

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FARMERS AGAINST IRRESPONSIBLE REMEDIATION  
(FAIR), by its President, Charles Hanehan, CHARLES  
HANEHAN, WILLARD H. PECK, STEVEN P. GRIFFEN,  
THOMAS KUGLER, SEAN QUINN,

Plaintiffs,

-against-

Civil Action No.  
01-CV-1183  
(LEK-DEP)

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY and CHRISTINE TODD WHITMAN,  
ADMINISTRATOR OF THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY,

Defendants.

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DECLARATION OF ANN C. RYCHLENSKI

I, Ann C. Rychlenski, declare as follows:

**Background**

1. I am employed by the United States Environmental Protection Agency ("EPA") and currently serve as a Community Involvement Coordinator at EPA Region II located in New York, New York. I have held this position since September 1989, and have been the Community Involvement Coordinator for the Hudson River PCBs Superfund site (the "Site") since 1990.

2. My responsibilities include, but are not limited to: acting as liaison between the public and EPA under the Superfund Program, including citizens, members of the press, elected officials, other governmental agencies and various organizations with an interest in the environment. In my present position, I organize and coordinate public meetings, press conferences and briefings. I also

compose and design informational materials for public distribution, act as Agency spokesperson in response to media inquiries, conduct community interviews, coordinate community relations activities in response to community concerns and assist in determining Agency communications strategies for this Site. In the eleven years during which I have worked on this project, I have also spoken about the project and answered audience questions at a variety of educational institutions, local governmental groups and community organizations. I am personally familiar with the matters discussed in the succeeding paragraphs of this Declaration.

### **EPA's Community Interaction Program for the Site**

3. I believe and I am informed that, EPA's community interaction program for the Site has been one of, if not the most, expansive, intensive, innovative, and expensive community outreach programs ever undertaken by EPA for a Superfund site. EPA's program has gone far beyond the requirements for community participation under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund") as I understand them.

4. In 1989, EPA began to develop a community interaction program that incorporated the Agency's guidance for community relations activities to address the unique situation presented by the Hudson River PCBs Reassessment. It addressed, among other things, the logistics of accommodating interested communities spanning the entire 200-mile-long Site, the need to exchange information with and address concerns of members of those communities interested in participating in the project, need to disseminate and manage enormous amounts of information, multiple political jurisdictions and agendas; long entrenched, polarized viewpoints between upper river and lower river communities and organizations; and a significant public relations campaign by the Potentially Responsible Party ("PRP").

5. The resulting community interaction program ("CIP"), the design of which was a product of debate and public input in and of itself, is a three-tiered structure, comprised of various community-level liaison groups (citizen, governmental, agricultural and environmental groups)

(Tier 1), the Steering Committee (Tier 2), and the Hudson River PCBs Oversight Committee (Tier 3). A separate Scientific and Technical Committee made up of volunteer scientists and academicians was formed through invitation and has been available to EPA for consultation on specific issues, dialogue on the project, and technical discussion of the reports generated during the Reassessment. See, Summary of EPA's Public Participation program with Community Interaction Program Chart (Attachment A, hereto).

6. In 1990 the CIP was presented at the first of what is now a total of over 75 public meetings and forums. The kick-off meeting to describe the Remedial Investigation/Feasibility Study ("RI/FS") and the CIP was held on December 13, 1990.

7. In addition to the meetings and public availability sessions, there have been numerous briefings and private meetings with Federal, state and local officials and community leaders. EPA has coordinated meetings, site visits and EPA's public outreach program with various local officials, community leaders and State agencies. EPA has also hosted a number of special events including, but not limited to, telephone call-in availability sessions, a riverbank sediment coring demonstration and public service radio announcements on fish advisories in the Hudson Valley. We have also produced an environmental dredging video, created a 30-by-8 foot exhibit on the Reassessment and its findings, and developed and maintained a website containing project information, including major reports, schedules and basic environmental information.

8. In order to encourage public access to the relevant documents and reports regarding the Site, we have established 16 document repositories and satellite repositories up and down the Hudson River, conducted regular visits to and maintenance of the information in these repositories, and held individual meetings with the librarians to discuss the repositories and upkeep of the Administrative Record for the Site. In addition, we have created various Fact Sheets and Newsletters in order to disseminate information to the public. We provide extensive mailings in order to advertise public meetings (EPA has maintained a mailing list of more than 2,000 people and groups to announce public meetings), publish notices announcing public meetings in local and

state-wide newspapers and run additional advertisements to announce public meetings and encourage people to comment on the Proposed Plan.

9. EPA and its representatives have also participated in events and lectures at schools and universities and the Agency has awarded a significant amount of grant money for public education projects and technical assistance with aspects of the Site (e.g. fish consumption advisories communication grants to the states of New York and New Jersey totaling over \$500,000 and Technical Assistance Grant issued to Scenic Hudson in 1997). In addition, EPA has hosted and/or participated in press conferences, editorial board briefings, press availability sessions, telephone interviews with print and radio media and has participated in TV and radio talk shows.

10. In accordance with EPA policy and in response to a request from the PRP and certain members of the public that EPA have the science of the Reassessment peer reviewed, EPA convened five separate independent peer reviews of the major Reassessment Phase 2 reports (Phase 2 of the Reassessment included the collection of new data and the analysis of that data). All peer review sessions were open to the public and public comments were taken at the proceedings.

11. It is also worth noting that EPA has made a commitment to accept public comment on all major reports issued by EPA throughout the Reassessment, as opposed to taking comment only with the issuance of a Proposed Plan, which I understand to be customary in the Superfund process. In addition, EPA has issued responsiveness summaries on all the major reports for Phase I and Phase 2 in an effort to ensure that proper responses and explanations are given for each round of comments.

