

ENVIRONMENTAL MANAGEMENT COUNCIL

PETER BALET
CHAIRMAN

GEORGE HODGSON
DIRECTOR

March 25, 1993

Ms. Ann Rychlenski, Community Relations Coordinator
External Programs Division
U.S. Environmental Protection Agency, Region II
Jacob K. Javits Federal Building
New York, NY 10278-0012

Dear Ann:

Enclosed per your request, is a copy of the March 9, 199³ meeting minutes of the Hudson River PCB Reassessment's Liaison Group Chairs and Co-Chairs.

I would conclude that the results of this meeting were both positive, and as the minutes indicate, frustrating as many of the Groups' Chairs and Co-Chairs expressed concern regarding the workability and responsiveness of the Reassessment's present public participation process. You will also note from the minutes that some of the attendees feel they have been "put off" by E.P.A. regarding getting a definable methodology governing the Reassessment project and responses to specific technical concerns.

As you will note, several members were in favor of some degree of restructuring of the "complex" CIP which might include more frequent combined group liaison meetings, possibly utilizing current technical information from EPA and GE (e.g., "new" PCB source data). It was also suggested that a down-state/upstate panel forum might be useful in presenting and examining various current information related to the Reassessment.

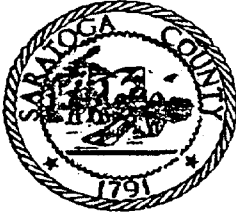
Finally, it was my sense of the meeting that the people present represent a dedicated public which wants to be meaningfully involved in the Reassessment's decision making process. The Liaison Groups bring with them a considerable amount of technical expertise. To date, they feel they have been unable to participate due to the complexity of the CIP's organizational structure and the lack of available pertinent, and timely technical information regarding the Reassessment to which they can react. Without a fair degree of project technical review involvement by the Liaison Group members, meaningful public participation cannot occur.

I trust the enclosed minutes and above "summarization" have been helpful. Feel free to call me if the EMC can assist in facilitating further public involvement in the Reassessment.

Sincerely,

George Hodgson, Jr.
Director

GH/bd
Enc. / Doug Tomchuk
All Liaison Group Chairs & Co-Chairs



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MARCH 9, 1993 MEETING MINUTES HUDSON RIVER PCB REASSESSMENT PROJECT LIAISON GROUP CHAIRS & CO-CHAIRS

ATTENDING: Peter Balet, Chairman Saratoga County EMC; Victoria Garlanda, EMC Member-at-Large; Dave Adams, EMC Member-at-Large; George Hodgson, EMC Director; Darryl Decker, Chair, Governmental Liaison Group; Paul Lilac, Co-Chair, Governmental Liaison Group; Merrilyn Pulver, Co-Chair, Agricultural Liaison Group; Judy Schmidt-Dean, Chair, Citizen Liaison Group; Katie DeGroot, Co-Chair, Citizen Liaison Group; Carl Deppe, Co-Chair, Environmental Liaison Group; Kate Larkin-Reilly, Co-Chair, Environmental Liaison Group; Wilbur Trieble, Supervisor, Town of Milton

The meeting was called to order at 7:10 P.M. by Saratoga County EMC Chairman Peter Balet who welcomed Chairs and Co-Chairs of the various Hudson River PCB Reassessment Liaison Groups. At Chairman Balet's request, those in attendance introduced themselves to the other meeting attendees.

George Hodgson stated that the reason for the meeting was to evaluate and provide input to USEPA regarding the effectiveness of the Hudson River PCB Reassessment Project's public participation program. George stated that the Saratoga County EMC has been involved in this project since the late 1970's, at that time expressing both environmental and methodological concerns regarding the proposed PCB dredging of the Hudson River. He stated, over the years, the Saratoga County EMC has been provided with information regarding the project from the project sponsor (DEC), G.E. and EPA. George stated the EMC still has concerns regarding the environmental efficacy of a Hudson River PCB dredging project as well as the methodology being utilized by EPA on the current Hudson River PCB Reassessment proposal.

