Housatonic Environmental Action League, Inc.

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January 18, 2005

Susan Svirsky
Rest of River Project Manager
c/o Weston Solutions
10 Lyman Street
Pittsfield MA 01201

Emailed to: Svirsky.Susan@epamail.epa.gov

RE: ECOLOGICAL RISK ASSESSMENT (EcoRA) FOR GENERAL ELECTRIC (GE)/HOUSATONIC RIVER SITE,REST OF RIVER; DCN: GE-100504-ACJS; November 12, 2004; Environmental Remediation Contract GE/Housatonic River Project Pittsfield, Massachusetts

Dear Ms. Svirsky,

The Housatonic Environmental Action League, Inc. (HEAL) is a 501(c)(3) non-profit, non-partisan, broad-based, grassroots environmental advocacy coalition that includes individuals and organizations from the tri-state area (CT, MA, NY) who are dedicated to the protection of the Housatonic River and its watershed. Our organization has been actively involved with the Environmental Protection Agency's (EPA) Housatonic River Project particularly as it relates to General Electric's (GE) polychlorinated biphenyl (PCB) contamination of the river system.

Please enter HEAL's comments for the revised EcoRA into consideration.

1. HEAL fully supports and endorses the comments submitted by Dr. Peter L. deFur and his associates at Environmental Stewardship Concepts. Dr. deFur was contracted by the Housatonic River Initiative (HRI) who is the single recipient of the EPA's Technical Assistance Grant (TAG). HEAL appreciates the opportunity afforded our organization to provide input to Dr. deFur during his expert review of the revised EcoRA.

2. In EPA's November 15th press release, Robert Varney, EPA's Regional Administrator states: *"In the spirit of full and open participation at this unique site, EPA is providing an opportunity for interested individuals to review and comment on the new information in this important document."*

HEAL appreciates this additional opportunity to provide comments on one of the most critically important documents associated with this site. HEAL requested an extension to the comment period due to the absence of the document in at least one of the official repositories. The Cornwall [CT] repository was provided only CDs of the revised EcoRA; not even a hardcopy of the Executive Summary accompanied the CDs. In order to compare the original and revised EcoRA, one would either need two computers or the complete hardcopy(ies). It is difficult to ascertain what the revisions are in the new document in the absence of the ability to cross-reference. We understand the need for the document to be highly technical with scientific language. An additional non-technical Executive Summary written for the lay public would go far to satisfy Mr. Varney's desire for "full and open participation".

3. (ES-2; line 9) *Site-specific toxicity tests.* This entry is more accurate by including "*(limited testing conducted in Connecticut)".*

4. (ES-2; line 17) …*where farming was the main occupation from colonial settlement through the late 1800s.* Life in the Housatonic River basin did not begin with European introduction. Please consider a characterization that includes pre-colonial occupation.

5. (ES-4; line 1)*The GE facility in Pittsfield is the only known source of PCBs found in the Housatonic River sediment and floodplain soil in Massachusetts.* To expand on the accuracy of this statement, please consider adding "*and in Connecticut as far south as the Derby Dam".*

6. (ES-4; line 9) *The Rest of River is the portion of the river from the confluence of the East and West Branches of the Housatonic River (the confluence) to the Massachusetts border with Connecticut, a distance of approximately 54 miles (87 km), and beyond into Connecticut to Long Island Sound.* The Consent Decree characterizes Rest of River (ROR) from the confluence in Massachusetts to Derby Dam in CT. This statement needs to be revised. A second entry can then be inserted to define the PSA and the CT section of the river. If you include the mileage of the MA section of ROR, it is only logical to include the mileage of the CT section of ROR.

7. (ES-4; line 14) *The lateral extent of the area under investigation includes the floodplain extending to the 1-ppm tPCB isopleth, which is approximately equivalent to the 10-year floodplain.* The floodplain in the CT section of the river

has not been adequately tested or characterized. This statement needs to qualify that EPA is referring to the PSA in MA.

8. (ES-4; line 22) *The ERA also includes an evaluation of the river and floodplain downstream of the PSA to the Derby Dam in Connecticut, approximately 14 miles upstream from Long Island Sound.* We request that you include the word "abbreviated" (or one similar) before the word evaluation. Why do you include the mileage backward from Long Island Sound yet you never include the miles from the CT/MA border to Derby Dam?

9. (ES-4; line 25) *Next to the initial 0.5-mile (0.8-km) reach bordering the GE facility, Reach 5 has the highest concentrations and highest frequency of detections of PCBs in sediment.* Please consider adding "in sampling and testing to date".

