



By Electronic Mail

September 1, 2017

Mr. Gary Klawinski, Director  
Hudson River Field Office  
U.S. Environmental Protection Agency, Region 2  
187 Wolf Road, Suite 303  
Albany, NY 12205

Subject: Second Five-Year Review Report for the Hudson River PCBs Superfund Site

Dear Mr. Klawinski:

National Oceanic and Atmospheric Administration, in its role as a Natural Resource Trustee for the Hudson River appreciates the opportunity to provide comments on EPA's second Five-Year Review report. We share EPA's goal of the successful recovery of the Hudson River—a nationally significant ecological, cultural, and economic resource—from PCB contamination. Our comments are provided to further that shared goal.

Under federal Superfund law, the General Electric Company (GE) is responsible for both the remediation -- cleanup -- of the PCB contamination, and the restoration of the natural resources harmed by PCBs. The State and Federal Hudson River Natural Resource Trustees are conducting a natural resource damage assessment (NRDA) and will seek to recover damages from GE to restore the natural resources of the Hudson River on behalf of the public.

PCBs released from GE facilities on the Upper Hudson River present a serious and long-term threat to the health of the entire Hudson River ecosystem. PCBs are highly toxic, cancer-causing compounds, and have contaminated the surface water, groundwater, sediments, and floodplain soils of the Hudson River. Living resources at every level of the Hudson's aquatic, terrestrial, and wetland based food chains are contaminated with PCBs.

GE's PCBs have significantly injured the public's natural resources for over 200 miles (from the Hudson Falls plant site to the Battery in New York City, and beyond). These injuries have occurred for decades, and may span the next half century or more following completion of the remedial dredging. The trustees are committed to the timely recovery and restoration of the Hudson River such that fish and wildlife can once again thrive and all people can fully enjoy the Hudson River and all that it offers.

The EPA's assessment of the effectiveness and protectiveness of the remedy has a connection to the Hudson River Natural Resource Trustees' damage assessment, particularly with respect to the amount of time it will take for the river to recover from decades of PCB contamination and the resulting determination of future injury to natural resources. As always, our comments on the remedy seek to maximize the effectiveness of the cleanup and habitat restoration and to reduce the time to full recovery.

We commend EPA for pursuing and implementing a remedy that included the removal of significant amounts of PCBs from the Hudson River. This active removal has reduced the amount of toxic PCBs in the river.

However, we continue to have overarching concerns, including:

1. Substantial quantities and very high levels of sediment PCB concentrations left behind will continue to contaminate and adversely impact natural resources, and the human use of those resources, resulting in ongoing injury and lost uses to the public.
2. Rates of recovery appear to be overestimated for PCBs in water, sediment, fish, and the PCB load traveling from the Upper Hudson River to the Lower Hudson River. These recovery rates and residual contamination drive EPA's determination of how long it will take for the public's natural resources to recover.

Given the highly contaminated residual sediments and the optimistic recovery rates, the remedy as implemented will likely not achieve the targeted reductions of PCB levels in sediments, water and fish tissue within the timeframes originally anticipated by EPA. Further, the magnitude of contamination remaining may limit the type and amount of in-river restoration options available to the trustees, particularly in the Upper Hudson River.

3. The extended timeline for recovery of the Hudson River highlights the importance of a robust and data-driven monitoring program. As we have commented previously, the Federal Trustees have concerns regarding the adequacy of the monitoring program to provide an appropriate baseline for evaluating recovery and how the public's natural resources, including the human use of those resources, will be adversely affected.

4. EPA notes in the Five Year Review Report that the remedial work in the Upper Hudson River will have little or no beneficial impact in the Lower Hudson River. This is in contrast to the ROD assumption that PCB loading from Upper Hudson to the Lower Hudson plays a major role in recovery of the Lower Hudson River. EPA appears to have rejected this major ROD assumption with little technical basis provided in the draft FYR report.

All four of these overarching concerns relate to the timing and extent of recovery of the river. Such recovery affects future injuries, and thus has a bearing on the trustees' need to pursue restoration to compensate for such injuries. Attached are additional technical comments from our membership on EPA's Second Five Year Review Team. Our aim in sharing this information is to provide EPA our best available science to help inform your decision-making regarding the effectiveness and protectiveness of the remedy.

We will continue to work with EPA to achieve our shared goal of successful recovery of the Hudson River from PCB contamination.

Sincerely,

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Thomas Brosnan  
Hudson River Case Manager  
National Oceanic and Atmospheric Administration