

United States Senate

WASHINGTON, DC 20510

February 4, 2019

The Honorable Andrew Wheeler
Acting Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Wheeler,

As EPA completes its technical review of the results of post-dredging sediment samples and fish tissue data and prepares to release the final second Five-Year Review Report for Hudson River PCBs Superfund Site, we write to urge the Environmental Protection Agency to withhold issuing a certificate of completion of the remedial action to General Electric (GE) for the Hudson River PCB cleanup. We are concerned that the goals of the 2002 Record of Decision (ROD) have not been fully met and the cleanup is not sufficiently protective of human health and the environment. While we recognize that a considerable amount of dredging and clean-up of toxic PCB sediment has occurred as part of the consent order (GE has removed approximately 2.75 million cubic yards of contaminated sediment), we believe that the issuance of a certificate of completion under those conditions is premature and could result in continued harm to the health of the Hudson River and its ecosystems. Instead, we urge the EPA to engage with GE and New York State to continue the PCB clean-up process.

In December, the State of New York Department of Environmental Conservation (DEC) released a study based on comprehensive sampling and analysis to assess the extent of PCB contamination remaining in the Hudson River following the end of dredging activities. The DEC report found that PCB contaminated sediments remain in the upper Hudson River. Additionally, fish PCB concentrations are not recovering at the rate anticipated by the EPA. The average concentrations in the upper Hudson have not consistently improved from prior to when the cleanup began and conditions in the lower Hudson have not improved as a result of the remedial work.

These outcomes are not acceptable, and additional work must be done to continue to monitor the effectiveness of the remedy in the upper Hudson and fully investigate contamination in the lower Hudson. Until we have better clarity that the remedy is working as intended and meeting the goals of the ROD, GE should not be released from its obligations as the responsible party and the certificate of completion should not be issued. We believe that more must be done to fully clean up the Hudson River, and we urge you to work with GE and New York State to achieve that goal.

Thank you for your attention to this matter, and please do not hesitate to follow-up with our offices to discuss in further detail.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator