

GE: No plans yet to fight EPA

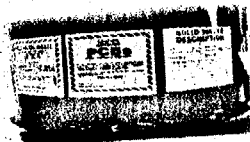
APR 2, 2001



Dredging
the Hudson

Rescuing the River

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■ Expecting a mess and damage to businesses, many upstate residents plan to continue dredging fight. 7A

■ Bush is trying to clean up his environmental record with his support of Whitman's EPA plan, activists say. 7A

■ Cleanup tab of \$460 million does little to hurt General Electric stock. 7A



Gov. George Pataki

■ Analysis: Governor's role, level of support for Hudson PCB dredging remain unclear. 7A

■ Mechanics of an environmental cleanup operation. 8A

■ History of PCBs, 8A

■ Wildlife of the Hudson, 8-9A



Seth Harrison/The Journal News

Fort Edward Town Supervisor Marilyn Pulver, a longtime dredging opponent, sits yesterday along the banks of the Hudson River.

Company contends work to cause more harm than good

Yancey Roy
Albany Bureau

ALBANY — On the hook for a \$460 million cleanup, General Electric Co. said yesterday that the federal government's decision to order wide-scale dredging of the Hudson River was wrong.

The Environmental Protection Agency's plan to dig up millions of tons of PCB-contaminated sediment "will cause more harm than good," the company said in a statement.

This is a loss for the people of the area who overwhelmingly oppose this project and the decades of disruption it will bring to their communities. It appears that neither sound science

nor the voices of these residents played a part in the EPA's decision," the statement continued.

Otherwise, the corporate giant's response was more muted than the extensive advertising anti-dredging campaign it ran from December to April. GE bought full-page newspaper ads, time on radio and television and spent, by various estimates, \$10 million to \$60 million.

The company produced 30-minute television programs and staged numerous news briefings as it aggressively fought the proposal on political and public relations fronts.

But for now, there are no planned countermeasures to the EPA order, including litigation, a spokesman said. GE had previously filed a lawsuit questioning the legality of the federal Superfund law, which governs toxic-waste cleanups.

Please see GE, 6A

Clear-cut cleanup plan doesn't exist

Any spill during dredging could further pollute river

Roger Witherspoon
The Journal News

The Environmental Protection Agency is poised to begin the nation's largest environmental dredging project without a clear-cut plan for tackling the job.

And there's little margin for error: Any significant spill of the toxic sludge being pulled from the bottom of the Hudson River will further pollute the river and could result in a shutdown of the

massive cleanup effort. EPA Administrator Christie Whitman's decision would commit the agency to remove 4 million tons of river bottom contaminated with PCBs — and five times that volume of water — from three sections of the upper Hudson River. Much of this would be pumped uphill through a floating, river-borne hose.

The decision is based on the agency's belief that it can be done effectively, although it's not sure how.

"We knew when they first proposed this in December that they had not done all the

Please see PLAN, 6A

Clear-cut cleanup plan doesn't exist

PLAN, from 1A

homework," said Fort Edward Town Supervisor Merrilyn Pulver, a longtime opponent of dredging.

"We don't know what 17 miles of shoreline will be totally ripped apart to support this," Pulver continued. "We don't know whose property they will be taking. We don't know what roads they will tear up. We don't know where they will treat this material."

"How dare they make these decisions without providing that information to the community. This decision is unconscionable."

Whitman's decision endorses a plan that is unprecedented in scale and technically difficult.

The massive plan calls for the removal of 2.65 million cubic yards of sediment from 40 contaminated "hot spots" along a 40-mile stretch of the meandering river between Hudson Falls and the Federal Dam at Troy.

These sites, about 170 miles north of Westchester County, contain an estimated 100,000 pounds of PCBs, remnants of 1.3 million pounds dumped into the Hudson by General Electric plants.

The material will have to be hauled out of the river without spilling contaminated sediment to flow downriver. The sediment will be dried onshore, transported to railroad cars and shipped to established landfills designed to handle toxic materials. None of these logistics has been worked out.

It is not a question of simply removing a wide swath of river bottom. The EPA has targeted sites encompassing a total of 493 acres in three regions of the river. The agency intends to remove deposits from the first two sections with hydraulic dredges, and to use clamshell dredges for the last one. Each of these poses problems.

First is spillage. Dredging opponents contend that disturbing the sediment will release PCBs into the fast-moving water. A significant "spike" in PCB concentration would cause far more contamination along the lower portion of the Hudson River than leaving the PCBs in place.

EPA officials are confident that hydraulic dredging can be done with a minimum of spillage. But they do not know precisely how. They insist that the difficulties can be worked out during a 3-year de-

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Merrilyn Pulver, the Fort Edwards supervisor, a longtime opponent of dredging

sign phase.

"We can say what we think can be done and why we believe it can be done," said Richard Caspe, director of the EPA's emergency and remedial response division. "But that is where it stops. We haven't designed it yet."

A demonstration project to remove PCBs from a 7-mile stretch of the Fox River in Wisconsin resulted in spillage rates ranging from 2.2 percent to nearly 9 percent, according to the U.S. Geological Survey in a January 2000 report.

