



Legislation Details (With Text)

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**Title:** Resolution calling upon the General Electric Corporation and the United States Environmental Protection Agency to enter into an agreement that expands the scope of the Hudson River PCBs remediation plan in order to address issues and concerns raised by the United States National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service and affected communities, and to implement an expanded remediation plan immediately.

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Res. No. 791

Resolution calling upon the General Electric Corporation and the United States Environmental Protection Agency to enter into an agreement that expands the scope of the Hudson River PCBs remediation plan in order to address issues and concerns raised by the United States National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service and affected communities, and to implement an expanded remediation plan immediately.

By Council Members Constantinides, Richards, Rose and Rosenthal

Whereas, The Hudson River is a 315-mile long river flowing from north to south through New York State, originating in the Adirondack Mountains and draining into the Atlantic Ocean; and

Whereas, In 1997, the Hudson River was designated to be an American Heritage River by the United States Environmental Protection Agency (EPA), in recognition of the river’s distinctiveness and its importance

to surrounding communities, the state and the nation as a natural, economic, scenic, historic, cultural and recreational resource; and

Whereas, In 1984, the EPA declared a 200-mile long section of the Hudson River - from Hudson Falls to New York City - to be a Superfund Site requiring cleanup because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants into the river over the course of a thirty year period, between 1947 and 1977; and

Whereas, PCBs are synthetic chemicals that were first commercially manufactured in the 1920s and used extensively in industrial products and processes as insulating materials, coolants and lubricants until 1977 when they were banned in the United States based on growing evidence that they were toxic to humans and wildlife; and

Whereas, Today, according to the EPA, PCBs are classified as probable human carcinogens and there is evidence that PCBs might be linked to a variety of adverse health effects in animals and humans including reduced birth weight, altered conception rates and reduced thyroid hormone levels, adverse impacts on the immune system, and adverse impacts on neurological development including impairment of visual recognition, short-term memory and learning; and

Whereas, PCBs bioaccumulate, meaning that animals higher up the chain, such as birds and fish in the Hudson River ecosystem, generally have higher concentrations of PCBs in their living tissues; and

Whereas, The primary risk posed by the presence of PCBs in the Hudson River to humans is through the bioaccumulation of PCBs in humans through eating contaminated fish; and

Whereas, A 2001 study published in Ambulatory Pediatrics found that PCB-contaminated fish from rivers surrounding New York City have consumption rates among anglers, pregnant women and children that exceed New York State Department of Health recommendations and that present worrisome levels of exposure; and

Whereas, In addition to presenting human health concerns, the presence of PCBs in the Hudson River

has hurt commercial and recreational activities, including fishing and tourism, along sections of the river; and

Whereas, In 2002, the EPA proposed a two-phase remediation plan to address the risks posed by PCBs in the Upper Hudson River to humans and the environment, which involved the dredging and off-site disposal of approximately 2.65 million cubic yards of PCB-contaminated sediment from a 40-mile long section of the river, and which GE subsequently agreed to implement; and

Whereas, The remediation plan divided the Upper Hudson River into three sections by latitude - River Section 1, River Section 2 and River Section 3 - with the most stringent cleanup standard planned for River Section 1; and

Whereas, GE completed phase one of the remediation plan in 2009, removing approximately 283,000 cubic yards of PCB-contaminated sediment from a section of the Upper Hudson River near Fort Edward, New York; and

Whereas, GE began implementing phase two of the remediation plan in 2011, targeting the removal of 2.4 million cubic yards of PCB-contaminated sediment, and this second phase of the cleanup is expected to conclude in 2015; and

Whereas, Once the second phase of the remediation plan has been completed, GE will likely dismantle its dredging and cleanup infrastructure; and

Whereas, In 2011, the United States National Oceanic and Atmospheric Administration (NOAA) and the United States Fish and Wildlife Service (FWS) released data and analyses that identified a number of issues with the 2002 remediation plan as implemented; and

Whereas, NOAA and FWS have found that (1) more recent sediment characterizations and models predict higher and more widespread PCBs concentrations, slower natural recovery rates and slower declines in the level of PCBs in fish than were predicted and assumed in the 2002 remediation plan; (2) PCB levels in the areas outside of the dredged area will remain high and the average PCB concentrations in River Section 2 and River Section 3 will be five times higher post-remediation than was predicted by the 2002 remediation plan; (3)

if the same remediation standard that was applied in River Section 1 was applied in River Section 2 and River Section 3 it would require dredging an additional 136 acres; (4) the current PCBs cleanup and habitat design limits the restoration of affected habitats; and (5) continued implementation of the 2002 remediation plan will result in short- and long-term adverse impact to natural resources because of the shortcomings of the planned cleanup and habitat reconstruction; and

Whereas, Some affected communities have also raised concerns that if the remediation plan is implemented without modifications it will leave significant amounts of PCBs in Hudson River floodplains, backwater areas and sites such as the Old Champlain Canal; and

Whereas, Despite the issues identified by NOAA and FWS and the concerns of communities, GE and EPA have not modified the scope or implementation of the original 2002 remediation plan; and

Whereas, If PCBs remain in the Hudson River and floodplains after the remediation plan is fully implemented they will inhibit future private and public growth, opportunities, and economic and recreational activities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the General Electric Corporation and the United States Environmental Protection Agency to enter into an agreement that expands the scope of the Hudson River PCBs remediation plan in order to address issues and concerns raised by the United States National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service and affected communities, and to implement an expanded remediation plan immediately.

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