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Lisa Feldt
Deputy Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: GE's Modeling Results for Upper and Lower Hudson River

Dear Ms. Feldt:

I am responding to your "interim response" to my letter of July 7, 2010 to Assistant Administrator Stanislaus. As you must be aware, it has now been *three weeks* since GE provided its technical memorandum, *Proposed Allowable Downstream PCB Load for the Hudson River Dredging Project*, to EPA's peer review contractor – critical time that should have been used by the Peer Review Panel to consider important information that bears on the future of the Hudson River. EPA has set a deadline for the Panel to deliver its draft report that is now less than three weeks away. In this situation, your "interim response" is in fact a decision, because it continues to block this information from getting to the Panel in any reasonable timeframe.

Let me be clear that we are not asking – indeed have *never* asked – for the Peer Review Panel to "review GE's model." The heart of the information in GE's technical memorandum is GE's proposed PCB load standard for the Hudson River, which is squarely within the charge to the Panel and which we told the Panel in May would be forthcoming by late June. Our June 28 submission contained a separate "Model Documentation Report" only to answer any questions the Panel might have as to *how* GE derived its proposed load standard. In fact, in an attempt to resolve this issue we proposed to the Region that EPA would not even provide GE's model report to the Panel, and would *only* provide GE's technical memorandum containing and explaining our proposed load standard.

As to EPA's review of the model itself, that effort is continuing between EPA and GE, wholly apart from the peer review process. GE's updated model was developed by Dr. John Connolly of Anchor QEA, one of the nation's premier environmental modelers and a member of the National Academy of Engineering, as well as the EPA Science Advisory Board Staff. Dr. Connolly is working directly with EPA's modeling consultants to thoroughly vet GE's model.

While the Peer Review Panel's task is complex, this decision is not. Running out the clock on this critical information is unfair and inconsistent with the fundamental principle of independent peer review, and undermines the ability of the Panel to give serious and meaningful consideration to the best available scientific evidence. I therefore urge you once more to direct the Region to immediately release GE's load standard report to the Peer Review Panel.

I ask that this letter be included in the administrative record for EPA's decisions on the Hudson River dredging project.

Sincerely,

Ann R. Klee

cc: Scott Fulton, USEPA
Judith Enck, USEPA
Walter Mugdan, USEPA
Eric Schaaf, USEPA
Paul Simon, USEPA
Douglas Fischer, USEPA
John Cruden, USDOJ
John Haggard, GE
Sheri Moreno, GE