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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

PUBLIC MEETING

HUDSON RIVER PCBs SUPERFUND SITE  
NEW YORK  
RECORD OF DECISION

SHERATON HOTEL  
SARATOGA SPRINGS, NEW YORK

WEDNESDAY, FEBRUARY 13, 2002  
7:00 P.M.

PANEL MEMBERS

JANE KENNY  
RICHARD CASPE  
BONNIE BELLOW

1 MS. KENNY: Good evening. Thank you for coming out  
2 tonight, and my name is Jane Kenny, the Administrator for EPA  
3 Region 2.

4 As you know on February 1st, EPA Administrator Christie  
5 Whitman and I signed a Record of Decision finalizing our  
6 plans to remove PCB contaminated sediment from the Hudson  
7 River. (Applause.) And as Regional Administrator I will  
8 have chief responsibility for the Hudson River clean up.  
9 It's a huge task and probably the most important single  
10 aspect of my work for the next several years. I take this  
11 responsibility very seriously, and that's why I'm here and  
12 that's why I'm turning to you. I'm absolutely committed to  
13 public participation, especially as we move into the design  
14 phase of the project. Long before I came to EPA the agency  
15 was working to involve the community in a ten year assessment  
16 of river conditions and the fact that more than 70,000 people  
17 sent in written comments last year in response to our  
18 proposed clean up is really remarkable.

19 But now we need to do even more. Governor Whitman and I  
20 are committed to involving the public. I know there's a  
21 residue of mistrust and distrust about this process. That's  
22 unfortunate, but we are going to make every effort to  
23 overcome that. So tonight's meeting is an opportunity for  
24 EPA to explain this decision and for you to ask questions  
25 about the plan. With me are Rich Caspe and Bonnie Bellow who

1 will talk in more detail about it, and I also want to tell  
2 you we have made a huge commitment just by tonight because we  
3 have several of our finest EPA staff here to help answer  
4 anymore detailed questions or be here for that kind of  
5 support. And I would like to name them, and I would like  
6 them to stand because I think it is a show of our support:

7 Our technical staff is Mel Hauptman, Allison Hess, Doug  
8 Tomchuk and Marian Olsen. From our Regional Counsel, Paul  
9 Simon and Doug Fischer. From our communications staff, Mary  
10 Helen Cervantes and Mary Mears. And those are our EPA folks  
11 here.

12 From the Army Corps of Engineers we have Rich McCullum  
13 Garth Anderson. Could you stand?

14 Contractors here from Ecology and Environment from  
15 Malcolm Pirnie, and from TAMS. Do you want to show who you  
16 are?

17 And assisting in the development of the community  
18 involvement program which you will hear about in great detail  
19 from Bonnie is Morasco-Newton.

20 So let me start with some of the basics. EPA has been  
21 studying the problem of PCB contamination since 1984. During  
22 all this time the New York State Department of Health has  
23 posted fish advisories warning people to severely limit the  
24 amount of fish that they eat that comes from the river.  
25 During all this time commercial fishing in the Hudson has

1 been outlawed, and during all this time concerned citizens  
2 with many different points of view have made their voices  
3 heard. Citizens like you came to town meetings, more than 75  
4 meetings all together; citizens wrote letters, signed  
5 petitions, and sent e-mails by the tens of thousands.

6 To verify the work of EPA's own scientists we brought in  
7 outside experts during the 10 year reassessment. EPA  
8 arranged for five different independent peer reviews of our  
9 findings. The agency wanted to get this right, and with  
10 careful study and public input we did.

11 And just at this point I want to reiterate why we are  
12 undertaking this clean up. PCBs, plain and simple, are  
13 toxic. They enter the food chain through the organisms fish  
14 eat, and they can find their way into people and wildlife who  
15 eat these fish. PCBs cause cancer in laboratory animals and  
16 they are considered a probable cause of cancer in humans.  
17 But PCBs can also trigger other severe health effects, and as  
18 is so often the case with environmental hazards, children and  
19 pregnant women are the most vulnerable. These are serious  
20 life altering and potentially life threatening problems. And  
21 while the PCB levels in the fish is lower than it was 25  
22 years ago, it's still dangerously high. Nature alone can't  
23 take care of the problem.

24 This is not something we should leave for our children  
25 to deal with. That's why we have made the decision to target

1 areas of the river for dredging. I want to assure you that  
2 EPA will work closely with your communities as we map out the  
3 work plan during the design phase of this project. We will  
4 make certain it addresses your concerns about noise, air  
5 quality, traffic and other possible impacts on your daily  
6 lives.

7 I'm new to this job and I know you have lived with this  
8 issue for a long time. I want to help start a new chapter,  
9 one in which we can find ways to work together. As a first  
10 step we are pleased to announce a new office, a new Hudson  
11 River field office. And the director of that office -- we  
12 will open this the end of March, the director of that office  
13 will be N.G. Kaul. He is currently the director of the water  
14 division at the state DEC. He has a long history with this  
15 issue and is very familiar with the Hudson River. I look  
16 forward to working with you, to the people who live here and  
17 who love the Hudson River. This hasn't been an easy process  
18 and there are a lot of hard decisions ahead of all of us.  
19 But I really believe it can be a productive dialogue and a  
20 successful project that will be a proud legacy for our  
21 children, our grandchildren and for generations to come. So  
22 thank you for being here. Now I would like to introduce Rich  
23 Caspe who will briefly describe the Record of Decision. He  
24 will be followed by Bonnie Bellow who will outline the  
25 process we envision for developing a new community

1 involvement program. And we'll be glad to take your  
2 questions when the presentations are done.

3 MR. CASPE: I'd like to start off by going over the  
4 selected remedy. Then I'd like to talk briefly about the  
5 response to comments, and then I'll turn it over to Bonnie as  
6 Jane said with regard to the community involvement program  
7 throughout. Going back over the selected remedy of what was  
8 it or what it is. It's targeted dredging of hot spots  
9 throughout the 40 mile range which counts for 2,65 million  
10 cubic yards of dredging which would be removing 150,000  
11 pounds of PCBs from the 40 mile stretch which is roughly 65  
12 percent of the PCBs that are present in that stretch.  
13 Included also in that 2.65 million cubic yards is  
14 approximately 340,000 cubic yards of navigational dredging to  
15 make sure that the channel is open and to get contamination  
16 out of the channel where it exists. It's our expectation  
17 through that when we do dredge, we'll remove the  
18 contamination down to one part per million or less is what  
19 we'll leave in place.

20 The remedy also includes performance standards for air  
21 and noise, and it is a commitment to develop performance  
22 standards throughout the design for resuspension, production  
23 rates, and residuals after the dredging. Again, that one  
24 part per million issue.

25 The remedy also commits us to an independent external

1 peer review of the performance standards, of the monitoring  
2 program that will be developed in order to make sure those  
3 performance standards are met, and a peer review of the  
4 report which will be completed after the Phase 1 dredging  
5 which I'll explain shortly.

6 Remedy also includes siting of dewatering facilities or  
7 water based facilities rather than land based. Two phases of  
8 dredging are included. We have now included a first phase  
9 whereby we're going -- we'll do a lesser amount of dredging  
10 in the first year. And during that we'll test our  
11 procedures, make sure the performance standards can be met,  
12 monitor to insure the performance standards are met and issue  
13 a report, ultimately, that would indicate whether we were  
14 successful or not and make whatever changes as a result of  
15 that are appropriate in the next phase which will immediately  
16 follow the year after, which is Phase 2.

17 First phase would probably be, you know, somewhere in  
18 the vicinity -- we don't have exact amounts, but somewhere in  
19 the vicinity of maybe a 200,000, 300,000 cubic yard dredging  
20 job. The remainder of the 2.65 million cubic yards would  
21 occur over the following five years. Remedy includes  
22 backfill of dredged areas as appropriate with up to one foot  
23 of clean material. And when I say "as appropriate", there  
24 are two issues: One is we want to work with the natural  
25 resource trustees and others to insure that areas that might

1 be better left not backfilled with material are left that  
2 way. At the same time we want -- we certainly are not going  
3 to backfill within the channel.

4 Remedy also includes that the dredged materials and the  
5 backfill will all be moved by barge or rail. There will be  
6 no truck transport within the Hudson Valley. And the remedy  
7 lastly, you know, lastly includes monitoring institutional  
8 controls to insure that -- we monitor to make sure that what  
9 we wanted to accomplish is being accomplished; and as it is  
10 accomplished, institutional controls are relaxed. The  
11 institutional controls being fish consumption, advisories, so  
12 on and so forth. And throughout all of this it includes a  
13 commitment to develop and implement a new and improved  
14 community involvement program.

15 Now just as a refresher, if we go through the maps, the  
16 maps show the areas in the three sections of the river in the  
17 40 mile stretch. Red indicating where we would expect to be  
18 doing the dredging. Just running through those maps quickly,  
19 obviously the most intensive is in the Thompson Island Pool.  
20 Then the second most intensive would be within the area  
21 between the Thompson Island Dam and dam at Northumberland and  
22 then the last 29 miles being the least intensive dredging.

23 The remedy also although it does not include, it  
24 certainly recognizes the fact that a source control must also  
25 be accomplished at the General Electric Hudson Falls

1 facility, and that is progressing right now under, you know,  
2 under an agreement between New York State DEC and General  
3 Electric Company.

4 Just quickly, the next slot I'll just give you a  
5 refresher. Community concerns that were reflected in the  
6 December 2000 proposal that we started off with. There was  
7 no local landfill. We had the issue of navigation where we  
8 would make sure that the river was kept open to navigation  
9 throughout the process. And we had a commitment although not  
10 anywhere near as specific or as aggressive as the one that  
11 Jane just mentioned of public involvement throughout the  
12 design and construction.

13 We then opened the public comment period and we had many  
14 meetings. I saw many of you then. Responsiveness Summary is  
15 over a thousand pages long. It is three volumes. Response  
16 to the over 70,000 -- over 70,000 comments from over 90,000  
17 people actually. And it is available on our web site, and  
18 the web site is [www.EPA.gov/Hudson](http://www.EPA.gov/Hudson). It is available on that.  
19 There are limited hard copies available as well as copies on  
20 CD Rom, but the web site's clearly the easiest place to get  
21 it if you don't want to just lug around a lot of paper with  
22 you.

23 Changes that we made as a result of that response of  
24 this summary and the comments that we heard; changes that  
25 have been made since December 2000 include phasing of the

1 work; again, the concept of -- there was a lot of scepticism,  
2 you know, certainly raised. Well, you're saying you can do  
3 this. Can you really do it? How do you know it's going to  
4 work? So we added a phase to insure -- a first phase, to  
5 insure that it could be done to field test our activities,  
6 field test our assumptions, and hopefully as that worked,  
7 certainly relieve some of the scepticism that some people  
8 felt on whether we could actually accomplish what we said we  
9 could.

10 We added backfill by rail or barge. That backfill  
11 originally was around a million cubic yards of backfill we're  
12 talking about. We were going to move it by truck. We  
13 changed that to bring that in instead by rail or barge into  
14 the Hudson Valley. We added performance standards. Again,  
15 some of the two that have already been added for air and  
16 noise. And then the more difficult ones, if you want to say,  
17 with regard to whether can we really dredge at the speed we  
18 say we can dredge which would be production rates. Can we  
19 really dredge with the efficiency which we say we could which  
20 would be the resuspension rates as well as whether we can  
21 accomplish what we say we could which would be whether we  
22 can, in fact, collect the contamination from the bottom of  
23 the river the way we say we can which is the one part per  
24 million. So those performance standards are committed to  
25 with the expectation that they will be developed and made

1 available to the community for public input certainly, you  
2 know, as soon as possible, probably in the first year or so  
3 of the design.

4 We added peer review, peer review of the performance  
5 standards, peer review of the monitoring program on how you  
6 insure -- how you make sure those performance standards  
7 really have been accomplished and peer review of the report  
8 that ultimately will be released on whether Phase 1 was  
9 successful or not. We've now added a full time field office  
10 staff by a senior level employee which Jane mentioned  
11 earlier.

