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## **Public health and Hudson River advocates take fight to Albany in campaign to push GE on PCB cleanup**

### **New evidence shows amount of PCBs remaining in the river will continue to poison fish and endanger health of New Yorkers**

*GE dumped the toxic chemical into river for decades,  
now plans to end work in 2015, though there's much more to remove*

Public health advocates joined Hudson River fishers, boaters and municipal officials to urge GE to address its outstanding obligations — beyond the current EPA-mandated project — to do much more to clean up the Hudson River at an Albany news conference today.

The groups cited new scientific evidence — including a report by the National Oceanic and Atmospheric Administration (NOAA) — showing that significantly more PCB removal must be done before the Hudson's fish can become safer for the public and commercial and recreational use of the river can recover.

"GE dumped the PCBs into the river, and if it doesn't remove more of them, we're left with a 200-mile long Superfund site which is a danger to the health of anyone who breathes the air along the Hudson or who boats on or fishes in the river," said **Dr. Kathleen Nolan** of Physicians for Social Responsibility-New York and a longtime public health advocate.

Sponsored by the Campaign for a Cleaner Hudson's lead groups — Clearwater, Natural Resources Defense Council (NRDC), Riverkeeper and Scenic Hudson — the news conference is part of a Hudson River Advocacy Day in the Capital, which includes visits by Cleaner Hudson to key legislators who represent districts along the river.

Flanked by signs that warn fishers not to eat Hudson River fish and a large replica of a striped bass, speakers said state legislators should join their fight as they made the case for GE to fulfill its responsibilities to clean up the river after an EPA-mandated cleanup project ends later this year.

GE dumped millions of pounds of toxic PCBs (polychlorinated biphenyls) into the Hudson starting in the 1940s, devastating fish and other wildlife and damaging fishing, other industry and air quality along the river. After a decades-long battle, the federal Environmental Protection Agency ordered GE to remove 2.65 million cubic yards of PCB-contaminated sediment from the Hudson north of Albany—a number that it believed at the time would remove about 65% of the PCBs in that portion of the Upper Hudson.

more...

The campaign's goal is to persuade GE to conduct critically needed dredging in the Hudson's PCB-laden navigational channel and remove additional acres of highly contaminated river sediments that have delayed the river's full recovery. Both of these PCB cleanup needs have been documented as barriers to much-needed restoration projects, so addressing additional dredging now would even likely help the company by getting a portion of this liability off its books.

The EPA-mandated cleanup, which began in 2009, is scheduled to end this year. But with so much contaminated sediments slated to be left in the river, the advocates say that the job is far from done – and recent studies back them up.

### **“Overly optimistic”**

Two recent studies documented the continued harm GE's PCBs are causing, with one explicitly concluding that more removal work must proceed.

- NOAA's study, released earlier this month, showed that the original models used in planning the Hudson River recovery “were overly optimistic.”
- In a reference to the work GE is doing in the Upper Hudson, NOAA also concluded that “additional removal of PCB-contaminated sediment in the [Upper Hudson River is] needed” to achieve the reductions targets in the Lower Hudson River's PCB levels the EPA originally set for GE's PCB-removal project.
- In April, the Hudson River Natural Resources Trustees released “Injuries to Hudson River Fishery Resources: Fishery Closures and Consumption Restriction,” which documented the continued harm PCBs have caused to river fish and the fishing industry along the 200-mile stretch of the Hudson south of the former GE plants in Hudson Falls and Fort Edward. (The Trustees are the NOAA, the U.S. Fish and Wildlife Service and the State of New York.)

Studies from the Institute for Health and the Environment at the University at Albany also have documented the danger to public health from the Hudson's PCBs.

“Our research studies have clearly shown that the health of people living along the Hudson River is compromised because of PCBs coming off the river into the air and being inhaled by local residents,” said **David Carpenter**, the Institute's Director. “The health of people living near the river will be adversely affected until and unless the remaining PCBs are removed,” Carpenter added.

