



Hudson River Sloop CLEARWATER Inc.

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March 12, 1991

Mr. Constantine Sidamon-Eristoff
Regional Director
US EPA
26 Federal Plaza
New York, NY 10278

RE: Comments on Phase 1 - Work Plan
Preliminary Reassessment
Hudson River PCB RI/FS

Dear Mr. Eristoff:

We are gravely concerned to see, throughout the Phase 1 Work Plan, the continuation of a deep-seated bias against the impacts of PCB contamination of the lower river, as compared to the attention given to impacts on the upper Hudson, that we have seen throughout all of EPA's work on the reassessment. We continue to object strenuously to this bias, and believe that if continued, it will result in a very inaccurate characterization of the need for, and potential benefits of, a cleanup project.

The geographic scope of the "Hudson River Superfund Site" should be expanded, for the purposes of this reassessment, to include all PCB-contaminated areas in the Upper Hudson which have been identified in the NYS DEC "Hudson River PCB Project Action Plan" (December 15, 1989), as "areas requiring remediation under a comprehensive cleanup of the Hudson River system."

This would include the following sites (with approximate mass of PCBs found in each);

- Remnant Deposits 2,3,4 and 5 - 46,000 pounds
- Thompson Island Pool - 21,000 pounds
- Lock 6/5 Pool - 21,000 pounds
- Stillwater and Mechanicville Pools - 12,000 pounds
- Fort Edward Terminal/Lock 7 - 900 pounds
- Navigation Channel - 10,000 pounds
- NYS DOT dredged spoils areas at Buoy 212, Special Area 13, Site 518, 204 Annex, Lock 4, Lock 1 and Rogers Island - 35,000 pounds
- Old Moreau landfill - 92,000 pounds.

The Work Plan omits any discussion of the creation of an independent scientific advisory board, or a process by which peer review of work plan products will be accomplished.

In general, the Phase 1 Work Plan should indicate, where known, what information is missing and will be investigated as part of the Phase 2 Work Plan.

1.0 Introduction

The site description should include the approximate pounds of PCBs which were discharged in to the river by G.E.

In discussing the reasons why this reassessment is being conducted, the work plan should have included;

- The availability of new information on the effectiveness of dredging as a remedial activity, particularly information developed by DEC in relation to its Hudson River PCB Cleanup Project and information developed by EPA and the ACOE during pilot studies of the New Bedford Harbor PCB site and included in the New Bedford Harbor Hot Spot Feasibility Study.
- Current data on PCB levels in Hudson River fish, which show that they have remained above the FDA tolerance level.
- The change in the FDA tolerance level from 5 ppm (which was erroneously cited in the 1984 ROD) to 2 ppm.

All of the above issues were key factors in the EPA's interim "No Action" decision of 1984.

2.1 Task 1 - Site Characterization and Data Synthesis

No valid justification is given for the different approaches being taken for the upper Hudson and the lower Hudson in Task 1 (ie. "Task 1 requires obtaining and evaluating available monitoring data for the river above the Troy Dam" vs. "The Phase 1 evaluation of the lower Hudson River estuary will be aimed at preparing an inventory of the available data for this area and identifying assessment strategies for Phase 2.")

Task 1 should include an assessment of any available data on PCB levels in waterfowl (NYS Dept. of Health Advisories urge individuals to avoid or limit consumption of certain waterfowl) and in other species that are linked to the river's food web. Lack of such data should be identified as a gap that should be addressed in Phase 2.

Any evaluation of G.E.'s claims of biodechlorination occurring in the river should consider all viable possible causes for any observed changes in PCB composition (ie. inaccurate information regarding the original composition of PCBs discharged into the river, changes caused by processes PCBs were subject to in factories and sewage treatment plants prior to discharge to the river, and other factors acting on PCBs once discharged into the river).

The inventory of resources of the upper Hudson should include all resources whose use may be subject to restriction due to PCB contamination, including use of the river as a water supply source, impact on navigability of the river and canal system, and commercial and recreational use of the canal system.

A similar inventory of resources should be conducted for the lower Hudson, the New York Harbor and bight and the Long Island Sound.

2.2 Task 2 - Evaluation of Fish and Food Chain PCB Bioaccumulation

The Thomann model must be subject to careful scrutiny (ie. peer review by an independent body) before any decision can be made to accept it as a viable model for transport, bioaccumulation or predictive capability.