12 And we have added that we will look at water based  
13 siting of the dewatering facilities wherever we can to see  
14 whether there's any way that we can do that to minimize the  
15 amount of land that we require.

16 So we are kind of, here we are, we are beginning  
17 remedial design. What is that remedial design? What will it  
18 include? It's going to include lots of sampling and  
19 monitoring. As we go in and try to figure out -- we spoke  
20 earlier and people questioned how much are you going to  
21 dredge this particular spot, items like that. We didn't have  
22 the details. We said we would develop those details during  
23 the design, and now it's design. We have to go in and take a  
24 lot of cores in the river to insure that we know exactly  
25 where the dredging will be and won't be, and we can map that

1 out as far as the depth and as far as spatially as well. So  
2 we can go in and we can do what we have to. We have to start  
3 analysis and location of processing and transfer facilities.  
4 Where are the dewatering facilities going to be located? We  
5 have to look at that again, water based as well as land  
6 based. We have to start looking at sites in a little bit  
7 more detail and start narrowing down the search.

8 We have to select equipment. We have talked about  
9 hydraulic dredges. There's all different kinds of hydraulic  
10 dredges. We talked about mechanical dredges. There's  
11 actually different kinds of those as well. We have to start  
12 looking at the bottom, you know, looking at the material  
13 exactly the way it stands, and start looking at the equipment  
14 available and actually select what equipment it is we are  
15 going to use in different locations because in all likelihood  
16 it will vary in different locations.

17 Once we know the equipment we have to develop the  
18 performance standards and the monitoring program to surround  
19 that equipment with that so we can, in fact, you know, move  
20 forward with Phase 1. And we have to define what the Phase 1  
21 area is going to be. Where is this first phase dredging  
22 going to be? People ask, we don't know right now. We have  
23 not selected the first phase.

24 And during all of this, again, we have to develop and  
25 implement the new improved community involvement program.

1           So what's next? Well the schedule -- a little bit of a  
2           schedule, a little bit of a sense, from where I stand, on  
3           what you are going to see and where things are going to be.  
4           As Jane said, the ROD was issued on February 1st. We  
5           selected the design consultants on February 7th. Design  
6           consultants were selected through the Army Corp of Engineers.  
7           They are mission contractors. We selected a combination of  
8           Ecology and Environment Malcolm Pirnie and TAMS to do the  
9           work. We have to start a process of discussion with General  
10          Electric Company on performing the work, whether they will do  
11          the work, both the design and the construction. And we  
12          started that process on February 4th as we sent a special  
13          notice letter to them which starts the process of seeing  
14          whether they are willing to do the work and under what  
15          circumstances and whether we can come together to move  
16          forward with the work. By the end of March a field office  
17          will be developed. The field office -- some people often  
18          have asked, well what are you doing out in the field? I  
19          called New York City, nobody answered the phones, so on and  
20          so forth. Well the field office is going to be permanently  
21          staffed and it will be a place where, if you go on a Friday,  
22          you can certainly get a real good sense of what's going on in  
23          the field the following week. I mean, some things in the  
24          field will change. Obviously, you know sometimes there will  
25          be times it will be a little bit different, but it will be a

1 place you can go, I hope, to see a friendly face and, you  
2 know, get some information that you think is sufficient.  
3 That will happen before the end of the March.

4 That's also when we are going to start doing field  
5 visits, not necessarily the sampling, but field visits, you  
6 know, some of the preliminary work, people are going to be  
7 out starting to look around, starting to get their bearings  
8 together. And our guess is that by May 1st or thereabouts,  
9 field sampling, which is those cores, the river sediment  
10 cores I mentioned, as an example, this will start in earnest.  
11 There will be mobilization, there will be field teams, you  
12 know, actually starting to do the coring.

13 Ultimately where does all this take us? It takes us to  
14 the selection of construction contracts by some time  
15 around -- in the summer of 2004. That would allow us then  
16 time to construct dewatering facilities -- have the  
17 dewatering facilities in place, and for a dredging contractor  
18 to mobilize his equipment such that dredging can begin in the  
19 summer of 2005.

20 All of this kind of means, if you look at it, is that  
21 three years sounds like a long time until you start running  
22 back those three years to see just what it really equates to.  
23 And I can assure you three years is a short time. We all  
24 have a lot of work together, and I hope we can accomplish  
25 that together.

1           With that that is basically where we are and that's a  
2           sense of where we are going. To pick up on more detail on  
3           the community involvement program I would like to introduce  
4           Bonnie Bellow.

5           MS. BELLOW: Good evening. As you've just heard from  
6           Jane Kenny, and you've heard it from us in our press release,  
7           and you've heard it over the last weeks, we are committed to  
8           an open public process that will give affected communities  
9           and interested organizations and individuals a chance to  
10          really provide input on the critical issues related to this  
11          clean up plan. Our goal is to develop a community  
12          involvement program that will encourage real dialogue, and  
13          I'm talking about real dialogue. We want to sit down with  
14          you and really talk. We want to listen. We want to hear,  
15          and we also want you to hear us as well. And we'll address  
16          the many, many aspects of what is, as you know and you've  
17          heard from Rich, a very complex plan. I just want to take a  
18          few minutes to take you through how we're going to go about  
19          setting all of this in motion?

20          For starters, we have enlisted the assistance of Morasco  
21          Newton. They are an employee owned consulting firm with  
22          expertise in dispute resolution and crisis management. And  
23          they will serve as neutral facilitators. They will be there  
24          to guide all of us through this process as we develop the  
25          community involvement plan. And the Morasco Newton

1 facilitators are here, Kim Fletcher and Adam Diamond who you  
2 heard introduced before, and they're sitting on the side.  
3 They're here with us tonight.

4       The next step will be for them to reach out to you, and  
5 these public involvement specialists will conduct a series of  
6 interviews with key stakeholders. There are those of you who  
7 have been involved for many years in this process. And there  
8 are lots of you who through the last couple of years have  
9 come into the process new. You've learned a lot about the  
10 Hudson. We want to hear from you, and there are people who  
11 have obviously not come forward who are also very interested  
12 and came forward in the form of writing us written comments.

13       So the facilitators will be going out and touching base  
14 with you. They want to hear from you what your ideas are,  
15 what you think a community involvement plan should look like,  
16 how we get all of the people at the table that should be at  
17 the table so we can move forward from here with a group of  
18 people that are really representative of all the communities  
19 and all of the interests that all of you have in the Hudson  
20 River.

21       The community interviews will be confidential. And that  
22 means that you're going to sit down with people. They will  
23 collect those comments, and they will give them to us so we  
24 get a sense of what you're saying. But your names won't be  
25 attached to them so you can speak freely. The most important

1 for us now is to create a really meaningful dialogue, and we  
2 think this is the best way to do it by going about it with  
3 this first phase in which we are not there, and we are not at  
4 the table involved.

5 The next thing that will happen is the consultants will  
6 then convene a series of facilitated workshops that will be  
7 attended by those groups and people that they feel and  
8 recommend to us and have heard from you will represent the  
9 Hudson River community. And that's going to be a really hard  
10 piece of work. It's going to be intense. We hope to sit  
11 down together and really try to come up with a structure that  
12 we think will actually function through the design phase of  
13 the project and into the construction and clean up of the  
14 river. Because whatever we put together now, if we do a good  
15 job, it will make all of our jobs making that this project  
16 goes smoothly, sail forward in the future. And I feel very  
17 confident about this. I feel like especially having neutral  
18 facilitators it's going to enable us to really build on  
19 consensus and that's what we're looking for here. Bringing  
20 people together who may not have in the past agreed with each  
21 other and see if we can find a point of consensus.

22 The final step will be for that group to submit a  
23 proposal for a new plan. And that proposal will go out for  
24 general public comment to make sure that the largest number  
25 of people who are interested in this project have an

1 opportunity to see what the community involvement plan is  
2 going to look like and to comment on it. We will take public  
3 comments, and then we will finalize a plan that will guide us  
4 through the rest of the project. And as many of you know and  
5 you've heard from Rich about what we have to undertake here,  
6 we're on a tight timeframe. So we really are asking you to  
7 work closely with us. We need your help if we are going to  
8 get this done and get it done right. And as you've heard, we  
9 have commitments to meet. So over the next few months that's  
10 when the lion's share of this work will get started, and we  
11 hope to finish this up in about three, three-and-a-half  
12 months.

13 While we are developing this plan, there are, as you've  
14 heard from Rich, activities that will go on. And we are  
15 going to make every effort during this period while this  
16 parallel process is going on to keep you informed. You'll be  
17 able to touch base with people from EPA at the field offices,  
18 as you've now heard. We are also making available  
19 information much more regularly on our web site, and we've  
20 created a list serve which is essentially a free subscribe  
21 based e-mail. It's sort of a group of people who come  
22 together. You sign in and you get information from us, and  
23 we'll be getting more information out to you about that.  
24 And, of course, we will be holding public availability  
25 sessions, and we'll be getting written materials out to you.

1           So here we go. I feel like we have a real opportunity  
2 before us to work together, and I know it's going to take a  
3 lot of work. But I for one am ready to roll up our sleeves,  
4 and I hope you will roll up your sleeves with us and get  
5 started because I think we have a chance now to really work  
6 together and build something and go into the future in a  
7 positive way. And it's certainly a very exciting  
8 opportunity.

9           So what we are now going to do, we're going to open up  
10 the mikes for questions. If -- we're not doing this in a  
11 formal way, so you don't need to put your questions on cards.  
12 If you want to come up to the mikes, and we'll try to switch  
13 from mike to mike and, you know, a few people come up, you  
14 know, at a time. And then as they sit, others can come up.  
15 So feel free to ask your questions.

16           MRS. PULVER: Hi, I'm Merrilyn Pulver, Supervisor of the  
17 Town of Fort Edward. I'm not new to these meetings. I am  
18 the supervisor of the community that will be most  
19 dramatically effected by this project. I have several  
20 questions that I will need answered to protect the residence  
21 of my community. It's no secret that I have been opposed to  
22 this project for well over 20 years. I still remain  
23 adamantly opposed, but I also realize that as town supervisor  
24 I need to work with EPA in every instance to be sure that my  
25 community is protected.

1 EPA says that it will set enforceable performance  
2 standards. What does enforceable mean? Enforceable by whom?  
3 Will EPA stop the project if it does not meet those  
4 performance standards?

5 Shall I keep going or would you like to answer my  
6 questions as I go, one at time?

7 MS. BELLOW: Why don't we take them one at a time?

8 MR. CASPE: What was meant by enforceable was something  
9 that was real and substantive that EPA would be -- it would  
10 have to be something that EPA would have to respond to. That  
11 these were not simply standards that would disappear, if you  
12 want to say.

13 So the answer to your question is what happens if we  
14 can't meet the performance standards. It would be that, well  
15 we would look to see why we couldn't meet the standards, we  
16 would look to see if the standard was appropriate, whether it  
17 was a standard that should be appropriately changed or not,  
18 or whether the process should be appropriately changed or  
19 not. If the conclusion of those two things was that the  
20 standard is a proper standard, and it was the right standard  
21 to protect the river to insure that the cure is not worse  
22 than the disease, then the answer to your question would be  
23 yes. We could not correct it, the answer to your question  
24 would be that the project would have to stop.

25 MRS. PULVER: After the first phase of dredging EPA has

1 provided only six months for everyone to review the data,  
2 especially the data on resuspension, and to determine whether  
3 continuing the project as designed is justified. Is this  
4 enough time to redesign the dredging project if the data  
5 shows that the dredging is ineffective or unsafe?

6 MR. CASPE: Yes, it would be. Two things, first of all  
7 we are going to know some of the answers to whether the  
8 dredging is having problems, we are going to know that  
9 throughout the Phase 1 process itself. We felt that six  
10 months was enough time to review it, to analyze it, and to  
11 make any change as appropriate.

12 MRS. PULVER: And if for some reason you decide it  
13 isn't, then the project would be on hold until you could  
14 truly evaluate it?

