

FACT SHEET

HUDSON RIVER

Surface Water Injury Determination



HUDSON RIVER TRUSTEES

ASSESSING AND RESTORING YOUR NATURAL RESOURCES

The Hudson River Natural Resource Trustees – the [National Oceanic and Atmospheric Administration](#), the [U.S. Department of the Interior](#), and [New York State](#) (the Trustees) – are conducting a Natural Resource Damage Assessment (NRDA) to determine how Polychlorinated biphenyls (PCBs) released from the General Electric Company (GE) plants at Fort Edward and Hudson Falls, New York harm the Hudson River’s natural resources.

The January 2018 Surface Water Injury Determination Report is part of the Trustees’ efforts to measure natural resource injuries from GE’s release of hazardous substances to the Hudson River from its manufacturing facilities in Hudson Falls and Fort Edward, New York. The Hudson River Natural Resource Trustees assert these exceedances of water quality standards demonstrate that the Hudson River’s surface water has been and continues to be injured.

PCBs Exceed State and Federal Hudson River Water Standards

PCBs released by GE have caused repeated and prolonged exceedances of state and federal water quality standards, contaminating surface water resources of the Hudson River for decades. These exceedances have occurred throughout all parts of the river and for every year sampled, from 1975 to 2014.

Since the mid-1970s, federal and state agencies and GE have collected over 10,000 water samples from the Hudson River and have tested these samples for PCBs. Of the 8,667 Hudson River surface water samples that contained PCBs at detectable concentrations, nearly all exhibited PCB concentrations that exceed one or more regulatory standards.

Water samples often contained PCBs at concentrations hundreds of times higher than relevant health-protective regulatory criteria for water, such as New York State’s 0.00012 ppb regulatory standard to protect wildlife that eat fish, and New York State’s 0.000001 ppb regulatory standard to protect human consumers of fish.

Trustees Confirm Surface Water Contamination is Natural Resource Injury

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) gives Natural Resource Trustees the authority to measure harm to natural resources, including the land, fish, wildlife, biota, air and water, and seek compensation for those injuries. Under CERCLA, the Trustees for the Hudson River may assess potential damages for natural resource injuries resulting from the release of hazardous substances such as PCBs.



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The January 2018 **Injury Determination Report for Hudson River Surface Water Resources** makes clear that virtually all Hudson River surface water samples in which PCBs met detection limits (where PCBs were found) had concentrations in excess of health-protective regulations. All the applicable standards have been exceeded at least once, and most standards were exceeded numerous times.

The Trustees will use this injury determination report to inform the restoration work needed to compensate the public for this loss. The Trustees may seek to restore surface water through the Natural Resource Damage Assessment and Restoration process by, for example, seeking protection for land along rivers and streams or reducing the amount of contaminants within the river.

About the Trustees: The Trustee agencies are the National Oceanic and Atmospheric Administration, the U.S. Department of the Interior and the State of New York. These entities have each designated representatives that possess the technical knowledge and authority to perform natural resource damage assessments. For the Hudson River, the National Oceanic and Atmospheric Administration represents the Department of Commerce; the U.S. Fish and Wildlife Service represents the Department of the Interior (including the National Park Service); and the New York State Department of Environmental Conservation represents the State of New York.

Learn More about the Hudson River

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