

Turbulent Waters

DocId 70633

Battle rages on dredging the Hudson

By Dan Fagin
STAFF WRITER

Fort Edward, N.Y. — Tim Finn put down his socket wrench and looked up from the snowmobile he was repairing. For a moment, he gazed at one of the nation's biggest and most controversial hazardous waste sites as it flowed placidly past his family's cinderblock boathouse. Then he shrugged his shoulders and shook his head, managing to look both puzzled and irritated at the same time.

"I'll tell you this, the fishing in this river is phenomenal, and so is the wildlife. It's never been cleaner in my lifetime," said the ponytailed, 26-year-old contractor. "I don't know why they would want to mess with it."

"They" are the federal Environmental Protection Agency, and "this river" is the mighty Hudson, the site of an epic environmental battle that after 30 years is about to reach its climax, with far-reaching implications for any New Yorker who eats fish or lives near a hazardous waste site.

By mid-August, new EPA administrator Christie Whitman is scheduled to decide whether to accept the recommendation of her Democratic predecessor and force the General Electric Corp. to undertake the largest environmental dredging project in U.S. history in a bucolic, 40-mile stretch of the upper Hudson from Fort Edward to Waterford.

The EPA has been studying the Hudson almost continuously since declaring it a Superfund site in 1984, and it would be an extraordinary act for an EPA chief to reject a plan the agency has spent so many years, and \$16 million, preparing. But it might happen — and not only because of the political shift in Washington. A series of EPA missteps combined with an all-out legal, scientific and media blitz by GE has led to a remarkable situation in the upper Hudson.

The people who are supposed to be the prime beneficiaries of the EPA's plan — Finn and tens of thousands of other residents of the working-class river towns north of Troy — are instead greeting it with the same fierce resistance that doomed General Burgoyne's British Army on this same stretch of river 225 years ago. That battle, Saratoga, changed the course of the American Revolution.

This time around, the stakes aren't quite so high. But there's a lot more on the table than the \$460 million the dredging would cost GE, whose two factories at Fort Edward and Hudson Falls are the original source of the toxic polychlorinated biphenyls — PCBs — that the EPA wants dug out of the Hudson's muddy bottom.

For Long Island and New York City, a successful dredge of the upper Hudson might lead to an easing of 15-year-old limits on how frequently riped bass, bluefish and eels caught in downstate waters can be safely eaten. And far beyond New York waters, Whitman's decision will be a key early test of her willingness to be an advocate for environmental causes inside the Bush ad-



GE's capacitor facility in Hudson Falls is one of the plants that dumped PCBs in the Hudson.



Tim Havens, president of an anti-dredging group, calls EPA plans an 'atrocity.'

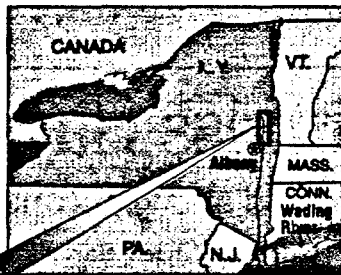
PCBs in the Hudson

About PCBs

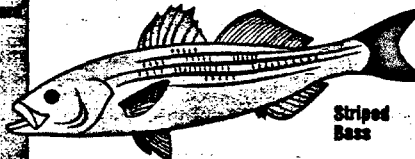
Characteristics: An oily liquid used in capacitors to moderate the flow of electrical current. Composed of a family of compounds known as polychlorinated biphenyls. Durable, slow to break down.

Danger to humans: A probable carcinogen. Builds up in fat and is passed on to infants. Linked to learning problems, low birth weight and a diminished ability to fight infection.

The Environmental Protection Agency is expected to decide this summer whether sediment containing toxic PCBs will be dredged from the Hudson River. Here is a look at the area.