15 MR. CASPE: Yeah, if for some reason, if we could not do  
16 the analysis we had to do in order to make sure, again, that  
17 what we were doing to solve the problem was creating a  
18 problem, the project would be on hold, yes.

19 MRS. PULVER: When will EPA select the site for its  
20 on-shore facilities? Will you notify a community that it is  
21 under consideration for a facility in advance? Will a  
22 community have veto power over the siting of an on-shore  
23 facility within its borders or directly adjoining its  
24 borders?

25 MR. CASPE: There will be -- first there will be some

1 preliminary looks at the area, at areas. I mean, we notify  
2 communities. Once we get down to a list of -- I don't mean  
3 get down to the final two or three. Once we get down to a  
4 list of what the real candidates are, at that stage of the  
5 game we will make that list available and certainly notify  
6 communities as well so people will know. As far as  
7 community's acceptance of the facility, we are hoping that as  
8 we have discussions with communities and with the owners of  
9 properties and discuss how we would use the property and how  
10 we would leave the property when all is done, that we would  
11 be able to find a community that would want to accept the  
12 site.

13 MRS. PULVER: And if no one accepts the site?

14 MR. CASPE: We will have to deal with that when we get  
15 to it.

16 MRS. PULVER: But we do have that opportunity to make  
17 that choice, the community has that right?

18 MR. CASPE: The community certainly has a right to pass  
19 resolutions. Whether those resolutions will be binding on  
20 EPA, I'm not saying. I'm saying that I would hope that we  
21 will find willing sellers and willing communities to accept  
22 these facilities. As we move down the path, I think we will  
23 have to address that, as we identify those sites exactly  
24 where they are, we will see where they are, and rather than  
25 speak about it in the abstract, I would rather deal with it

1 at that time.

2 MRS. PULVER: Will you permit local officials, the  
3 elected representatives of the people most directly effected  
4 by dredging, to select some of the independent experts who  
5 will be able to select those peer reviewers that will be  
6 looking at the performance standards? Will we have an  
7 opportunity to select some of those individuals?

8 MR. CASPE: The way we establish, the way we set up the  
9 peer review, these are independent people who have had no  
10 involvement, really, with any of the parties. Is there a  
11 possibility for input from community on who those independent  
12 parties who, you know, who they feel some independent parties  
13 might be, I think that's something that could occur. But,  
14 again these -- we are looking for independent experts. We  
15 are not looking for people who are, if you want to say, on  
16 one side of the issue or the other. We don't even select.  
17 The peer review is selected by a contractor that we ask to  
18 select in an independent, unbiased manner.

19 MRS. PULVER: And I'm sure you know the reason I ask  
20 that question because we have several concerns of the peer  
21 reviewers and how they were selected in the past.

22 MR. CASPE: I am unaware of any concerns.

23 MRS. PULVER: In the first phase of dredging, a pilot  
24 dredging project, will this be a pilot dredging project to  
25 see if this dredging will be effective and safe and the

1 impact that it will have on the community, or is it simply  
2 going to be the first segment of a project that will proceed  
3 whether or not the performance standards are met?

4 MR. CASPE: Okay. It's not a pilot. It is the first  
5 phase of an overall project. It is the first phase of a  
6 total project which is the complete dredging of 2.65 million  
7 cubic yards, but that is not to say if the first phase fails  
8 for some reason that cannot be corrected, that we are  
9 committed to going on to the second phase.

10 MRS. PULVER: Okay. I have two more. Will local  
11 elected officials have a meaningful voice in defining the  
12 size and scope of that first dredging?

13 MS. BELLOW: Well when you speak about a meaningful  
14 voice, that's exactly why we are creating a new community  
15 involvement plan. And obviously elected officials will play  
16 a very important role. And so we hope to get input from you  
17 and give you answers back, and we will have a formalized way  
18 of doing that.

19 MRS. PULVER: I'm taking you at your word that this  
20 community interaction process will be much more open than in  
21 the past.

22 Will you consider data on the Hudson River condition  
23 such as data showing the decline of PCB levels in fish in the  
24 design phase and in the dredging phases? Will you show that  
25 as it proceeds? Are we going to be able to see the results

1 of a continuing monitoring of the levels in the fish as you  
2 proceed forward with this design phase?

3 MR. CASPE: Yes.

4 MRS. PULVER: Thank you very much.

5 MR. CASPE: I think I was mesmerized. Those were a lot  
6 of questions.

7 MR. MATTHIS: You done good, really, you done good. I'm  
8 David Matthis. I'm a resident of the town of Saratoga. I  
9 live right on the river. I'm very happy to see the project  
10 progressing, very supportive of dredging. You may recall  
11 that the supporters of the dredging included labor unions.  
12 We're looking for jobs, looking to get some money into this  
13 area. We need a lot of economic help here. Just one thing  
14 I've noticed is that the first people you hired was a public  
15 relations firm out of Washington, D.C. We have public  
16 relations firms up here. It would be good to hire some up  
17 here.

18 The other comment I have, looking at the map -- I live  
19 right on the river. I recently had the mud tested right next  
20 to my dock where my kids have been playing, neighborhood kids  
21 have been playing. It came up 130 parts per million right  
22 next to the dock. It's over two and a half times what it  
23 would be to be a hazardous waste. If I want to take a  
24 shovelful of this mud away from my dock, I need to get a  
25 permit from DEC. Do you have any plans to expand this into

1 the flood plain?

2 MR. CASPE: We are -- do we have a plan to expand this?

3 MR. MATTHIS: Into the project.

4 MR. CASPE: What we've committed to, and it's laid out  
5 in the response to the summary to some degree is we have  
6 committed to do an assessment of the flood plains to see just  
7 whether there's a need for a major expansion into the flood  
8 plains. So we will be doing some -- we will be doing an  
9 assessment and analysis to determine just how serious the  
10 problem is in the flood plains. And then based upon what we  
11 find there -- we are still hopeful we'll find a very small  
12 problem, and the answer to your question would be no. But if  
13 we find a problem and the problem has to be resolved, and the  
14 answer is going to be yes. So we don't know. We're going to  
15 start that assessment during this period.

16 MR. MATTHIS: In the meantime what do you suggest I do  
17 with the dock? It's two and a half times what it would be to  
18 be a hazardous waste.

19 MR. CASPE: I think that's a discussion at least  
20 initially you should have with New York State DEC.

21 MR. MATTHIS: Thank you.

22 MR. MAIR: Yes, Aaron Mair, President of the Sierra  
23 Club, Atlantic Chapter. I was born and raised in the Hudson  
24 River Valley. In fact, I learned to fish in the Hudson  
25 River, and I also learned to swim in the Hudson River. While

1 I don't speak for the majority of the people in the community  
2 that lives up here, I do represent and do reflect the  
3 majority of the communities of color that are down river and  
4 downstream. And I want to make sure as part of this  
5 community involvement process that you include residents from  
6 the other 80 percent of the river that are not at least a  
7 part of the site where the active dredging will be occurring.

8 More importantly, not just assuring and insuring that  
9 the stakeholders up river are the exclusive and only body  
10 that make this decision for the final plan, that you include  
11 the whole river and the populations impacted within the  
12 river. Specifically, I'm deathly concerned about the comment  
13 if you're working on a ten year reassessment of river  
14 conditions, and that you're (a) putting together a body  
15 that's going to be, as they say, you know, the plan that is  
16 representative of the river community, then you need to do  
17 one of two things. Either caveat that and say it is the 40  
18 mile area that you're considering. Or if you're saying this  
19 is going to categorize the entire Hudson River, you must do a  
20 little bit more extensive outreach with regards to the other  
21 impacted communities.

22 I have also a concern with the press release on the rear  
23 page. It's not only that PCBs bio-accumulate in fish, but it  
24 also should state that it bio-accumulates in human beings  
25 that consume the fish, subsistence fish -- or low income

1 fishermen within the river. And more importantly I think  
2 that you should make sure that all communities and all  
3 experiences are represented. I agree with Merrillyn who wants  
4 to make sure that politicians in the upper river should be  
5 represented, but I think all river communities should be  
6 represented. There's no one most affected community. All  
7 people who live with the Hudson River Valley who interact  
8 with this river are the most affected. I don't want to get  
9 into the inconclusion of who's most important and who's least  
10 important. Again, I have no stock or no financial interest  
11 in anybody or any outcome. But what I do have a concern is  
12 the condition of the river as it relates to many low income  
13 people who depend upon the river. So to that extent that  
14 your CIP or community involvement plan includes all people, I  
15 think that that is important.

16 As to the issue of your field office, will this be an  
17 office that is accessible by the average low income  
18 community, or is that going to be exclusively for the upper  
19 river communities?

20 MS. KENNY: We are now -- obviously there is an area  
21 that will be -- I have to make sure you understand the field  
22 office is something we're doing right away. We're opening  
23 this office at the end of March.

24 MR. MAIR: Where?

25 MS. KENNY: We are looking in an area somewhere in this

1 40 mile area that is easily accessible by mass transit or  
2 car.

3 MR. MAIR: But it's primarily accessible to the upper  
4 river community. I just want you to be specific when you do  
5 this layout.

6 MS. KENNY: Well, obviously because we will be in New  
7 York City and working very closely with this field office, we  
8 want to make sure that it's accessible to everyone. We will  
9 probably be taking a lot of trips back and forth ourselves.  
10 We want to make sure that it's a place that people can get to  
11 easily, walk off the street, come off the train, come out of  
12 their car, whatever. We have to think in those terms that it  
13 is something that will be accessible to the people in this 40  
14 mile area, but also accessible to people down river as well  
15 as to us who are -- who have our offices headquartered in New  
16 York City so we can communicate effectively.

17 The most important thing is for someone to be on the  
18 ground here available to the people that have the questions  
19 right away. Now as we go forward and begin the actual  
20 construction work, there will be, you know, other locations  
21 that, you know, more mobility, just to make sure that we can  
22 respond locally as well. But this is something that we're  
23 doing primarily in the area where the people are along the 40  
24 mile stretch where the dredging will occur.

25 MR. MAIR: Okay, but I do want to underscore then the

1 people who are also concerned, whether they be in Yonkers,  
2 Beacon, Rye, Nyack or any of those other communities will  
3 have a little bit of difficulty in getting there. But I just  
4 want to basically make it clear because what happens when  
5 this language goes up nationally and around the state,  
6 there's a perception that the average low income residents,  
7 be they minority or not, have ready access. And I want it to  
8 be clear that that is not the case, that this is something  
9 that will advantage, you know, we're the community where the  
10 dredging, and that's okay. But I want you to be honest in  
11 stating that up front.

12 MS. KENNY: Well, I am being honest because I'm saying  
13 that I believe that within the 40 mile radius of where the  
14 dredging will occur there was a need for an additional field  
15 presence. We also have our offices in New York City where  
16 people will be available for questions and sort of contact by  
17 computer or telephone, etcetera. But the people that are  
18 going to be experiencing, you know, the fabric of their lives  
19 changing every day --

20 MR. MAIR: The fabric of the lives of many low income  
21 people who live and subsist off the river have already  
22 changed, and let me say this, that 80 percent --

23 MS. KENNY: That's why we're doing this.

24 MR. MAIR: Another thing is where will these --

25 MR. CASPE: Can I just go back? I would suggest also,

1 Aaron, and we're not shy, I mean, Doug and Alison certainly  
2 love to travel. And if there are requests from Beacon or  
3 Poughkeepsie or any place else, we've gone to those places  
4 before, and, you know, we certainly can go again as well as  
5 our field office person is someone who we're going to give a  
6 car.

7 MR. MAIR: Fantastic, but I want to make sure that  
8 they're as important as Merrillyn's people. The other issue I  
9 want to make sure is making sure that as you're bending over  
10 backwards not to spill one ounce of spoils in this community,  
11 that the -- where you plan to deposit it, it does not (a) end  
12 up in another low income community or in a Native American  
13 reservation. I mean, is that one of the assurances, or where  
14 is the stuff going to be deposited?

15 MR. CASPE: The material will be deposited -- it will be  
16 bid. We will ultimately probably advertise for bids, and it  
17 will be deposited in a licensed acceptable facility that is  
18 acceptable for that product that is taking a product like it  
19 or worse on a regular basis.