#### **Community Involvement following the Release of the December 2000 Proposed Plan**

12. In December of 2000, EPA introduced its Proposed Plan for cleaning up PCB-contaminated sediments in the Hudson River. EPA held a total of 11 public meetings after the

issuance of the Proposed Plan. Because the Site is delineated as the Hudson River from Hudson Falls to the Battery in New York City, these public meetings were located throughout the delineated geographic area. As the upper 40 miles of the Hudson River is the area specifically being considered for remediation, five of these meetings were in Albany, New York or areas to the north. Two meetings were held in Washington County, and one each in Saratoga, Albany, and Rensselaer Counties.

13. I moderated all the public meetings concerning the Proposed Plan and I can attest that they were well attended. A court reporter was present at all the public meetings and transcribed the proceedings. Based upon my review of the sign-in sheets, knowledge regarding the approximate capacity of the venues, media estimates, and personal observations, I believe that about one thousand persons attended the meeting held in Saratoga Springs and the one held in Albany, and that several hundred people attended the meetings in Poughkeepsie, Troy, Newburgh, Hudson Falls, Queensbury and New York City. Anyone who wished to come to the microphone to speak was welcome without restraint of any kind on the substance of their comments. The only restriction placed on comment at the public meetings was a two-minute time limit per individual speaker due to the exceptionally large crowds.

14. At the majority of the public meetings there were at least 100 commentators and 3 hours worth of public comments. At some of the meetings, people spoke for between four and five hours; some meetings lasted close to six hours and would have gone longer if the audience so desired. At the close of each meeting, when the list of all those registered to speak had been exhausted, EPA would make an announcement inviting any additional audience members to speak before the meeting was officially closed. In most instances, a few additional speakers would come forward and make statements. In addition, for those who did not wish to voice their comments publicly at these meetings, EPA made "Comment Boxes" available.

15. Representatives of FAIR and/or their counsel, Mr. Sommer, attended and/or spoke at a number of the public meetings. Attached are true and accurate copies of the pages from the

transcripts from four public meetings where representatives and/or members of FAIR and/or Mr. Sommer, in his capacity as counsel for FAIR, voiced their opinions on the Proposed Plan and/or Feasibility Study. The transcripts are governmental records and will be included in the Administrative Record for the Site. See, Transcript for Public Hearing of December 12, 2000, pp. 135-137; Transcript for Public Hearing of February 6, 2001, pp. 187-188 and 193 (Mr. Peck and Mr. Sommer were called to speak, but they did not take the microphone); Transcript for Public Hearing of February 7, 2001, pp. 136-145; Transcript for Public Hearing of April 4, 2001, pp. 49-50 (collectively Attachment B, hereto).

16. EPA's initial schedule called for over a 60-day public comment period as opposed to the typical 30-day period for public comment on the Proposed Plan (The original public comment period was from Dec. 12, 2000 through Feb. 16, 2001). On January 18, 2001, EPA announced that it was extending the public comment period an additional 60 days, thus extending the public comment period to April 17, 2001. This extension thus gave the public a total of more than 120 days to give EPA input and feedback on the Feasibility Study and Proposed Plan. In addition, EPA's Hudson River Reassessment website contained a special link to allow public comment during that period on the Proposed Plan via e-mail.

17. Since the Proposed Plan and Feasibility Study were released to the public last year, the Agency has received more than 70,000 comments on these documents from a variety of interested parties. Many of these comments came from individuals who live along the upper Hudson River and who are concerned about the environmental and economic impacts of dredging. See, EPA Press Release, August 1, 2001 (Attachment C, hereto).

18. On or about April 13, 2001, FAIR submitted comments to EPA on the Feasibility Study and Proposed Plan. FAIR's comments and all other significant comments submitted to EPA during the public comment period will be addressed in the Responsiveness Summary to be issued concurrently with the Record of Decision ("ROD") for the Site. See, EPA Press Release, August 1, 2001 (Attachment C, hereto).

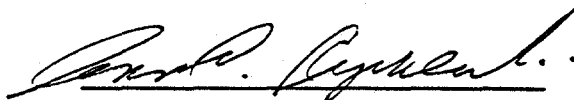
19. In addition, it is my understanding that at the request of representatives of FAIR and CEASE (Citizen Environmentalists Against Sludge Encapsulation), a meeting was held on May 14, 2001 between members of the groups, their counsel and EPA Headquarters personnel. I am advised that attendees included Mr. Sommer and Bill Peck (member of FAIR and attorney at Mr. Sommer's firm), and that representatives of both groups were again able to express their concerns regarding the proposed remedy at that time.

**Continued Public Involvement during the Remedial Design Stage**

20. EPA has already made public commitments to involve the public in the site selection process for treatment/transfer facilities, if such facilities are required for the remedy, and other pertinent details regarding work conducted during the Remedial Design ("RD") stage of the project. See, EPA Press Release, August 1, 2001 (Attachment C, hereto) and Transcript for Public Hearing of February 6, 2001, pp. 22 and 28-30 (Attachment D, hereto).

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 2001.