PCB Advisories Downstate



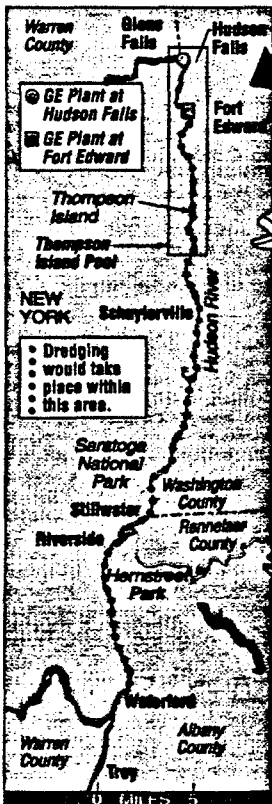
Striped Bass

Striped bass: Eat no more than one half-pound meal per month of striped bass caught in New York Harbor or in Long Island Sound west of Wading River. Eat no more than one meal per week of striped bass caught elsewhere off Long Island. Children under 15 and women of childbearing age should eat no striped bass from New York Harbor or Long Island Sound west of Wading River.



Bluefish

Bluefish and American eels: Eat no more than one half-pound meal per week of fish caught in the lower bay of New York Harbor or in waters off Long Island.



Source: New York State Department of Health

ministrations. It will also send an important signal about whether Bush will embrace a GE-led campaign to curtail the embattled federal Superfund law that regulates hazardous waste cleanups.

"The Hudson River is a lot more than just an icon. Whatever happens there is really going to be a precedent-setting case that will have far-reaching effects throughout the country," said Lois Gibbs, whose activism as a resident in the Love Canal neighborhood of Niagara Falls led to Congress' passage of the Superfund law in 1980. She now heads the Center for Health, Environment and Justice in Falls Church, Va.

The story of PCBs in the Hudson River begins in 1946 when GE began mass-producing capacitors at Fort Edward and seven years later at Hudson Falls. Used in electric appliances and electrical substations, capacitors do a job similar to a car's shock absorbers by smoothing out surges of electric current. Their key ingredient at that time was an amber-colored, oily liquid that was durable, fireproof, and was miraculously good at conducting heat without conducting electricity.

The amber oil was a mixture of closely related compounds known as polychlorinated biphenyls, and getting about a gallon of the stuff inside each capacitor was a messy business. The devices were immersed in huge vats of PCBs and then sealed tight in vacuum chambers. Afterwards, the PCBs that inevitably clung to the outside of the devices were washed off onto the factory's basement floor, or were collected and pumped to the outfall pipes that dumped hundreds of thousands of pounds of PCBs into the Hudson between 1946 to 1976.

The tragedy of the Hudson River is that the same durable qualities that made PCBs so useful inside capacitors also made them a plague for the river ecosystem. PCB molecules break down excruciatingly slowly in the environment, and in the Hudson they can cling stubbornly to sediments for decades. If eaten by fish — and especially by fish-eating birds and humans who may be exposed to them over and over again — PCBs gradually accumulate in body fat and can be passed on to the next generation via birds' eggs and human breast milk.

By the early 1970s, scientists were reasonably sure PCBs were danger-

See HUDSON on A30

NEWSONY: SUNDAY, FEBRUARY 25, 2001

Battle on Dredging Hudson Rages

HUDSON from A7

ous, and today the compounds are classified by the EPA as probable human carcinogens, based on tests on laboratory animals. In high doses, PCBs have also been linked to learning problems, low birth weight and a diminished ability to fight infections.

Under pressure from the state, GE stopped using the compounds in 1976, and PCB levels in the Hudson started dropping quickly. By 1985, concentrations in river water had dropped to about one-tenth of what they were a decade earlier. That improvement, plus resistance from GE and local residents who didn't want the dredged mud dumped in their communities, prompted first the state and then EPA to drop plans for widescale dredging of the Upper Hudson.

But by the late 1980s the rate of improvement was slowing dramatically, and today levels in fish and water are only slightly lower than they were 10 years ago. "The bottom line is: the Hudson is not cleaning itself, not any more," said Richard Caspe, who oversees Superfund cleanups in the EPA's New York regional office and is the agency's point man for the Hudson dredging plan.