20 MR. MAIR: Understood, but sometimes these facilities  
21 tend to be sited into -- in or near EJ communities or in or  
22 on Native American reservations. And I want you to go the  
23 extra mile and yard to make sure that at the back end you're  
24 not doing any adverse harm to low income or Native American  
25 populations as you're trying to avoid a spill within this

1 community. So I just want to make sure you consider that.

2 MS. KENNY: We'll consider those comments. Thank you.

3 MR. MAIR: Thank you.

4 MR. LAWLOR: Thank you, Ms. Kenny, and thank you for  
5 coming up here tonight and bringing your staff and your  
6 experts. It is a change of pace and a pleasant change of  
7 pace at that to have a question asked and a question  
8 answered. So we deeply appreciate that.

9 My name is Jack Lawlor and I'm the town supervisor for  
10 the Town of Waterford.

11 Just to piggyback on Aaron Mair's comments, I hope that  
12 when we talk about the importance of some of these other  
13 communities about not despoiling native reservations,  
14 etcetera, you give the same consideration to the hundreds of  
15 thousands of acres of dairy farm land and other farm land  
16 that exists right now along the river. Let's try to keep  
17 them from being spoiled as you perform this project.

18 My first question is I notice you are taking -- a  
19 stenographer here is taking verbatim -- I assume verbatim  
20 notes. How would the general public get a copy of that?

21 MS. BELLOW: We are going to have them transcribed, and  
22 they will be available.

23 One of the things that we want to do since we are  
24 listening to you, this is a way of capturing information from  
25 you, and even though this is not a formal hearing, a formal

1 commentary, not a plan, it's an opportunity for us to hear  
2 from you and also to capture the names for mailing lists so  
3 that we can move forward. We are trying to be as inclusive  
4 as we can as we go forward in this process.

5 MR. LAWLOR: I appreciate that, but, again, how would we  
6 get a copy of this other than you are going to make it  
7 available? Is it available on a web site, do we ask for it?  
8 What specifically would we do to get a copy of this?

9 MS. KENNY: Web site, yes, we will make it available on  
10 the website.

11 MR. LAWLOR: As far as wanting to hear from us, frankly,  
12 you have been hearing from me for about three years, and it's  
13 good, as I said earlier, to finally hear an echo back.

14 My questions are, the Town of Waterford provides  
15 drinking water to approximately 25,000 people from the Hudson  
16 River. For the last three years I have asked EPA, DEC and  
17 anybody else who I thought might give me a cogent answer to  
18 explain to me how they were going to insure my community's  
19 quality of drinking water during this process, whether it be  
20 the initial phase or in the more advanced dredging that's  
21 going to take place. Specifically what kind of monitoring  
22 are you going to do? If you come to the conclusion that PCBs  
23 are, in fact, toxic as you stated earlier and I won't argue  
24 the science of that, I'm sure you are much more advanced in  
25 that than I am, but my community has been taking drinking

1 water out of the Hudson River for the last 100 years. We  
2 intend to continue to do so, but we would like to know what  
3 the impact is going to be on our community from your  
4 dredging, particularly in terms of resuspension. I noticed  
5 that one of the criteria that you said -- you mentioned some  
6 criteria that were going to be established and some  
7 parameters that were going to be set. One of them was not,  
8 unless I missed it, resuspension of PCBs. That's a critical  
9 issue to those of us who use the river for water, for those  
10 of us who use the water for recreation.

11 So I guess before I go on to the rest of those issues,  
12 what are you going to do to keep my drinking water safe? How  
13 are you going to monitor it? How are you going to inform us?  
14 And if it's not safe, what are you going to do about it?

15 MR. CASPE: Actually I think I mentioned resuspension  
16 when I was talking. What I didn't mention, what I forgot to  
17 mention, is that EPA will develop a public health and safety  
18 plan with all the communities in the upper Hudson River,  
19 people who are concerned about the water supply, the lower  
20 Hudson River as well as far as any discharges to make sure  
21 that everybody is comfortable that we will work with you. We  
22 will show you what we are doing, and we will take your  
23 comment on that, and, you know, I think provide assurance  
24 that what we are doing won't create problems for your water  
25 supply.

1 MR. LAWLOR: And if it does, will EPA assume the  
2 economic burden of that?

3 MR. CASPE: We will insure that it won't.

4 MR. LAWLOR: Then as you are standing here tonight, you  
5 are guaranteeing me that it won't?

6 MR. CASPE: We will develop a plan that will guarantee  
7 that it won't. We will guarantee as well as we can guarantee  
8 in this world.

9 MR. LAWLOR: Well okay, that's great. That I definitely  
10 want to get you to pay for. You have just given me your  
11 guarantee, and I will take you as a man of your word. I have  
12 no problem with that at all.

13 My next question was the communities are going to be  
14 effected. Earlier Supervisor Pulver commented that she feels  
15 it's important that the officials, the elected officials, and  
16 they may change over the next five years as you move forward  
17 with this plan, but certainly whoever those officials are I  
18 would just like to add my strongest endorsement to her  
19 comments. Saratoga County, the county that I reside in, was  
20 uniformly unanimously opposed to this dredging. We realize  
21 that that battle is over with, but we intend to be active  
22 participants in this as it moves forward, and we would like  
23 to be active participants in your program. So I'm asking you  
24 tonight to make sure that you include Saratoga County  
25 officials and all the officials along the river as you move

1 forward with your communications plan.

2 MR. CASPE: Bonnie, do you want to just go back and  
3 clarify? There was one issue that Aaron raised about the  
4 lower Hudson communities being involved in the community  
5 involvement program development.

6 MS. BELLOW: Yes, I just -- I did want to say that in  
7 looking at those people who have an interest, we don't view  
8 those people as having an interest as only those who are  
9 directly impacted on a day-to-day basis up here. Obviously  
10 this is an historic river. It flows a very, very long  
11 distance, and it has an impact on many, many people's lives.  
12 And we fully intend to bring people into the process along  
13 with the people who live up here that do not live right in  
14 these communities. So we are going to try and create a real  
15 balance in the community involvement development.

16 MR. COOKE: Good evening, my name is William Cooke. I'm  
17 the Director of Government Relations for Audubon in New York  
18 State. I'm also a vegetable farmer. I want to -- I really  
19 appreciate the fact that Administrator Whitman had the  
20 courage to sign the Record of Decision. I certainly want to  
21 applaud the EPA for bringing N.G. on. I think that was an  
22 excellent decision; and if that's a sign of how it's going to  
23 go, I think it's going to go better than any of us had hoped  
24 for. I also want to certainly thank Governor Pataki for his  
25 personal intervention to insure that the ROD was signed. But

1 before I ask my few short questions, I also want to thank the  
2 Sierra Club for the work they've done because, frankly, I  
3 don't think we would have been here without them.

4 My questions are simply: Will the proposed clean up  
5 target PCB contamination in flood plains, or is that beyond  
6 the scope of the clean up?

7 MR. CASPE: That's beyond the scope of this clean up.  
8 We will be doing an assessment. As we do this design, we  
9 will also be doing on a separate -- on a parallel track we'll  
10 be doing an assessment of the flood plains.

11 MR. COOKE: Are there any incentives, or do you expect  
12 to develop any incentives for doing this clean up faster and  
13 more efficiently given that time is significant in the amount  
14 of PCBs that flow over the Troy dam?

15 MR. CASPE: I don't think we have gotten to that point  
16 in the design, quite frankly, but it certainly would be  
17 something to consider doing, yes.

18 MR. COOKE: Given the historical positioning of the  
19 General Electric Corporation, do you folks have any reason to  
20 believe that they may actually change their corporate  
21 attitude and stop whining and start helping? (Applause)

22 MS. KENNY: I'll answer that since I'm new to this  
23 practice and I am an optimist, and I feel that we can only  
24 gain by keeping an open mind. So far I feel the response  
25 from GE has been fair, and I think, you know, at this point

1 from the time we signed the ROD, it's been a few short weeks,  
2 and I feel like we should give GE every opportunity to come  
3 forth and be an active participant in this process.

4 MR. COOKE: Thank you very much.

5 MS. KENNY: Thank you.

6 MR. CAIMANO: My name is Nick Caimano and I represent  
7 Congressman Sweeney. First of all, Jane, I wanted to  
8 personally thank you for your opening remarks. I thought  
9 they set the tone. I thought they were honest and heartfelt,  
10 and we are hopeful that they will prove fruitful.

11 MS. KENNY: Thank you.

12 THE COURT: I just want to repeat what John has said and  
13 that is that, as everybody else has said politically, the  
14 battle is over now, but the onus is on you. You have gotten  
15 what you wanted and now it's on you, and obviously, you know,  
16 as we all know, it has to be done right.

17 I just want to read one part of your ROD as an emphasis.  
18 And that is that:

19 "In addition during remedial design phase EPA will  
20 develop other performance standards with input from the  
21 public and in consultation with the state, federal and  
22 natural resource trustees. These standards will address but  
23 may not be limited to dredging resuspension production rates,  
24 PCB residuals after dredging, PCB air emissions, and  
25 community impacts, that is odor."

1           That paragraph is a mighty strong and broad paragraph  
2           and we are hopeful that you are able. I don't know if you  
3           are going to be able to live up to that.

4           One last thing, we were constantly interested for  
5           obvious reasons in alternative methods for remediation.  
6           Governor Whitman promised to look at all potential means. We  
7           know she and her department will keep that promise.

8           Thank you very much.

9           MR. HAVENS: Good evening, ladies. As an introduction,  
10          Ms. Kenny, Ms. Bellow, my name is Tim Havens, Sr. I'm the  
11          President of CEASE, Citizen Environmentalists Against Sludge  
12          Encapsulation. I became the president of CEASE, which is a  
13          volunteer citizens group that was formed to fight DEC's  
14          proposed dredging of the river, when I was a senior in high  
15          school. It was a title I got to shed for a few years, but  
16          when the heat came back on I once again took control of this  
17          organization.

18          We are an unpaid group of community people that have  
19          strong ties to the river and to the communities that line the  
20          river on either side in the area where the proposed dredging  
21          is to take place.

22          I am disappointed that Governor Whitman signed the  
23          Record the Decision. We had hopes that possibly we could get  
24          alternative remedial actions studied and maybe another answer  
25          that wouldn't be quite as threatening to our community.

1           Unfortunately that isn't the case, and I am here tonight  
2           to let you know that our organization is looking for a seat  
3           at the table. We want to be a party to everything as we have  
4           been so far. We want to make sure we are kept apprised of  
5           all developments, that we are given a seat in your community  
6           interaction programs, we receive all mailings, e-mails,  
7           whatever. And I would like to know what I need to do to be  
8           assured that we will have that.

9           MS. KENNY: I just -- we both want to assure you that  
10          you would be, and we obviously are having a very wide  
11          reaching community involvement program. We have people  
12          taking notes here tonight, and you will certainly be apprised  
13          of everything as it unfolds and we expect you to be at the  
14          table.

15          MR. HAVENS: We very much appreciate that. I represent  
16          many thousands of residents in our communities who have very  
17          strong concerns with regards to the dredging of the river.  
18          These are people who have entrusted their thoughts with  
19          myself and with the other leaders in our organization to make  
20          sure that their voice is heard. Some of them are older  
21          people, some of them are people who have lived on the river  
22          for years and years and just don't think you can fight city  
23          hall. We, the younger regime, have proved time and time  
24          again that you can. We are not fighting to fight. We are  
25          not an organization that fights everything every time anybody

1 wants to do something like so many environmental groups do.  
2 We are an organization that just wants to protect our  
3 community.

4 Mr. Mair mentioned that he wants to make sure that  
5 things aren't perpetrated on low income communities. He can  
6 be sure that the community I come from is a low income  
7 community. Many of the other communities along the river  
8 also are low income communities. They may not be mostly  
9 inhabited by people of color or Indian descent, but they are  
10 people that work hard for a living and have had hard times  
11 fall on them due to industrial closings and things like that.  
12 They don't want to see the value of their homes destroyed or  
13 the property values or the tax base that supports their  
14 school district through this project. So we ask for you to  
15 protect our communities as very best you can.

