



Hudson River Phase 1 Dredging Peer Review Panel Meeting

Welcome and Introduction

Steve Garon

SRA International, Inc.

May 4 - 6, 2010

Peer Review Background

Site Milestones



- 2002: EPA issued ROD that included targeted dredging of PCB-contaminated sediment from the Upper Hudson River
 - Dredging to be done in 2 phases over a 6-year period
 - Required development of Engineering Performance Standards (EPS) for resuspension, residuals, and productivity
- 2003-2004: Peer Review of Draft EPS

Peer Review Background Site Milestones



- 2004: EPA issued Final EPS
- 2006: Federal District Court approved EPA/GE Consent Decree
- Phase 1 Dredging Performed in 2009

Purpose of Peer Review



November 2006 Consent Decree provides for independent, contractor-run peer review to:

- Review EPA and GE Phase 1 Evaluation Reports in light of dredging data
- Evaluate the ability to meet Engineering Performance Standards (EPS) individually and simultaneously
- If the experience in Phase 1 and other evidence show that it will not be practicable to consistently and simultaneously meet the EPS that are proposed for Phase 2, to review and recommend modifications to those standards

Contractor-Run Peer Review Process



According to EPA Peer Review Handbook:

- Contractor is responsible for managing and controlling the process, including:
 - Selection of panel
 - Design of overall process
 - Running of meetings
- EPA may not make changes to contractor's conclusions in peer review report
- Peer Review Process is not subject to the Federal Advisory Committee Act

Contractor-Run Peer Review

Who is the Contractor?



- SRA International, Inc. – a government consulting firm based in Fairfax, VA
- Previous peer review experience includes:
 - Housatonic River Human Health Risk Assessment, Ecological Risk Assessment, River Modeling
 - More than 15 Peer Reviews for EPA's Office of Superfund Remediation and Technology Innovation
- Under contract with USEPA through Contract #EP-W-09-011 (EPA Conflict Prevention and Resolution Services Contract)

Panel Charge Questions



- (1) Does the experience in Phase 1 show that each of the Phase 1 Engineering Performance Standards can consistently be met individually and simultaneously?
- (2) If not, and if EPA and/or General Electric Company (GE) has proposed modified Engineering Performance Standards, does the experience in Phase 1 and any other evidence before the panel show that it will be practicable to consistently and simultaneously meet the Engineering Performance Standards that are being proposed for Phase 2?

Panel Charge Questions



- (3) If the experience in Phase 1 and other evidence before the panel does not show that it will be practicable to consistently and simultaneously meet the Engineering Performance Standards that are being proposed for Phase 2, can the Phase 1 Engineering Performance Standards be modified so that they could consistently be met in Phase 2, and, if so, how?

- (4) If EPA and/or GE has proposed modifications to the monitoring and sampling program for Phase 2, are the proposed modifications adequate and practicable for determining whether the Phase 2 Engineering Performance Standards will be met?

Panel Charge Limitation



Note: In accordance with Paragraph 14.d of the November 2, 2006, Consent Decree between the United States and GE for the Hudson River PCBs Site ("Site"), the Peer Review panel will not evaluate whether the Remedial Action will, or may, achieve the human health and/or environmental objectives of EPA's February 1, 2002, Record of Decision for the Site, nor will the Peer Review panel evaluate whether Phase 2 should be implemented.

Peer Review Schedule



- Panel Selection: Completed September 2009
- Panel Site Tour: October 1, 2009
- Introductory Session: February 17-18, 2010
- Final EPA and GE Phase 1 Evaluation Reports: March 8, 2010

Peer Review Schedule



- Public Comment Period on Phase 1 Evaluation Reports: March 9-April 26, 2010
- Peer Review Panel Meeting: May 4-6, 2010
- Draft Peer Review Report: June 30, 2010
- Final Peer Review Report: July 28, 2010

Peer Review Panelists



- Paul Fuglevand (Chair)
- Todd Bridges
- Richard Fox
- Gregory Hartman
- Victor Magar
- Paul Schroeder
- Timothy Thompson



Agenda and Process Overview

Melinda J. Holland

Senior Facilitator

E² Inc. (Subcontractor to SRA)

Tuesday, May 4th

Meeting Agenda



Public comment: must register in advance by 1:00 p.m. each day

- | | |
|---------------------------|----------------------------------|
| • 8:00 a.m. – 8:30 a.m. | Welcome and Introductory Remarks |
| • 8:30 a.m. – 10:30 a.m. | GE Presentation |
| • 10:30 a.m. – 10:45 a.m. | Break |
| • 10:45 a.m. – 12:45 p.m. | EPA Presentation |
| • 12:45 p.m. – 2:15 p.m. | Lunch Break |
| • 2:15 p.m. – 3:30 p.m. | Panel Deliberations |
| • 3:30 p.m. – 3:45 p.m. | Break |
| • 3:45 p.m. – 4:45 p.m. | Panel Deliberations |
| • 4:45 p.m. – 5:30 p.m. | Opportunity for Public Comments |
| • 5:30 p.m. | Adjourn for the Day |