That level would be unacceptable, considering the volume of material to be removed from the Hudson, EPA officials said.

Because of the potential for spillage, the plan was criticized earlier this year by the National Research Council, a combined unit of the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

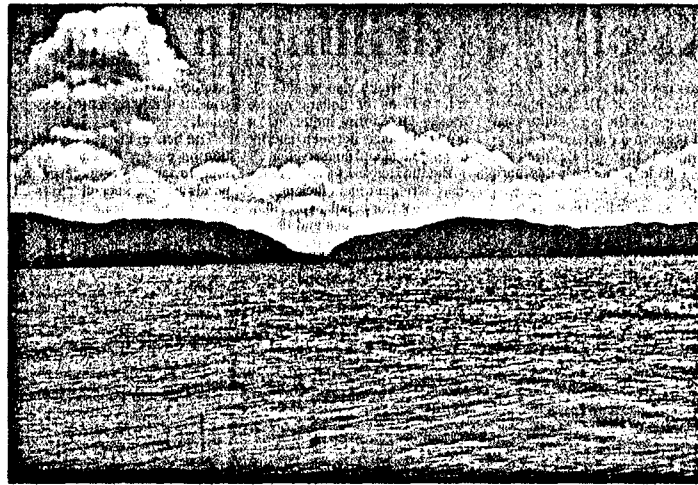
In a blunt critique, the NRC said, "No remediation technology is effective in removing all sediment contaminants from a site."

Administrator Whitman acknowledged this difficulty by requiring performance standards for the project. There will be periodic measurements of PCB levels in the soil, the water and spilled PCB-laden sediment.

"The EPA will determine at each stage of the project whether it is scientifically justified to continue the cleanup," the agency said in a statement yesterday.

As a further precaution, the EPA is apparently planning to cleanse each section one after the other, rather than manage several dredging operations at the same time.

"You can't clean up a 40-mile stretch of river in a big-bang ap-



Photos by Robert A. Sabo/The Journal News

The Environmental Protection Agency has ordered a wide-scale dredging of the Hudson River.



A windsurfer sails yesterday in the shadows of the Half Moon on the Hudson River.

proach," said Ned Sullivan, executive director of Setaic Hudson. "It makes sense to incorporate any learning from each phase into the next phase."

Manna Jo Green, environmental director for Clearwater, added,

that the sequential approach will take longer than the five years initially scheduled for the dredging operations.

"There is a benefit in this approach," Green said. "If a small amount of sediment is suspended

and moves down river, they can pick it up when they pass through on the next phase."

The second problem involves logistics. The plan calls for sloughing the muck from the river floor at a rate of 10 million gallons per hour, with up to 20 percent of that being sediment. The mud and water will go to settlement ponds and a de-watering facility somewhere on shore.

As the project progresses, however, the pipeline will extend for several miles, which is unusual.

"One of the concerns with using a long pipeline on a dredging operation is that it can get clogged," said Brad Cushing, a partner at Environmental Management Inc. near Philadelphia. "They propose using boosters at every mile."

"This hasn't been done on an environmental dredging project," he said.

It is not known how the EPA will acquire the private land for its various shore facilities, or what damage will be done to the river marshes and shallow aquatic breeding sections in the dredging areas.

"We have six and a half miles that will be environmentally devastated," Fort Edwards' Pulver stated. "And there are two miles where we will have bank-to-bank dredging."

"They will just rip everything out of there, including the wetlands, and there is no guarantee the river will be better off in the end. This is going to change our community forever."

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GE, from 1A

Under the Superfund law, GE cannot fight the EPA decision in court unless it refuses to comply with the dredging order, in which case the federal Justice Department would likely sue to enforce the order, said Michael Bogin, an environmental lawyer with the Sive, Paget & Riesel law firm in New York City.

Such a strategy would expose the company and its shareholders to great financial risk, however, because failure to comply with a Superfund cleanup order carries penalties equal to three times the actual cost of the work, Bogin said.

The company can also weigh in during the design and engineering phase of the project, which could last three years.

"We will continue to show EPA why we think massive dredging of the Hudson is the wrong approach," said GE spokesman Mark Behan. "We'll consider what the appropriate next steps are. We don't want to speculate before we read" the EPA's decision.

The EPA said it would order dredging of PCB-contaminated "hot spots" along a 40-mile stretch of the river, from Hudson Falls to Troy, as its staff recommended in December. GE plants discharged the PCBs into the river over nearly four decades.

There had been speculation that the EPA was considering a scaled-down project. But EPA Administrator Christie Whitman said a comprehensive cleanup was "environmentally sound and is responsive to the concerns of the affected communities."

GE slammed the agency for leaking the plan Tuesday, before sending a copy to the company or New York state officials. It was forwarded to the Pataki administration yesterday afternoon.

"It's incumbent upon EPA to make public this draft decision so that everybody can read it react to it," Behan said.

Staff writer Bruce Golding contributed to this report.