16 I implore you, Administrator Kenny, to please locate the  
17 field office in either Fort Edward or one of the other river  
18 side communities where the majority of the dredging is going  
19 to occur.

20 I further ask that it be staffed as many hours a day and  
21 as many months of the year by a live person to answer the  
22 phone and answer the door as the dredging is going on so if  
23 the dredging is still going to go on 19 hours a day, make  
24 sure that office is staffed 19 hours a day. So that if the  
25 stench becomes unbearable for a family along the river who

1 can't keep their windows open on a hot July evening they have  
2 someone to call and vent their frustration to. I know that  
3 may seem like to be an unreasonable request, but for small  
4 people from a small town it would mean a big thing that the  
5 government really was there to listen. You have made it  
6 clear that this is a new slate, it's an open and transparent  
7 process, you do care what we have to say. So at 3:00 a.m.  
8 when our children can't breathe because the house is all  
9 stuffed up with stinking sludge we would like to have someone  
10 to call.

11 In closing I have to ask you, Mr. Caspe, in response to  
12 your discussion with Supervisor Pulver, you said that you did  
13 not know if town resolutions against sludge processing  
14 facilities would be binding on the EPA. But I just want to  
15 remind you that at the public hearing in Hudson Falls you  
16 said that all facilities would abide with local zoning and  
17 land use regulations. Has that changed?

18 MR. CASPE: Has that changed? No, but my response at  
19 that meeting may have been a bit premature in that the  
20 concept of everybody perhaps issuing -- developing  
21 resolutions that would say that the dredging facilities could  
22 not be located there would preclude it from going anywhere,  
23 obviously. That's an issue. So the answer is yes that  
24 probably has changed.

25 MR. HAVENS: That's unfortunate because that would mean

1 that if a community opposes that you would take land through  
2 eminent domain which, of course, is an unfortunate way to  
3 have to go about siting these facilities.

4 MR. CASPE: Right but you are getting to a, I guess, you  
5 are getting to an end game that we may never have to get to.  
6 We still believe and hope, certainly, that as we site  
7 facilities, as we talk about these things, we will find a  
8 willing seller and a willing community who will look at this  
9 and see the benefits to my community are significant and I  
10 will take it for that reason.

11 MR. HAVENS: Will there be a host community benefit  
12 package proposed by the EPA, or do you think people are just  
13 going to willingly welcome a sludge processing facility?

14 MR. CASPE: I think people will look at what we are  
15 willing to pay for a facility, and what kind of improvements  
16 we might make for that property, both during when it was  
17 active as well as what benefits we might leave once the  
18 facilities was ended, when the operation was complete. And I  
19 think you might find there would be communities that would  
20 look at that stage and say yes this is a very positive thing  
21 for our community.

22 MR. HAVENS: Well in closing I would like to say that  
23 the completion of this project is going to be very  
24 interesting, and I do look forward to having a CEASE seat on  
25 the community interaction program, and you said you would be

1 open and forthright with the way this was conducted.

2 Thank you.

3 MR. KOEBBEMAN: Bill Koebbeman. I'm from Malta, New  
4 York. I want to thank you for listening to the scientific  
5 evidence and determining that dredging is required and  
6 listening to the public comment. And your community  
7 involvement program sounds like you will continue to do that.  
8 I'm very pleased with that. I would like to comment that I  
9 don't think local politicians are necessarily qualified to  
10 determine who the peer group should be. In fact, I think  
11 that in some cases their bias would disqualify them from  
12 doing that. So I think we should continue to listen to the  
13 scientific evidence and take that approach as opposed to a  
14 political approach.

15 I do have a question in terms of the performance  
16 requirements. I'm concerned that GE once they do get  
17 involved will dominate the establishment of those performance  
18 requirements, and I would like to understand better how you  
19 will present that in a balanced way. Thank you.

20 MR. CASPE: Sure. The performance standards will -- it  
21 certainly is a high probability that performance standards  
22 would be something that EPA would remain responsible for the  
23 development of, number one. So that EPA would, in fact, be  
24 the lead; and these are the core of the projects so certainly  
25 we expect that development of performance standards is

1 something that EPA will be doing.

2 If on the other hand for some reason there was -- you  
3 know, we looked at it and there was some type of  
4 understanding, you know, at the very least we would be very,  
5 very, very heavily involved in the development of those  
6 performance standards even if somebody else would leave.

7 MR. KOEBBEMAN: Is there a mechanism for the public and  
8 other groups to be involved in that?

9 MR. CASPE: As we put them together, we plan on getting  
10 the public involved, yes.

11 MR. KOEBBEMAN: Okay, thank you.

12 MR. CASPE: Yes, that will be part of this overall  
13 community involvement program.

14 MS. SCHMIDT-DEAN: Okay, Rich, I'm Judy Schmidt-Dean;  
15 and I'm no stranger to most of the staff. Mary and Bonnie,  
16 it's nice to meet you because we've spoken on the phone.  
17 And, Jane, how do you do. You can imagine I came here  
18 tonight wondering about the community program that you were  
19 going to set up. And I'm a little surprised and maybe more  
20 curious. Being, you don't even know this, a trained and  
21 experienced mediator, I find it interesting that your public  
22 relations is tackling this from a mediation community dispute  
23 resolution type of place. Now knowing about dispute  
24 resolution, in eight months you cannot -- if I understood you  
25 right, come to a consensus with what you view as the

1 consensus, will I then, as a major stakeholder, not be  
2 invited to participate? I mean, if you're looking for a  
3 consensus and agreement which is what dispute resolution is,  
4 and you're tackling this as mediators, this is a world I  
5 know. And, frankly, I never thought in the last ten years,  
6 twelve years that any of my skills as a mediator were going  
7 to be involved in something like this. But if this is what  
8 you're going to base our involvement with, if we can come to  
9 a consensus and only if we can come to a consensus, I --

10 MS. BELLOW: Maybe it's just a sort of misunderstanding  
11 of words. The reason we've turned to outside people was  
12 there has been over the last, particularly over the last few  
13 years and obviously over the course of this project, a lot of  
14 mistrust that has built up. We felt that if we started out  
15 with people who were skilled facilitators and neutral, and I  
16 would say that the emphasis is on really neutral facilitation  
17 more than crisis intervention or mediation.

18 MS. SCHMIDT-DEAN: Which is what mediation is. I know  
19 that, yes.

20 MS. BELLOW: Right, because that's really -- I mean,  
21 obviously we're not negotiating a settlement, you know, a  
22 peace negotiation, here in a war. You know, we're looking to  
23 bring people together to make sure everybody is at the table  
24 so that we can really talk. And the first goal before us is  
25 to literally create a structure for a program. So that it

1 seems to me that even though there might be differences of  
2 opinion, that that's something on which a group of people  
3 could come to some arrangement about. What should it look  
4 like, what would a program be that brings people into it?  
5 What's a program that allows us to address some of these  
6 issues that Rich and Jane have been talking about --  
7 performance standards, siting. And have it not be us  
8 imposing on you. We're going to have a steering committee  
9 and five subgroups, and they're going to be chairs, and  
10 they're going to meet two times a month. All of that so that  
11 it will emerge more from what the needs of the communities  
12 are.

13 MS. SCHMIDT-DEAN: So you're looking for a consensus not  
14 of issues but of process?

15 MS. BELLOW: The first step is to develop the process.

16 MS. SCHMIDT-DEAN: But all this time the engineering and  
17 the studies and all that is going to be going on, I can't  
18 imagine. This is an enormous task.

19 MS. BELLOW: We're only talking about --

20 MS. SCHMIDT-DEAN: I mean, this plan of interviewing and  
21 everything -- this is going to take time. A year from now if  
22 we just start this community interaction program, it's going  
23 to be too late. And I'm just worried that in the end we're  
24 going to be doing something in the margins, and we're not  
25 going to be in there.

1 MS. BELLOW: Our intention is to have this up and  
2 running by early summer, by June.

3 MS. SCHMIDT-DEAN: The whole program?

4 MS. BELLOW: Yes.

5 MS. SCHMIDT-DEAN: Thank you.

6 MR. RYAN: My name is Tom Ryan. I represent the State  
7 Council on Waterways. Administrator Kenny, welcome. I think  
8 it's commendable the responsiveness of you and your  
9 associates to the concerns raised.

10 Our issue is primarily focused on the navigation  
11 channels. Our organization was formed in 1986 primarily as a  
12 private group to support the revitalization of state  
13 waterways, particularly the canal system.

14 Can you say what percentage or estimate what percentage  
15 of the navigational channel will be dredged under your  
16 current proposal?

17 MR. CASPE: I can't tell you aerially. I don't know  
18 whether any of us can. I can tell you that the dredging --  
19 we are dredging around 341,000 cubic yards from the  
20 navigational channels, and the total dredging is something  
21 like 2.65 million cubic yards and that percentage comes out  
22 to something like 13% or something like that. But do we have  
23 a spatial number on that, Doug?

24 MR. TOMCHUK: Actually there are people here who have  
25 the exact numbers, but I was under the impression it was a

1 little over half of the overall estimate of the cubic yards  
2 of material in the canal system, in the Champlain canal  
3 system, that needs to be dredged according to the Canal  
4 Corporation. We are looking at the materials that are  
5 necessary to implement the remedy for contaminated materials  
6 not just to do the navigational dredging of the canal system.

7 MR. RYAN: Around half?

8 MR. CASPE: So about half?

9 MR. TOMCHUK: That's my understanding.

10 MR. CASPE: We got a nod from Ed, okay. Around half.

11 MR. RYAN: I appreciate that and we look forward to the  
12 public process as well because we view that as a very  
13 important outcome here that hopefully as this progresses and  
14 as you determine what the plan is going to be, that you would  
15 take into consideration the fact that there are places along  
16 the system that is silted in because of the fact that the  
17 state has been largely unable to dredge for the last 28 years  
18 or so to a depth of four or five feet where it should be 15,  
19 and we are just concerned that we don't lose the waterway  
20 before this project has an opportunity to fulfill it's  
21 promise in terms of the PCB contamination.

22 Thank you very much.

23 DR. WEISS-BARTCZAK: I'm Dr. Andi Weiss-Bartczak. I am  
24 a toxicologist. I live in Catskill in private practice. I  
25 came up here on my birthday because I think it's very

1 important that those of us who are down river from the  
2 heaviest contamination also are remembered, as Aaron Mair and  
3 others have talked about. Catskill is about 30 or 40 miles  
4 south of Albany and it's one of those points that are always  
5 on the surveys of contaminated fish. Every time I walk over  
6 the bridge over the Catskill Creek and see children fishing  
7 in the creek, and I assume eating their fish, I cringe as a  
8 toxicologist.

9 Greene County is a poor county. Catskill is a not very  
10 prosperous area. So we are some of the people probably who  
11 are eating the fish from the river and the creek which is a  
12 tidal creek so that the PCBs come into the creek as well.

13 So I also want to reiterate not to forget us although we  
14 will not be there to see the dredging, we will be down river  
15 to see the results of it because we do get the contaminated  
16 fish, the contaminated sediment, the contaminated air and the  
17 contaminated water past us as it heads toward the New  
18 York-New Jersey harbor area.

19 So we also need to have people from down river who are  
20 there to remind you of how the benefits will flow down stream  
21 as well as help the people right here to improve their  
22 economy if they've gotten rid of the PCB contamination.

23 So I want to thank the EPA for getting started on this  
24 problem. I have only lived here for five years so my entire  
25 time here, when I look at the river as a toxicologist, what I

1 see are PCBs and I would like to go back to thinking about,  
2 do I want to fish and eat the fish, which I can't do now.

