.

Results from these modeling efforts will be incorporated into the overall [feasibility study] process.

A question and answer period followed, summarized below.

Question. 1) Ms. Pulver read excerpts from two newspaper articles regarding the peer reviews of the HHRA and the ERA, including reference to the criticisms offered. She referred to several comments in the articles attributed to Ms. Hess, and asked for clarification: is EPA going to go back and revise the reports or not? 2) Do you have any idea when that report will be out? 3) Ms. Pulver asked whether, when these "revised reports" are out, they will be peer reviewed.

Response. 1) Ms. Hess repeated that EPA will be responding to all the peer reviewers' comments in a written responsiveness summary to the peer review reports. She said it is unclear at this point what information will be in that [responsiveness summary] because EPA is still discussing how to respond. 2) The peer review report

will be out in July and EPA's response to the report is expected to be out sometime in the next few months after that. In any event, that work will be completed prior to release of the proposed plan in December. 3) Ms. Hess explained that under EPA's peer review policy, the peer review is complete with EPA's response to the peer review comments.

Ms. Pulver offered that in view of this last report having "so many problems..., it would have been nice to see that it was peer reviewed upon revision."

Question. From Ms. Pulver, with regard to the FS. 1) Do you have remedial objectives in mind as you move forward with the FS? 2) Is that something you could present to us so we could follow along? Ms. Pulver said she did write a letter a few years back requesting that information. We all should be aware of what the remedial objectives are; there should be no reason why they should not be public information. 3) How can you do the report if you don't have remedial objectives in mind initially? You've got to have a list of what your objectives are in order to do the report. You don't have an outline? 4) Will the FS be peer reviewed? 5) Why not?

Response. 1) Ms. Hess replied that yes, remedial action objectives (RAOs) are a part of the FS. 2) We could take that back as a recommendation; we are not prepared to talk about that tonight. One issue for EPA is that the remedial action objectives will not be completed till the FS is completed. 3) Mr. Hauptman. This is a part of the report. EPA does not give out pieces of reports before they are issued. Ms. Hess added that some information about remedial action objectives can be found in the scope of work for the FS, in the repositories. 4) No. 5) The FS is a standard engineering document. Peer reviews are designed for new science the agency is using. The FS does not fall into the category of the type of document that would be peer reviewed. Mr. Tomchuk added that the peer review process to evaluate the science - whether it is done correctly - doesn't necessarily go into the decision-making. A lot of the FS gets into the decision-making process, the balancing of EPA's nine criteria, etc. Decision-making falls under the agency's responsibility.

Mr. Hauptman addressed Ms. Pulver's former questions about the risk assessments. He said he thought Ms. Pulver was under the impression that the risk assessments were going to be rewritten, and was asking that they be peer reviewed. Mr. Hauptman clarified that the agency will respond to the peer review comments.

Question. Mr. Santacrose. How much weight would the trustees for the natural resources damage claims put on the ERA in their calculation of damages? Is that a document that they rely on? Do they use the work done for the risk assessment in their damage assessment?

Response. Ms. Hess said the Superfund ecological risk assessment and the natural resource damages assessment are different kinds of documents; the objectives are different. EPA's purpose in the ERA was to evaluate the potential for ecological risk to receptors. The purpose of the NRD assessment is to prove injury. That being said, to the extent that site-specific data or literature are used, they could have some elements in common. The information in the ERA is available to the trustees, and the trustees were represented at the peer reviews, so they know where things stand at this point.

Question. Ms. Trieste. 1) Could you explain what has actually been concluded by the peer reviewers about the non-cancer risks they were concerned with during their review of the HHRA, and how that would change the exposure levels to calculate the risk of eating fish to those vulnerable groups? 2) Would that change your prediction on reaching a certain level of contamination in fish in your models?