In fact, a quarter-century after GE stopped using PCBs, largemouth bass caught in the 40-mile stretch of river below the two factories still carry concentrations that are about 400 times higher than what's safe for someone who eats a half-pound meal of bass once a week, according to the EPA. A full generation has passed since fishermen have been legally allowed to eat anything they catch in that part of the Hudson.

Even striped bass caught hundreds of miles away in western Long Island Sound and New York Harbor are too contaminated with PCBs to be safely eaten more than once a month, or once a week for eastern Long Island and the South Shore. About half of the PCBs in downstate striped bass are thought to have originated with the GE plants — a key reason why the EPA's plan is supported by the tight community of downstate fishermen and environmentalists who follow the issue.

But north of Albany, it's a different story. On the upper Hudson, people complain about dredging as frequently as downstaters complain about traffic — and with just as much venom.

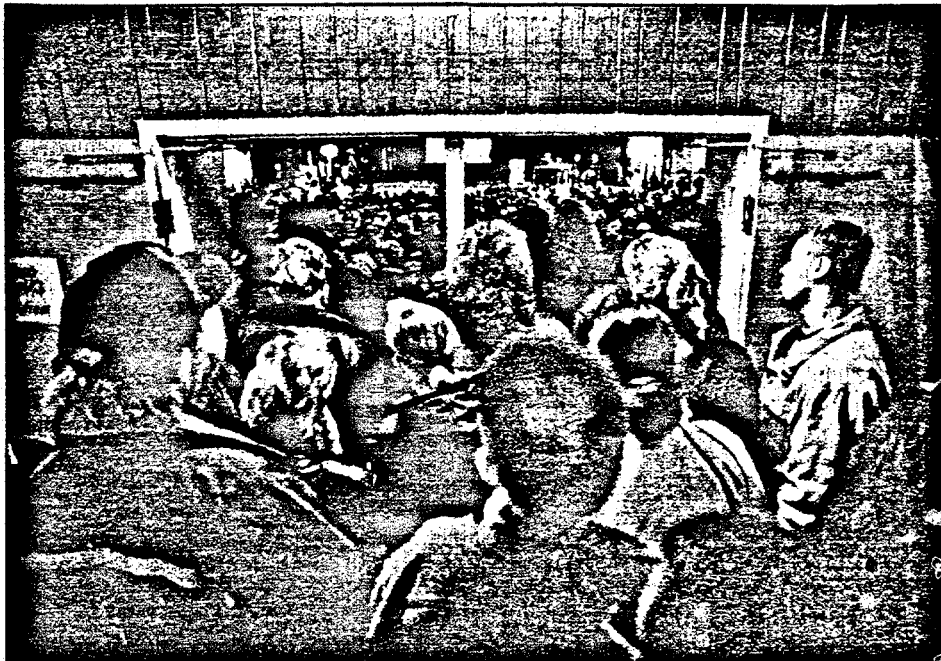
"It is our mission and our duty to stop this atrocity from being committed on our lands, now and forever!" Tim Havens shouted into the microphone earlier this month at an EPA public hearing at Hudson Falls. The boisterous, standing-room crowd of more than 800 that packed the high school auditorium that day was the biggest many locals could remember in the village of 7,600 people, and the television lights from Albany-based camera crews quickly overwhelmed the power supply, causing a brief blackout.

Many in the crowd wore green "No Dredging" baseball caps, and they easily outnumbered about 100 dredging advocates, mostly young people affiliated with Albany-based environmental groups.

On the stage, the EPA's Caspe tried to stress how the project would benefit fishermen, but many in the crowd wanted to talk about the agency's history of vagueness and vacillation about where the estimated 2.65 million cubic yards of sediment would go after it's scooped out of the river.

