

**Hudson River Sloop Clearwater
Riverkeeper
Natural Resources Defense Council
Scenic Hudson
Sierra Club**

December 10, 2015

Sent Via Email and US Mail

Mathy Stanislaus
USEPA Headquarters
William Jefferson Clinton Building
1301 Pennsylvania Avenue, NW
Washington, DC 20460
aastanislaus@epa.gov

Dear Deputy Administrator Stanislaus:


We write to express appreciation for our recent meeting with you and your staff, and also to restate our concerns, raised in that meeting, regarding the projected failure of the recently concluded sediment remediation of the Hudson River Superfund Site to adequately protect human health and the environment as required by the Superfund Act. While we await your response to our requests articulated in the meeting, we wish now to reiterate and highlight the following requests and key unresolved concerns:

- Region 2 should immediately commit to a clear and prompt timetable for a transparent and inclusive five year review of the adequacy of EPA's selected sediment remedy for the site. We ask that the federal and state Natural Resource Trustees be considered and respected as equals and partners in reviewing and analyzing the relevant data and also that the environmental and other non-profit groups, as well as the public, be offered meaningful opportunities for input at key milestones in the process. We note with deep concern that EPA's 2012 Five Year Review followed a truncated process that bypassed the ordinary opportunities for input from other expert and involved agencies and stakeholders – with the outcome seemingly predetermined. This failure must not be repeated.
- Within the 5 Year Review, there should be an evaluation of potential actions to address "Superfund caliber" sites of PCB contamination levels that currently remain in the Hudson. These areas undermine the remedy's ability to be protective of human health and the environment and achieve the specific health and safety goals outlined in the Record of Decision.

- EPA should schedule discussions with the Federal Trustees to resolve the alarming divergence of opinion between agencies involved in this nationally significant cleanup. For several years, the federal Natural Resource Damages Trustees—specifically the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service— have raised serious concerns about the adequacy of the cleanup to achieve its mandated goals. In fact, NOAA has publically concluded that “fish in the Lower Hudson River won’t achieve EPA’s protective goals until decades later than predicted in the 2002 ROD.” EPA has ignored these concerns.
- Apart from ongoing local community discussions on future use, any further action on the plan for decommissioning the project’s dewatering facility must be put on hold. With respect to EPA claims that “a temporary processing facility can be constructed,” this statement disregards the crux of the issue: that use of the current dewatering facility and other existing infrastructure could dramatically expedite accomplishment of the EPA-established remediation goals for the Hudson River in one or two dredging seasons for comparatively little extra cost.
- Finally, EPA should not and cannot certify completion of the remedy under current circumstances, which include: new information about significantly higher-than-expected pre-remedial PCB concentrations; the substantially lower-than-expected rate of natural recovery in Hudson River sediments; the projected decades of delay in achieving the remedial action objectives for fish; and other issues an appropriate and more comprehensive Five Year Review might reveal.

We look forward to EPA’s response to our concerns and hope it reflects a much stronger and renewed commitment to a transparent public process during this historic cleanup. As always, we will continue to share with you our concerns and hopes for the future of a healthier Hudson River. One of America’s most iconic resources deserves no less.

Sincerely,



Ned Sullivan, President
Scenic Hudson, Inc.



Peter Gross, Executive Director
Hudson River Sloop Clearwater, Inc.



Daniel Raichel, Staff Attorney
Natural Resources Defense Council



Paul Gallay, President
Riverkeeper, Inc.



Roger Downs, Conservation Director
Sierra Club Atlantic Chapter

cc: Judith Enck, USEPA Administrator, Region 2
Christy Goldfuss, White House Council on Environmental Quality
Andrew M. Cuomo, N.Y. State Governor
Eric Schneiderman, N.Y. State Office of the Attorney General
Basil Seggos, Office of the Secretary to the Governor
Senator Kirsten Gillibrand
Senator Charles Schumer
Representative Eliot Engel
Representative Nita Lowey
Representative Sean Patrick Maloney
Representative Chris Gibson
Representative Paul Tonko
N.Y. State Assembly Hudson Valley Delegation
N.Y. State Senate Hudson Valley Delegation
Penny Pritzker, U.S. Department of Commerce
Sally Jewell, U.S. Department of the Interior
Brian Donahue, U.S. Department of Justice
Dr. Robert Haddad, National Oceanic & Atmospheric Administration
Tom Brosnan, National Oceanic & Atmospheric Administration
Lisa Rosman, National Oceanic & Atmospheric Administration
Dr. Kathryn Sullivan, National Oceanic & Atmospheric Administration
Kathryn Jahn, U.S. Fish and Wildlife Service
Margaret Byrne, U.S. Fish and Wildlife Service
Dan Ashe, U.S. Fish and Wildlife Service
Wendi Weber, U.S. Fish and Wildlife Service
Gary Klawinski, U.S. Environmental Protection Agency
Dr. Nathan M. Graber, Center for Environmental Health
Dr. Howard A. Zucker, Department of Health
Marc Gerstman, N.Y. State Department of Environmental Conservation
Kevin Farrar, N.Y. State Department of Environmental Conservation
Bridget Boyd, N.Y. State Department of Health
Audrey Van Genechten, N.Y. State Department of Health
Brian U. Stratton, N.Y. State Canal Corporation