Response. 1) Ms. Hess stated that the peer reviewers agreed with EPA's overall conclusions that the non-cancer health hazards are also unacceptable, or above EPA's level of concern. They recommended that EPA amplify its discussion in the HHRA with information from other new studies about non-cancer health effects, something EPA can do. EPA is also currently assessing ways to evaluate non-cancer hazards to the sensitive subpopulations, developing fetuses and nursing infant. There the question is what methodology is appropriate - a quantitative or qualitative approach? 2) The purpose of the risk assessment is to determine whether the risks

and hazards are above or below EPA's levels of concern. EPA has a determination that they are above, even from adult consumption of fish; if EPA concludes that the risks to those sub-populations are even higher, or are below the levels of concern, it would provide more information but would not change the overall conclusion from the HHRA that [hazards] are above levels of concern.

Question. Mr. Borden. 1) What historical work will be redone on the baseline modeling? 2) When is the economic impact to the area considered? Is that part of the FS? 3) So the FS does not take into account the economic impact on the area?

Response. 1) Regarding the solids in the TI Dam and in Schuylerville, EPA will check the numbers on the solids for the historical calibration period 1977-1997 to provide a couple of additional points of reference. 2) Mr. Tomchuk said most of the economic concerns are part of the community acceptance criterion assessment after the proposed plan goes out, during the public comment period. 3) No, not directly. Ms. Hess pointed out this is not unique to the FS for the Hudson River; it applies to all Superfund feasibility studies.

Questions from observers follow.

Question. Mr. Adams. 1) Do you have any estimate when the response to the model peer review comments might come forth? 2) Regarding the fact that the FS will not be peer reviewed, Mr. Adams questions the statement that this FS will be "a standard engineering study." Mr. Adams feels that, like most other things about this study, EPA is breaking new ground in many areas. While he agrees that the decision-making is not necessarily appropriate for peer review, he feels the steps leading up to that, in how the engineering studies are conducted to provide the information being used to make those decisions, are "fair game" for independent review. He recommends EPA consider the desirability of doing that.

Response. 1) Mr. Tomchuk said he estimates, but cannot commit to, availability of the response sometime in September. Modeling runs must be done and the responsiveness report must be prepared in this time period. 2) EPA has talked about that since the peer review was implemented for the site. Any of the science that is being applied will have been peer reviewed, and EPA does not believe the application of that [in the FS] needs to be peer reviewed again. Mr. Tomchuk said he will bring back Mr. Adams' recommendation again, but does not think that is the direction EPA will go.

Question. Mr. Fish. 1) With reference to both the HHRA and ERA peer reviews, said "many panelists, if not all, in both cases," did not believe that either one of the risk assessments could be used in the predictive mode to back-calculate an appropriate cleanup level. How are you going to address that? 2) It is of paramount concern, that EPA can't use the risk assessments for the purpose they were intended. 3) Is the transcript available? "I remember hearing several of the human health [risk assessment peer reviewers] being very concerned." 4) It may not have appeared in the text, but they clearly were talking about it for a good long time.

Response. 1) Ms. Hess said it was certainly part of the discussion of the ERA, but did not recall it's being part of the HHRA discussion. She said EPA will carefully review the peer review reports. Those kinds of discussions are ongoing, so Ms. Hess could not say how the risk assessments would or would not be used for that purpose. 2) Ms. Hess reiterated that she did not recall that as part of the HHRA discussion. 3) Mr. Tomchuk pointed out that Behan Communications had videotaped the entire proceeding. There is no verbatim transcript but audio tapes could possibly be made available on request. Mr. Tomchuk said there may have been some discussion of the uncertainty analysis, but he did not recall the reviewers' saying EPA could not back-calculate.

Comment/question. Mr. Schiafo commended EPA on the peer reviews; he felt with the amount of technical and scientific scrutiny the documents went through, they fared very well. He commented that the amount of scrutiny - four separate peer reviews - for this site is unprecedented, and pointed out that at most Superfund sites that are peer reviewed, only one such review generally occurs.