"Everyone who lives along the river wonders if the EPA is looking at their backyards through rose-colored binoculars," said Havens, a tractor salesman and president of an anti-dredging group that since the 1970s has fought off plans to dredge the river and bury the contaminated sediment nearby.

The EPA now says that all of the dredged mud will be sent by rail to landfills "outside of the Hudson River Valley." But the agency's previous moves have played into the hands of GE and other dredging oppo-



An EPA public hearing at the Hudson Falls High School was standing-room only as more than 800 people packed the auditorium to express their opinions on the plans to dredge the Hudson River to remove toxic PCBs.

nents who say the EPA can't be trusted.

"We've made stupid mistakes but I don't think we've really done things wrong. I think people have taken advantage of these stupid mistakes," Caspe said. Three years ago, for example, the EPA surveyed the region for landfill sites without telling local communities about it, and then was embarrassed when the news leaked out. Last year, something similar happened when the EPA looked at possible sites for two "temporary facilities" near the river where water would be removed from the sediment before it's shipped out.

Even now, the EPA still hasn't revealed where it wants to put the two temporary sites or where the contaminated sediment will be shipped. It has identified a dozen "hot spots" in the river it wants dredged, but hasn't said precisely how that will happen or what type of equipment will be used. Those decisions, Caspe said, will be made during the two-year "design phase" that would follow Whitman's approval. The actual dredging would take another five years.

The EPA has had plenty of help in creating a climate of distrust on the upper Hudson River, thanks to the strenuous efforts of the General Electric Corp.

The company has not only supplied baseball caps, yard signs (there are four in front of Tim Finn's boat-house) and plenty of advice to the anti-dredging forces, it has also blanketed Albany television stations with commercials featuring close-up shots of mud-covered dredging machines.

In January, the company even paid for the simultaneous broadcast on all four of Albany's commercial television stations of a 30-minute film GE produced about the perils of dredging. GE operates an anti-dredging Web site and a toll-free hotline, and has managed to get virtually every local government official in the Hudson Valley north of Saratoga to go on record against the project.

The company won't disclose how much it's spending, but is unapologetic about the public relations offensive. "Unless we spent the time and the money and the effort to tell that story, it wasn't going to be heard," said Steve Ramsey, GE's vice president for environmental programs.

The GE blitz is tapping into a rich vein of local resentment toward the wealthier communities downriver. Many of the mill towns of the upper Hudson have been losing population for decades as manufacturing jobs go to the Sunbelt or to Mexico. GE's local payroll is just 350 now, down from more than 1,000 during the 1970s. But the few jobs that remain are prized, and the company and communities remain tightly bound.

It's a situation that bewilders the handful of prominent local citizens who favor dredging.

"I've finally figured it out: We have battered wife syndrome," said Pam Brooks, past president of the Fort Edward Chamber of Commerce. "For years,

we've been telling ourselves that this horrible situation really isn't a problem, that it's nothing. And now that we finally have an opportunity to get out of the relationship, we can't do it."

But there's more to the case against dredging than mass psychology and public relations. Sparing no expense, GE has also constructed an elaborate scientific argument that dredging won't help, and might make the situation worse.

To understand it, you have to put on a hard hat and walk to the river's edge a few hundred feet from the company's Hudson Falls plant.

"When we first came down here, it was like something out of a Hardy Boys mystery: it was dilapidated, overgrown with trees. We had to lower our guys down with ropes," said John Haggard, a former mid-level EPA official who runs GE's cleanup efforts on the Hudson. Haggard spoke as he descended a metal stairway to the site of a crumbled 19th Century paper mill.

In 1991, GE and the state detected an alarming jump in PCB concentrations in the upper Hudson, and eventually traced it back to the old mill. It turned out PCBs for decades had been seeping through fissures in the bedrock basement of the GE factory and building up in an underground tunnel inside the abandoned mill. In 1991, a gate to the tunnel gave way and water rushed in, sending a torrent of PCBs into the river.

