

# EXHIBIT 1

SUE W. KELLY  
19TH DISTRICT, NEW YORK

COMMITTEE ON FINANCIAL SERVICES, VICE CHAIR  
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ASSISTANT MAJORITY WHIP

Congress of the United States  
House of Representatives  
Washington, DC 20515-3219

October 28, 2005

- PLEASE REPLY TO
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  - ORANGE COUNTY GOVERNMENT CENTER  
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(914) 952-0761

Ms. Kathleen C. Callahan  
Acting Regional Administrator  
US Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866

William E. Moschella  
Assistant Attorney General for Office of Legislative Affairs  
Office of Legislative Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW, Room 1145  
Washington, DC 20530

Dear Ms. Callahan and Mr. Moschella:

My purpose in writing is to commend the apparent progress marked by the recent agreement between General Electric, the Environmental Protection Agency (EPA), and the Department of Justice (DOJ) in removing PCBs from the Upper Hudson River, and to discuss several issues involving the consent-decree filed in early October. I hope that you can address these concerns, so that the effort to clean the Hudson can be performed successfully, safely, and entirely.

The agreement is an important marker in the endeavor to create a healthier Hudson River and to sustain the economic and environmental assets that surround it. As Phase I of this effort moves forward, I look forward to viewing the progress of the Superfund site and helping to ensure both its effective implementation and the successful transition into Phase II.

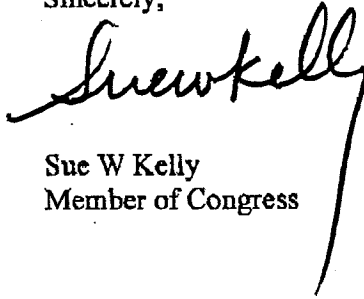
Given the significance of these recent events, it is important that the legal boundaries put in place for such a considerable undertaking do not undermine our mutual goals. Therefore, I hope you will take time to address issues which have been raised with the consent-decree signed by your two parties and General Electric.

As you likely know, there is serious concern that the consent decree does not comprehensively ensure completion of both phases of the cleanup. While I am pleased that with the apportionment of upwards of \$100 million in private funds towards this

effort, there is understandably a strong interest by many of my constituents in ensuring the continuation of the project past the initial phase, which only covers roughly ten percent of the cleanup. Some have expressed concern with the uncertainty related to the remaining ninety percent of the project, citing, for example, the apparent absence of customary Superfund penalties for opting out of Phase II, along with provisions in the consent decree which may create devices for ceasing or slow-walking the implementation of Phase II. What's more, there is a deep concern that the EPA may not maintain the necessary authority to enforce Phase II. Without a successful resolution of these concerns, the vision of a rejuvenated Hudson River could be seriously imperiled. Therefore, I hope you will pay close attention to these concerns as work on this critical effort proceeds.

Thank you for your time in addressing these concerns. I look forward to your prompt response.

Sincerely,



Sue W Kelly  
Member of Congress