Response. Ms. Olsen said it is rare that risk assessments are peer reviewed; she only knows of one or two other instances. Mr. Tomchuk said the Fox River site has had some similar level of peer review for certain aspects, but not for every aspect, and Ms. Hess added there are peer reviews planned for the Housatonic. Mr. Tomchuk said there are few sites setting precedential scientific studies, so peer review has not been necessary at most sites; "it is not the intention of the agency to do peer review at every Superfund site."

Question. Mr. Gibson. 1) With regard to using the models in concert with other tools to make a decision on remedial alternatives, would you expand on what those other tools are that will be used? 2) As part of the modeling peer review, GE tried to identify some concerns regarding some inconsistencies that exist relative to what the model shows and what the Low Resolution Coring and DEIR [Data Evaluation and Interpretation Report] show in terms of actual analysis. GE proposed that if EPA uses those two tools in making a decision on the final remedy, the agency will "end up with conflicting answers. How are you going to reconcile that discrepancy?" 3) It was GE's view that [at the peer review] there wasn't the same level of scrutiny given to the consistency issue as there was to the primary charge questions. Mr. Gibson suggested that EPA should consider using its own model to check some of the inconsistencies that GE has identified; he said GE has run EPA's model and come up with results that differ - much lower numbers - from the Low Resolution Coring Report. 4) Mr. Gibson recommended that EPA add [the issue of spatial resolution of the model] to the list of sensitivity analyses that Mr. Tomchuk reviewed.

Response: 1) Mr. Tomchuk cited EPA's geochemical studies, data analyses that do not fall into the direct scope of a model. These would be finer-scale type effects. Also, direct observations would contribute, such as the 1993 high flow event in the Hoosic River where there was scouring of PCBs occurring in the main channel of the Hudson. 2) Mr. Tomchuk pointed out that the findings of the DEIR passed its peer review. There was scour occurring; several of the reviewers acknowledged that this is not a stagnant system and "you are going to see scour." The panel was not given the Low Resolution Coring Report, which contained the original finding; they were just asked to review the modeling report. Mr. Tomchuk said the panel heard Mr. Connelly's and other comments and saw the submittals before the peer review, and said they did not believe these are inconsistent. Mr. Tomchuk said he did not know what more could be done to highlight something for a group other than to point it out in the charge questions. 3) The responsiveness summaries that included GE's comments and highlighted this issue were supplied to the peer reviewers. One panel member [from the DEIR peer review panel] was kept as a peer reviewer on the modeling report for consistency with the issue of fate and transport. Mr. Tomchuk reiterated that the peer reviewers did not say the findings were inconsistent. 4) Mr. Tomchuk said EPA will consider it, although at this point the agency does not see the need for it.

Follow-on Comment from GE. Mr. Haggard said that in a recent meeting with EPA, GE explained its position on major inconsistencies about what the model said regarding PCB inventories and the low resolution coring; he contended that if that information had been presented to the peer reviewers they would have arrived at a different conclusion.

Question: 1) Mr. Hodgson asked why the DEIR wasn't peer reviewed and provided with the LRC so they could see the whole picture?

Response: 1) The DEIR had already been peer reviewed. The BMR panel had "a stack" of other documents to review. Panelists were told they could have access to any information they needed [including the DEIR and LRC]. Mr. Tomchuk said that the peer reviews are broken into segments just as the reports are; there are a lot of overlaps of information among those disciplines.

Another comment was made regarding relative segmentation of EPA's and QEA's sediment transport models. The speaker contended that in the information GE presented at the peer review, in the areas where EPA showed mass loss, GE showed deposition. Mr. Tomchuk declined to debate the issue in that forum.

Question for Ms. Hess: The speaker referenced the earlier statement that EPA was proceeding with the FS on the basis that the conclusions of the HHRA were sufficient. He stated he recalled the risk assessment peer reviewers' commenting that the HHRA could not be used in a quantitative manner to develop cleanup criteria. How do you plan to address this as you move forward in developing RAOs and media-based cleanup criteria?