3 MR. BRADLEY: Good evening. I'm Bill Bradley. I'm a  
4 retired chemical engineer that gets involved in a lot of  
5 nuisance things. My wife would give me hell if she was here  
6 tonight. I'm in perfect sympathies with Merrilyn, but I  
7 would like to delve into an area that for whatever reason  
8 other than the law only requires identification of one to say  
9 you're the PCB bad person. Well, in my era of working as a  
10 chemical engineer up and down this Hudson River, north of the  
11 Fort dam there's somewhere like 50 companies blocked PCBs as  
12 transformers. Paper mills used them to keep bacteria from  
13 growing, etcetera, etcetera. No one's ever mentioned. Now I  
14 know the law says you only need to identify General Electric,  
15 but I think the public has a perfect right to know who were  
16 other contributors. And Monsanto published that. I know one  
17 of the gentlemen in DEC has that list. I would hope you  
18 would look at it.

19 Now let's look at another thing, the gentleman from  
20 Sierra. There has been I know of one period of time a  
21 certain water treatment plant below the Fort dam was putting  
22 250 pounds a day of PCBs into the lower river. One fellow  
23 says, well, we don't do that anymore unless it's demanded of  
24 us because of the drinking water downstream. Have your  
25 chemist study what happens when you break point chlorinate

1 organic sludge. And the other thing -- this continues all  
2 the way down the river for many other things. Ask Governor  
3 Whitman. Her Raritan River probably puts as much PCBs each  
4 day into the harbor as anybody else. She was promoting a  
5 method of handling the dredgings there. It has never  
6 happened yet, but it has gone through the development stages.  
7 And the beautiful thing about it is you end up with a  
8 material that in this case could be used for the backfill.  
9 So you wouldn't have to take and mine somebody's lands. I  
10 wish you would have Malcolm Pirnie and TAMS look into that.  
11 Just talk to Governor Whitman. She knows all the details of  
12 that.

13 Also, one of the gentlemen left. I would like to tell  
14 him that the reason his dock has so much more than the rest  
15 of the river, that's all fine, fine silt. Guess where the  
16 PCBs concentrate. They concentrate in fine silt, and that  
17 got washed into his dock. So when you start dredging, you've  
18 got to be very careful that you don't turn the silt loose.

19 Okay, then we get back to one of my proclivities. I  
20 wish you all would stop using the word "toxic" as a PCB.  
21 Look in the dictionary. If PCBs were toxic, I'd be dead. As  
22 a young engineer, we learned it was a good degreasing agent  
23 so before we went home in the evening after working on a  
24 thing we washed the grease and stuff off our hands. I  
25 probably ingested more PCBs than anybody in this room, and

1 I'm happy to say I'm still here. (Laughter) Well, who  
2 knows, who knows. And, of course, I am very concerned about  
3 whose backyard are you going to get that backfill, but there  
4 is a way of doing it. Talk to Governor Whitman.

5 MR. CASPE: Thank you.

6 MR. BRADLEY: And you want dewatering facility -- ideal  
7 docks and everything. Down at the old Ford Motor plant, but  
8 guess what, that's in Assemblyman McNulty's back yard.

9 (Laughter)

10 MR. CASPE: Yes.

11 MS. HORNE: Hi, my name is Chelsea Horne, and I'm a  
12 representative for Kids Against Pollution, and I was  
13 wondering since Tim Havens has a seat at the table I was  
14 wondering if I could also?

15 MS. KENNY: Absolutely.

16 MS. HORNE: Thank you.

17 MR. KARPIAK: I'm Harry Karpiak, Greenwich, New York. I  
18 have one major concern that I haven't heard voiced very much  
19 and that includes other materials that are in the sediments  
20 other than PCBs. And it is my understanding that over many  
21 years we had the Imperial Company and Ciba Geigy just north  
22 of this area. And a lot of the materials that they didn't  
23 want ended up in the Hudson River and are in these sediments.

24 Now this gentleman that talked about the people in  
25 Waterford that drink water from the river, and the town of

1 Halfmoon is planning to do more of this. I think the EPA has  
2 to be very, very careful that they also look at the heavy  
3 metals, the cadmium, molybdenum, the lead and other different  
4 chemical agents that are imbedded in these sediments. This  
5 monitoring should be very, very critical so the people down  
6 country that have been using the water could still use it.  
7 So I'd like you to pledge that in your monitoring of the  
8 sedimentations that you look at all of the contaminants, not  
9 just PCBs.

10 MR. CASPE: We will certainly look at what's in the  
11 sediment that we're dredging, and we'll make sure that the  
12 monitoring plan that we put together will be protective and  
13 include all of the elements that are in that -- that are in  
14 that -- all of the pollutants that are in the sediment will  
15 be monitored for, yes.

16 MR. KARPIAK: Thank you.

17 MS. SCUIMECA: Hi, my name is Beth Scuimeca. I am from  
18 Saratoga Springs and I would also like to congratulate the  
19 EPA for making a difficult and very courageous decision to go  
20 forward with the clean up plan.

21 I have a comment request to make and then a couple of  
22 questions, if I could.

23 What I really would like to see here is for EPA and the  
24 appropriate state agencies, DEC and others, to work together  
25 and help us, the community, understand what, I think, is a

1 bigger picture here. We know that PCBs have been found not  
2 only on the bottom of the river but along its shore lines,  
3 and contaminated landfills in the area, and in some cases in  
4 our drinking water, so we hear. I would like to see EPA lead  
5 an effort to help us understand who has been exposed to PCBs  
6 and who is still being exposed to them and what are the  
7 possible long term health effects of this exposure. I think  
8 at a minimum people who live along the river and near  
9 contaminated sites should be tested for PCBs and should know  
10 what, if any, health problems they might have that could be  
11 related to PCB exposure. I know this goes beyond your  
12 mandate, but this project is so huge in magnitude and how  
13 many people are effected, and it's such a focal point for the  
14 rest of the nation I would like to see a new approach here  
15 and possibly part of other assessments that you do in working  
16 together to address complex interrelated issues. It's very  
17 difficult to get at the health aspects solely of PCBs in one  
18 area.

19 I have a couple of questions about the community  
20 involvement plan, I guess for you, Bonnie.

21 How do you plan -- or how will your contractor come up  
22 with a list of people, initially, to interview?

23 MS. BELLOW: Well obviously at this point, given all the  
24 public comments we had and all the public meetings, we have  
25 very, very extensive lists, to begin with, and we will start

1 with those groups in particular that have been very active.  
2 Obviously they will bring others into the process. We will  
3 look at our list and anybody who wants to get in touch with  
4 us should be in touch with us directly. And that's how we  
5 will do it.

6 Obviously one thing we cannot have a process -- we are  
7 trying to establish a process for developing a process,  
8 which is kind of a wacky to begin with. We are going to have  
9 to do this in some manageable way so when at some point we  
10 are not going to be able to meet with 300 people in a room to  
11 do productive work. What we are ultimately looking for is to  
12 bring together a real cross section of people that everybody  
13 in the community feels comfortable with as a representative  
14 of the different stakeholders.

15 MS. SCUIMECA: That's, I guess, partly addressing my  
16 second question: What criteria or have you come up with a  
17 criteria yet of how you will ultimately select the people you  
18 want to sit down in this series of workshops to come up with  
19 this community involvement plan for the next phase after you  
20 have interviewed people?

21 MS. BELLOW: We are just at the very early stages of it  
22 and this is something we are actually going to turn to Martin  
23 Consultants for because they are experts in this area and we  
24 are looking for guidance from them and we are in the process  
25 of developing that kind of criteria.

1 MS. SCUIMECA: And we'll know --

2 MS. BELLOW: And, again, people should contact our  
3 office in New York. It's (212)637-3660. That's the  
4 communications office in New York, and if you have got, you  
5 know, things that you wanted to -- you want to make at this  
6 point, and also the list serve, which is, I believe, it's the  
7 same web address. Just go onto the web site and that's  
8 actually an excellent way to communicate with us because that  
9 way you could do it a little more extensively without any  
10 trouble.

11 MS. SCUIMECA: Thank you.

12 MR. CASPE: I would like just a moment for Marian Olsen  
13 to respond to some of the questions about health effects  
14 along the Hudson.

15 MS OLSEN: Thank you. You asked about a health study  
16 during the process. Essentially what we will do is a  
17 community health and safety plan which would address both the  
18 occupational exposure for the workers that are working at the  
19 site and working during the remediation, and in addition to  
20 that there would also be a monitoring program around the  
21 activities to prevent any exposures or to reduce those  
22 exposures. There will be monitors. There will be specific  
23 standards set, and we will make sure that those are met to  
24 prevent or reduce any potential exposure.

25 In regards to a health study, the New York State

1 Department of Health has been conducting a health study for  
2 adults between the ages -- I'm trying to do this from memory,  
3 about 40 to 60. A study has been going on for about the last  
4 three years, and they're looking at different types of health  
5 effects within these populations. The control population is  
6 in Glens Falls, and the exposed population is up in the  
7 Hudson Falls area. I'd be happy to provide you with  
8 information of a contact for additional information on that  
9 study. And there was another study by the Agency for Toxic  
10 Substances and Disease Registry regarding the water, and I  
11 can provide that to you as well. So I'll be happy to talk to  
12 you after this.

13 MR. CASPE: Thank you, Marion.

14 MR. SCHIAFO: Hi, my name is Rich Schiafo. I'm from  
15 Scenic Hudson. We are a non-profit environmental  
16 organization that has advocated the removal of PCB  
17 contaminated sediments for about the past fifteen years or  
18 so. We also congratulate the EPA on moving forward with this  
19 project, and we are looking forward to being an active  
20 participant as you move forward with remedial design and  
21 implementation. A couple questions. I guess the one  
22 question is -- I just want -- I believe it's for Bonnie so  
23 I'll just wait until she's done.

24 MS. BELLOW: Okay, we were just clarifying something.  
25 This was new technology. Actually the list serve is a

1 service that you subscribe to which is free in which you will  
2 get automatic information from us, but it is not two ways.  
3 To contact us by e-mail there is a way on the web site to  
4 contact Mary Mears, and that's the way you communicate with  
5 us. But the list serve is a way of us getting information  
6 out to you. So before -- and excuse me for confusing that.  
7 This is a little bit new.

8 MR. SCHIAFO: Kind of a follow up question to Beth's and  
9 to that. I think you mentioned hopefully having this  
10 community involvement plan by June. Do you have any more  
11 specific timeframe for when you're going to do the community  
12 interviews and these workshops? Have you laid that out or  
13 detailed that at all at this point?

14 MS. BELLOW: We don't have an exact schedule, but we're  
15 going to start soon. We're talking about starting in the  
16 next few weeks.

17 MR. SCHIAFO: Okay, the other question is more of a --  
18 you mentioned that you have reached out to GE, I believe you  
19 said, February 4th. I know that's only nine days ago, but  
20 I'm wondering if you've heard anything yet. And, two, if you  
21 do, we certainly hope GE is going to be a constructive player  
22 as they mentioned and will cooperate with the EPA and look to  
23 move this project forward. But if negotiations and talks  
24 start between EPA and GE, I'm just wondering how open that  
25 process will be because as you can imagine, some of us may be

1 a little bit skeptical of what GE's intentions may be. And  
2 while we certainly hope that they're going to be, you know,  
3 cooperative and constructive, we're just wondering, you know,  
4 between the EPA and the PRP what kind of process can occur  
5 there. So I just don't think it would be healthy for the  
6 project for these negotiations to just be going on with those  
7 two parties without the rest of the folks that have been  
8 involved for years having some access to that process.

9 MR. CASPE: Again, it's a little premature since we're  
10 not at that stage and don't know -- we're hopeful we'll get  
11 to that stage, but we haven't gotten there yet. But if we  
12 did get there, negotiations between EPA and responsible  
13 parties are not open to the public. They're between EPA and  
14 the responsible party.

15 If I could just for everybody -- all of the people who  
16 have spoken, before I forget, if you would please stop by the  
17 stenographers at the end when we are done, then your name,  
18 the spelling of your name, won't be butchered in the  
19 transcript. Thank you.

20 MR. KURUCZ: I have a tough last name, so, John Kurucz.  
21 My question is relating to whether there will be any pilot  
22 testing of the dredging apparatus, or if the Phase 1 will  
23 just move ahead full scale in the summer of 2005?