George Hodgson passed out copies of the "Objectives and Description of the Community Interaction Program For The Hudson River PCB Reassessment RI/FS" which was faxed to him by Ann Rychlenski which outlines the various roles and functions of EPA's public participation process for the project. Ann extended her regrets for not being able to attend the meeting and thanked the Council for providing this meeting forum to discuss the project's public participation process. At this point, George Hodgson introduced EMC member-at-large Dave Adams regarding some of his and the Saratoga County EMC's concerns relative to the Hudson River PCB Reassessment project.

Dave Adams stated that it was his opinion that EPA has not been very forthcoming or responsive to various concerns raised by the public to date. As examples Dave referred to written comments submitted by the Saratoga County EMC dated July 21, 1992 which EPA concluded didn't need a response because they were not phrased in the form of a question. Dave also cited EPA's unresponsiveness to his written comments submitted prior to the November 5, 1992 Joint Liaison Group Meeting which he could not attend. The EPA stated

the purpose of the meeting was to answer "questions" that members of the four Liaison Groups have for the Scientific and Technical Committee.

Dave Adams stated that, to date, EPA has not adequately outlined how they are going to get to their Hudson River PCB Reassessment conclusions. EPA has not defined how they are going to obtain and utilize the information scattered along the Hudson River, including PCB concentrations in the sediments and water column in reaching their conclusions. What is their methodology? Have they collected the appropriate data? This plan must include the relationships (equations/algorithms) to be used and the assumptions EPA must make to apply the data along with the bases which EPA believes shows the assumptions to be valid or at least reasonable. Without the specific details of EPA's plan, it is impossible for anyone especially the Scientific and Technical Committee to critique EPA's course of action. With the absence of an identifiable methodology, what is the sense in having a public participation program? This situation leaves us in the position of having to accept on faith that EPA knows "what's best".

Dave Adams further stated that another thing that bothers him alot, and he and the EMC asked EPA about this last summer and also in November, is why EPA is not collecting fish samples, contemporaneous in time and space with the other PCB testing (water column and sediments) which is being done. Why not take some fish samples to validate their "model"? They (EPA) say NOAA & DEC may take samples -- but where? We have not received a good answer from EPA, to date, stating why they are not doing this. Information from G.E. indicates some type of PCB degradation process is occurring in the River. Without EPA providing a model, it is unclear how they are going to consider the in situ information. Dave noted, there seems to be more of a correlation between water column to fish PCB concentrations than sediment to fish PCB concentrations, which could explain the recently released elevated PCB fish concentrations identified from the "new" Upper Hudson PCB source.

Darryl Decker also stated he has expressed various Hudson River PCB Reassessment program concerns at Steering Committee meetings only to have them deferred to subsequent Steering Committee meetings at which no one was present to provide the answers. Dave noted that EPA has also "passed off" the explanation of the Monte Carlo method to the public; Dave referenced the analogy of a "boy getting patted on the head".

Katie DeGroot cited the new mill PCB source as being responsible for heightened PCB fish levels. Part of the problem EPA is having is they are in a quandary on how to handle it (the reassessment). It's like a jellyfish -- tough to get a handle on it.

A general discussion ensued regarding facilitating better public participation. Judy Schmidt-Dean stated that EPA is looking for articles for their publication, "River Voices" and that an article on these public participation and procedure problems might be a possibility. Merrilyn Pulver noted that the "Poughkeepsie Journal" is doing an editorial regarding the bias of the farming community on the Hudson River PCB Reassessment project.