Response: Ms. Hess said EPA is working on the RAOs and responses to the peer review recommendations on the ERA and the HHRA. Ms. Hess acknowledged some discussion about the extent to which the HHRA peer review panel said that EPA could not use the [risk assessments] to back-calculate, and referenced the prior discussion about viewing the video tape of the actual peer review. EPA does not yet have the peer review report; this is an issue that EPA will resolve prior to responding to the peer review recommendations and [completing] the FS and proposed plan.

Follow-on: You didn't have the take-away that the panel was against quantitatively back-calculating sediment criteria from the current risk assessment?

Response: With respect to the human health risk assessment, no. With respect to the ecological risk assessment, certainly.

One member of the audience shared several quotes he said he had recorded at the peer review relative to several panelists' reservations on use of the risk assessment. He suggested that Ms. Hess review the transcript, and she agreed to do so.

The next agenda item was a discussion led by Judy Dean, chairperson of the Citizen's Liaison Group, on the subject of the Champlain Canal and its economic value to the region, the state, and the East Coast. Ms. Dean proposed that everything that happens on the Hudson River relates to the economy. Giving boating as an example, Ms. Dean cited the purchase of the boat, manufacture of parts, purchase of fuel and maintenance, use of services along the river, etc., as revenue going into the economy, in addition to revenue generated by individual businesses along the canal.

Ms. Dean said she had spoken to Ms. Rychlenski about three people she wanted to appear at an HROC meeting to speak on the subject of the economy of the Champlain Canal. Ms. Dean contended that she was given eight days' notice to get them to appear at this Steering Committee meeting, which she termed disrespect to herself and also to the three people, stemming in part, as she said, from the fact that "they're not doctors, they're not scientists, they're not lawyers." She said "...there is more to this river than just the study of PCBs in the fish, and your participation in it." Ms. Dean hopes EPA will come to recognize that these three people are important, and pointed out that she and her husband and their marina are also recognized as important to the river.

Bob Foster, one of her intended speakers, with Champlain Canal Tour Boats, is in business on the river and is currently involved in bringing a 75-foot, 60-passenger sternwheeler up the river. Ms. Dean asked if anyone had any idea of what such an undertaking involved. She cited the economic benefit to the area, and said bus tours to Schuylerville originating in a number of states had already been set up in anticipation of this sternwheeler's arrival. Another of the three is Cindy Allen, Vice-president of Community Affairs for the Saratoga County Chamber of Commerce. This chamber wins national awards; Ms. Dean pointed out that last year the chamber was named the best on the East Coast. The third person was to be Tom Prindle, owner/operator of Mallory Line/Collar City Tours out of Troy. He spent many years working with DOT and the Canal Corporation prior to his current occupation. Ms. Dean said that Mr. Prindle, a historian and marketer, knows more about the canal system in New York State than anyone else, making him "very important, someone that should be heard."

Finally, Ms. Dean cited herself and her husband and their roles. Her husband is a regular source of information about the river; local papers contact him routinely. All papers and major boating publications have done feature stories on them and their marina on the Champlain Canal in Schuylerville. Ms. Dean quoted the person doing

the master plan for the Canal Corporation as saying, when he visited their marina, that he had found the prototype of what he wanted every marina up and down the canal system from here to Buffalo to be like. Ms. Dean and her husband have actively fought to bring attention to the Champlain Canal. Last year, the Canal Society of New York State, based on the Erie Canal, chose the Dean's marina of all the marinas on all canals in the state for a feature article on "the modern marina."