10. (ES-6;line 26) ***Reach 17*** *– From downstream of the Derby Dam to Long Island Sound (tidal, and not part of GE/Housatonic River site due to other sources of PCBs) (13.7 miles).* On line 22, EPA indicates the miles from Long Island Sound to Derby Dam is 14; which is correct. Additionally, the river downstream from Derby Dam is not included in the Consent Decree as a result of closed-door negotiations between General Electric and EPA. Claiming "other sources of PCBs" is a misrepresentation of facts.

11. (ES-6; line 28)*The land uses of the floodplain properties in Massachusetts include residential,commercial/industrial, agricultural, recreational (such as canoeing, fishing, and hunting), wildlife management, and parks and a golf course. The Housatonic River floodplain is an attractive area for recreation, including fishing and waterfowl hunting.*
These two sentences are redundant, disregard the floodplain uses in CT and assume that the listed land uses are the only ones taking place. Why are land uses by humans being included in the revised EcoRA?

12. (ES-16; line 24)*Therefore, the overall risk conclusion for fish is low/intermediate risk.*We would like to reinforce our concerns regarding the data that indicates apparent reproducing populations of certain species in the riverine system. The current EPA risk assessment protocol that relies solely on evidence of reproducing populations as an indicator of the "health" of a species is inadequate and, we believe, incorrect in the presence of polychlorinated biphenyls and other toxins introduced/dumped into the Housatonic River watershed by General Electric. We have found this to be most dramatically demonstrated in the fish population in the Connecticut section of the river.

Multiple HEAL members and other stakeholders continue to observe fish with gross external abnormalities in various species (e.g. various body lesions, sores and anatomical anomalies). Toxins that do not overtly lead to the immediate demise of a contaminated organism and allows continued, yet impaired, reproduction, do not fit within the EPA's ecological risk assessment framework. Additional attention in the data to individuals within a population is indicated. To repeat HEAL's oral testimony presented to the Peer Review panel: ***IF THE PISCIVOROUS MINK AND OTTER POPULATIONS ARE EXPERIENCING SEVERE HEALTH EFFECTS AND CONSIDERED AT HIGH RISK IN A SYSTEM, HOW CAN FISH IN THAT SAME SYSTEM BE CONSIDERED AT LITTLE TO NO OR LOW RISK??***

13. (ES-18; line 3) *The effect of this impairment on local fish population size,recruitment, and/or resilience to natural or anthropogenic stressors is not known.* In light of this statement, Table ES-3 (ES-17), F-Field Study Endpoints, Evidence of Harm should be changed from "No" to "Undetermined".

14. (ES-33; line 19) *In general, potential risks to benthic invertebrates occur in limited areas downstream of Woods Pond to Rising Pond. These areas are depositional and tend to have higher concentrations of tPCBs. Below Rising Pond, sediment does not contain concentrations of tPCBs that represent a potential risk to benthic invertebrates. The latter conclusion is supported by comparison of field-collected invertebrate tissue residue data (West Cornwall, CT) to literature-derived PCB tissue thresholds.*The West Cornwall area of the river is rocky with less deposition of sediment as compared to the areas behind dams. Inadequate sediment sampling/testing was completed behind all of CT's dams.

15. (ES-48; line 27) *The detailed ecological characterization performed at this site has greatly reduced the uncertainties associated with problem formulation.* Although the PSA benefited from a detailed ecological characterization, CT continues to be inadequately sampled, tested and characterized.

16. (ES-49; line 11) *There are several sources of uncertainty in the assessment of effects, including extrapolation errors and a limited number of toxicity studies conducted with the representative species.* We would like to see added at the end of this sentence: "particularly in Connecticut".

17. (ES-49; line 21) *The greatest potential source of uncertainty for the fish and wildlife effects assessments, however, was associated with the lack of toxicity*

studies involving the representative species. Same as 16 above… "particularly in CT".

18. (ES-50; line 16) *An assessment of risk downstream of the PSA indicated that tPCBs could potentially be causing adverse effects to benthic organisms in depositional areas as far as Reach 8, amphibians in floodplain areas as far as Reach 9, trout in Reach 7, mink as far as Reach 15, and river otter as far as Reach 15, and bald eagle in Reach 8. However, the magnitude of risks in these areas is lower than in the PSA.* HEAL believes that there is insufficient and inadequate data in CT for EPA to reach these conclusions.

HEAL continues to be concerned that EPA does not adequately acknowledge the PCB contamination in the CT section of the river (primarily behind the dams). PCBs will continue to be transported into CT from the upper reaches until such time that the PSA (and beyond) are contained. We look forward to that decision.

The revised EcoRA clearly shows adverse impacts to the species that live in the river system. We are disappointed that EPA made no mention of the global transport of GE/Housatonic River PCBs that adversely affect species throughout the world.

We again ask EPA to acknowledge and embrace the Precautionary Principle.

Thank you for the opportunity to comment on the revised EcoRA.

Sincerely,

Judith A. Herkimer, Director