DEC CHALLENGES EFFECTIVENESS OF EPA’S REMEDY FOR HUDSON RIVER CLEANUP

Unacceptable levels of PCBs allowed to remain in river pose threats to public health and the environment

DEC Commissioner Seggos: “The job is not done and the remedy as implemented may not achieve the targeted reductions of PCB levels left behind in the Upper Hudson River”

In a letter to the Environmental Protection Agency (EPA), New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos today challenged the effectiveness of EPA’s remedy to cleanup PCBs from the Upper Hudson River. With unacceptably high levels of contamination still left in river sediment, the state called on EPA to reexamine its cleanup to effectively protect public health and the environment over the long term.

“Unacceptably high levels of PCB contaminated sediment remain in large portions of the Upper Hudson River,” said Commissioner Seggos. “The job is not done and the remedy as implemented may not achieve the targeted reductions of PCB levels in water and fish tissue within the timeframes originally anticipated by EPA. EPA must ensure the remediation conducted by General Electric is effectively protecting public health and the environment from exposure to PCBs.”

Specifically, DEC is urging EPA to evaluate the sufficiency of the remediation selected in the Record of Decision (ROD) guiding this cleanup. EPA’s current five-year review must thoroughly quantify the trends based on all available fish, water, and sediment data, and make reasonable and conservative assumptions regarding future trends. Recent analysis by the National Oceanic and Atmospheric Administration (NOAA) and others illustrate that recovery rates for fish in the lower Hudson may be far longer than EPA anticipated. With the significant amount of contamination left behind, it is likely the state can no longer concur that the remedy is effective.

“I want to thank DEC for taking this important step and for their leadership on this vital issue. The risk posed by PCBs remaining in the Hudson River is very real and I have serious concerns about the effectiveness of the current cleanup strategy. The EPA must ensure a remedy that ends the toxic legacy of PCB contamination once and for all. The Hudson River – and my neighbors in the Hudson Valley – have suffered through enough generations of abuse,” said Representative Sean Patrick Maloney.

Ned Sullivan, President of Scenic Hudson said, "DEC Commissioner Seggos has taken a historic step in asserting that General Electric’s Hudson River cleanup, as implemented to date, will not achieve the targeted reductions in PCBs in the anticipated timeframes. This is a major breakthrough
in the 40-year struggle to rid the Hudson of GE's cancer-causing contamination. The Cuomo Administration has decisively joined its fellow natural resource trustees -- US Fish and Wildlife and NOAA -- in challenging the effectiveness of the remedy, blowing the whistle on EPA's and GE's claims that the cleanup is a success. Scenic Hudson joins New York State in calling for an honest science-based review of the remedy. With additional dredging, we can restore the health of the river and economy, make the fish safe to eat and the air healthy to breathe."

“Sierra Club commends Governor Cuomo and DEC Commissioner Seggos for scrutinizing EPA and GE's alleged cleanup of the Hudson River,” said Aaron Mair, President of the Sierra Club. “By allowing so much PCB contamination to remain in the River, the EPA has turned its back on the health of thousands of New Yorkers, many of whom represent immigrant, low income and minority communities who regularly eat the fish they catch for sustenance. Committing to a full clean up of the Hudson River is the kind of justice these communities deserve. "

“Riverkeeper commends the State of New York for stepping up to assure that EPA and GE truly protect the Hudson River,” said Paul Gallay, Hudson Riverkeeper. “Recent data shows that the work done by GE so far will take almost 50 years longer, to adequately reduce PCB levels in fish, than EPA deemed acceptable when scoping the cleanup in 2002. It's time for EPA to join New York's Department of Environmental Conservation, and other agencies, like the National Oceanographic & Atmospheric Administration, which have called the adequacy of this cleanup into question, and require GE to get back in the river to finish the PCB cleanup job. Because, without such additional dredging, GE's Hudson River restoration project can never be called a success.”

“GE's massive dumping of PCBs in the Hudson has made this magnificent River one of the largest toxic Superfund sites in the county – and an example of a company putting its corporate profits ahead of people of New York,” said Mark A. Izeman, Director of the New York Program and Senior Attorney at the Natural Resources Defense Council, a national environmental organization that has worked on this pollution issue for more four decades.” Mr. Izeman added: “New York State is acting on the mounting scientific evidence that the current cleanup operation in the Hudson River will not protect human health or the environment. This shows more environmental leadership from Governor Cuomo and signals a strong commitment to ensure that U.S EPA and GE take all necessary steps to fully and speedily restore the Hudson and its fisheries to full health. "

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (NCP), EPA is required to monitor effectiveness of the remedy to affirm that it is meeting the goals set by the Record of Decision (ROD). In March, EPA committed to perform five-year review of the remedy, which it expects to issue in the spring of 2017. EPA must take additional remedial action if the remedy fails to meet the goals required by the ROD, including the reduction of PCB levels in fish within the timeframe EPA originally anticipated

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