Ms. Dean protested what she termed the "tunnel vision" that describes PCBs in fish as the only problem on the river. Ms. Dean stated that this is "not the big problem on the canal." In her view, there are three main problems, and maintenance dredging is not one of them. Only north of Lock 12 does she perceive the lack of maintenance dredging to be a problem. Ms. Dean cited these three: 1) the bridge heights are keeping people off the canal; people are lucky to get 15 feet [of clearance]; 2) erosion on the banks is impacting public and private property; and 3) the canal is full of debris and fallen trees, some of which are caused by the erosion she cited; people in boats are hitting debris. Ms. Dean contends that the PCB levels in fish do not relate at all to these three problems that she perceives as most important, nor to the users of the river, nor to the three generations of people who have been using the river. She said "no one was sick, no one is sick today."

Ms. Dean concluded by saying, "you cannot isolate this study, you just can't do it [the study] without considering the commerce and the economy of the area and actually of the whole East Coast."

Extensive and somewhat heated discussion ensued. Mr. Santacrose contended that there are people who consider using the river but do not, because of the potential dangers of contamination; we are addressing the PCB issue because that seems to be the toxin that we are aware of, and there are people who would not go near the river because of that. He felt that the fact that the problem is being addressed has some economic value, because resolution might bring additional people to the river. He suggested there was a broader audience that Ms. Dean was not considering.

Ms. Trieste appreciated Ms. Dean's points, thinks many of them are valid, but characterized a lot of the comments - maintaining a canal system for yachts, for example - as "elitist." While that is important to Ms. Dean's business, Ms. Trieste said, she contends that she and no one she knows will use the river. Ms. Trieste said she wished she could swim in the river; Ms. Dean challenged Mr. Tomchuk to "tell you it is safe to swim in." Mr. Tomchuk stated specifically only that the exposure is within the bounds for wading for certain areas. Ms. Trieste said she did not know anyone who "would put their kids on the riverbanks of the Hudson River in Schuylerville." Ms. Dean, on the other hand, said they had a beach near their marina where they send people to swim regularly, and pointed out that a public beach is planned for opening next year in Schuylerville.

When Ms. Dean told Ms. Trieste that she should let people know that it is safe to swim in the river, Ms. Hess cited the HHRA and the recreator receptor pathway, which is direct skin contact from wading and incidental ingestion of the sediment. Although exposure was within EPA's acceptable level, it was "not insignificant; it was not below EPA's level of concern, or goal for protection - it was above that. In response to comment by Ms. Dean that the river was therefore "safe," Mr. Tomchuk emphasized that Ms. Hess did not say that.

Ms. Pam Brooks from Ft Edward has a home in the Ft. Edward yacht basin. She has a business there and talks to Champlain Canal travelers every day. She acknowledged Ms. Dean's comments about the economic importance of the canal. Ms. Brooks is President of the Ft. Edward Chamber of Commerce, and stated they are vitally interested in maintenance dredging from Lock 7 to the yacht basin. She emphasized they take no position whatsoever on the rest of the river. Ms. Brooks described an incident last year where Matthew Behrman, head of the NYS Canal Corporation, traveled with a group of bicyclists and boaters on an annual excursion, and did not come into the Ft. Edward yacht basin for fear of getting stuck. Ms. Brooks saw two boats from that group get stuck in front of her home, and said Ms. Dean is incorrect that boats are not getting stuck. Ms. Brooks said the Chamber of Commerce is vitally interested in maintenance dredging to open the channel. In support of Ms. Dean's point on economic importance, Ms. Brooks said that Ft. Edward has been awarded \$33 million in 1997 by HUD for the Canal Corridor initiative, [which cannot be undertaken because of the lack of dredging]. She

added that if EPA's remedial decision is No Action, the findings must indicate that Ft. Edward can "dig it out, heap it up, pile it anywhere, because we have got to get it out of our channel for economic growth." She cited a \$2 million resort island in "absolute limbo waiting for DEC, DOH, EPA, all of you deliberating, prognosticating, and doing whatever it is you all are doing, and we are hanging by our thumbnails economically." She called Ft. Edward "the epicenter of this crisis," and urged EPA to make a decision, "stand on it, and don't waver. We have got to have a decision; we are hostages on this damn Hudson."

Mr. Adams pointed out that navigational dredging is not being done because [the area of the Hudson under discussion] is a Superfund site, and cannot be disturbed until EPA makes its decision, and that decision "has cleared all hurdles" to being implemented. He contended that whether the decision is a remediation decision or a No Action decision, navigational dredging can occur as soon as the site is no longer being held up by the Superfund evaluation. He stated the issue of navigational dredging is unrelated to the issue of whether or not dredging to remove PCBs should or should not occur.

Mr. Fischer explained to Mr. Adams that there is nothing in the law that prevents anyone from doing anything on the river, so long as that work is not inconsistent with what EPA is doing. His understanding of what is preventing navigational dredging from being done is a lawsuit brought by the state against GE, saying that PCBs in the sediment has made it prohibitively expensive for the state to do maintenance dredging in the channel. He added that if someone were to go into the river for navigational dredging that would exacerbate the pollution situation, EPA did have the authority to stop such an action.

Ms. Pulver described a conversation she recalled from a prior Hudson River Oversight Committee meeting between Mr. McCabe, Deputy Director of the Superfund Program for EPA Region II, and Mr. Dergosits of the Canal Corporation, wherein Mr. Dergosits asked what would happen if the Canal Corporation went ahead and dredged. Ms. Pulver remembers Mr. McCabe's saying "you will not do a thing until EPA says you can do something."

Ms. JoAnne Fuller, also from Ft. Edward, asked about the quandary the Canal Corporation appeared to be in with regard to maintenance dredging. Mr. Fischer said the Canal Corporation had jurisdictional responsibility under the law to maintain navigability, but the increased costs of disposing of the material once it comes out of the river [due to the contamination in the sediments] makes it significantly more expensive to do that work, which is why it is not being done.

Ms. Fuller also commented on the shallowness of the channel. She has observed children around the age of ten walking in the channel. She herself goes into the channel with her canoe, and said [in the summer] it is between two and five feet deep from the east side of Rogers Island midway to the wall. She too addressed the economy, contending she doesn't know anything about what PCBs do to wildlife or humans, but what is damaging to Ft. Edward is when someone "has sunk \$50,000 ... up to a million dollars into their floating home" and then gets stuck in the channel, doing damage to the boats. These people do not come back.

Mr. Schiafo said that if a No Action decision by EPA "opened the doors" to maintenance dredging, the Canal Corporation would still have to abide by all the necessary permits in order to do that. His second comment was to remind people that the Superfund site is the whole 200-mile river, which had to be considered, and the loss of the fishing industry had been an economic blow to the entire river community.

Mr. Ports thanked Ms. Dean for her statements on the economy. He said a statement that she had made in a letter several years back opened his eyes to the economic issues. He asked how Ms. Dean has seen the economy grow over the years. Ms. Dean talked about the Canadian trade, which years ago was about 45 percent of the overall trade. That was lost about eight years ago when the Canadian economy went soft, but is coming back now. Ms. Dean also mentioned a cycle in the American boaters that she calls "generational change," whereby older people stop boating, and younger ones take it up. In the last five years, Ms. Dean has seen a rise in traffic; the Canal Corporation has actual numbers. Ms. Dean pointed out that Waterford, under its HUD grant, had just

spent approximately \$6 million on a visitors' center and dock, which she understood to be full at that time. Schuylerville has a new visitors' center, boardwalk, public launch, and gazebo. Whitehall is lengthening its municipal dock and straightening out one of its bridges. She said the HUD money is finally being used. The Hudson is now a National Heritage River; the Champlain Canal trails along one of the state's scenic byways. NYSDOT is now involved in what will be a "heritage corridor" from Troy to Montreal, on both sides of the Champlain. Ms. Dean said that all this that is going on creates excitement, and "makes you want to go there."