Ann C. Rychlenski

## **Attachment A**



## Hudson River PCBs

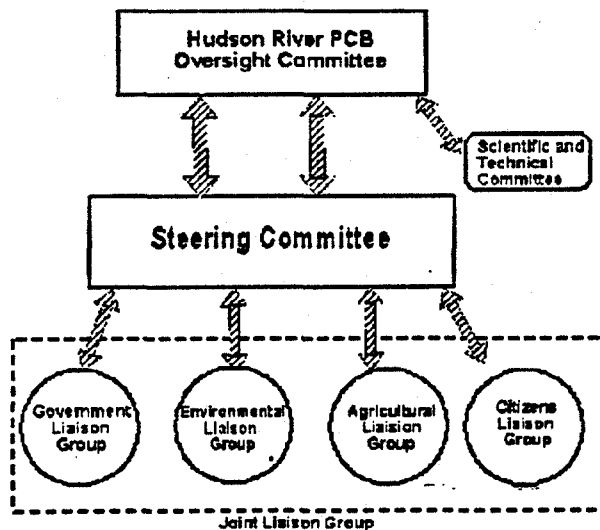
### Public Participation

Public participation is a key element in the Superfund process. The public needs to be informed of study findings, site activities and the decision-making process. In turn, the EPA needs to hear public opinion and to address the questions and concerns of all interested parties. The need to maintain this avenue of communication and to actively encourage public participation has inspired the community relations programs which parallel and complement the technical work at each Superfund site.

#### The Community Interaction Program (CIP)

The Hudson River PCBs Reassessment project has been unusual from a community relations standpoint. The site history is such that from the beginning it was evident that the project would prove of enormous interest to citizens, government officials, environmental groups, and private interest groups in a geographic area which extends two hundred river miles from Fort Edward, New York to the Battery in New York City. To address public participation for a project of this magnitude, EPA designed the Community Interaction Program (CIP), unique among Superfund community relations programs.

#### Community Interaction Program for the Hudson River PCBs Site Reassessment



The Community Interaction Program (CIP) is a tiered process composed of six working groups at three levels. The foundation consists of four Liaison Groups: Governmental, Environmental, Citizen and Agricultural. Each of these groups has an elected Chair and two Co-Chairs, who represent their respective groups on the other committees which make up the CIP. All public concerns, issues, and questions are initially presented in the four Liaison Groups and flow from there upward to the Steering Committee.

The Steering Committee comprises the Chairs and Co-Chairs of the Liaison Groups, two representatives of the New York State Department of Environmental Conservation, the EPA Project Manager(s), and is chaired by the EPA Community Relations Coordinator for the site. The Steering Committee is charged with ensuring that issues of public import presented by the Liaison Groups are heard, and that all opinions are considered. Issues

and concerns which cannot be addressed at the Steering Committee are sent as action items to the Hudson River PCB Oversight Committee(HROC).

The Hudson River PCB Oversight Committee (HROC) is made up of the representatives of federal and state agencies that exercise some jurisdiction over the Hudson River, the Chair of each of the four Liaison Groups, EPA's Project Manager and Community Relations Coordinator, and General Electric. It is chaired by the EPA Deputy Director of Superfund. HROC's function is to address action items raised by the public (via the Steering Committee) that require resolution at a higher level of authority. In addition, HROC members offer clarification of policy issues pertinent to their particular jurisdictions as required.

The Scientific & Technical Committee (STC) is made up of a membership of researchers and scientists familiar with the site, PCBs, modeling, toxicology, and other relevant disciplines. They are tasked to review and provide peer input on documents provided by EPA and to identify additional sources of information and ongoing research relevant to the Reassessment, and may identify issues or topics of a technical nature that should be raised to HROC. They may also make presentations in their particular areas of expertise to the rest of the body, HROC, EPA, or other groups participating in the Community Interaction Program. STC meetings are guided by a facilitator who ensures that avenues of discussion and investigation are productive and pertinent to the Reassessment. Please note: the STC does not constitute peer review.

#### Organizational Details

Liaison groups may meet individually or jointly at any time. EPA calls Joint Liaison Group meetings at milestones in the project (the release of a report or important new information) to which the general public is also invited.

The Steering Committee and Hudson River PCB Oversight Committee (HROC) meet quarterly (two meetings per year per committee).

The Scientific & Technical Committee (STC) meets at project milestones (generally associated with the release of a report or new information).

More detailed information on the CIP can be found in the Community Relations Plan for the Hudson River PCBs Reassessment at the information repositories established for this site. If you wish to join any of the Liaison Groups, you may contact Ann Rychlenski, Community Relations Coordinator at 212-637-3672.

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Information Repositories - a list of locations where the Hudson River PCBs Reassessment documents are available to the public.

Press Release Archive - a files of press releases relating to the Hudson River PCBs site Reassessment.

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[Welcome](#) | [What's New!](#) | [Background](#) | [Glossary and FAQs](#) | [PCBs 101](#)  
[Maps and Photos](#) | [Reports and Schedule](#) | [Peer Review](#) | [Public Participation](#)  
[PCBs and Human Health](#) | [PCBs in the Environment](#) | [Related Issues](#) | [Feasibility Study](#)  
[Region 2 Main Page](#) | [Search Region 2](#) | [Comments](#) | [EPA Main Page](#)

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For more information contact: Ann Rychlenski  
E-Mail: [rychlenski.ann@epamail.epa.gov](mailto:rychlenski.ann@epamail.epa.gov)

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URL: <http://www.epa.gov/region02/superfund/hudson/public-participation.htm>  
This page last updated on December 15, 2000

10.10704

## **Attachment B**

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

HUDSON RIVER PCBs SUPERFUND SITE  
NEW YORK  
PROPOSED PLAN

City Center  
Saratoga Springs, New York

Tuesday, December 12, 2000  
7:00 p.m.