Until then, no one had looked to see if PCBs were still entering the river long after GE stopped using them at its factories. "Our focus was on the PCBs that were already in the river, and that was also the focus of the state and EPA," Haggard said, noting that the company during the 1980s spent more than \$20 million studying the river sediments and doing some small dredging projects.

Since the discovery at the old mill, GE, under orders from the state, has spent about \$25 million at the Hudson Falls site cleaning it up and installing a pump-and-treat collection system that has cut the amount of PCBs trickling into the river from about five pounds per day to less than three ounces. The company is preparing a \$20 million expansion of the system aimed at eliminating the leaks altogether.

It's these continuing leaks that have slowed the Hudson's recovery, GE argues. Once they are shut off, Haggard says, PCB levels in fish and water will resume their steady drop as the contamination at the river bottom is safely buried by fresh sediment. The EPA disagrees, citing measurements that show the leaks from Hudson Falls cannot account for all of the PCBs that are loose in the river water. That means PCBs must also be leaching up from buried sediment, the agency asserts, and that the fastest way to clean the river is to get rid of that contaminated mud.

But stirring up all that sediment might make things worse, GE argues. Haggard points to a similar but much smaller project on the Fox River in Wisconsin in

The Issue on the Web

Some Web sites with more information about PCBs in the Hudson River:

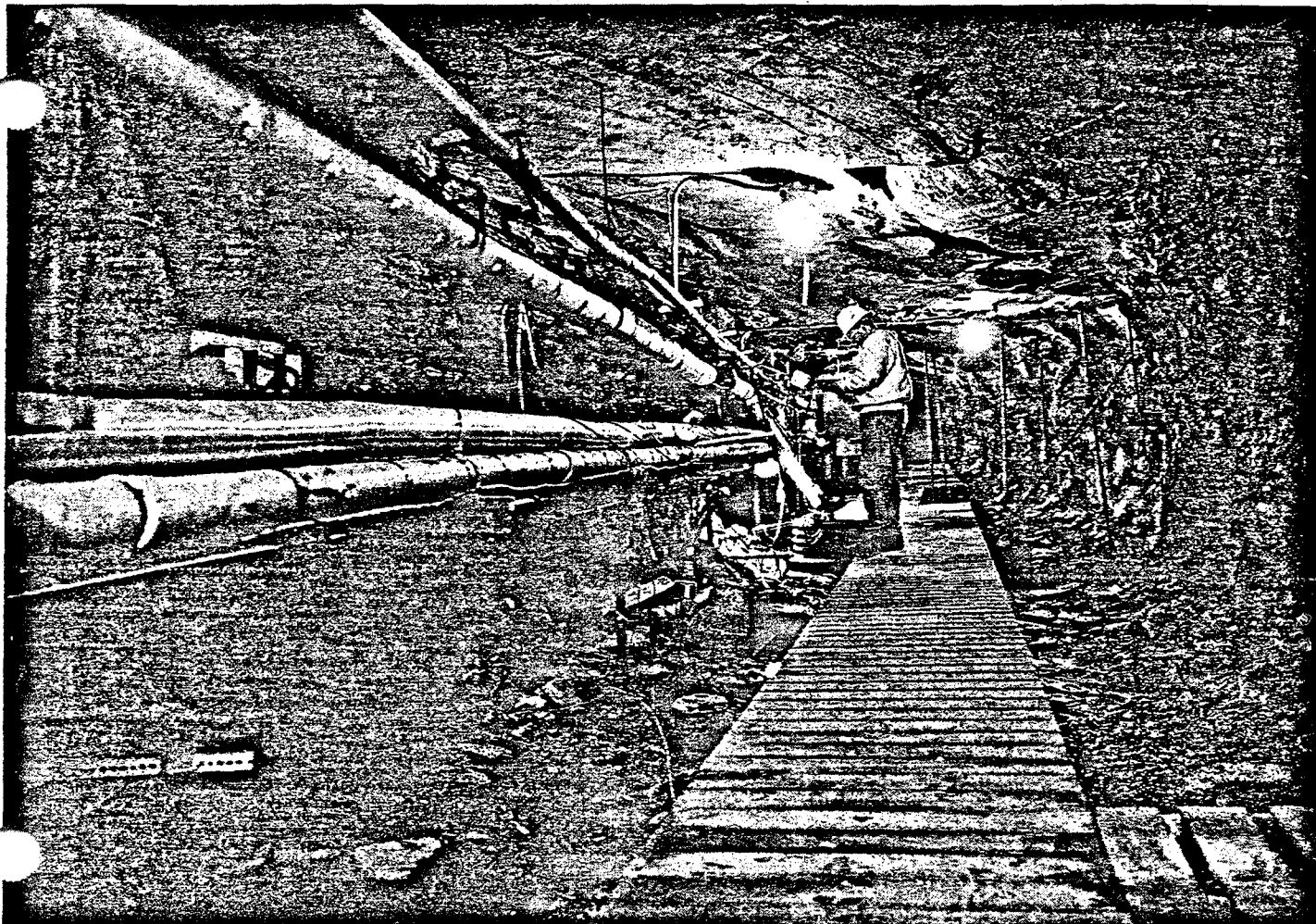
www.epa.gov/hudson — Environmental Protection Agency.

