Comments to the Phase 1 Peer Review Panel, May 5, 2010, Glens Falls, New York.

My name is Lisa Rosman and I work for NOAA's Office of Response and Restoration. NOAA provided written technical comments as well as joint trustee comments on the Phase 1 Evaluation Reports. I will highlight some of the main points contained within NOAA's letter and recommend that the peer review panel read those comments for more details. My comments today represent the opinions of the federal trustees.

1. GE's proposal for a hard cap on load as a modification to the Resuspension Standard is incompatible with EPA's remedy for the Hudson. Their proposal decreases dredging and mass removal and newly incorporates inventory capping. This modification is not supported by the federal trustees. Cap designs developed primarily to isolate residual PCBs might require redesign and could lead to increased armoring. Any hardening of the river bottom should be addressed through habitat mitigation consistent with EPA's Contaminated Sediment Guidance.
2. A reduction in sediment removal under GE's EPS modifications has the potential to contribute to the long term load to the Lower Hudson since significantly more inventory and surface PCBs will be remain in the river and will continue to be at risk of scour and downstream transport.
3. The benefits from Upper Hudson remediation outweigh the short term impacts to the Lower Hudson allowing for the elimination of load as a standard. Phase 1 did not provide evidence that re-deposition in the Lower Hudson associated with load over the Federal Dam led to increased fish PCBs. The federal trustees do not anticipate long-term impacts to surface sediment or fish concentrations in the Lower Hudson from implementation of the 2002 remedy.
4. Best management practices employed during Phase 1 did not effectively address release of NAPL. Measures to monitor, contain, and capture NAPL should be developed and effectively implemented. NOAA has extensive experience with responding to oil spills and our comments provide potential measures for characterizing and tracking the 3-D NAPL plume and containing and collecting the NAPL.
5. The 2009 Phase 1 load may have been impacted by unanticipated increased erosion within and PCB loading from West Channel Griffin Island due to mid-2009 installation of a bridge replacing an undersized culvert by a property owner at the upper end of the channel that greatly increased flows through this highly contaminated backwater channel of the Upper Hudson. Baseline monitoring did not capture this change in condition.
6. Flows during 2009 dredging were the third highest on record. They were the highest on record in the West Channel of Rogers Island due to diversion of flows from the East Channel of Rogers Island to the West Channel. The West Channel is shallow and highly contaminated. Sediment scour during these unusually high flows would contribute to elevated loads observed further downstream.

7. The federal trustees support navigational and access dredging as envisioned in the ROD. This will improve productivity, and reduce resuspension and residuals. Better depth of contamination (DoC) estimates allow for planning of access and navigational dredging during design rather than relying primarily on an adaptive approach. Increased water depths could allow for greater use of larger scows and 5 cy buckets to remove inventory.
8. A proactive approach should be embraced by EPA and GE during Phase 2 design to minimize underestimates of DoC, maximize inventory removal on the first dredge pass, minimize fine grading of inventory sediments, and reduce resuspension.
9. The method used to develop Phase 1 dredge prisms should be revised in Phase 2 to deal with underestimates of DoC and MPA and to incorporate uncertainty into final dredge boundaries and cut lines. This will improve compliance with the EPS.
10. Smoothing of horizontal boundary lines demarking Certification Units (CUs) should increase dredging and backfilling efficiency and improve productivity. These boundaries are currently designed as irregular creating cookie cutter sharp-edged borders. Contractors are required to surgically cut to achieve these final cut lines. This decreases productivity and increases resuspension.
11. The cleanup trigger for RS1 is 3 g/m^2 which translated to 10 ppm Tri^+ PCBs or ~25-30 ppm total PCBs. The cleanup trigger for RS2 and RS3 is 10 g/m^2 which equates to 30 ppm Tri^+ PCBs or ~75-90 ppm total PCBs. These triggers leave significant concentrations of PCBs outside the remediated CUs. Pre-dredge concentrations outside of dredge prisms needs to be considered when evaluating potential impacts of redeposition. Dredge-induced sediment redeposition may have been exaggerated due to a number of confounding factors including (a) large PCB variability in co-located cores, (b) elevated surface PCBs in the vicinity of sediment traps not remediated during Phase 1 (e.g., CU 10 and 11, EGIA 01B2) are subject to non-dredge related events, and (c) re-deposition of clean backfill during placement activities could dilute some dredge-related PCB redeposition.
12. We've heard that approximately 400,000 cy of "clean" sediments would be removed if overcuts were required. These sediments should not contribute significantly to PCB resuspension or load since these sediments would contain little PCBs.