Mr. Hodgson's comment was to "take ourselves out of the water." He pointed out the importance of the whole corridor, and said the river nurtures the whole area. He urged that economics be factored into [EPA's decision].

Mr. Gardner commented that the stretch of Route 4 from the Saratoga Battlefield to Ft. Edward is "the deadest economic stretch of real estate in all of New York State," but he contends it could be the most dynamic part if "we could solve this problem" of cleaning up the Hudson River. Although sewage treatment plants have contributed to the river's current cleaner state, the problem of PCBs in the sediment still exists. Mr. Gardner said there are a number of organizations working to inform the public of "what the real truth is rather than what we're getting fed from the other side."

Ms. Pulver responded that [the area Mr. Gardner referred to] was not dead, rather it was all agricultural. Ms. Dean added that the site for the National Veterans' Cemetery, just built next to the Saratoga Battlefield, was chosen over other potential sites on the whole East Coast because it looked out onto the Hudson, and added that the National Historic Battlefield occupies much of the land area between Stillwater and Schuylerville.

Ms. Fuller stated that Route 4 from Waterford to Whitehall had been designated a scenic byway by the NYSDOT on May 1, 2000. Further, the Rogers Island Visitors' Center just opened, a \$500,000 project to date undertaken as part of the HUD canal corridor initiative. Finally, Ms. Fuller mentioned the multi-million dollar proposal for the southern tip of Rogers Island that Ms. Brooks previously cited, requiring dredging to proceed and being held up until a decision is made.

Ms. Trieste commented that all the activity in the area of the Champlain Canal, including the money and support from the federal and state government, was "wonderful," but feels that for economic development, some part of the river would have to be dredged, and the needs pertaining to Rogers Island and Ft. Edward have to be considered.

Ms. Pulver cited numerous prior conversations about the importance of the economy of the Upper Hudson region and urged once again that economic impact to the region be included as part of the RRI/FS process. Ms. Pulver said that several years ago she and Ms. Ruggi had formulated a "no dredging, no dumping" resolution that also talked about the need for economic impact to be addressed by EPA. They distributed the resolution to towns and communities in Warren, Washington, Saratoga, and Rensselaer Counties. Over 50 communities have unanimously adopted that resolution. Ms. Pulver reported that she has sent that resolution out again. The original communities have reaffirmed, and other communities have added their support. Ms. Pulver cited a press release from the Inter-county Legislative Committee announcing their adoption of the resolution. Ms. Pulver then referenced two letters. The first was to Administrator Carol Browner signed by 16 local elected officials Attachment 2), opposing large-scale dredging and dumping, and requesting a meeting with her to discuss "specific adverse environmental, economic and social consequences of such a plan." The second was to Regional Administrator Jeanne Fox requesting a meeting to discuss the "impending decision regarding PCBs in the Upper Hudson."

**HUDSON RIVER PCBs REASSESSMENT RI/FS
COMMUNITY INTERACTION PROGRAM
Steering Committee Meeting**

**Latham, NY
June 21, 2000**

NAME	ADDRESS	AFFILIATION/TELEPHONE
Jim + Roberta Kudlack	144 Kudlack Road Greenville, NY 12083	Former Rg Advisor To Congressman S. S. S. S. 518 966 4269
Joe Gardner	68 Carson Road Delmar, NY 12054	Appalachian Mountain Club (518) 439-1074
Ken Fish	2 George Drive Clifton Park NY 12065	518-387-5990
David Adams	216 Moge Rd. Charlton, NY 12019	518-399-1690
William J. Forts	50 Wolf Rd Albany NY 12233	518-457-5637
George Holgren	50 Wilbur Street Buellton Spa NY 12020	518-884-4778
Tom Borden	2841 Valley Falls Rd Schenectady	Ag Liaison 518-758-4341
John Santacrose	The Santacrose Law Firm 251 New Kumer Rd. Albany, NY 12205	(518) 456-6300 Environ Liaison
Rich Scheto	9 Vassar St POK	Scenic Hudson (845) 473-9440

