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JUN 18 1992

Jeffery H. Kirby, Esq.
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Dear Mr. Kirby:

This is in response to your letter of June 3, 1992 regarding the Reassessment study that the U.S. Environmental Protection Agency (EPA) is currently conducting for the Hudson River PCBs site. Specifically, you raise concerns regarding objectivity of EPA in light of certain actions the Agency has taken with respect to the Community Interaction Program (CIP).

Before I address your specific concerns, I want to assure you that EPA is conducting the Reassessment study in an objective, scientifically sound manner. A key element in the Hudson River Reassessment study, and the Superfund process in general, is public participation. EPA is committed to informing the public, soliciting comment on the findings of this study, and responding to the questions and issues raised by the public. The Hudson River PCB Superfund Site is unusual from a community relations/public participation standpoint because it is a project which is of great interest to government officials, environmental groups, and citizens in a geographic area covering fourteen counties over approximately 200 river miles. To address public participation for a project with such a magnitude of interest, we established the CIP. This program affords the public a unique opportunity to participate in the Reassessment to an extent that is unprecedented in this Region and, in fact, I am quite proud of this effort.

With this in mind, I would like to address the specifics of your letter and clarify several misconceptions that exist with respect to the recent actions that EPA has taken regarding the CIP and the Scientific and Technical Committee (STC).

First, EPA has not refused to allow Darryl Decker and/or Keith Griffin to represent Washington County on the Government Liaison Group. In March 1992, all members of the Government Liaison Group who did not get re-elected were sent notices by EPA

which explained that due to the outcome of the elections, their future participation in the CIP would be limited to the Citizen Liaison Group. However, since that time, EPA received a copy of the Resolution from the Washington County Board of Supervisors, which designates Messrs. Decker and Griffin to represent them on the committee. We have not taken any action to limit their involvement on the Government Liaison Group and will be responding to the Resolution shortly.

Next, with respect to EPA's appointment of a facilitator for the STC, obviating the need for the chair position and Dr. Daniel Abramowicz's role as such, EPA has stated its reasoning in a letter dated March 27, 1992 from Kathleen Callahan (enclosed). In summary, EPA felt that the STC function needed to be invigorated, so that it had the opportunity to conduct its deliberations as effectively as possible, and that it was wise to name a neutral facilitator so as to eliminate controversy or concern over leadership.

Your letter states three questions regarding the conduct of the Community Interaction Program and EPA's performance of the Reassessment in general. I will address each question separately. With respect to question 1, please note that the purposes and the "rules" of the liaison groups and the STC are different. The liaison groups are organized to represent the major citizens groups that are affected by, or have an interest in, the Hudson River PCB problem. They are self-governing and can select agenda items based on their interests. On the other hand, the STC was organized so that EPA could interact with the researchers and scientists that are experts on the Hudson River PCB problem or some specific aspect of the problem. EPA establishes meeting agendas which are most helpful for the completion of the Reassessment study (normally the review of work products prepared by EPA). It should also be noted that EPA was facilitating the meetings of this committee prior to appointing a facilitator.

In response to question 2, EPA did cancel several STC meetings set up by Dr. Abramowicz and did determine the agendas for those meetings which were held; however, this was done to support the needs of the Reassessment project and not to control the review process to meet a predetermined outcome. EPA has the responsibility to direct these meetings to project-related activities conducive to completion of the Reassessment, and we believe that the aforementioned meetings would not have been the most beneficial expenditure of resources at that time. It is important to note that the STC is not an independent peer review group.

Question 3 suggests that "pro-dredge" groups may be unduly influencing EPA's decisions during the Reassessment. On a routine basis, EPA receives extensive comments relative to the Hudson River PCBs site, from a variety of constituents with strongly held, opposing viewpoints. We consider these comments on their own merits and respond as appropriate. It is inevitable that our decisions relating to this site will be received positively by some and negatively by others. As far as distribution of letters which are sent to EPA by interested parties in connection with the site is concerned, EPA of course cannot control to whom those parties send copies of such letters. To the extent that EPA receives any significant correspondence from one of the liaison groups, we will endeavor to make sure that a copy of that correspondence is sent to the other liaison groups. In addition, please note that those documents which are considered or relied upon by EPA in selecting a remedial alternative for the site will be included in the administrative record file.

It is also important to clarify that the CIP was envisioned to be a dynamic process in order to address the needs of the public. It is through this dynamic process that EPA added the Agricultural Liaison Group to the CIP.

In closing I would like to restate that EPA is conducting the Reassessment in an objective manner without a bias toward a particular remedy. EPA values the input of the community in the Reassessment process and will incorporate public comment whenever appropriate. However, it must be stated that EPA remains the final decision maker for this process.

If you have any questions, please contact Ms. Ann Rychlenski, of the External Programs Division, at (212) 264-7214.

Sincerely,

ES

Constantine Sidamon-Eristoff
Regional Administrator

Enclosure

cc: Hon. Gerald B. Solomon, House of Representatives
Liaison Group Chairs
Bill Ports, NYSDEC
Larry Riley, President, Washington County Farm Bureau
Tom Borden, Vice President, Washington County Farm Bureau
Roger Moseley, President, Rensselaer County Farm Bureau
Sheila Powers, President, Albany County Farm Bureau
Kevin Grupe, President, Saratoga County Farm Bureau
Adrian Ooms, President, Columbia County Farm Bureau

Paul Wais, President, Greene County Farm Bureau
Russell Kowal, President, Orange County Farm Bureau
Tom Schimpf, Jr., President, Rockland County Farm Bureau
Norman Greig, President, Dutchess County Farm Bureau
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William Moore, Director, New York Farm Bureau
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Marilyn Leary, Field Advisor, New York Farm Bureau
Bambi Baehrel, Field Advisor, New York Farm Bureau

bcc: Ann Rychlenski, EPD
Paul Simon, ORC