24 MR. CASPE: Phase 1 isn't set up to move ahead full  
25 scale the way -- I mean, Phase 1 is something that starts at

1 a slower speed and ultimately by the time -- you know, the  
2 way we're contemplating it is it starts at a slow speed, if  
3 you want to say. You start -- you know, you stick your foot  
4 in the water to check the temperature first. But as it comes  
5 to a completion by the end of that first summer, we would  
6 expect that that stage of the game to be at full production,  
7 at a full production rate; and everything would be working in  
8 accordance with that. So, I mean, whether there will be  
9 pilots in advance of that, there is -- that's not necessarily  
10 completely ruled out either.

11 MR. KURUCZ: And does EPA have any plans to fund perhaps  
12 any new technologies, dredging technologies, that may make it  
13 a safer operation?

14 MR. CASPE: We plan on using state of the art dredging  
15 technology. I'm not sure what you mean. This is not a  
16 research and development project, no. This is going to be --  
17 we're going to use proven technology. We're going to use,  
18 you know, the best around is what we're going to search for  
19 and what we're going to find and what we're going to use.

20 MR. KURUCZ: Thank you.

21 MS. CITRONETTI: Hi, my name is Jackie Citronetti. I am  
22 from Clifton Park. My question is, first of all, I want to  
23 say thank you very much for not putting this on our children  
24 and cleaning up the Hudson. I have been for it from the very  
25 beginning.

1           This is a, I guess, a monetary question. It is my  
2           understanding that the funds for the EPA are very pretty much  
3           finished as far as our federal government is concerned. And  
4           we all know that GE is fighting very hard not to pay for  
5           this, and I'm wondering where the money is going to come down  
6           the road, once this is completed or through, the process to  
7           pay for all of this, if it is going to fall back onto the New  
8           York state tax payers?

9           MR. CASPE: We didn't tell you all there was an  
10          admission charge for this meeting?

11          MS. CITRONETTI: No joking, please.

12          MR. CASPE: Funds are tight, there's no question about  
13          that. We have at this stage of the game for the design we  
14          have certainly started it off. We had from last year, you  
15          know, kind of planned ahead to this. So we do already have a  
16          couple of million dollars more than that, actually.

17          MS. CITRONETTI: About how much is the entire process  
18          going to cost?

19          MR. CASPE: Well the design could run, if you want us to  
20          just to estimate, could run somewhere in the vicinity of \$30  
21          million.

22          MS. CITRONETTI: And how much do you actually have right  
23          now of that money?

24          MR. CASPE: Right now we have over \$2 million. Now  
25          that doesn't mean, again, because the design takes three

1 years, you don't -- let's say you need \$10 million a year.  
2 So when you start something, the way you budget is you  
3 don't -- you get the money as you need it. Enough in advance  
4 that you don't operate in a herky-jerky manner. We do plan  
5 on being able to do that, but that's not to say that we are  
6 not hopeful. Our first charge, of course, is enforcement  
7 first, is the responsible party. If the responsible party is  
8 willing to pay, that's what we want to do. We don't want to  
9 use tax payer funds. We are hopeful that as we move forward  
10 in this thing certainly that we will be able to accommodate  
11 that, that it won't be all federal government money.

12 MS. CITRONETTI: Just so I'm sure I'm hearing you  
13 correctly that if the funds -- if it isn't funded by GE, the  
14 EPA will foot the bill and if EPA can't foot that bill it  
15 will come back to the New York state taxpayers? Am I hearing  
16 you correctly?

17 MR. CASPE: I'm not saying anything about that. There's  
18 no mechanism for coming back to the New York State tax  
19 payers. What I'm saying is that as far as the design of this  
20 project goes over the next three years, while we are hopeful  
21 that General Electric will come forward and provide, you  
22 know, funding or the means for the design, or the design  
23 itself, if that does not happen, then we feel we will be able  
24 to provide the funding necessary for the design.

25 MS. CITRONETTI: Okay, thank you.

1           MR. BILLIS: My name is Zigmond Billis. I am a citizen  
2 in the community where the dredging will take place. As I'm  
3 sitting here I heard something expressed, and it has been a  
4 concern in the back of my mind, that putting this in round  
5 numbers through different meetings I have attended, we are  
6 talking, say, instead of in the millions, there's a 100, say,  
7 pounds of PCBs in the river. This dredging process is  
8 removing 10 pounds. Because it's about 10%, I notice there  
9 is another 50,000 pounds that are coming out. But I have  
10 always asked myself, well if there's a pollution of 100  
11 pounds and I take out 10 pounds, am I cleaning up the river?  
12 And I was, I guess, because you went ahead with this project  
13 you have been telling us that the river will be cleaned up.

14           Now we just heard at tonight's meeting something about  
15 the flood plain. And you also mentioned within that flood  
16 plain that you are going to look at it during the dredging  
17 process. A concern about the people who are living in the  
18 area where you are dredging is if you don't get it all, will  
19 you be back knocking on our doors in the next year or two?  
20 Will you complete this dredging project and then be back up  
21 here saying, well, there's too much in the flood plain folks.  
22 We are going to have to come back and start digging up the  
23 flood plain. Is that what I'm hearing?

24           MR. CASPE: No, I thought what I said was that we were  
25 going to complete the assessment on a parallel track during

1 the design. So we are going to be looking at the flood  
2 plains. We don't know whether we have a major problem in the  
3 flood plains.

4 Again, we looked and we did some work on Roger's Island  
5 which is certainly right near the old dam and where you would  
6 have expected the worst situation and we found some problems  
7 there, but they weren't, you know, terrible problems overall.  
8 And we are hopeful that as we do the assessment maybe we  
9 won't find a major problem in the flood plain. We don't know  
10 that. But we are going to be looking at it, and we are going  
11 to look at it over the next, you know, at the same time we  
12 are doing this design. And we certainly should have the  
13 answer before this design is complete.

14 MR. BILLIS: Well then could this whole project expand  
15 if you have to go into the flood plain?

16 MR. CASPE: If there were problems in flood plains in  
17 certain locations, this project could expand, yes. But it  
18 wouldn't expand the way you describe it as expanding as if  
19 all of a sudden for the entire 40 miles, the entire flood  
20 plain, you know, it expands through the entire flood plain.  
21 We don't expect that to be the problem and from everything --  
22 I don't think anybody expects that to be the problem. There  
23 may be some localized problems. We are hopeful they won't  
24 be. We'll do that assessment, but if there is we'll have to  
25 expand it. That's the name of the game.

1 MR. BILLIS: Thank you.

2 MS. TRIESTE: Hi, my name is Marion Trieste, and thank  
3 you for being here, and it's wonderful to meet you,  
4 Administrator Kenny. And I want to address the woman's  
5 concern -- I'm actually a public educator. I live in  
6 Schuylerville and I work with Scenic Hudson. And I want to  
7 address the woman who was concerned about payment of this  
8 clean up and how the Superfund process works and ask a more  
9 specific question about that. Because the public, I don't  
10 think, is aware that we -- the Superfund gets its monies for  
11 funding sites when you have a recalcitrant polluter, you get  
12 that funding from the chemical and petroleum industry. And  
13 the program expired in 1995. We lose \$1.5 billion a year  
14 since that expiration from not collecting the tax on the  
15 chemical and petroleum companies. So here we are, the  
16 Superfund program, by 2003 is a guesstimate, here or there.

17 MR. CASPE: The Superfund -- let me just clarify. The  
18 Superfund program even this year -- our budget does not come  
19 from -- it comes around half from the trust and half from the  
20 general budget. So the issue here is not an issue of  
21 bankruptcy. It's an issue of -- that trust fund depending on  
22 how you draw it down will ultimately dry up, but that doesn't  
23 mean the Superfund program goes bankrupt because the  
24 Superfund program again is being funded from the general  
25 appropriation process.

1 MS. TRIESTE: And who funds the general appropriation  
2 process?

3 MR. CASPE: It's the Congress of the United States.

4 MS. TRIESTE: Okay, well, I just think it's really  
5 important that we understand that this is one of the biggest  
6 Superfund site cleanups in the nation, and I think the public  
7 has to be able to grasp the importance of refunding and  
8 keeping the tax reinstated, or reinstate the tax so the  
9 program can accomplish these goals. And an involved and  
10 intense community involvement plan is going to take immense  
11 resources, and it's going to drain the agency's ability to do  
12 the job. You really, you know, you might have a great plan,  
13 but we've got to have the resources, and I think the public  
14 at this site could really push for, you know, Congress at  
15 least reinstating the tax on Superfund even though it may not  
16 be re-authorized. That's really -- I think is, you know, an  
17 important point.

18 MR. CASPE: Thank you.

19 PETE: Hi, my name is Pete --.

20 MR. CASPE: We're not allowed to lobby one way or the  
21 other, so --

22 PETE: I think that's a great suggestion to use this  
23 opportunity. I have one question about -- there was some  
24 talk about host benefits, both for a temporary facility  
25 somewhere in the Hudson Valley, and assuming there's a

1 permanent facility somewhere else. I guess the question  
2 would be: Is that being considered both for a local site and  
3 temporary site and for the permanent site which may or may  
4 not already exist somewhere in some other community? And I  
5 just have -- I just want to recognize that to make the Hudson  
6 to the point where maybe my granddaughter could swim in it,  
7 do that in somebody else's back who may or may not have a  
8 site in Buffalo or somewhere else, I think -- is that going  
9 to be included in part of this clean up? Is the cost to the  
10 community wherever this site goes going to be included in the  
11 cost of this clean up?

12 MR. CASPE: Yes, let me just -- we're not going to be  
13 siting any permanent facilities anywhere as part of this  
14 project. What we're doing is we need to site temporary  
15 dewatering facilities, whether they're going to be on land or  
16 whether they're going to be on, you know, on the water. And  
17 we know we have to move by trains. We know the trains  
18 don't -- I mean, the trains are going to need some place to  
19 offload, so on and so forth. They're going to need some part  
20 of the land. So we're going to need some temporary facility  
21 there to process and move material.

22 Then -- and that material where it goes is going to go  
23 to an existing licensed facility some place else outside of  
24 the Hudson Valley. These are facilities that take waste  
25 every day that -- and they have a certain capacity, and then

1 they're filled up. And the waste that they take, that  
2 they're licensed to take, in almost all cases is worse than  
3 the waste that they would be getting from this facility.

4 In fact, some of them may be able to use what we call  
5 waste from this facility as daily cover on their facilities  
6 to give you an idea. So this actually -- they will bid for  
7 this, and we will pay them to take something that they will  
8 use as a product. So this is a money maker operation for  
9 some facility some place in the country or a bunch of  
10 facilities. And our guess is that there will be a bunch of  
11 them that will be very -- they'll be competing very much to  
12 try to get this waste.

13 But they are licensed. They're taking material now.  
14 That's the way -- and that's how the waste will ultimately  
15 wind up wherever it winds up. We'll make sure that's a  
16 licensed facility. We'll make sure that it's approved by the  
17 state where it's going and the EPA region as well. And  
18 beyond that it would move.

19 PETE: Okay, so the question was: Having seen these  
20 sites sited and assume, say, there's a private company that  
21 went into this community and sited this facility, and now  
22 they bid on it and it goes there, is there going to be any  
23 responsibility within this clean up process by GE or the  
24 citizens who pay for this through the Superfund? Is there  
25 going to be any consideration for those communities who may

1 not at this point have any host benefit but who are bearing  
2 the brunt of our mess here?

3 MR. CASPE: No, I don't think we would be envisioning  
4 that.

5 PETE: That won't be part of it, okay.

6 MR. CASPE: No.

7 PETE: Anyway, thanks for the efforts.

8 MR. RIDDLING: Michael Riddling. I am an author and  
9 senior correspondent of Honor Magazine. This question is for  
10 Miss Kenny: If there are negotiations between the EPA and  
11 General Electric, would the EPA consider as part of those  
12 negotiations reducing the scope of the clean up?