**HUDSON RIVER PCBs REASSESSMENT RI/FS
COMMUNITY INTERACTION PROGRAM
Steering Committee Meeting**

**Latham, NY
June 21, 2000**

NAME	ADDRESS	AFFILIATION/TELEPHONE
Bob Gibson	320 Great Oaks #323 Albany NY 12203	GE 518-862-2736
Juan Pezzolla	200 Henry Johnson Albany, NY 12210	BLVD ARBOR HILL ENVIRONMENTAL Justice
Lionel Borch	2869 Valley Forge Rd Schaghticoke NY 12154	
Bill Richmond	Bahan Comm. 13 Locust St GF	792-3856
Tam Brooks	1 Water's Edge H. Edward, NY	746-0143
JoAnne Fuller	12 Olde Fort St Historic Fort Edward	747-9255

June 16, 2000

Honorable Carol Browner
Administrator
U.S. Environmental Protection Agency
401 M Street
Washington, D.C. 20460

Re: Hudson River PCB Superfund Site

Dear Administrator Browner:

As the local elected leaders of communities located along the Upper Hudson River, we represent the thousands of upstate New Yorkers who would be most directly affected by a large-scale, dredging-and-dumping project to remove Hudson River PCBs.

These residents vehemently oppose such a project. We hear this opposition almost every day – in our municipal offices, at the neighborhood supermarket, at the local post office and other gathering places. It is overwhelming.

Local business owners, farmers, mill workers and senior citizens – all voice their concern about the impacts of a massive dredge-and-dump project, particularly one that would take 10 years or more to complete and would require a Yankee Stadium-sized landfill on what is now productive farmland in Washington County.

You are most likely aware of this unified stand against removing PCBs from the Upper Hudson River, as a result of the nearly 60 anti-dredge-and-dump resolutions passed by local governments in Washington, Saratoga, Rensselaer and Warren counties.

To date, EPA representatives have reiterated, time and time again, the claim that no decision has yet been made to dredge-and-dump Hudson River PCBs. We find this very difficult to believe. EPA has already conducted a study to identify potential sites in the upper river communities for a future PCB dump. All of EPA's recent reports and public comments indicate that the Agency's focus is on the buried PCBs in the Thompson Island Pool – not those coming in recently from Hudson Falls.

With a proposed Feasibility Study and Remedial Plan due out in December of this year, EPA must have already decided the future of the Upper Hudson. We, the undersigned, believe now is the appropriate time to meet with you to discuss the specific adverse environmental, economic and social consequences such a plan will have on all Upper Hudson communities. To wait until after the document is released this year will not allow enough time for analysis of these critical issues.

Please give serious consideration to our request to meet with you. There is no issue of greater importance to our residents, and your willingness to hear their concerns,

and answer their questions, will demonstrate your commitment to ensuring the future well-being of the communities we represent.

Sincerely,

Arthur J. Williams
Town of Argyle Supervisor

John R. Casey
Town of Granville Supervisor

Paul J. Gruber
Supervisor, Town of Cambridge

Donald B. Wilbur
Town of GREENWICH

Robert B. Bels
Dasher Town Supervisor

Leonard v. Reed
Town of Hampton

David B. Shaw
Supervisor Town of Easton

Kenneth F. Wheeler
Super To Hartford

John Upeland
Town of Fort Ann

Orville R. Craig
Supervisor Lebanon

Meredith Pulver
Town of Fort Edward

Walter A. Cury
Town of White Creek

Jack
Town of Putnam

Alan Brown, Supr
Town of Jackson

Deer L. Gould, Supr.
Town of Kingsbury

Bruce A Ferguson Supr
Town of Salem