“As it is, generations will know that GE polluted the Hudson,” said **Gil Hawkins**, President of the Hudson River Fishermen's Association, which has led efforts to remove PCBs from the river for decades. “There is a direct correlation between the amount of PCBs in the river and the safety of eating its fish. Now, with further dredging, GE has the opportunity to be known as the company that cleaned it up.”

### **Strong support for a cleaner Hudson**

The Campaign for a Cleaner Hudson includes individuals and civic, environmental, and business groups along the river who are advocating for GE to take responsibility for its massive toxic mess.

Sixty-five municipalities along the river have passed resolutions in support of the campaign's goals, including the City of Albany and Orange, Putnam, Rensselaer, Rockland, Saratoga, Ulster, Washington, and Westchester counties. (See full list on p. 4.)

"We've lived too long with a river that can't be used the way it should. The navigational canal, the left-over acres of contaminated sediment and the floodplains remediation need to be addressed aggressively so river communities can continue the hard work to rebuild our economies and secure a healthier and safer future for all of us," said **Thomas Richardson**, Supervisor in the Town of Mechanicville in Saratoga County. "We are here today to make sure our state representatives understand why GE's work must not stop until the job is done."

"As a boater who lives along the river and loves it, I'm angered that I and other boaters are at risk because of PCBs," said **Frank Bergman**, former President of the Hudson River Boat & Yacht Club Association. "The only smart way to navigate out of this morass is for GE to take responsibility for the mess it made."

"Every Superfund site in the country requires the polluter not only to clean up the mess they made – which GE hasn't finished – but to compensate the public for the injury and loss of services from the pollution," said **Dan Raichel**, Staff Attorney at NRDC. "GE is on the hook and must fulfill its obligation to all of us who live along the Hudson."

"GE has the expertise and time to remove this pollution," said **Ned Sullivan**, President of Scenic Hudson. "The company still faces significant liability for the damages its pollution has caused and as part of that obligation should do some targeted additional dredging for the health of the river and to clear a commercial shipping channel its pollution has hindered for decades. GE's PCB legacy—and more important the future health and economy of the Hudson River Valley—are on the line. If GE doesn't meet its responsibilities, then taxpayers of New York State will be left to pay to clean up the company's mess."

Cleaner Hudson said its main message today to Albany legislators is that they should "speak up now to make sure GE steps up and removes more of the PCBs it dumped. Otherwise, New Yorkers will either have to live with a poisoned river or foot the bill for the cleanup themselves – and that's not right."

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**Lower Hudson Municipalities which have passed PCB resolutions**

**Columbia County**

Town of  
Livingston

**Dutchess County**

City of  
Beacon  
Towns of  
Dover  
Rhinebeck  
Washington  
Villages of  
Millbrook  
Millerton

**Orange County**

**Orange County Legislature**

City of  
Newburgh

Towns of  
Cornwall  
Highlands  
New Windsor

Village of  
Maybrook

**Putnam County**

**Putnam County Legislature**  
**Westchester Putnam Association of Town Supervisors**

**Rockland County**

**Rockland County Legislature**

Town of  
Ramapo

Villages of  
Airmont  
Montebello

**Sullivan County**

Town of  
Mamakating

**Ulster County**

**Ulster County Legislature**

City of  
Kingston

Towns of  
Hurley  
Lloyd  
Marbletown  
New Paltz  
Olive  
Rosendale  
Wawarsing

Villages of  
New Paltz  
Saugerties

**Westchester County**

**Westchester County Legislature**  
**Westchester Putnam Association of Town Supervisors**

City of  
Peekskill

Towns of  
Bedford  
Cortlandt  
Greenburgh  
Lewisboro  
Mamaroneck  
North Salem  
Ossining  
Somers

