

# RIVER VOICES

FEBRUARY 1992

Produced jointly by the US Environmental Protection Agency Region II  
and the members of the Hudson River PCB Reassessment RI/FS Liaison Groups

## From The Editor

**River Voices** is an update produced jointly by the U.S. EPA and the members of the four Liaison Groups established under EPA's Community Interaction Program for the Hudson River PCB Reassessment.

Articles appearing in **River Voices** are the sole opinion of the author whose name appears in the byline, and do not represent or reflect the opinion or policies of EPA. In addition, articles authored by Liaison Group members represent *only* the opinion of the author, and not the Liaison Group or membership as a whole.

Contributed articles published in **River Voices** appear as originally written, and any editing has been done for space consideration only, and with the prior consent of the author.

**River Voices** serves as a vehicle for the exchange of thoughts and information between U.S. EPA and the Liaison Groups, and the public at large. We encourage all those who care about the health of the Hudson River to get involved in the Community Interaction Program.

## Activities Update The EPA/NYSDEC Issue Questions

On October 16, 1991, the Steering Committee met in Saugerties, New York. While the initial agenda of that meeting centered around a discussion of EPA's Phase 1 Report, other matters of concern were raised by the Chairs and Co-Chairs of the Liaison Groups. A recently published newspaper article contained statements which were identified as quotes by the Project Manager of the Project Sponsor Group (PSG). The statements in the article discussed activities in connection with on-going studies at "Site 10" (an area in Ft. Edward, proposed by the PSG as a possible hazardous waste encapsulation site for PCB dredge materials from the Hudson River), giving rise to considerable comment by many members of the Steering Committee. This edition of

**River Voices** will serve to recap the concerns, questions and eventual outcome of this controversial subject.

The Steering Committee discussed the newspaper article in detail, requesting that EPA explore the issue and respond on the subject of EPA jurisdiction in the "Site 10" matter. They additionally requested that this issue be dealt with at the highest levels of both EPA and NYSDEC and that EPA's Regional Administrator, Constantine Sidamon-Eristoff, attend one of the upcoming meetings.

The main focus of the Steering Committee's discussions centered around whether NYSDEC has the authority to dredge the Hudson River of PCB sediments if EPA's ultimate decision on the Hudson River PCB Superfund site recommends a remedy other than dredging.

The group also wanted to know what impact (if any) EPA's current Reassessment would have on NYSDEC's planned activities at "Site 10".



Constantine Sidamon-Eristoff (standing, left), USEPA Region II Regional Administrator, greets Tom Borden, Agricultural Liaison Group (LG) Chair, prior to the January 21, 1992, Hudson River PCB Oversight Committee (HROC) meeting. Seated to the right are Judith Schmidt-Dean, Citizen LG Chair, and Darryl Decker, Governmental LG Chair. Observers (l to r) are Marilyn Pulver, Agricultural LG Co-chair, Sharon Ruggi, Environmental LG member, and Paul McDowell, Agricultural LG member.

(Story on page 2)



## The EPA/NYSDEC Issue Answers

The Steering Committee's questions were raised to EPA's Regional Administrator, Constantine Sidamon-Eristoff, and after discussions by and between EPA and NYSDEC staff, an oral response was given to the Steering Committee at a meeting in Latham, New York.

William McCabe, Deputy Director of Superfund, and Doug Blazey, Director of EPA's Office of Regional Counsel, attended the meeting for the express purpose of discussing the "Site 10" issue. A written response to the questions posed by the Steering Committee will be available from U.S. EPA upon request.

Mr. McCabe reiterated EPA's position that continued participation by the public is very important to the Reassessment process, since public input is taken into consideration when EPA decides on a remedy.

As for the issue of DEC dredging the river regardless of EPA's decision, Mr. McCabe stated that after meeting with NYSDEC, two very important points regarding this issue have come to the forefront. NYSDEC stated that in the event that EPA selects a remedy other than dredging, they (NYSDEC) will reconsider their decision if the remedy that EPA ultimately decides upon can be demonstrated as more appropriate than dredging.

In addition, NYSDEC has assured EPA that they will not make a determination as to completeness of the State's hazardous waste permit application for Site 10 until EPA's Reassessment is completed - meaning that NYSDEC will not apply for federal permits or empanel a siting board until the Reassessment is complete.

