



Region 2: NJ, NY, PR, VI • 290 Broadway, New York, NY 10007

Update to Hudson River PCB Site Agreement

Highlights

The federal government is proposing modifications to its 2006 agreement, called a consent decree, with General Electric Company (GE) requiring the company to dredge portions of the Hudson River. The proposed modifications would require GE to pay a portion of the costs of protecting the Waterford, Halfmoon, and Stillwater, New York water supplies during dredging, and to improve its program for monitoring water quality, thereby further protecting these downstream water supplies.

U.S. Environmental Protection Agency (EPA) is also updating the community health and safety plan, which protects communities along the river during the Hudson River cleanup work. The plan is being updated to include contact information to assist community members who have questions or concerns about dredging operations. In addition, it will detail the criteria that will be used to decide when Halfmoon and Waterford should use their alternative water supply.

The consent decree still contains all of the provisions that require GE to construct the sediment processing facility in Fort Edward, New York and dredge portions of the Hudson River. The following are the key modifications to the consent decree:

Drinking Water Protection

The agreement will require GE to reimburse EPA for certain costs of design, construction and maintenance work needed to protect the drinking water of the towns of Halfmoon and Waterford, and the Village of Stillwater. These include the costs of designing and constructing a water line that will provide Waterford and Halfmoon with an alternate water supply from the City of Troy, New York during the Hudson River dredging. The revised agreement also requires GE to pay for some of the costs incurred by EPA in building and maintaining a granulated activated carbon drinking water treatment system that will protect the Village of Stillwater's water supply wells during the first phase of the cleanup.

EPA will pay Waterford's and Halfmoon's increased costs of obtaining water from Troy during any period in which PCB levels in the river exceed the EPA-established criteria, or when there is insufficient time to

get water monitoring results before a parcel of water from the dredging location reaches the water supply intakes. Towns can opt to purchase Troy water as soon as the water line is complete or use it as an alternate water supply throughout the dredging, but EPA will only cover the increase in water costs during periods when the EPA-established criteria are exceeded.

GE will pay the lesser of \$7,000,000 or all costs incurred or to be incurred by EPA for the water line from Troy to Waterford and Halfmoon, and for the temporary granulated activated carbon system that will protect drinking water supply wells in Stillwater. The proposed modifications also add provisions for GE to reimburse certain costs that EPA might incur for water use fees assessed upon the towns of Waterford and Halfmoon by Troy when the EPA-established criteria are exceeded. Specifically, if GE agrees to perform the second phase of dredging, GE will reimburse EPA for 50 percent of any costs incurred by EPA in paying Halfmoon's and Waterford's increased water usage fees, up to \$750,000.

Strict engineering performance standards have been developed to minimize resuspension of PCBs during dredging. The Resuspension Standard created for the dredging project was specifically designed to, among other things, protect water intakes for drinking water down river of the dredging operations and to limit the down river transport of PCB-contaminated dredged material. The national drinking water standard (or "MCL") establishes a safety level of 500 parts per trillion for PCBs, but the EPA has set lower action levels that will provide early warnings of PCB resuspension.

Water Quality Monitoring Plan Adjustments

The agreement has been modified to reflect adjustments to the water quality monitoring plan during dredging activities. GE will use an analytical method that will yield quicker results and allow more time for EPA to notify Halfmoon and Waterford if water quality analyses show levels of PCBs above drinking water standards.

Action levels established to protect water supplies and water quality remain the same. However, the number of monitors needed to ensure that the standards are being met has changed. Based on the latest schedule submitted by GE, there may be as many as 13 distinct dredging-related operations operating at once. With this number of operations, the original five monitors required per dredging vessel would not be practical and might impede river navigation. The revised plan provides for at least two monitors for each dredge. This approach still provides a similar amount of data. Some data from these monitors will be provided in real time and some will require water samples to be sent to a laboratory for evaluation.

The revisions also call for GE to use an analytical method for the water being sent to the labs that will yield much faster results. The monitors collecting water samples will do so for a 24-hour period, and lab analysis will take between eight and 10 hours, shorter than the method originally required. This means that EPA will have results within 34 hours. If the river is flowing fast -- greater than 8,000 cubic feet per second (cfs) monitoring will be adjusted to collect water for a 12-hour period, instead of a 24-hour period, yielding results within 22 hours. Flow rates will be closely monitored to ensure protection of the water supplies. When the river is flowing at 10,000 cfs, dredging will be shut down.

EPA has worked closely with the New York State Department of Health and the New York State Department of Environmental Conservation to ensure that the modified monitoring requirements are protective and will continue to meet the objectives of the project. In addition, the revised monitoring program will be more efficient and will lessen impacts on navigation.

Administrative Requirements

Finally, the consent decree modification makes a number of minor changes to administrative requirements of the consent decree. For example, the consent decree modification updates the instructions that GE needs to follow when making payments to EPA under the consent decree. It also updates the names and titles of individuals to whom certain notifications must be sent under the consent decree.

Public Comment

EPA and the U.S. Department of Justice are accepting public comments on the proposed revision to the agreement with GE through February 25, 2009. The consent decree modification is available on the Department of Justice's Web site at http://www.usdoj.gov/enrd/Consent_Decrees.html or on the EPA's Hudson River project Web site at <http://www.epa.gov/udson>. Hard copies will be available at information repositories in Glens Falls, Fort Edward (EPA Hudson River Field Office), Ballston Spa, Albany, Poughkeepsie, New York City (EPA Region 2 offices), New York, and Edgewater, New Jersey.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e- mailed to pubcomment-ees.enrd@usdoj.gov or mailed to **P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611**, and should refer to United States v. General Electric Company, Civil Action No. 05-cv- 1270, D.J. Ref. 90-11-2-529.


For More Information

Visit, call, or write to the Hudson River Field Office at the address below or log on to www.epa.gov/udson.

EPA Contacts

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EPA Regional Public Liaison

EPA Region 2 has designated a public liaison as a point-of-contact for community concerns and questions about the federal Superfund program in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands. To support this effort, the Agency has established a 24-hour, toll-free number that the public can call to request information, express concerns, or register complaints about Superfund. The public liaison for EPA's Region 2 office is: George H. Zachos, U.S. EPA, Region 2, 2890 Woodbridge Avenue MS-211, Edison, New Jersey 08837, (732) 321-6621, Toll-free (888) 283-7626.