A similar assessment must be done of bioaccumulation in the lower Hudson. Once again, no valid reason is given for the selective focus on the upper river while ignoring the lower river. It does not appear that the differences in available data justifies this - in fact, the Scope of Work (EPA, December 1990) indicates that, "there are considerably more fish contaminant data available for the lower river, and these data are more recent than for the upper river." Further, it makes absolutely no sense to evaluate the Thomann model, which focuses exclusively on migratory striped bass - lower river fish - with out assessing available data for this part of the river.

At this point the natural occurrence of biodechlorination in the river is too speculative and unsupported by available data to be included in the transport model.

2.3 Task 3 - PCB Transport Model

Once again, the lower Hudson and the upper Hudson are being addressed substantially differently, with no valid justification given. A transport model should be developed for the lower Hudson.

"Enhanced in-situ biodegradation" is completely speculative, unproven alternative which does not at this time merit specific attention above that given to any possible cleanup alternative.

Given the more recent information on the effectiveness of hydraulic dredging (in both the Hudson River and the New Bedford Harbor) it is invalid to assume that dredging will be "a dominant force affecting PCB transport."

2.4.1 Baseline Human Health Evaluation

While there is some value in using the NUS Feasibility Study (1984), the document is seriously flawed in regard to human health risk due to the use of the old FDA tolerance level (the 5 ppm level vs. the 2 ppm level).

Once again, there is no valid reason for not doing a similar assessment of human health risks for the lower Hudson. As pointed out earlier, EPA's Scope of Work for this project states that there is more, and more recent, fish contaminant data for the lower river than for the upper.

The Human Health Evaluation should include the cohort studies being done by Dr. Harold E.B. Humphrey (of the Michigan Dept. of Health Environmental Health Center) under contract with EPA, the report, "A Study of Toxic Hazards to Urban Recreational Fishermen and Crabbers" (Belton et. al, Technical Report 51, N.J. Dept. of Environmental Protection), and the ongoing study of PCB exposure to Mohawk Indians of the Akwesasne Reserve, being conducted by Dr. Edward Fitzgerald and others of the Univ. at Albany School of Public Health.

For the purposes of the exposure assessment, the characterization of the site should include the entire Hudson River, the New York Harbor, the New York Bight and Long Island Sound.

Will the exposure assessment be conducted assuming that fishing restrictions do not exist, as originally stated in the Scope of Work? This assumption should be maintained, as there is ample evidence (ie. the Belton study cited earlier) that fishing restrictions are not effective in preventing exposure.

Will the assessment consider the existence of commercial fishery closures? Again, there is ample evidence that commercial closures are not completely effective in preventing exposure.

The exposure assessment should specifically address populations that are likely to incur a higher level of exposure than the average individual (ie. avid recreational anglers and subsistence fishers), highly sensitive populations (ie. children)

and multi-generational exposure, as it has been demonstrated that mothers can pass PCBs to unborn and newborn infants.

In the context of the Toxicity Assessment, is the available information regarding the specific congener make-up of commercial aroclor mixtures accurate enough to allow the development of valid "aroclor-specific toxicity information?"

Information used to develop a toxicity assessment should also include the FDA tolerance level for PCBs.

2.4.2 Baseline Ecological Risk Assessment

Once again, there is no justification whatsoever for not addressing the lower Hudson on an equal basis with the upper Hudson in terms of ecological risk assessments.

The ecological risk assessment should include all completed and ongoing studies of liver and other abnormalities in Hudson River Atlantic Tomcod and Brown Bullhead.

2.5 Task 5 - ARAR identification and REmedial Technology Assessment

Equal attention should be given to the upper and lower Hudson under Task 5. Once again, there is no justification given for the differential treatment given.

ARAR's should include, but not be limited to, fish consumption advisories in New York, Connecticut, New Jersey and Rhode Island (especially for striped bass), commercial fishery closures related to PCB levels, the FDA tolerance level, navigational requirements in the Champlain Canal, and NYS DOT bridge repair and maintenance constraints.

Again, we stress the importance of evaluating independent information regarding biodechlorination of PCBs, and not relying solely on the work of G.E.

Thank you for your consideration of these comments.

Sincerely,

Bridget Barclay
Bridget Barclay,
Environmental Director

cc: Douglas Tomchuk, Project Manager
Hudson River PCB Steering Committee
Hudson River PCB Oversight Committee