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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-3222

April 13, 2012

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:  
DEFENSE

INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES

JOINT ECONOMIC COMMITTEE

Ms. Judith Enck  
Regional Administrator  
US EPA Region 2  
294 Broadway  
New York, NY 10007-1866

Dear Administrator Enck:

I am writing to express my support for a robust, thorough and detailed 5-year review of the Hudson River PCB remediation effort. As you know, this review is required by the Superfund law<sup>i</sup> in order to evaluate the implementation and performance of a cleanup plan, such as the Hudson River dredging effort, to ensure that it protects human health and the environment. Given the importance of the Hudson PCB cleanup, it is imperative that this 5-year review is not undermined by an impractical and compressed timeframe.

As you know, for the last three decades I have been deeply engaged in the effort to require General Electric to pay for and remove the 1.3 million pounds of PCBs it dumped into the Hudson River between 1947 and 1977. I am proud to have worked closely with you on this issue for many years, and I appreciate your continued leadership on this critical cleanup. It was with great pleasure that I joined you last November to announce the commencement of the second phase of dredging the Hudson River. I know you share my resolute commitment to making sure this cleanup is as successful as possible and that all steps are taken to remove these contaminants and restore the river to its rightful and healthy condition.

It is my understanding that EPA may be considering allotting just one month to complete the 5-year review. This would be a mistake. Such a short time frame would undoubtedly limit what can be reviewed. In fact, EPA's own documents recommend that "the five-year review process begin nine to twelve months before the scheduled planned completion date so that a site inspection and a comprehensive data and document review can be conducted by the five-year review team."<sup>ii</sup>

According to EPA's current guidance on 5-year reviews<sup>iii</sup>, there are six components to this process:

1. Community involvement and notification,
2. Document review,
3. Data review and analysis,
4. Site inspection,
5. Interviews, and
6. Protectiveness determination.

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As part of this process, the guidance goes on to say that EPA should address the following key questions<sup>iv</sup>:

1. Is the remedy functioning as intended?
2. Are the exposure assumptions, toxicity data, cleanup levels, and Remedial Action Objectives still valid?
3. Has any other information come to light that could call into question the protectiveness of the remedy?

I, like many others, continue to have concerns about the amount of contamination that may remain in the Hudson River following the current plans. That is why, as part of this review, I believe EPA should consider issues raised by the federal Natural Resource Trustees, including the option of additional dredging, which would be consistent with the Record of Decision, and examining the scope of the current dredging footprint.

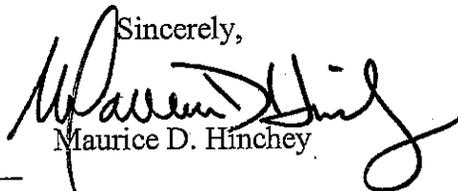
Given the amount of work necessary to complete this review and the questions that EPA needs to address, I strongly urge EPA to allow more time for the 5-year review to ensure effective public participation and the necessary comprehensive analysis. This review should not cause any delays in the implementation of the current cleanup plan, as the Superfund law clearly intends.

A proper 5-year review would allow EPA, and the public, to understand what progress is being made on restoring the river. It will also ensure that the appropriate remedies are being pursued to achieve the goals set by the Record of Decision.

Restoring the Hudson River is a national priority and an example of the critically important role EPA plays in protecting public health and environment. It is shameful that the agency has been repeatedly subjected to spurious, politically motivated attacks of late. These attacks, along with attempts by House Republicans to slash EPA's budget, not only undermine the agency's efforts to protect our air and water, they also directly undermine EPA's ability to carry out clean up efforts such as the Hudson River PCB remediation project.

Please know that I will do all I can to ensure that EPA has the resources it needs to carry out its critically important mission. I am grateful for all the work you do to protect New York and our country from harmful pollutants.

Best regards.

Sincerely,  
  
Maurice D. Hinchey

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<sup>i</sup> Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

<sup>ii</sup> [www.epa.gov/superfund/cleanup/postconstruction/5yr.pdf](http://www.epa.gov/superfund/cleanup/postconstruction/5yr.pdf).

<sup>iii</sup> <http://www.epa.gov/superfund/cleanup/postconstruction/fiveyearreviewfactsheet.pdf>.

<sup>iv</sup> Ibid.