PANEL MEMBERS

RICH CASPE  
ANN RYCHLENSKI  
WILLIAM McCABE  
MEL HAUPTMAN  
DOUG TOMCHUK  
ALISON HESS  
MARIAN OLSEN  
DOUG FISCHER, ESQ.

1 adverse health effects to my family are  
2 acceptable risks.

3 Nonetheless, I believe it is time  
4 to send GE a message that social  
5 responsibility important as a bottom line.

6 MR. CASPE: I would just like to  
7 say in response to that that this remedy that  
8 we're dealing with here is dealing with the  
9 river bottom really and the contaminated  
10 sediments there. If you're having a problem  
11 on your property as well, you can contact the  
12 Department of Health or you can contact us  
13 directly as well and we'd be glad to look into  
14 it with you and with the State.

15 Next speaker is Neal Herr. Is  
16 there a Neal Herr here?

17 Charles Hanehan.

18 CHARLES HANEHAN: Good evening.  
19 My name is Charlie Hanehan.

20 My two brothers -- that's  
21 H-A-N-E-H-A-N.

22 My two brothers and myself own  
23 Hanehan Family Dairy, milking 650 cows in the  
24 Town of Saratoga. Okay. We milk -- There you

1 can hear that -- 650 cows in the Town of  
2 Saratoga. Part of our farm consists of 110  
3 acres of the finest and most productive soil  
4 in New York State. This land is mostly in the  
5 flood plane of the Hudson River just south of  
6 Schuylerville in Coville. It's a beautiful  
7 and historic area. In fact, this very tract  
8 of land was pictured in the National  
9 Geographic March 1996 article entitled "Herr  
10 of the Hudson." There's the picture. That's  
11 my land.

12 And I am extremely concerned about  
13 increased PCB sedimentation on my land due to  
14 EPA's ill-advised proposed dredging project in  
15 the Hudson, just up river from my land.

16 I have neighbors who irrigate the  
17 land throughout the growing season who are  
18 also very concerned about this problem. We  
19 are in the process of hiring an environmental  
20 engineering firm to do baseline testing of the  
21 soil and to monitor PCB levels as the dredging  
22 proceeds. We will hold EPA Scenic, Hudson,  
23 and the Sierra Club responsible if these  
24 levels increase, as I believe they will.

1 Thank you.

2 MR. CASPE: The next five  
3 speakers are going to be Bill Koebbeman  
4 Pauline Boehm, Louis Marchaland, Frank  
5 DeCocio, and John Nicholson.

6 The next speaker is Andy Esperti.

7 ANDY ESPERTI: This one right  
8 here?

9 MR. CASPE: Wherever you like.

10 ANDY ESPERTI: Hi. I'm Andy  
11 Esperti from Fort Edward. And that's spelled  
12 E-S-P-E-R-T-I. I live on Rogers Island, right  
13 along side the river. I've lived there over  
14 30 years.

15 I've listened to a lot of rhetoric  
16 on both sides for a long time now. I've  
17 listened to GE's propaganda. I know many  
18 people who are involved with and against all  
19 this. I feel that a lot of it is personal  
20 reasons, business reasons.

21 I've tried to be impartial tonight  
22 and not say that my mother worked for GE and  
23 five of her co-workers died with her from  
24 liver cancer. Can't make the connection, but

C E R T I F I C A T I O N

We, SANDRA L. CAMPOLI and MARY LOUISE STASOLLA, Shorthand Reporters and Notary Publics in and for the State of New York, do hereby CERTIFY that we recorded stenographically the foregoing testimony taken at the time and place herein stated and the proceeding testimony is a true and accurate transcript hereof to the best of our knowledge and belief.

*Sandra L. Campoli*

SANDRA L. CAMPOLI

*Mary Louise Stasolla, CSR*

MARY LOUISE STASOLLA



1  
2 UNITED STATES  
3 ENVIRONMENTAL PROTECTION AGENCY  
4

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5 PUBLIC HEARING  
6 HUDSON RIVER PCBs SUPERFUND SITE  
7 NEW YORK  
8 PROPOSED PLAN  
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10 Queensbury High School  
11 Queensbury, New York

12 Wednesday, April 4, 2001  
13 7:15 p.m.

14 PANEL MEMBERS

15 RICH CASPE  
16 ANN RYCHLENSKI  
17 WILLIAM MCCABE  
18 MEL HAUPTMAN  
19 DOUG TOMCHUK  
20 ALISON HESS  
21 MARIAN OLSEN  
22 DOUG FISCHER, ESQ.  
23  
24

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1 but I believe that I have listened to you  
2 twice, sir, the first two times I was  
3 definitely unimpressed with your attitude.  
4 At least this time you seem to be at least  
5 talking to us in a people-to-people scene.  
6 I applaud you for that.

7 Thank you.

8 MR. HANEHAN: My name is Charlie  
9 Hanehan. I am a dairy farmer from  
10 Saratoga County. I am also the president  
11 of FAIR, which is Farmers Against  
12 Irresponsible Remediation, a group of  
13 farmers from Saratoga County and  
14 Washington County.

15 We are not against cleaning the  
16 Hudson but we are very concerned about  
17 EPA's dredge plans. Two of our main  
18 concerns are lack of substantial details  
19 to the plan. We are being asked to  
20 comment on a project that has more  
21 questions than answers. I think you are  
22 circumventing the spirit of the super fund  
23 law doing that.