Village of  
Croton-on-Hudson

**Upriver Municipalities which have passed resolutions calling for Navigational Dredging:**

**Albany County**

Cities of  
Albany  
Cohoes  
Watervliet

Village of  
Menands

**Rensselaer County**

**Rensselaer County Legislature**

Town of  
Schaghticoke

**Saratoga County**

**Saratoga County Board of Supervisors**

City of  
Mechanicville

Towns of  
Halfmoon  
Moreau  
Northumberland  
Saratoga  
Waterford

Village of  
Schuylerville

**Washington County**

**Washington County Board of Supervisors**

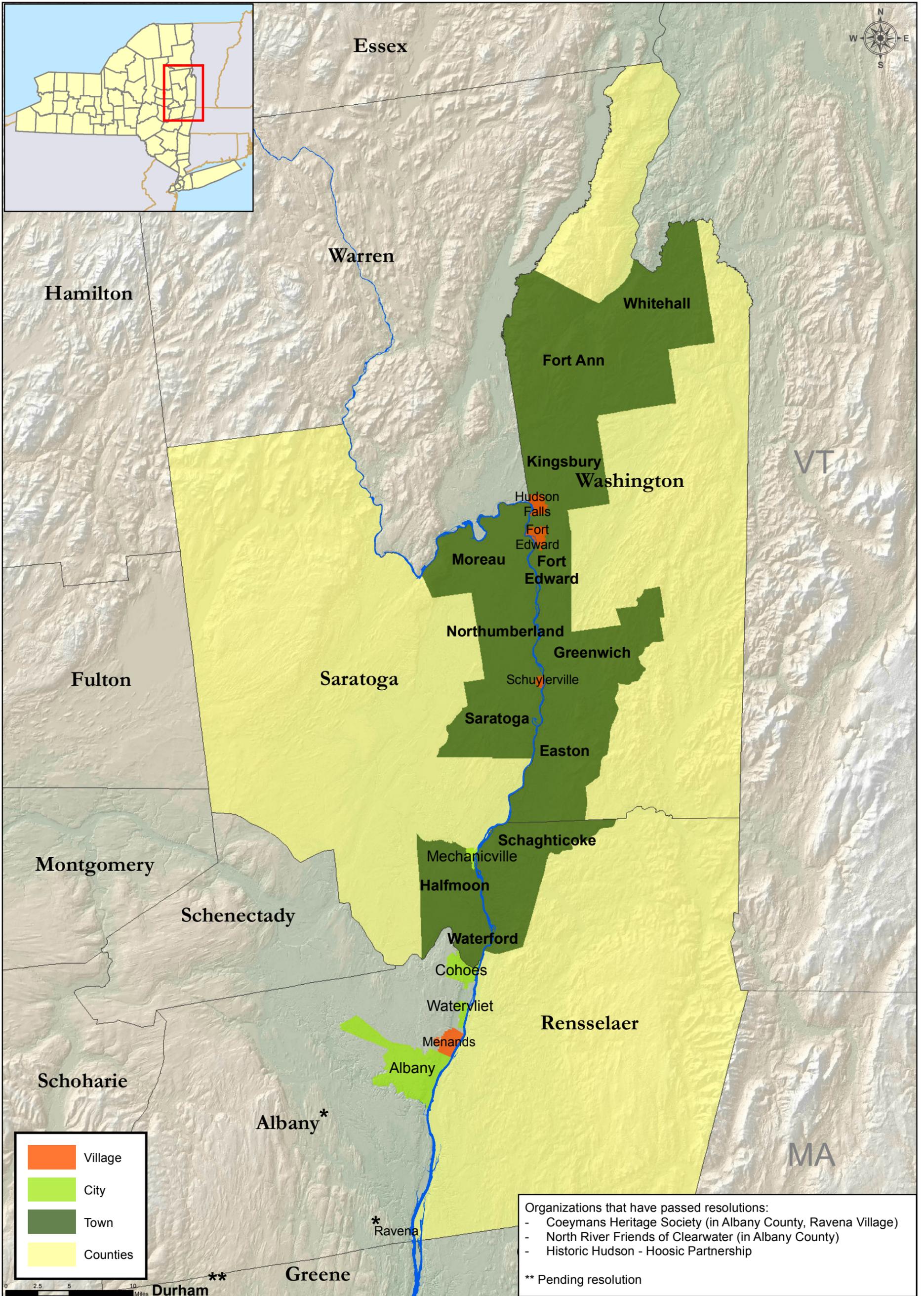
Towns of  
Easton  
Ft. Ann  
Ft. Edward  
Greenwich  
Kingsbury  
Whitehall