www.hudsonvoice.com — General Electric Corp.

www.nodredging.org — Citizen Environmentalists Against Sludge Encapsulation, a group that opposes dredging.

www.scenic Hudson.org — Scenic Hudson, a group that favors dredging.

The state's advisories for eating fish is available at: www.health.state.ny.us/mysdoh/enviro/fish.htm



Photos by Will Waldron

PCBs seeping from tunnels under the GE capacitor facility in Hudson Falls continued to reach the river until the 1990s. Now, a pump-and-treat collection system has cut the flow to a trickle.

which about 2.2 percent of the dredged PCBs escaped into the river instead of being removed to a landfill.

The same escape rate in the Hudson would be enough to almost double the amount of PCBs in the river's water during the five-year dredging period, the EPA acknowledges. But the agency says it plans to use better equipment that will allow less than a tenth of 1 percent of the dredged PCBs to escape. And while Caspe concedes that the EPA has little direct evidence that dredging leads to lower PCB levels in fish — the only published study the agency could supply is from a Swedish lake where PCBs in perch fell 50 percent after dredging — he said he's confident it will happen in the Hudson.

That's a chance that many of the people of the upper Hudson don't seem willing to take. Like Tim Finn, they see a river teeming with fish and birds, with no visible signs of toxic waste.

In that sense, the Hudson typifies a second generation of hazardous waste sites in which toxic chemicals are out of sight instead of in rusty barrels behind barbed-wire fences. Whitman's decision on dredging the Hudson will set the tone for dozens of similar projects around the country in places as diverse as New York Harbor, the Houston Ship Channel and reclaimed mines in the West, experts say.

Just last year, when Whitman was governor of New Jersey, her environmental commissioner was a supporter of dredging the Hudson. But the new EPA chief and her aides have offered no hint of what she will do.

GE, meanwhile, has opened another front in its anti-dredging campaign by launching a broad constitutional challenge to EPA's authority under the Superfund law to order cleanups without prior judicial review. Harvard Law School Professor Laurence H. White, who helped argue Al Gore's appeal of the Florida presidential vote before the U.S. Supreme Court, is handling the case for the company. The lawsuit — and others that may follow from GE as well as Havens' group if Whitman approves the EPA plan — could delay the dredging for years.

That wouldn't bother Tim Finn a bit. He likes the Hudson just the way it is. And if he can't eat the pike and bass he catches, well, that's OK with him. "I can live with it," he said.



John G. Haggard is a former mid-level EPA official who runs General Electric's cleanup efforts on the Hudson. Haggard says the company has already spent more than \$20 million to study river sediments and do some small dredging projects.