24 Number two, the community

1 acceptance clause is being ignored by EPA  
2 as referenced in the National Academy of  
3 Sciences report. Our group FAIR consists  
4 of much of the agricultural community near  
5 the Hudson River in Saratoga and  
6 Washington Counties. Opposition to the  
7 dredging is very nearly unanimous. This  
8 in our opinion is a bad idea. We are  
9 worried about increased sediment from the  
10 project, very definitely.

11 Finally in the last few weeks  
12 EPA has admitted that there will be some  
13 increase of PCB sedimentation. We feel  
14 that there will be a huge increase. EPA  
15 really needs to be realistic on this  
16 matter.

17 Thank you.

18 MR. CASPE: Next speaker is Ray  
19 Saladin.

20 MR. SALADIN: I just want to say  
21 I have lived on this river for thirty-two  
22 years. I have seen the river get better.  
23 I want to know what's going to happen to  
24 that eagle that's been flying over the

C E R T I F I C A T I O N

We, SANDRA L. CAMPOLI and HOWARD LEVINE,  
Shorthand Reporters and Notary Publics in and for  
the State of New York, do hereby CERTIFY that we  
recorded stenographically the foregoing testimony  
taken at the time and place herein stated, and the  
proceeding testimony is a true and accurate  
transcript hereof to the best of our knowledge and  
belief.

SANDRA L. CAMPOLI

  
HOWARD LEVINE

1  
ORIGINAL

1  
2 UNITED STATES  
3 ENVIRONMENTAL PROTECTION AGENCY

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4 PUBLIC HEARING  
5 HUDSON RIVER PCBs SUPERFUND SITE  
6 NEW YORK  
7 PROPOSED PLAN

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8 Hudson Falls High School  
9 Hudson Falls, New York

10 Wednesday, February 7, 2001  
11 7:10 p.m.

12 PANEL MEMBERS

13 RICH CASPE  
14 ANN RYCHLENSKI  
15 WILLIAM McCABE  
16 MEL HAUPTMAN  
17 DOUG TOMCHUK  
18 ALISON HESS  
19 MARIAN OLSEN  
20 DOUG FISCHER, ESQ.

21  
22  
23 DISK  
24 ENCLOSED

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10.10715

1 MR. CASPE: Thank you.

2 GERALD KNIGHT: My name is Gerald  
3 Knight and I worked for GE for 40 years, and I  
4 retired in 1987. And I don't think the river  
5 should be dredged.

6 I worked with the PCBs all the  
7 time. I was in maintenance. They would drip  
8 on me and everything else. I'd go home and  
9 take a shower. And I'm in good health today.

10 Thank you.

11 BILL PECK: My name is Bill Peck,  
12 and I'm a sixth generation dairy farmer, about  
13 six or seven miles south of Fort Edward, along  
14 the banks of the Hudson. I'm an environmental  
15 attorney in Albany besides and a member of  
16 FAIR, Farmers Against Irresponsible  
17 Remediation.

18 We, the members, own or farm a  
19 substantial portion of the land-based sections  
20 along the banks of the Hudson River and  
21 throughout the river corridor. As the name of  
22 our group implies, we're not opposed to  
23 responsible remediation. We are, however,  
24 opposed to a project that may, in both the

1 short and long-term, do more harm than good.

2 FAIR's threshold criteria for  
3 remediation is that the EPA should follow the  
4 advice of the medical profession in this  
5 country. First, do no harm.

6 FAIR requests that the EPA, before  
7 it makes its final decision, fully and  
8 comprehensively assess all impacts associated  
9 with the implementation of the remedy, what we  
10 call the risks of remedy, which have not been  
11 fully addressed or even began to be addressed  
12 in the feasibility study. Nor did it fully  
13 evaluate the proposed remedial plan in terms  
14 of its benefits to our community. The EPA  
15 must fully consider the expected impacts which  
16 will occur as part of its 2.65 million cubic  
17 yard dredging proposal.

18 FAIR members have reviewed the  
19 six-volume feasibility study and simply have  
20 been left with more questions than answers.  
21 EPA has not assessed the transportation and  
22 traffic impacts, the noise impacts, odor  
23 impacts associated with the release of gases  
24 from dredged materials, the risk to

1 agricultural lands, the location of the borrow  
2 pit, nor the replacement -- nor the placement  
3 of the dewatering and waste water treatment  
4 plants.

5 What about New York's Ag Districts  
6 Law? Will it be ignored?

7 Environmentalists for many years  
8 have demanded that the federal government  
9 conduct the environmental assessments mandated  
10 by NEPA before undertaking projects of the  
11 nature and scope you're proposing. But now I  
12 hear downstate environmental groups cheering  
13 full speed ahead, as if there's nothing more  
14 than a fundraising initiative. This means  
15 much more than that to those of us who's  
16 worked this land for generations and plan to  
17 for many more.

18 Thank you.

19 TOM GROVER: My name is Tom  
20 Grover. I live in the Town of Moreau,  
21 Saratoga County.

22 United States Environmental  
23 Protection Agency, it's my understanding that  
24 it's your job to protect the environment. If



1 the river is dredged, a great deal of that  
2 environment is going to be destroyed.

3 In 1984 you said that dredging  
4 would be ecologically devastating to the  
5 river. You seemed to be making sense then.  
6 When are you going to come to your senses now?

7 Thank you.

8 CHARLIE HANEHAN: My name is  
9 Charlie Hanehan. I am a dairy farmer in the  
10 Town of Saratoga. I own and farm two hundred  
11 acres on the west bank of the Hudson River in  
12 the Town of Saratoga. I spoke at the Saratoga  
13 Springs EPA public hearing on this proposed  
14 dredging project. Since then Carol Browner is  
15 gone from the EPA, Christy Todd Whitman has  
16 replaced her. I'm hoping that by now a less  
17 arrogant directive has come down to this panel  
18 from the top. I felt like I was talking to a  
19 brick wall at Saratoga Springs. Newspaper  
20 article in Glens Falls' Post Star said that  
21 the EPA was holding these hearings, but they  
22 are not going to change their decision, later  
23 confirmed that suspicion.