Villages of  
Ft. Edward  
Hudson Falls



SCENIC HUDSON

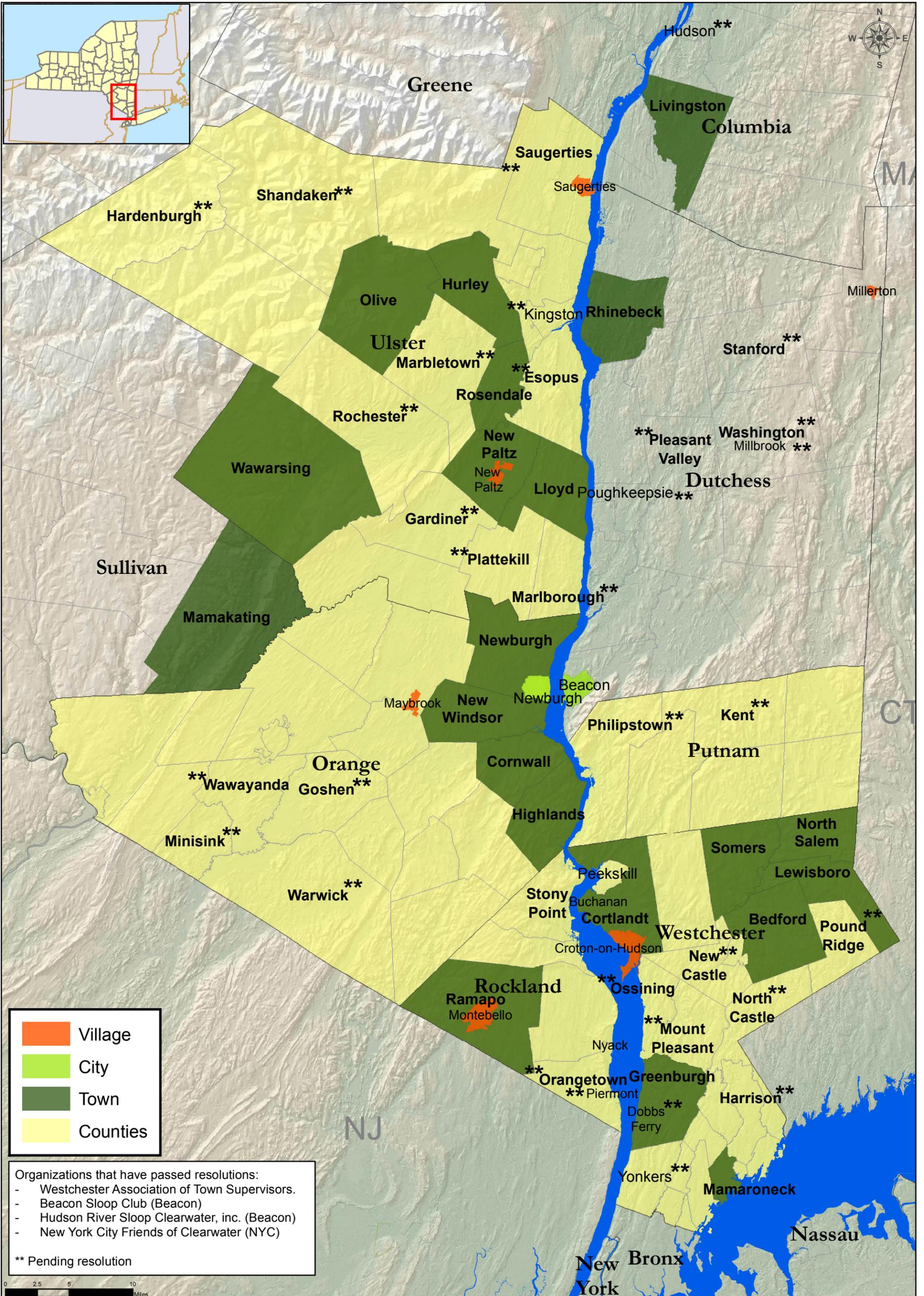
# Capital Region Superfund Site Restoration Dredging Municipal Resolutions Passed 2014-15