## Happenings At The Hudson River Oversite Committee

A meeting of the Hudson River PCB Oversight Committee (HROC) was held on January 21, 1992, in Poughkeepsie, New York. As promised, Regional Administrator Constantine Sidamon-Eristoff was in attendance.

Liaison Group members and officers had been informed that each group would have the opportunity to give a 15-minute presentation on issues pertinent to the Reassessment to the Oversight Committee and the Regional Administrator via their group chair.

This opportunity was extended to the other members of HROC as well. Following are excerpts from the statements made by the Liaison Group chairs on behalf of their memberships. Because of the divergence of opinion among members of the Environmental Liaison Group, both the Chair and Co-Chair were given time to speak.

### Tom Borden, Chair, Agricultural Liaison Group:

"As local farmers we have long had many concerns related to landfilling (or encapsulation) in farming areas. Even a dredging project has at least a 'perceived' contamination problem with farm livestock and crops in the area. Suppose Ben & Jerry's decides they don't want PCB contaminated milk. Whether the risk is real or not, the value of the areas' crops is affected. We don't want New York farmland to be continually attacked with landfill and encapsulation sites simply because it lacks the population to prevent it."

(cont'd on page 3)



Participating in the January 21, 1992, HROC meeting were (l to r) Tom Borden, Agricultural Liaison Group (LG) Chair, Judith Schmidt-Dean, Citizen LG Chair, Darryl Decker, Governmental LG Chair, G. Anders Carlson, NYSDOH, Bridget Barclay, Environmental LG Chair, Steve Hammond, NYSDEC Director, and Ned Sullivan, NYSDEC Deputy Commissioner.

Albert DiBernardo (l),  
TAMS Consultants,  
Inc. Project Manager,  
and Doug Tomchuk,  
USEPA Region II  
Project Manager,  
review their notes  
for the HROC  
meeting.



## HROC (cont'd)

### **Bridget Barclay, Chair, Environmental Liaison Group:**

Ms. Barclay questioned the "propriety of GE's role" on the Scientific and Technical Committee, citing GE's economic self-interest in the Reassessment, and recommended that EPA remove GE as Chair of the Scientific and Technical Committee. Ms. Barclay stated that she supports NYSDEC in its current effort in siting studies. She also urged EPA to conduct a full ecological assessment of the lower Hudson River.

### **Carl Deppe, Co-Chair, Environmental Liaison Group:**

Mr. Deppe observed two reassessments occurring - one by EPA and one by GE. He expressed his concern as to how to reconcile the two and felt that many of the questions voiced by some members of his group may be attributable to that dichotomy.

### **Judy Schmidt-Dean, Chair, Citizen Liaison Group:**

"I was very pleased to hear about the Phase 2A Sampling Plan and that the congener-specific PCB issue is being considered. But here again I have to ask that the Risk Assessment be reconsidered in Phase 2. It is only common sense that if the toxicity level has decreased, then the risk level has decreased also."

### **Darryl Decker, Chair, Governmental Liaison Group:**

Mr. Decker expressed appreciation for the opportunity to participate in the Community Interaction Program and thanked EPA for allowing anyone interested to make a presentation at the HROC meeting. He also criticized the slowness of responses from EPA to the issues raised at the Steering Committee several months ago.

In addition to the above excerpted remarks, Mr. Ned Sullivan, Deputy Commissioner of the New York State Department of Environmental Conservation, read a letter from NYSDEC Commissioner Thomas Jorling outlining NYSDEC's policy regarding the "Site 10" studies and EPA's Reassessment. (Mr. Jorling's letter is reproduced below).

In closing the meeting, Regional Administrator Sidamon-Eristoff reiterated that he and he alone would be the decision-maker in the Reassessment process when it comes time to choose a remedy for the Hudson

River PCB contamination. Given what is available to him from the Reassessment process (including public input), he will make a decision as to what is most protective of human health and the environment.