24 I voiced my concern of the

1 potential for increased sediment carried onto  
2 my land from this dredge project due to annual  
3 spring flooding. Since then I have been  
4 joined by several other family farmers in the  
5 dredge impact zone. We formed a group called  
6 FAIR, Farmers Against Irresponsible  
7 Remediation. I'm president of that group.  
8 Some of these farmers are so concerned about  
9 negative public perceptions toward their  
10 various commodities that they don't dare speak  
11 out or be identified. We are talking about  
12 their livelihood and their lives.

13 We are also very concerned about  
14 the following: Taking of property rights by  
15 the EPA; reduction of property value due to  
16 the massive dredging project; failure of EPA  
17 to provide details of the dredging plan  
18 thereby depriving members of FAIR their right  
19 to adequately address the plan; failure of the  
20 EPA to follow procedures directed to them by  
21 rules directing the Superfund law. They  
22 choose to ignore or gloss over the parts of  
23 the plan that doesn't fit their agenda.  
24 Failure of the EPA to consider community

1 acceptance clause of the Superfund law. This  
2 is a very important point. We, the people who  
3 live here, are going to be heard. You had  
4 better start listening.

5 All of this devastation for only  
6 40% of the PCBs in the river. As businessmen  
7 we would consider a goal of 40% percent  
8 removal to be a failure from the start. We  
9 are standing with CEASE, New York Farm Bureau  
10 and other parties unified against this dredge.

11 Thank you.

12 MR. CASPE: If I can just call  
13 the next 10 speakers. Fred Stein, Kempton  
14 Randolph, Robert Hickin, Jeff Duxbury, Bert  
15 Hueckeroth, Tom Nichols, Michelle Wendell,  
16 Carey Alexander, Adam Smargon, and David  
17 Russell.

18 DEAN SOMMER: I'm Dean Sommer.  
19 I'm counsel for FAIR, Farmers Against  
20 Irresponsible Remediation, a group of farming  
21 families from Saratoga, Washington and  
22 Rensselaer counties. They are concerned with  
23 the substantial adverse community and public  
24 health risks which will directly be caused by

1 implementation of the present EPA selected  
2 remedy. FAIR will be submitting written  
3 comments to you, and they appreciate that your  
4 office extended the comment period until  
5 April.

6 My clients hope that you do not  
7 regard them as adversaries, but rather as  
8 interested participants in the process  
9 mandated by Congress. They hope you actually  
10 listen to their comments and consider their  
11 expressions of concern and provide responsive  
12 answers to their questions and not stubbornly  
13 hold onto your dredging preference.

14 The questions these family farmers  
15 have are like those of any community group  
16 confronted with a large scale, unwanted  
17 industrial project in their neighborhood.  
18 Some of these questions, which you must answer  
19 are: Where will the land based sediment  
20 treatment and storage facilities be located?  
21 Just tell us. Will the facilities be placed  
22 on, near, or adjacent to any active  
23 agriculture land? We note that the recent  
24 treatment facility memo that was disclosed

1 earlier this week says that there will be at  
2 least two. We need to know whether there are  
3 going to be more than two. If so, how many?  
4 What access routes, including roadways, will  
5 be used to access and exit the treatment and  
6 storage facilities? Will any roads be  
7 constructed on or bisect any agricultural  
8 land? Has a mining location been found from  
9 which to excavate the 800,000 cubic yards of  
10 fill material? Will the mine be sited on  
11 agricultural land? What roads will be used by  
12 the trucks in making the tens of thousands of  
13 trips from the mining location? Through what  
14 local communities will the trucks roll?

15 Other questions involve location of  
16 pumps for the hydraulic dredges, the impacts  
17 of noise, odors, lighting and the modeling and  
18 particulate emissions from the dredges that  
19 are operating six days a week?

20 Members of FAIR need the  
21 information so they can participate  
22 meaningfully in the public participation  
23 process. The NCP mandates that EPA and the FS  
24 assess the impacts on the construction and

1 implementation phases of a proposed remedial  
2 action. It is not at the design phase, Rich,  
3 it's at the FS phase. The FS assessment is  
4 supposed to address risks associated with the  
5 construction, the transportation, the  
6 excavation, and the operation of the remedy.  
7 The FS document which you have made public  
8 wholly fails to assess these issues and to  
9 address these risks of remedy. Unless you  
10 disclose to the public the specifics of your  
11 proposed plan the community acceptance element  
12 required under the Superfund law cannot be  
13 honestly factored into the decision making  
14 process.

15 MR. CASPE: Dean.

16 DEAN SOMMER: The FS isn't  
17 complete, Rich.

18 Doug, the next step is not a  
19 comprehensive -- it's not a ROD, it's a  
20 comprehensive FS.

21 FAIR is going to hold you to the  
22 letter of the law. It supports decisions by  
23 democracy, and not by an arrogant, secret  
24 bureaucracy. The FS needs to be completed.

1 Thank you.

2 PAULETTE PERTGEN: My name is  
3 Paulette Pertgen. I have been a resident of  
4 the Town of Fort Edward for 28 years, lived  
5 about a half mile from the Fort Edward G.E.  
6 plant. I am a member of CEASE and was on  
7 their Board of Directors during the successful  
8 defeat of this project in 1984. I would like  
9 to go on record as being against this dredge  
10 project. The river is cleaner.

