Document:	EPA Response to Comment from Friends of a Clean Hudson on Engineering Performance Standards – Public Review Copy Hudson River PCBs Superfund Site
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Reviewer	#	Comment	Topic	Response
Friends of a Clean Hudson	1	EPA as the Agency overseeing the PCB remediation must retain in all appropriate circumstances authority and discretion on decisions that will impact the success and implementability of the clean up. Where possible, the Draft Performance Standards, including the Executive Summary, should be modified to clearly articulate EPA's role.	**General** EPA's role	USEPA and/or its authorized representatives will be present on-site during the dredging to ensure that the dredging is conducted properly. In developing the Engineering Performance Standards, USEPA sought to fulfill the requirement of the 2002 Record of Decision that the performance standards be enforceable and to provide the flexibility needed to address circumstances as they are encountered in the field during the dredging. For this reason, the performance standards both allow for limited flexibility and require comprehensive monitoring and record-keeping.
Friends of a Clean Hudson	2	Decisions related to the Engineering Performance Standards must be consistent with EPA's Record of Decision, including the Agency's preference for permanent remedial solutions, itself statutorily mandated by CERCLA.	**General** Consistency between documents	USEPA developed the Engineering Performance Standards with close attention to the requirements of the 2002 Record of Decision. The ROD was issued following a careful analysis of criteria used in Superfund decision-making, one of which is the statutory preference for remedies that utilize permanent solutions, to the maximum extent practicable (see, ROD, p. 108). Through the targeted

				environmental dredging, USEPA expects to permanently remove some 150,000 pounds of PCBs from the river system. With respect to the Engineering Performance Standards, the Residuals Standard requires that the dredging cut lines established during remedial design be met prior to application of the Residuals Standard. Decisions relating to the Engineering Performance Standards will not be inconsistent with the ROD.
Friends of a Clean Hudson	3	We urge EPA to take a more preventative and precautionary approach to designing and implementing this project, particularly regarding resuspension. We support the approach prepared by the technical advisors, under the EPA Technical Assistance Grant (TAG) to provide for more upfront planning and control measures. EPA must carefully plan this project and have all appropriate mitigating measures in place to minimize any adverse impacts.	**Resuspension** More preventive approach	USEPA believes the Resuspension Performance Standard is protective of human health and the environment. Compliance with the resuspension performance standard criteria will ensure that the Total PCB water column concentrations meet the requirements of the Safe Drinking Water Act. In addition, compliance with the standard is expected to not adversely affect fish body burdens over the long-term (there may a short-term increase in fish body burdens during the dredging itself, but body burdens are forecast to decline rapidly upon completion of the dredging). Further, the sensitivity analysis performed in support of the Resuspension Standard showed that the PCB concentration and load criteria established for the Resuspension Standard and action levels are protective of the river system. Total PCB concentrations at far-field locations during dredging is expected to be within the variability of baseline

				concentrations of the river system, despite unavoidable increases in PCB concentrations in the vicinity of the dredge. Therefore, localized short-term increases in PCB concentrations are not considered to pose additional risks to the Upper or Lower Hudson, and will be offset by long-term risk reduction offered by the removal of an estimated 150,000 pounds of PCBs from the Upper Hudson. The means and methods to achieve the standards are evaluated during remedial design. The selection of preventive measures will depend on the river conditions (e.g. sediment type, contaminant concentration, linear velocity) and on the type of equipment used in the dredging. Thus, the use of preventive measures will be part of the remedial design documents being prepared by General Electric Company, which are subject to USEPA approval pursuant to an Administrative Order on Consent issued by the Agency.
Friends of a Clean Hudson	4	Peer review of these Draft Performance Standards must proceed in line with EPA's Peer Review Handbook and relevant Agency policy and guidance. The first two above comments apply to any peer review of the Draft Engineering Performance Standards. Furthermore, as the Handbook states, "Objective technical expertise and lack of conflict of interest are critical in selecting peer reviewers." (Section 3.4.4, pg.	**General** Peer Review Team	The peer review of USEPA's Engineering Performance Standards will proceed in line with the Agency's Peer Review Handbook. The purpose of the peer review is to ensure that the engineering performance standards are technically adequate, properly documented, and satisfy established quality requirements. Issues such as whether the performance standards clearly define

		57) EPA is generating names from external groups and recommended names must be carefully screened and selected. Finally, "the matter of obtaining a fair and credible peer review, as well as maintaining the credibility of the Agency and the Agency's scientific products, is one of the paramount importance." (Section 3.4.5, pg. 58- Peer Review Handbook.) It will be important to adhere to the "general rule" stated in the Handbook- "experts who have made public pronouncements on an issue (e.g. those who have clearly "taken sides") may have difficulty in being objective and should be avoided." It is imperative that the final review panel be neutral and independent of GE and its consultants or agents.		USEPA's oversight role for the remediation, or whether decisions regarding the performance standards are consistent with the requirements of CERCLA, are beyond the scope of peer review as defined in the Peer Review Handbook. Consistent with its Peer Review Handbook, USEPA solicited names of potential peer reviewers from the public. After performing an initial screening of candidates nominated by USEPA and the public, the Agency forwarded to ERG for consideration an alphabetical list of candidates for which USEPA did not identify a conflict of interest. The Agency did not identify to ERG which entity nominated each candidate on the alphabetical list, nor did the Agency recommend that ERG select or not select any candidates on the list. ERG also performed its own conflict of interest and qualifications review of those candidates. In addition, ERG conducted its own search for peer reviewers and is ultimately responsible for selecting the independent experts for the peer review panel. ERG screened potential candidates for conflicts of interest as part of its own selection process. It is USEPA's understanding that each of the peer reviewers is free of any conflict of interest with General Electric Company.