13 MS. KENNY: We are planning to do what we have indicated  
14 we will be doing in the Record of Decision, and for me to  
15 talk about what might be is just, I feel, unproductive. We  
16 are, basically, opening up this process. The Record of  
17 Decision has been signed and we are hoping that General  
18 Electric will meet with us and negotiate with us in good  
19 faith and that's what we are assuming will happen, and we  
20 will work from there if that doesn't happen, as we said all  
21 along.

22 MR. RIDDLING: Well since EPA would not have the funds  
23 to conduct any part of this clean up without General Electric  
24 presumably writing the check, unless you have a funding  
25 source that I'm not aware of, wouldn't that mean that -- what

1 is there other than reducing the scope of the clean up to  
2 negotiate?

3 MS. KENNY: Well I just think it's unproductive to speak  
4 in the negative about this. As I said earlier, I feel that  
5 this is, again, it's a -- the Record of Decision has been  
6 signed and we are now opening up a new chapter. You know, we  
7 talked about community involvement, and we also need to  
8 discuss with the responsible party what their role will be,  
9 and we are keeping an open mind on that at this point. So  
10 for me to start saying who is going to pay and who isn't, you  
11 know, we will negotiate as we go along and make those  
12 decisions, but we are going to do what we said we are going  
13 to do in the Record of Decision.

14 MR. CASPE: If I can just help add a little bit, we are  
15 legally bound by that Record of Decision. The only way we  
16 could differ from what's in that Record of Decision  
17 substantially would be if we went out with a ROD amendment  
18 which would require a whole new public process and everything  
19 else, a whole new legal process.

20 Again, we are bound. We -- we could not change and say,  
21 well GE wants to do one million cubic yards. If that were  
22 the case, we couldn't do that even if we somehow desired to  
23 do it without going with a complete amendment of the Record  
24 of Decision that we issued.

25 MR. RIDDLING: So you would go along with the Record of

1 Decision clean up if GE was not forthcoming. You would  
2 perhaps start the clean up and then attempt to recover those  
3 monies in court?

4 MR. CASPE: That is one option that we might follow.  
5 There's a whole variety of options that we might follow and I  
6 think it's not really very productive to go down that path as  
7 far as speculation until the time we actually get to it.

8 MR. RIDDLING: Thanks.

9 MR. CASPE: My counsel reminded me that I should clarify  
10 something. When I said that -- I was talking about the --  
11 the question was if we have negotiations with General  
12 Electric Company where the people can be present and we  
13 explained, no, what I didn't say is that if and when we reach  
14 an agreement, at that stage of the game that agreement before  
15 it's finalized would be public noticed and would be subject,  
16 you know, to public comment obviously before it was actually  
17 finalized. So there would be an opportunity to comment on  
18 it, for the public to see it before something was actually  
19 completed. Yes?

20 MS. DAVIS: Hi, my name is Maureen Perraro Davis, and I  
21 first would like to thank you for coming up here and giving  
22 us the opportunity to listen to you. But my question is  
23 regarding the assessment, the parallel assessment of the  
24 flood plain. I live in the town of Schaghticoke in the flood  
25 plain, and this is the first I heard about the assessment.

1 And I have a sample taken from my yard which came back with  
2 elevated levels of PCBs. So I'm asking if my residence and  
3 my community could be included in the assessment?

4 MR. CASPE: Sure. Are we aware of this data?

5 (Inaudible)

6 MS. DAVIS: It was taken by a private concern. It  
7 wasn't --

8 MR. CASPE: Well, if you have information, please submit  
9 it to us and we'll be glad to -- okay.

10 MS. DAVIS: All right, thank you.

11 MR. CASPE: Thanks.

12 MR. LA PAN: Hello, my name is Michael LaPan. I'm a  
13 member of the Hudson Care. It's Citizens Along the River's  
14 Edge. And we're a community group with a broad membership  
15 pretty much representing every community of the upper Hudson.  
16 We do have a lot of concerns. We want to insure a safe  
17 community-friendly clean up. That's our purpose, that's why  
18 we formed, and we would like a seat at the table also.

19 But I have a lot of concerns. I want to see the flood  
20 plains addressed. I think there's a lot lurking there, and I  
21 don't see the sense in cleaning up if it's going to be all  
22 flooded down river again. But I also have concerns about the  
23 health of our communities with what else might be lurking.  
24 There's hundreds of tons of who knows what buried in the  
25 Hudson Falls and Fort Edward landfills. And we have the

1 neighborhoods around the GE plants I believe are devastated,  
2 and we don't know what's there. There's cancers, ill  
3 children, learning disabilities; and I think in the future  
4 the evidence is going to declare that we have a real problem  
5 that needs to be addressed way beyond the river. I think we  
6 have a Pittsfield situation, and we're going to need  
7 remediation of yards and homes and who knows what else.  
8 Thank you.

9 MR. LANGRESH: My name is Don Langresh. I am the C.E.O  
10 of Evergreen Recycling. To put it very shortly we have a  
11 proven, demonstrated technology using an electron beam  
12 accelerator which will completely decompose and destroy PCBs.  
13 It's been proven safe. The technology was developed out at  
14 the Idaho National Engineering and Environmental Laboratory.  
15 In cooperation with DOE they ran tests which EPA observed and  
16 approved the technology as being good.

17 I have a little bone to pick with the EPA and with my  
18 former governor. I come from New Jersey even though I work  
19 for a New York company. On the first of August I sent a  
20 letter in which explained our technologies and the approach  
21 we wanted to take. And since August 1st I got what I would  
22 call, being an old Air Force guy, a slow roll. I got  
23 nothing. I kept getting referred to staff members. I was  
24 supposed to get a name from the EPA Region 2, never got that.  
25 I did write a letter to you, Mrs. Kenny, today. I mailed it

1 and I gave a copy to Mary Mears and I want to make sure you  
2 get the copy. What I would ask you first is a commitment  
3 that you would read that letter and respond to it. And we  
4 believe we have an alternate technology which will do one  
5 thing which is really great, eliminate any kind of need for a  
6 landfill because by disposing of all the PCBs. We actually  
7 inert the sludge, and it can be used as clean landfill or  
8 whatever you want to do, dump it right back into the river.  
9 We have a barge system concept where we can either pick the  
10 sludge up, process it right on a barge, and dump it back in,  
11 or take it over to these portable machines that we have on  
12 the edges of the river. A portable system we estimate is  
13 going to cost \$8 million to have the whole barge system, and  
14 it might be the answer. We have an alternative technology  
15 here that we feel has been ignored and that EPA has gone down  
16 this road with kind of blinders. And it looks like first  
17 there was light and then you went back to, we're going to use  
18 dredging and that's the only thing. Now I think we could get  
19 by with the fact that this is kind of dredging because you  
20 are pulling it out of the river, but the fact that we can  
21 inert the PCBs and eliminate the need to transport any  
22 hazardous materials is a big benefit. You get rid of the  
23 landfills and transportation involved.

24 I would just ask for a commitment that you would at  
25 least respond to my letter in some positive way, and we would

1 love to come in and brief your EPA technical and project  
2 manager staff at some date that's convenient. We would be  
3 happy to come up and brief these people also.

4 MS. KENNY: I would be certainly willing to read your  
5 letter and you will get a response.

6 MR. LANGRESH: Thanks. May I make one other point  
7 that's kind of related? Some gentleman mentioned the heavy  
8 metals and other things that are in the sludge. We also have  
9 two patents that can take care of any heavy metals in  
10 material by a process called vitrification where we take  
11 brown glass, cull it, and mix it up in a kiln with this  
12 material and it's a new compound that permanently inerts  
13 these hazardous materials. And we might be able to solve any  
14 problems you might have in that line too. Thank you.

15 MS. KENNY: Thank you.

16 MS. MC GRAIN: My name is Jean McGrain. I'm an  
17 environmental consultant. I'm here tonight representing  
18 Scenic Hudson. I thought I would actually get away with not  
19 saying anything, but I do have one question after listening  
20 to many of the things that have been said tonight. Also,  
21 thank you very much for coming and making the presentations.

22 You have laid out a very aggressive schedule if you're  
23 going -- if we, let's say, we are going to accomplish getting  
24 a dredge in the river by the summer of 2005, right. That is  
25 a very aggressive schedule. EPA has also sent out the letter

1 of notice to General Electric requesting that they come  
2 forward and work with EPA to do the clean up. Having been  
3 involved in negotiations with PRPs in other instances, I know  
4 that that can take quite a bit of time. So the question here  
5 is: Is EPA going to go forward with your schedule while the  
6 negotiations, assuming General Electric is willing to come  
7 forward with those negotiations? They usually can't resolve  
8 the issues in a matter in a couple of weeks unless you've got  
9 the best counsel that have ever been seen on this earth.  
10 It's going to take time. So are you going to go forward with  
11 the schedule while those negotiations are going on?

12 MR. CASPE: Yes.

13 MS. MC GRAIN: Fine, thank you.

14 MS. KENNY: Okay, well, it looks like we have one more.

15 MR. GUTHEIL: Harry Gutheil, town of Moreau supervisor  
16 and would like my name on the record and certainly want to be  
17 involved in the process in, I would think, any potential  
18 disposal or dewatering facility sites that the elected  
19 officials, we'll be a part of that anywhere along the river.  
20 Thank you.

21 MS. KENNY: Okay, thank you. We have one more.

22 MR. GORDON: Maybe you've got a couple more. I'm  
23 missing a skating meet tonight, okay, for those people who  
24 are local; and I don't know how many that might be. But a  
25 couple of questions. EPA has their game plan and GE has

1 their game plan. And you keep hearing this half a billion  
2 dollar upset fee. Is that a point upon which no longer GE  
3 would be responsible for any further experimentation or flood  
4 plain or whatever, or does the price tag go up and up and up  
5 as --

6 MR. CASPE: This remedy wasn't designed around a price  
7 tag. The remedy was designed around the protectiveness of  
8 public health. Whatever the remedy will be, the remedy will  
9 be. So if things -- if other what we call operative units --  
10 if the flood plains as you mentioned became a major issue,  
11 and we had to go with a second operable unit dealing with --  
12 actually a third because there was a first operable unit many  
13 years ago which was the remnant deposits, the four remnant  
14 deposits, which were upstream, then that would have to be  
15 done as well.

16 There's no magic number. We didn't look for a half  
17 billion dollars. It's not actually a half billion dollars.  
18 It's \$460 million in present worth, but I'm just saying -- I  
19 guess what I'm trying to say is there's no magic number.  
20 It's a matter of doing what we believe is right and what's  
21 necessary to be protective of public health and the  
22 environment. And we haven't -- at this stage of the game  
23 we're talking about flood plains as if it's going to be a --  
24 you know, there seems to be more concern about flood plains  
25 in the environment -- you know, in the community out in the

1 audience right now than we necessarily, you know, have  
2 thought there was. We're certainly looking at it. We're  
3 going to assess it because people have asked us to assess it.  
4 But we don't have any indication that we're looking at a  
5 major problem with flood plains. That may change. If it  
6 does, then we'll have to deal with it then.

7 MR. GORDON: A suggestion that might add some balance in  
8 this, as you proceed with the project, you have EPA and you  
9 have contractors and you have all these people. Obviously a  
10 project this big that would be conducted on a daily basis,  
11 job meetings, I would suggest that the job meeting minutes be  
12 public the day after rather than buried. And when you really  
13 look at the contractor and look at the government agency,  
14 then you know you don't have another Enron, okay. The other  
15 one is -- the only thing I can say beyond that is it's  
16 amazing to see a project that so far has taken four times as  
17 long as it took to win the second World War, and if you come  
18 here to town as Bergone did, he even brought his flag. So  
19 next time fly the American flag.

20 MS. KENNY: Thank you. Good suggestion. Well I just  
21 want to thank everyone for your participation, and I know  
22 that that will continue, and for those of you who didn't want  
23 to come to the mike we are going to hang around for a few  
24 more minutes and you can grab us before we all put our heads  
25 on the table and fall asleep.

1           MR. CASPE: And also just remember for any of those who  
2 did speak, stop and give the spelling of your name to the  
3 stenographers. Thank you.

4                       End of the above proceeding.

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C E R T I F I C A T I O N

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