11 To my knowledge, I repeat, to my  
12 knowledge, it has not been completely decided  
13 who will be paying for this project. Will it  
14 be my state, federal tax dollars, or G.E.'s?  
15 I would like to suggest the kind of money  
16 projected, instead, be spent to continue with  
17 the technology that G.E. is using to capture  
18 the PCB oil in the bedrock of the Hudson Falls  
19 mill, and that this type of technology also be  
20 used to treat any other areas on the river  
21 where there's leakage of PCBs or other  
22 hazardous chemicals into the river bottom.  
23 And do not dredge.

24 Thank you.

C E R T I F I C A T I O N

We, SANDRA L CAMPOLI and MARY LOUISE STASOLLA, Shorthand Reporters and Notary Publics in and for the State of New York, do hereby CERTIFY that we recorded stenographically the foregoing testimony taken at the time and place herein stated and the proceeding testimony is a true and accurate transcript hereof to the best of our knowledge and belief.

  
SANDRA L. CAMPOLI

  
MARY LOUISE STASOLLA



ORIGINAL

1  
2 UNITED STATES  
3 ENVIRONMENTAL PROTECTION AGENCY

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4 PUBLIC HEARING  
5 HUDSON RIVER PCBs SUPERFUND SITE  
6 NEW YORK  
7 PROPOSED PLAN

---

8 The Marriott  
9 Albany, New York

10 Tuesday, February 6, 2001  
11 7:15 p.m.

12 PANEL MEMBERS

13 RICH CASPE  
14 ANN RYCHLENSKI  
15 WILLIAM McCABE  
16 MEL HAUPTMAN  
17 DOUG TOMCHUK  
18 ALISON HESS  
19 MARIAN OLSEN  
20 DOUG FISCHER, ESQ.

1 be developed during the detailed remedial  
2 design.

3 MR. CASPE: So if you have  
4 specific, you know, suggestions on how we  
5 might do that, we'd certainly be interested in  
6 hearing them.

7 BRAD CUSHING: I don't. I'm more  
8 interested in what you had in mind.

9 It looked like you could do it  
10 either way and it wasn't clear in the  
11 feasibility study.

12 Will you be shooting for a  
13 particular clean up level and testing for it?

14 DOUG TOMCHUK: That, I think, is  
15 clear in the feasibility study, that we intend  
16 to reach 1 PPM in any of the areas that we did  
17 do dredging.

18 MR. CASPE: So 1 PPM is the clean  
19 up level we're shooting for.

20 BRAD CUSHING: Okay. Thank you.

21 MR. CASPE: You're welcome.

22 These other people weren't here, right, people  
23 I called?

24 Okay. We go to the next group.

1 David Fonsela, Richard Grace, Sylvia Grace,  
2 Brian Agosta, Bill Peck, Cliff Carl, Sue  
3 Snyder, Dean Sommer, Kristin Hinkle, Thomas  
4 Davin, Andrew Mason.

5 SUE SNYDER: The timer lady left.  
6 Does that mean I'm on no limit?

7 MR. CASPE: It means I'm going to  
8 time you. Go.

9 SUE SNYDER: Okay. My name is  
10 Sue Snyder and I live on the Hudson in the  
11 City of Watervliet. I am a teacher. I work  
12 with elementary remediation. I'm also a  
13 mother and a very-soon-to-be grandmother. So  
14 I have several motives for wanting the river  
15 cleaned up. However, General Electric Company  
16 was responsible for feeding and clothing me  
17 for 18 years and then putting me through  
18 college because my father retired about 10  
19 years ago from working with a career with the  
20 company. So I don't hate GE. I owe them an  
21 awful lot. However, I resent what they've  
22 done with the PCBs and their current  
23 propaganda.

24 Thirty years ago, as a college

1 someone tried to ignore it, well the sediments  
2 stick, so I am implore it. Clean up the  
3 Hudson River -- you know the words, come on --  
4 whoa the Hudson River, whoa the hazard levels  
5 till their gone, gone, gone, whoa whoa oh.

6 Baby, baby, the Hudson is not what  
7 it --

8 MR. CASPE: Thank you.

9 BRIAN AGOSTA: All right.

10 MR. CASPE: Okay. We're down to  
11 the final two dozen. Maybe they'll all be  
12 singers. I don't think so.

13 Are you one of the people I called  
14 already? I'm sorry. You are?

15 TOM DAVIN: My name is Tom Davin.  
16 I came in her and sat down -- I live up in  
17 Mechanicville -- I sat down, I heard you  
18 saying the harmful effects of PCBs. In fact,  
19 I come in a little late. I thought you were  
20 talking about cigarettes and you were getting  
21 ready to go down and dredge North Carolina.  
22 That might be an easier solution for  
23 everybody.

24 But I don't work for GE and I'm not

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## **Attachment C**

**10.10732**



# Environmental News

FOR RELEASE: WEDNESDAY AUG. 1, 2001

## WHITMAN DECIDES TO DREDGE HUDSON RIVER

Chris Paulitz 202-564-9556 / paulitz.chris@epa.gov  
Bonnie Bellow, 212-637-3660 / bellow.bonnie@epa.gov

EPA Administrator Christie Whitman today moved forward on a decision to clean up PCB pollution from the upper Hudson River. The Agency is circulating for interagency review a draft proposal that in major respects tracks the plan proposed last December that would dredge as many as 2.65 million cubic yards from the river.