SCENIC HUDSON

# Lower-Hudson Region Superfund Site Restoration Dredging Municipal Resolutions Passed 2014-15



# A CLEANER, HEALTHIER HUDSON FOR *THIS* GENERATION

## A Profound Environmental Legacy



### GE Should Not Leave Before the Hudson River Cleanup Is Complete

River advocacy groups, federal agencies and an entire river of communities and concerned citizens are calling on General Electric (GE) to complete a thorough cleanup of PCBs in the upper Hudson. GE should not be able to leave taxpayers holding the bag—and the *bill*—for a public and environmental health threat they did not create.

### New York deserves a truly successful Hudson River PCB cleanup that will:

- Allow damaged natural resources and wildlife to recover more quickly
- Safeguard public health in riverfront communities generations earlier
- Restore navigation in the Champlain Canal—critical for resuming commercial activity upstate

Every Superfund site requires the polluter to do two things: clean up the hazardous waste they dumped and compensate the public for the injury and loss of services from severely polluted resources—as determined through the Natural Resource Damage Assessment (NRDA). Right now, GE has the opportunity to address some portion of its NRD liability by adding “restoration dredging” of an additional, highly polluted acres and the heavily contaminated navigational channel through a voluntary settlement. Strong leadership and a coordinated negotiation of NRD liability is needed immediately—before GE pulls its multimillion-dollar cleanup infrastructure from the river.





## What's at stake?

*For upper Hudson communities:* A restored Hudson River that can be the foundation of economic and waterfront revitalization plans. Among other shortfalls, the current cleanup will fail to remove large amounts of highly contaminated sediments, including those preventing the NYS Canal Corporation from implementing its constitutional duty to maintain a navigable Champlain Canal. Since the 1980s, the Canal Corp. has been unable to conduct navigational dredging in the canal due to high PCB concentrations, leading to a gradual reduction in navigability. Today the canal is virtually impassable for large vessels.

*For lower Hudson communities:* No PCB-contaminated sediments will be removed from the lower Hudson. Riverfront communities below the Troy Dam are counting on a thorough cleanup of the upper Hudson's river bottom—the only way to stop large amounts of PCBs from pouring over the dam, continuing to impact the health and local economies on which millions of downstate New Yorkers depend.

## Time is running out

After years of dredging operations, it's clear that a successful cleanup and healthier river are possible decades sooner, but only if GE moves forward *and* addresses the remaining substantial deposits of PCBs—both in the river and the floodplains—responsibly and aggressively.

Without strong, effective action now, the ecological health of the river and the economic revitalization of communities along it may have to wait *a decade or more* while the NRD is litigated, further delaying the environmental and economic recovery of a portion of the river that's long been devastated by GE's toxic legacy.

## GE's Hudson legacy will be decided now

The most important next step in the Hudson River PCB cleanup is bringing the necessary parties to the table to work out a solution that's in the best interest of all New Yorkers. Leadership and public pressure is critical. Without delay, GE should negotiate terms of a settlement with federal and state NRD trustees through a cooperative agreement process. The settlement must include, at a minimum, GE's dredging of the trustee-identified areas of severely contaminated river sediments outside the scope of the EPA-approved 2002 Record of Decision and in the navigation channel and Champlain Canal. Achieving an agreement that would comprehensively address the remaining pollution in the Hudson River would be an environmental and economic legacy for GE and communities up and down the Hudson Valley.



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## **CURRENT & FUTURE STATUS OF THE UPPER HUDSON RIVER PCB SUPERFUND PROJECT**

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**GE's legacy of PCB pollution in the Hudson River is being decided right now.** By this fall, two years ahead of schedule, most of General Electric's PCB in-river dredging operations will be completed and its multimillion-dollar facilities shut down. But the company still faces a potentially deep Natural Resource Damage (NRD) assessment (*compensating the public for decades of damage and loss caused by PCB contamination*). A call is being sent to GE to act responsibly and quickly to address some portion of its NRD liability through additional dredging of deeply polluted areas in the upper Hudson ignored in the EPA's court-ordered remediation.

