

January 21, 1992

DocID 80233

Comments to the Hudson River Oversight Committee

I had difficulty preparing for my fifteen minute presentation and I kept going back to a feeling I've had for sometime and one voiced by a Citizen at our meeting last Thursday night. Coming from a literary rather than scientific background, this Reassessment is becoming a big, sprawling novel of mystery and intrigue. I'm beginning to even speculate on who Oliver Stone will cast in our roles when he makes the movie a few years from now.

I had told Ann that my agenda would consist of three parts: 1. My response to the response of the two letters that I had written with other Liaison Group members to the EPA and NYS Gov. Cuomo last November concerning DEC actions at Site 10; 2. Specific questions that the Citizens raised at our meeting last Thursday night; and 3. Procedural or business questions.

But, as I write this, I still have yet to receive a response to either letter, although I have to assume that Bill McCabe did answer for EPA at our last Steering Committee Meeting, but regardless, that throws 1. out. As for 2., I honestly feel a bit foolish asking these quesitons as they still pertain to Phase I, which now seems so long ago, or with the announcement of Phase IIA Sampling, the specifics of the Phase II Workplan. Both Phase I Responsiveness Summary and Phase II Workplan are probably siting of Doug's and Al's desks, and we're told not ready for issue until March, so that throws 2. out too. (Although I do have these questions written up and will discuss them with Doug and Al at another time).

As far as 3. goes, procedural or business quesitons seem moot, but perhaps more important and telling than the others.

The entire project has gotten out of sync. The announcement last fall by DEC that they will proceed with their own dredge project regardless of the REassessment and its outcome has seriously marred these proceedings. It is ridiculous for Citizens to still be asking questions about Phase I. We should have had the Responsiveness Summary before the Holidays and especially before the Phase II Sampling began. I realize that it is a monumental task, but then perhaps nore staff should be added when necessary. If the Community Interaction Plan does matter and if our input matters, then we have to actually see that it matters.

And this is especially true in light of General Electric Co's "Executive Briefing" - comments on Phase I - simple, concise, easy to read and uunderstand. This also brings up the entire GE Question - What is their role and contribution to the Reassessment? Is their report on last summers activities and testing due to the EPA by Feb.15, a partof the Reassessment?

Concerning the Scientific & Technical Committee, what is their status? We heard about their identity crisis, of concerns parallel to many of our own, at the last Oversight Committee Meeting, but have heard nothing since. Surely, they must have comments and opinions on Phase I, comments about DEC's statement and most certainly suggestions for Phase II. We have no way of knowing what they are thinking or doing. Whether it be in the form of notes, minutes, reports or even a representative form the Committee informing us at a Steering Committee meeting - we should know what they're doing. And obviously, the reverse is true - they should know what we are all doing.

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As the members of the Scientific & Technical Committee represent a diverse background in PCB and related study, Phase II does seem an appropriate spot for their inclusion. It would perhaps, make it easier for them to understand their role in the Reassessment and what their goals could be.

With our timing off like this, with the past being so much a part of the present, the fires of intrigue are fueled and our confusion and frustration mounts. I find myself pondering motives, strategies, looking to one action masking another.

Why do some of EPA's actions, or inactions, at this PCB Superfund Site seem so inconsistent with other PCB/Superfund Sites? Are the differences, even cautions legal? or political? And whose legal issues? whose political issues? And just how far reaching are they?

DEC has offered their Big Compromise - of waiting to make a decision until the Reassessment is over, but according to Siting Board Hearing procedures, they do not have the staff available to even mount a Hearing. So this is a compromise then? Was their timing in releasing this information accidental or intentional? The end of Phase I being a perfect place to stop the Reassessment?

And what happened at the meeting between EPA Officials and the three DEC Deputy Commissioners? Why was it closed? As it threatened the entire Reassessment, why didn't the Steering Committee and Scientific & Technical Committee meet with them for answers?

The realities of complex interactions sometimes do lie "between the lines" and sometimes do not make themselves known until the end. This I can accept and is what I meant when I said that the past is so much a part of the present in this Reassessment. But this kind of speculation can, in the extreme, be counterproductive and I don't want to lose sight of our reason for being here.

I was very pleased to hear about the Phase IIA 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 II. It is only common sense that if the toxicity level has decreased, then the risk level has decreased also. And while this sampling is being done, a few checks on the number of fisherman spotted fishing might dispell the DEC estimate that 10,000 fisherman are fishing these waters and consuming massive amounts of fish.

I was also pleased that more and more we are hearing about other sources of PCBs in the river and suggest that these investigations continue.

We had asked ourselves a question last fall when DEC made their statement, about whether we could continue with the Reassessment, knowing what their intentions were and the wrench they were throwing into the works. I feel now that I can continue for two reasons. One, I'm willing to gamble that the EPA has enough confidence in their own power as a governing agency to continue, and two, that this action by DEC is nothing more than a red herring. Any good mystery novel has a few red herrings thrown in, and I'm willing to gamble that this is ours.

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