Again, Dave Adams re-iterated EPA's lack of definition on how they are going about it (the reassessment) -- if the methods are faulty then the conclusions will be faulty. The consequences if EPA concludes that remedial ac-

tion is necessary when in fact it is not, are a lot of money spent for no real benefit to PCB levels in the fish, potential disposal problems of PCB contaminated sediments, and possible severe damage to the Hudson River's ecological system. There is also the possibility that EPA could conclude that no action is necessary when in fact a remedial action would be helpful. EPA owes the community concerned about the Hudson River answers to these concerns and questions.

George Hodgson asked the group present if they felt whether the Hudson River PCB Reassessment project's public participation program was working? George put an overhead transparency of the Hudson River PCB Reassessment, RI/FS Community Interaction Program organizational structure (figure 3) for the group's viewing. George stated that he was not sure EPA's public participation process was working as well as it could and questioned whether the process "achieves the overall objective of maintaining a productive two-way flow of communication between the public and the project team" as stated in the CIP.

Kate Larkin-Reilly stated that her group, the Environmental Liaison Group, has completely broken down and is so polarized that nothing gets accomplished.

Dave Adams stated that a real public participation breakdown has occurred with the role of the Scientific & Technical Committee which is to only look at questions which EPA wants it to look at.

Kate Larkin-Reilly (referring to the overhead CIP organizational chart) suggested putting a few more arrows from below to above. Dave Adams suggested it might be worthwhile to sit down with EPA while Judy Schmidt-Dean thought this matter should be brought to the Steering Committee where it might examine possible ways to change the present process. Also mentioned was the use of press, the political process and the need to speak with one voice. Victoria Garlanda stated the dividing lines between the various committees have always bothered her. George Hodgson stated that the public certainly has something to contribute to the reassessment process but it needs to be more appropriately involved. Kate Larkin-Reilly stated she thought EPA's public participation project was too complex. Katie DeGroot stated she would like to get the facts both pro and con regarding the reassessment via an upstate/downstate panel presentation which would include G.E. and downstate information supporting their positions. Carl Deppe stated he was previously naive enough to think the Scientific & Technical Committee was going to address some of these things.

Katie DeGroot suggested that the group draft a letter to all the Liaison Group members stating we have concerns about the latest scientific information and the Liaison Groups' roles in the decision making process, again Katie suggested a panel forum to discuss these issues.

Dave Adams stated you can't have a recommendation regarding EPA's reassessment approach until you understand what they are doing. We don't know how you are going to get from here to there. The hands of the Scientific & Technical Committee are tied; they can comment only on particular items and they don't know how the data is going to be used. There is no cookbook-type

rule for doing a health risk assessment relative to the Hudson River PCB Reassessment.

Peter Balet noted from Ann Rychlenski's letter to George Hodgson that EPA would be interested in obtaining minutes of this meeting and any recommendations which might come out of this discussion. George stated he would be preparing and distributing copies of the meeting minutes to those in attendance and Ann Rychlenski.

Darryl Decker said he would be happy to bring the concerns the various people in attendance stated this evening to the next Steering Committee meeting. Carl Deppe stated there is a need to change "the system" relative to the reassessment program. Again, reference was made to utilizing "River Voices" as a forum for expressing the group's concerns. Dave Adams asked Darryl Decker if he would make a presentation at the Steering Committee level regarding our procedural concerns.

Carl Deppe commented on the need for better information regarding the Tallman (sp) model. They (EPA) are going to use their own, except we don't know what it is.

Kate Larkin-Reilly stated that there is a need for EPA to have some information regarding the new Upper Hudson River PCB source at the next Joint Liaison meeting. It was the group's consensus that we ask EPA for an update on the new PCB source and also to address the various procedural and methodological concerns as well as draft an article for submission to "River Voices." Dave Adams commented that he thought the Steering Committee should be an existing forum to bring these concerns to EPA's attention and also suggested more frequent combined meetings of the Liaison Groups rather than separate meetings as a way to improve communication relative to these issues.

In closing, Peter Balet stated that the Saratoga County EMC would be happy to host additional meetings of this type if the members feel they would be useful. With no further business to discuss the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

George Hodgson