

<b>Document</b>	<b>EPA Response to Comments from CEASE on Engineering Performance Standards – Public Review Copy Hudson River PCBs Superfund Site</b>
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<b>Reviewer</b>	<b>#</b>	<b>Comment</b>	<b>Topic</b>	<b>EPA Response</b>
CEASE	1	<p>For the Dredging Resuspension Standard the word is “contingency”.</p> <p>a) CEASE has long been concerned that the EPA has employed unrealistic resuspension rates, and see nothing in this Standard to suggest anything different.</p> <p>b) Resuspension will certainly take place, so it is the “monitoring and engineering contingencies” that lead us to ask - Will the monitoring data be available to the public as soon as it is to the contractor and EPA??</p> <p>c) As the Action Levels deepen, will the public have input on the “engineering contingencies and evaluations” that when implemented could quickly turn this ideal world into a very down-and-dirty real world?? Will the public have decision making powers in these evaluations and plans?? The answers are difficult for EPA to give right now as the answers are also “contingent” upon the Quality of Life Standards that are not currently available.</p>	<p><b>Resuspension</b> Public participation in monitoring data &amp; action level contingencies</p>	<p>a) USEPA’s Resuspension Standard is based on the most realistic information regarding resuspension rates that is available at this time. The resuspension rates used in developing the Resuspension Standard and its action levels are based on the data from case studies of other environmental dredging projects and on site-specific modeling of near-field and far-field monitoring locations in the Upper Hudson.</p> <p>b) USEPA will release the monitoring data to the public as soon as possible after it has been received. This is consistent with the Agency’s commitment to provide for early and meaningful input during remedial design and implementation of the cleanup.</p> <p>c) An engineering evaluation or contingency developed by the Construction Manager to address an action level under the Resuspension Standard will depend on the specific circumstances encountered in the field. Depending on those circumstances, it may not be feasible or appropriate for</p>

				USEPA to solicit public input prior to implementation of an engineering evaluation or contingency. USEPA will, however, provide accurate, timely and understandable information to assist the public in understanding the decision-making process during the project implementation, including decisions related to engineering evaluations and contingencies. In any event, the Resuspension Standard requires that dredging operations be temporarily halted should monitoring data indicate a confirmed exceedence of the Resuspension Standard.
CEASE	2	<p>For the Dredging Residuals, the key word is “appropriate management approach.”</p> <p>a) CEASE has also been long concerned about PCBs that will be left in the river, as perhaps as much as 80% of them <u>will</u> still be in place after large scale dredging.</p> <p>b) Here, depending upon either a low or high concentration of PCBs, the “appropriate approach” would be re-dredging, backfilling or capping. We ask then, how much longer will the re-dredging take?? How long will these areas be exposed?? What if weather demands leave the area exposed throughout the winter and spring? And what else might be exposed besides PCBs??</p> <p>a) Sub-aqueous capping was not even mentioned in the Record of Decision, yet now plays a major role in the</p>	<b>Residuals Remaining PCBs</b>	<p>a) USEPA acknowledges the comment expressing CEASE’s concern that PCBs will be left in the river after remedial dredging. It is unclear from the comments why CEASE thinks that 80% of the PCBs will be in place after the dredging. The selected remedy is expected to remove an estimated 150,000 pounds of PCBs, or some 65% of the total PCB mass present in the Upper Hudson (see ROD, p. ii and p. 109). A better estimate cannot be made until completion of the ongoing sediment sampling for remedial design.</p> <p>b) The Productivity Standard requires that completion of dredging work (including backfilling or capping) in all dredged areas prior to seasonal demobilization to</p>

		<p>clean-up, where is the information that we need to evaluate it?? But once again, “appropriate” answers do not exist as much of the activities surrounding these treatments involve the possible Quality of Life Standards.</p>		<p>prevent the exposure of dredged surface to storm and Spring flows. The schedule for remediation will be developed by General Electric Company as a part of the RD. The project schedule developed during the design will be reviewed by USEPA to ensure that adequate time is scheduled for backfill, bank stabilization, and appropriate habitat replacement work, as well as to accommodate potential delays, such as the need to re-dredge certain areas or delays associated with inclement weather. The analytical data from the ongoing sediment program will provide information on whether there is a need to consider contaminants other than PCBs in the remedial design.</p> <p>c) The purpose of capping under the Residuals Standard is to isolate recalcitrant PCBs in sediments after dredging, and in that respect is similar to the use of backfill to isolate residual PCBs in sediments, as described in the USEPA’s 2002 ROD. USEPA notes that the public was given an opportunity to evaluate the capping component of the Residuals Standard when the engineering performance standards were released for public review from May 14 through July 14, 2003.</p>
	3	<p>For the Dredging Productivity Standard we look at the words “Action Levels.”</p>	<p><b>Productivity</b> Production goals</p>	<p>a) USEPA has determined, as reflected in the 2002 Record of Decision, that the project can be completed in the six year time</p>

	<ul style="list-style-type: none"> <li>a) As acknowledged by EPA, this Standard is based on the dredging industry's assurance that they can complete the project in six years, although no project of this magnitude and complexity has ever been accomplished before.</li> <li>b) Setting aside hubris and the obvious conflict of interest, when this ideal world of Productivity meets the real world there will be only one action to be taken – increased productivity. Does this increase then mean more dredges, more equipment, more crews, more shoreline and roadway activities that would all work around the clock to meet the Production goals?? At what point is it all too much Production?? And who decides??</li> <li>c) At what Action Level Does the public become involved??</li> <li>d) How can any production goals be discussed without the Quality of Life Standards in place?? The Engineering Performance Standards should remain in draft form not only through the peer review stage, but through the Quality of Life Standards as well.</li> </ul>		<p>frame is based on its work during the Feasibility Study, and is further supported by the analyses performed for the Productivity Standard, including a review of other environmental dredging projects such as the U.S. Steel's work on the Calamut River in Gary, Indiana. At that site, US Steel Corporation is working to remove 750,000 cubic yards of sediment from February to December 2003, and currently has a production rate of approximately 70,900 cubic yards per month using two hydraulic dredges. In comparison, the Productivity Standard requires a production rate of about 480,000 cubic yards in 7 months, which is approximately 68,600 cubic yards per month. Representatives of the environmental dredging industry state that the estimated 2.65 million cubic yards can be removed from the Upper Hudson River in even less time than the ROD allows.</p> <ul style="list-style-type: none"> <li>b) The Quality of Life performance standards will be designed to ensure that impacts to local communities are minimized during the dredging operations.</li> <li>c) Consistent with USEPA's ROD and the Community Involvement Program for the Site, the Agency will ensure early and meaningful input during the implementation of the cleanup, will provide accurate and timely information needed to understand the project as it moves forward, and will assist the public in understanding the project decision</li> </ul>
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