**Because the cleanup only targeted 65 percent of PCB contamination in the upper Hudson, significant amounts of highly contaminated sediment will not be removed.** Of most concern is contamination in the navigational channel and 136 acres of toxic "hotspots" above the Troy Dam. Leaving this large amount of polluted sediment behind will delay the river's full recovery by decades, limit future restoration opportunities, restrict deep-draft shipping in the river and Champlain Canal, and prevent communities from making long-term economic redevelopment plans.

**Federal and state trustees tasked with NRD assessments have long identified these contaminated areas as a threat to the water, fish and people who utilize the Hudson River (especially low-income populations who traditionally disregard advisories against eating fish).** The contaminated navigational channel and hotspots identified by NRD trustees could be negotiated into a Cooperative Agreement for an early NRD settlement. Upriver communities have asked downriver municipalities and organizations supporting this strategy to unite in a robust public call for GE, the state and federal Trustees to begin sincere and active talks. The window of opportunity is closing rapidly.

**The New York State Canal Corporation (Canal Corp) has been unable to dredge the Champlain Canal's navigational channel for over 30 years.** PCB pollution bars the Canal Corp from fulfilling its constitutional mandate to maintain the channel, with preliminary estimates of what it could cost the agency (and ultimately state taxpayers) to dredge it in the hundreds of millions of dollars. With its existing facilities, equipment and rail spur, GE could conduct this dredging efficiently and quickly while reducing its ultimate financial NRD liability.

**GE's talk of adhering to the limits of the court-ordered project is not about science or responsibility—it's about delay.** GE will use that delay to allow its legal and media experts time to persuade a distracted public to accept its version of success—a limited and incomplete cleanup. Despite its misleading statements and reports, GE faces deep restoration liabilities under the NRD assessment, and there is no reason to extend this process years into the future.

**Aggressive removal of this PCB-polluted sediment will impact communities all along the river.** In addition to a cleaner, healthier Hudson, the economic health of *all* riverfront communities—from Hudson Falls to New York City—hangs in the balance. In fact, every community below the Troy Dam depends on a thorough cleanup of the upper Hudson. This would stop large amounts of PCBs from continuing to flow over the dam, affecting millions of citizens.

**GE has the technical capability, capacity and financial motivation to conduct additional dredging as part of a Cooperative NRD Settlement at this time.** Every resident, elected official and municipality must be a determined and effective champion for the Hudson River—and help persuade GE to sit down with federal and state trustees before the window of opportunity closes forever. We are all responsible for the health of our river and our economies.

**In light of the decades-long damages to this public resource, Hudson River communities deserve a PCB cleanup that will remove enough pollution from river sediments to allow the river to recover damaged natural resources and wildlife populations quickly, safeguard public health generations sooner, and restore vibrant commercial and recreational activities in waterfront communities long denied the full use of one of New York's greatest historic and natural assets: the Hudson River and Champlain Canal.**

# Fact Sheet: Hudson River PCBs Superfund Site Cleanup and Natural Resource Damage Assessment and Restoration

The Environmental Protection Agency and Hudson River Natural Resource Trustees work together, but have separate responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly referred to as “Superfund.”



**The Environmental Protection Agency (EPA)** is the lead agency for cleanup of the Hudson River PCBs Superfund site. EPA estimates that over a 30-year period ending in the late 1970s, an estimated 1.3 million pounds of PCBs entered the river from two General Electric (GE) capacitor manufacturing plants located in Fort Edward and Hudson Falls, New York. PCBs have contaminated the sediments, surface water, groundwater, wildlife, and floodplain soils of the Hudson River.

In February 2002, the EPA finalized a Record of Decision (ROD) for the Hudson River PCBs Superfund Site that calls for targeted environmental dredging of approximately 2.65 million cubic yards of PCB-contaminated sediment from a 40-mile section of the Upper Hudson River. The two-phase dredging project began in 2009.