Wednesday, May 5th

Meeting Agenda



Public comment: must register in advance by 1:00 p.m. each day

- | | |
|---------------------------|----------------------------------|
| • 8:00 a.m. – 8:15 a.m. | Welcome and Introductory Remarks |
| • 8:15 a.m. – 10:15 a.m. | Panel Deliberations |
| • 10:15 a.m. – 10:30 a.m. | Break |
| • 10:30 a.m. – 12:00 p.m. | Panel Deliberations |
| • 12:00 p.m. – 1:30 p.m. | Lunch Break |
| • 1:30 p.m. – 3:00 p.m. | Panel Deliberations |
| • 3:00 p.m. – 3:15 p.m. | Break |
| • 3:15 p.m. – 4:45 p.m. | Panel Deliberations |
| • 4:45 p.m. – 5:30 p.m. | Opportunity for Public Comments |
| • 5:30 p.m. | Adjourn for the Day |

Thursday, May 6th

Meeting Agenda



- 8:00 a.m. – 8:10 a.m. Welcome and Introductory Remarks
- 8:10 a.m. – 9:10 a.m. GE Presentation
- 9:15 a.m. – 10:15 a.m. EPA Presentation
- 10:15 a.m. – 10:30 a.m. Break
- 10:30 a.m. – 12:30 p.m. Panel Deliberations
- 12:30 p.m. – 1:30 p.m. Lunch Break
- 1:30 p.m. – 3:30 p.m. Panel Deliberations
- 3:30 p.m. – 3:45 p.m. Peer Review Contractor Summation and Schedule Review
- 3:45 p.m. Adjourn for the Day

2006 Consent Decree



- Consent Decree guides the PR process and meetings
- Neither EPA nor GE shall have *ex parte* communications with the members of the Peer Review Panel
- GE and the public to have opportunity to express their views orally to the Panel on issues in the Charge Questions

2006 Consent Decree



- Initial day of Panel deliberations, GE to have 2 hours to present views on the Charge Questions; Panel offered same opportunity to EPA
- Final day of Panel deliberations, GE to have 1 hour to present views on the Charge Questions; Panel offered same opportunity to EPA

2006 Consent Decree



- Panel may request clarification from EPA on the EPA Phase 1 Evaluation Report, Charge Questions, EPA presentations
- Panel may request clarification from GE on GE Phase 1 Evaluation Report & GE presentations
- Panel questions on presentations to be germane to issues raised by the Charge Questions

Presenter Ground Rules



1. EPA and GE presentations to the panel must pertain to the scope of the Panel's charge
2. The EPA or GE representatives giving presentations may call on their staff or contract investigators to answer questions, at their discretion. Unless called on by the EPA or GE presenter, the facilitator will not recognize EPA or GE staff or contract investigators to speak

Presenter Ground Rules



3. Do not enter the Panel's working space during meeting times unless invited by the facilitator or Panel
4. Honor time limits; be concise
5. Be respectful and civil
6. Turn off all beepers and cell phones during the meeting; take or make all calls outside the room

Panel Ground Rules



1. Panel members are entitled to ask brief clarifying questions of the EPA and GE oral presenters during each entity's presentation. All Panel questions during EPA or GE presentations or designated Panel deliberation periods must pertain to the scope of the Panel's charge
2. Only one Panel member should speak at a time; wait for the facilitator to acknowledge you before speaking; refrain from side-bar conversations with other panelists during the meeting

Panel Ground Rules



3. Panelists may not discuss the Peer Review Subject with the public, EPA staff or contract support, or GE staff or contract support at any time outside the public deliberations
4. Honor time limits; be concise
5. Be respectful and civil
6. Turn off all beepers and cell phones during the meeting; take or make all calls outside the room

Public Ground Rules



1. No active audience participation will be allowed outside of times designated for public comment on the agenda (including Agency staff and contract support, and GE staff and contract support)
2. The agenda includes an opportunity for oral comment by the public on topics within the scope of this Peer Review. Those making public comments may provide a copy of their prepared remarks to SRA for inclusion in the meeting record

Public Ground Rules



3. Members of the public have equal and fair opportunity to present oral comment to the Peer Review Panel within a limited time span, defined per entity, and according to the time allocation on the agenda
4. Members of the public who have not pre-registered to speak will not be recognized by the facilitator during the meeting. The facilitator will call each speaker in the order registered . Speak only when called upon by the facilitator
5. Speakers must complete their comments within their allocated time. The facilitator will ask you to sit down when your time has expired

Public Ground Rules



6. The public may not address the Peer Review Panel Members outside of public comment time and may not address questions to the Panel
7. Do not enter the Panel's working space during meeting times unless invited by the facilitator or Panel
8. Honor time limits; be concise
9. Be respectful and civil
10. Turn off all beepers and cell phones; take or make all calls outside the room