

# Congress of the United States

Washington, DC 20510

October 18, 2017

The Honorable E. Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt,

As the EPA reviews the comments submitted during the public comment period on the *Proposed Second Five-Year Review Report for Hudson River PCBs Superfund Site*, we write to reiterate our concern that the project as completed to date is not protective of human health and the environment. As the EPA report states, it will likely take “several decades at least” for natural attenuation to gradually achieve a long-term remediation goal. Under EPA’s projection, relying completely on the natural attenuation of PCBs to complete the cleanup of the Hudson means that the river is unlikely to be fully cleaned-up in our lifetimes. That is unacceptable.

EPA’s draft review report clearly acknowledges that dredging completed to date has not yet reached the protectiveness objectives in the 2002 Record of Decision for the Hudson River Superfund project. As such, the review report should clearly state that the cleanup is “not protective.” We also have serious concerns with the finding that the remedy “will be protective” given that EPA has itself expressed the need to collect further information in the Upper and Lower Hudson River and stakeholders, including the trustees, have challenged EPA’s methodology and limited data in making this claim. That finding should be removed from the final report.

To address these concerns before the EPA can credibly determine that the remedy is or will be protective, the EPA should immediately initiate further clean-up of the upper Hudson and investigate PCB contamination in the lower Hudson. Analyses by the New York State Department of Environmental Conservation and the Hudson River trustees clearly show the continued presence of contamination that must be remediated in the upper Hudson River. EPA’s draft report also states that PCB levels in fish and sediment are higher than the original remedy expected, and the final review report must outline specific steps EPA intends to take to investigate and remediate downriver contamination.

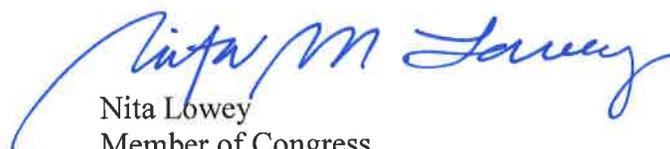
The federal government has an obligation to the people of New York to ensure that the environmental health of the Hudson River is restored so future generations will not be harmed by this legacy pollution and can benefit from the natural resources of this American Heritage River. For this reason, we call on you to conclude that the remedy for the entire Hudson River Superfund site is “not protective,” and remove the finding that it “will be protective,” paving the way for the Hudson to receive the cleanup it deserves.

Thank you for your attention to our concerns, and the concerns that have been provided to EPA through the public comment on the draft five-year review report. In particular, we urge you to give strong consideration to the public comments submitted by NOAA and the New York State Department of Environmental Conservation. We hope that steps to address them will be included in the final report document.

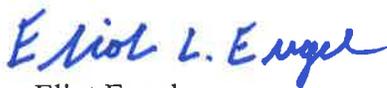
Sincerely,



Kirsten Gillibrand  
United States Senator



Nita Lowey  
Member of Congress



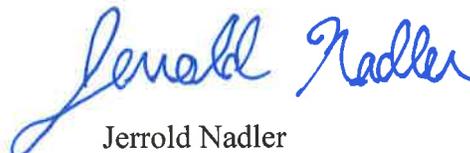
Eliot Engel  
Member of Congress



Paul Tonko  
Member of Congress



Sean Patrick Maloney  
Member of Congress



Jerrold Nadler  
Member of Congress



Carolyn B. Maloney  
Member of Congress