- The EPA’s remediation (or cleanup) is designed to reduce present and future threats to human health and the environment.
- GE is performing the dredging under the terms of a 2006 legal agreement, under EPA oversight.



**The Hudson River Natural Resource Trustees** are conducting a natural resource damage assessment (NRDA). PCBs released from GE facilities in the Upper Hudson River have injured the public’s natural resources for over 200 miles, from Ft. Edward to New York City. The NRDA process measures environmental harm caused by PCB pollution, and seeks “damages” (e.g., funding, restoration projects) from the responsible party (GE) to restore injured habitats and resources.

- Natural Resource Trustees’ responsibility: Restoration of injured natural resources. The goal is to measure past, present and future resource injuries and lost uses from the PCBs and the cleanup remedy itself, and develop a plan to restore these resources.
- GE’s potential liability for natural resource damages will be resolved through a negotiated settlement or litigation. The actions taken by GE under the ROD do not resolve GE’s potential liability for natural resource damages.

## Who are the Hudson River Natural Resource Trustees?

The New York State Department of Environmental Conservation, the Department of Commerce/ National Oceanic and Atmospheric Administration (NOAA) and the U.S. Department of the Interior/U.S. Fish and Wildlife Service (USFWS)





## The EPA's focus is Remediation

### What is the EPA doing now?

**Overseeing the dredging project:** The EPA is overseeing the second phase of dredging in the Upper Hudson River. Dredging occurs 24 hours a day, 6 days a week between May and November, when the Champlain Canal is open for the season. In the off-season the EPA reviews technical documents for the upcoming dredging season, which include plans for in-river dredging, habitat reconstruction, and cultural resources assessments.

### What will the EPA do next?

**Evaluate contamination in the floodplain:**

As part of the Hudson River cleanup, the floodplain of the Upper Hudson River is also being evaluated for the presence of PCBs. Since 2002, the EPA and GE have collected over 7,000 soil samples from floodplain areas of the Hudson River between Fort Edward and Troy, New York. Under a September 2014 agreement with the EPA, GE will conduct a comprehensive study (Remedial Investigation/Feasibility Study) that will further evaluate PCB contamination in the floodplain. This study will include an evaluation of human and ecological risks and potential long-term cleanup solutions.

### Next Steps: What happens when dredging ends?

**Long-term monitoring and facility decommissioning:** It is anticipated that dredging could be completed during the 2015 dredging season. The remaining in-river work associated with habitat reconstruction and the closing of the Fort Edward, New York, sediment dewatering



## The Trustees' focus is Restoration

### What are Trustees doing now?

**Completing injury assessment work,** measuring the injuries to natural resources caused by PCB contamination and the physical harm to habitat and biota (plants and animals) from the remedy. Trustees have already published multiple Injury Determination Reports describing harm caused by PCB contamination. Knowing the scope of injuries is essential to determining the restoration required.

**Identifying, scaling and evaluating restoration alternatives** and laying the groundwork for developing the restoration planning documents that will be prepared in the future. Trustees are engaged in the ongoing process of determining how much restoration is required to compensate for injuries to natural resources.

### What will Trustees do next?

**Resolve the claim:** The Trustees will work to resolve the damage claim either by reaching a negotiated settlement with the responsible party, or through litigation. Most NRDA cases are settled without lawsuits.

**Develop a Restoration Plan:** The Trustees continue to invite the public to submit proposed restoration activities. The Trustees will consider the submittals in their restoration planning process. Once the claim is resolved, the restoration activities will be implemented according to the restoration plan.



and processing facility will follow the dredging. Once dredging activities are complete, the EPA and GE will initiate a long-term Operation, Maintenance, and Monitoring (OM&M) program. This program will include ongoing monitoring of the caps that were placed in some areas of the river to isolate remaining PCBs, as well as long-term water quality and fish sampling. Monitoring will also be conducted after habitat reconstruction activities are completed to assess the reestablishment and growth of any planted material and recolonization of these areas by local plants and macroinvertebrates. Once the last of the dredged material at the sediment processing facility has been transported off-site, decommissioning of the facility will begin.