## **A Letter From NYSDEC Commissioner Thomas Jorling**

Dear Member of the Hudson River Oversight Committee:

I am pleased to have the opportunity to address our concerns regarding the Project Sponsor Group and the Hudson River PCB Reassessment Project. This letter is to provide clarification and a written response to the concerns which were raised through the United States Environmental Protection Agency's Reassessment's Community Interaction Program. The New York State Department of Environmental Conservation (NYSDEC), through our Division of Hazardous Waste Remediation, is actively involved with the project providing management assistance to EPA through a cooperative agreement.

As you are aware, the DEC's Project Sponsor Group is proceeding with the preparation of an application to utilize a location in Washington County known as Site 10 as a treatment and encapsulation site for contaminated materials to be dredged from the Hudson. No final commitment will be made to undertake the dredging and encapsulation project or any appropriate alternative until the U.S. EPA has completed its reassessment of its 1984 Record of Decision. In addition, the work of that reassessment will be incorporated into the Department's record of proceeding for the permit application processes and will be valuable in any decision on the applications at the State level. In the meantime, we will continue to share information and work closely with EPA in their reassessment studies. I believe that the Department's PCB Project activities as well as the schedule for carrying them out are quite compatible with that of the EPA reassessment process.

It should be noted that we do not consider our decision regarding dredging contaminated sediments from the Hudson River irrevocable. The Reassessment Project is designed to be a comprehensive review and reevaluation of the Hudson River PCB contamination problem. We would certainly reconsider our position on dredging provided another remedy can be sufficiently demonstrated to be capable of achieving equivalent protection of human health and the environment.

(cont'd on page 4)

## JORLING ( cont'd)

We look forward to USEPA continuing to proceed in an open, objective, and timely manner to reach a sound environmental decision regarding the appropriate remedy to the Hudson River PCB problem. We will continue to work closely with them and encourage your continued participation in the Reassessment Project as well.

Sincerely,  
Thomas C. Jorling

## Liaison Groups Meet On Health Risk Assessment

At the last HROC meeting, a request was made by some of the membership to be included in the attendance of an upcoming meeting in New York City between EPA, GE, NYSDEC and NYSDOH on the subject of health risk issues pertaining to the Hudson River PCB Reassessment.

In lieu of their attendance, EPA promised to report to the Liaison Group membership on the proceedings of that meeting.

On Thursday, February 27, 1992, a joint meeting of the Liaison Group memberships was held in Saratoga Springs, New York. The primary presenter was Yvette Lowney of Gradient, Inc. (one of EPA's contractors), who gave a summary of the issues discussed at the initial meeting. The minutes of the February 27th meeting, along with copies of Ms. Lowney's presentation, will be distributed to attendees, Liaison Group members, and HROC members and will be available in all our information repositories in the near future.

## EPA's Community Interaction Program Is Growing

As the Hudson River PCB Reassessment Project grows and progresses, so does the Community Interaction Program.

The Community Interaction Program offers a unique opportunity to the public to meet regularly with EPA officials and with representatives of other state and federal agencies who have an interest or jurisdiction in the Hudson River.

In the year since its implementation, we have added many more names to our mailing list and we continue to encourage interested individuals and groups who are not yet a part of the program to get involved. At the present time, we are expanding and updating our mailing list to reflect the growing and changing faces of the Hudson River Valley.

In addition, we have added two more Information Repositories (Croton-on-Hudson and White Plains, New York) to those already established, for a total of 15 repositories where the public can view and copy documents pertinent to the Reassessment.

Since the "kick-off" meeting for the Hudson River PCB Reassessment, held in December of 1990, we have held the following meetings in an attempt to encourage as much participation by the public and input from the public as possible:

- 3 Public Meetings
- 1 Public Availability Session (utilizing a toll-free phone number in NY State)
- 5 Liaison Group Meetings
- 3 Steering Committee Meetings
- 4 Hudson River Oversight Committee Meetings
- 5 Scientific and Technical Committee Meetings

## IF YOU CARE ABOUT THE HUDSON RIVER AND ITS FUTURE, GET INVOLVED IN THE COMMUNITY INTERACTION PROGRAM



If you are interested in joining one of the four Liaison Groups or are interested in attending one of our meetings as an observer - or, if you just want to know a little more about this program, contact:

**Ann Rychlenski**  
**Community Relations Coordinator**  
**USEPA Region II**  
**26 Federal Plaza**  
**New York, New York 10278**  
**(212) 264-7214**