"The Administration is committed to cleaning up the Hudson River in a manner that is environmentally sound and is responsive to the concerns of the affected communities," said Whitman.

To that end, EPA intends to incorporate the draft cleanup plan with a series of performance standards by which the cleanup will be evaluated regularly. The performance indicators being considered will include measuring PCB levels in the soil, and the water column as well as measuring the percentage of dredged material that gets re-suspended. Based on these objective scientific indicators, EPA will determine at each stage of the project whether it is scientifically justified to continue the cleanup. PCB levels in fish will be monitored throughout the project as well.

PCBs are polychlorinated biphenyls, and some 1.1 million pounds are thought to be deposited in the river. The substance has been linked to cancer in humans and bioaccumulates in fish. The chemical was banned in 1977 but prior to that time General Electric had been dumping the chemical for more than 35 years.

Since the initial cleanup proposal last year, the Agency has received more than 70,000 comments from a variety of interested parties regarding the proposed plan. Many of these comments came from individuals who live along the upper Hudson River and who are concerned about the environmental and economic impacts of dredging. In addition, recent studies conducted since last December by the National Academy of Sciences and the United States Geological Survey raise questions about the impacts of river dredging. The plan is expected to ensure the proposal for cleaning up the river will not put individuals at greater risk of PCB exposure.

Several performance criteria will be included in the final Record of Decision, which is expected in late September, with others to be developed during the design phase and in consultation with the communities. Following the issuance of the Record of Decision, EPA will establish a community involvement program that will provide the public with continued opportunity for early and meaningful input during the remedial design phase, which will include siting and other local impacts. This enhanced community involvement program will remain active throughout the phases of the project.

## **Attachment D**



ORIGINAL

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3 ENVIRONMENTAL PROTECTION AGENCY

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21 DOUG FISCHER, ESQ.  
22  
23  
24

1 well, how many ours are you going to work,  
2 what kind of noise is it going to be. Noise  
3 travels over a river. We've heard all this.  
4 We think we can accommodate this. We're  
5 working on this. I would just remind  
6 everybody here that, as we work on this and we  
7 come to a conclusion in August, whatever that  
8 conclusion may be, if the conclusion is to go  
9 forward with this project, we then have three  
10 years to design. We're not going away. And  
11 dredging doesn't occur the day, you know,  
12 after August, on September 1st. We're talking  
13 about three years to design, to go through all  
14 the details that you all have so many  
15 questions about, and a time period when we  
16 would continue to have a public, you know  
17 public comment, certainly, and advisory-type  
18 group available.

19 With that, I'm going to stop for a  
20 little bit and let Alison pick up and address  
21 the environmental results of dredging.

22 Thank you.

23 ALISON HESS: Thank you, Rich. I  
24 , would like to talk about the environmental

1 a system to collect that upstream source,  
2 which is one of the contributing factors to  
3 contamination within the river and in the  
4 fish. So that should be started in the next  
5 several years, and we hope that that would be  
6 completed by the time that -- we would hope to  
7 implement a remedy by 2004, and we see no  
8 reason why that shouldn't be able to be done.  
9 That should help a lot, but then there's the  
10 other remedy that's important and that's  
11 addressing the contaminated sediments. If our  
12 Record of Decision goes to do that, and that's  
13 the premise for the rest of my talk here on  
14 remedial design and remedial action. Assuming  
15 that the preferred alternative moves forward,  
16 we will next go into remedial design, and as  
17 Rich said that's a three year process followed  
18 by remedial action which is estimated at five  
19 years. The remedial design, okay, as Rich  
20 said, we are not going to stop interacting  
21 with the community when we go into remedial  
22 design. There is no official public comment  
23 period during remedial design, but we will  
24 continue to interact. We have had ten years

1 of unofficial interactions, and probably close  
2 to 100 public meetings during this study, and  
3 we will continue to do that type of reach-out  
4 to the community and make sure that all the  
5 concerns are accommodated to the best of our  
6 abilities.

7           During the three year design,  
8 that's a long time to somebody that's looking  
9 to remediate a river. There's a lot that goes  
10 on during that time frame. First of all we  
11 have to continue the monitoring that's  
12 ongoing, the fish, the water column. We also  
13 have to do sediment sampling to better define  
14 the areas that might need remediation. We  
15 will have to get access agreements for  
16 facilities that we might need along the river  
17 banks. We will have to make arrangements for  
18 the transportation and disposal of materials  
19 that we would be removing from the river. We  
20 also have to coordinate with the Canal  
21 Corporation because the river is used for  
22 navigational purposes, recreational purposes  
23 and transportation, and we want to make sure  
24 , that we do not disrupt the normal flow of

1 traffic on the river today.

2 Of course, the river is also used  
3 for water supplies. So we will have to  
4 coordinate with the water supplies, the towns  
5 along the river that pull water off the  
6 Hudson, and make sure that we can have the  
7 monitoring that's necessary to protect those  
8 water supplies throughout any operation that  
9 goes on through the river, and put  
10 contingencies in place so that if there's any  
11 problem, that they are alerted and notified  
12 and make the proper adjustments.

13 The design for the implementation  
14 of the remedy is to take five years -- is to  
15 have the remedy be complete in five years.  
16 This is our design parameter. We are telling  
17 the people that design it that it has to be  
18 done in five years, and we have every reason  
19 to believe that that is very doable. We have  
20 experts from contractors that are dredging  
21 contractors, that's their expertise, and they  
22 believe they can do it. We have the Corp of  
23 Engineers looking at that. They believe we  
24 can do it. There is no reason to believe we

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