**Five Year Review:** Under the Superfund law, five-year reviews are required when hazardous substances, pollutants or contaminants remain at the Site that would not allow for unrestricted use. The purpose of the five-year review is to ensure that implemented remedial actions are working as intended and are protective of human health and the environment. The first five-year review for the Hudson River dredging project occurred in 2012 and concluded that the cleanup is meeting, or is expected to meet, the goals that were set by the EPA for the project. The next five-year review is expected to be completed by April 2017.



### **Next Steps: What happens when dredging ends?**

#### **Trustees will continue to measure injuries from the remaining PCB contamination.**

Trustees will also measure injuries that resulted from the remedial action. Injuries can arise from dredging and subsequent capping or backfilling as well as habitat reconstruction. For example, habitat areas reconstructed after dredging, capping, and/or backfilling require time to attain the same quality and characteristics and usage as existed prior to remediation, so there are losses associated with the recovery period. These losses also apply to organisms, such as freshwater mussels that die from being removed or buried during dredging, and that take time to re-populate areas affected by the remediation.

Even with the remediation and habitat reconstruction and replacement ongoing in the Hudson River, natural resources will continue to be exposed to the PCBs that remain unremediated in the river and on the floodplain and will continue to be adversely affected as a result of that exposure. The public's use of those resources will continue to be impaired.

## Remaining PCB Contamination:

### A closer look at the role of the EPA and the Trustees

The objectives of the Hudson River PCBs Superfund cleanup are to reduce risks to people and the environment (including wildlife) by lowering PCB levels in fish, reducing the level of PCBs in Hudson River water, reducing the mass of PCBs in sediment to which biota (plants and animals) can be exposed, and minimizing the downriver transport of PCBs. However, PCB-contaminated sediments will remain in the Hudson River after the dredging remedy is complete, especially in River Sections 2 (from the Thompson Island Dam to the Northumberland Dam) and 3 (from the Northumberland Dam to the Federal Dam at Troy), where the PCB trigger level for cleanup is higher than in River Section 1 (from the former Fort Edward Dam to the Thompson Island Dam). The term “residual PCB contamination” is used to refer to those PCBs in sediments that will not be removed by dredging.

The EPA has determined that additional dredging is not necessary to achieve the Superfund cleanup goals. However, the EPA believes that the cleanup goals could be achieved more quickly if additional dredging were carried out, particularly where there are more PCBs in the surface sediment than originally known at the time of the ROD.

The EPA supports efforts by the Trustees to address such greater potential injury. The EPA and federal and state Natural Resource Trustees are continuing to cooperate and communicate on the Hudson River cleanup.

#### **Contact us: Hudson River Natural Resource Trustees:**



- **Tom Brosnan (NOAA), 301-713-3038 x186; Tom.Brosnan@noaa.gov**  
[www.darrp.noaa.gov/northeast/hudson](http://www.darrp.noaa.gov/northeast/hudson)
- **Kathryn Jahn (USFWS), 607-753-9334; Kathryn\_Jahn@fws.gov**  
[www.fws.gov/contaminants/restorationplans/HudsonRiver/index/html](http://www.fws.gov/contaminants/restorationplans/HudsonRiver/index/html)
- **Sean Madden (NYSDEC), 518-402-8977; sean.madden@dec.ny.gov**  
[www.dec.ny.gov/lands/25609.html](http://www.dec.ny.gov/lands/25609.html)

#### **Contact us: Environmental Protection Agency**



If you would like information on general environmental concerns or the federal Superfund hazardous waste program, have concerns or complaints about the Superfund program, or if you seek assistance in resolving site-specific issues that were not fully addressed by the EPA, please contact:

- **George Zachos (EPA Regional Public Liaison), 732-321-6621 or toll-free 888-283-7626; zachos.george@epa.gov**  
<http://www2.epa.gov/aboutepa/epa-region-2>

