

Housatonic Environmental Action League, Inc.

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October 23, 2009

Susan Svirsky, Rest of River Project Manager
United States Environmental Protection Agency
c/o Weston Solutions
10 Lyman Street
Pittsfield, MA 01201
facsimile: 413-442-4447

Sent via email: svirsky.susan@epa.gov and murphy.jim@epa.gov

RE: Informal Comments

EPA GE/Housatonic River Site

Rest of River (GECD850)

General Electric Work Plan for Evaluation of Additional Remedial Alternatives

August 31, 2009

Dear Ms. Svirsky,

The Housatonic Environmental Action League, Inc. (HEAL) is a broad-based, 501(c)(3) non-profit grassroots conservation organization advocating for a real clean-up of PCBs and other toxic substances from the Housatonic River watershed. Our members include, among others, sportswomen, conservationists, community leaders, health-care providers, watershed property owners, educators, parents and concerned residents from the tri-state region.

Not unlike almost every document at this site that is open for formal/informal public comment, HEAL, along with other stakeholder groups, found it necessary to again request that EPA provide an extension to the too brief comment period. Every presentation and update provided by EPA, other agencies and General Electric that is scheduled for a MA-based Pittsfield Citizens' Coordinating Council (CCC) meeting, must have a corresponding and timely presentation to the CT Subcommittee of the Pittsfield CCC at a venue somewhere within the CT Housatonic watershed. For this document and its corresponding open comment period, it was necessary for HEAL to request such a presentation in CT that was finally scheduled for October 21st at Kent Town Hall...only 48 hours before the deadline of public comment. Both the Pittsfield CCC and the CT Subcommittee deserve regularly scheduled meetings during this important time when Rest of River Corrective Measures Study and its associated documents are being molded and decided.

HEAL has read and endorses the October 21st comments on the above named document submitted by Dr. Peter deFur of Environmental Stewardship Concepts on behalf of The Housatonic River Initiative (HRI). HRI is the citizen stakeholder organization chosen and awarded by EPA as the sole recipient of this Superfund site's Technical Assistance Grant. Dr. deFur is one of HRI's technical experts who reviews and comments on many of this site's



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documents and is compensated from proceeds of HRI's TAG. HEAL and HRI work closely on the PCB-containment issues relating to the Housatonic River site and have collaborated for 13 years on many educational presentations and forums.

EPA has completed two of the most comprehensive and exhaustive (and damning) peer reviewed risk assessments ever conducted at a PCB-contaminated site in the United States for the heavily contaminated MA portion of the Housatonic River. In stark contrast, the PCB-contamination in the CT section of the river was all but ignored by the State of CT's Department of Environmental Protection during the period of the Consent Decree negotiations. As a result of CT DEP's unwillingness to aggressively and effectively advocate for the Housatonic River, its wildlife inhabitants and the citizens who care about the river, the EPA was able to bypass adequate and thorough contamination characterization and data collection in CT in favor of the Commonwealth. It comes as no surprise that General Electric has been allowed to select Monitored Natural Recovery (a euphemism for "Do Nothing") for the solution to the contamination throughout the entire section of the river, floodplain and impoundments in CT.

With each new document and next step in the Rest of River process, it is becoming more evident that the RP for this site does not acknowledge, agree with or respect the findings of grave health risks that are clearly demonstrated in EPA's Human Health Risk Assessment and Ecological Risk Assessment for the Primary Study Area. Neither does the RP take seriously specific mandatory requests by EPA, as evidenced by their extended stalling in identifying potential sites for an upland toxic dump for the disposal of contaminated river sediments to be located somewhere in the MA Berkshires. If the RP continues to refuse to accept its responsibility under the terms of the negotiated settlement to the resource that they knowingly destroyed, HEAL looks forward to the time when EPA uses the power found within the HHRA and the ERA to take complete control of the site, ask the RP to step aside and move forward under the CERCLA/Superfund law to affect remediation and PCB-containment solutions. Allow the indisputable HHRA and ERA findings to speak for themselves in a federal judicial scenario as the Agency and other interested and devoted stakeholders proceed to work towards healing the Housatonic.

In the absence of yet another EPA Unilateral Administrative Order under Section 106 of CERCLA/Superfund law, similar to the order filed against GE in 1996, forcing them to address the first 1/2-mile of PCB-containment in the river and along the riverbanks by their now-defunct plant in Pittsfield, HEAL suspects that GE's foot dragging on Rest of River will persist.

HEAL continues to support the "Ten Principles for a Better River Clean-up" as the work proceeds into Rest of River:

1. Long-term health and environmental goals for the project should be described clearly and simply at the beginning of the clean-up.
2. Areas of contamination should be attacked a few at a time in phases rather than all at once.
3. Each phase should include pilot projects to test new technologies.
4. Plans should be reviewed and revised at the end of each phase.

5. The community should have a formal and substantial role in planning each new phase.
6. Planning for each phase should be guided by limits on environmental disruption and cost established at the beginning of the process.
7. A comprehensive health study should be conducted by an independent body, and the results of that study should influence planning and priorities.
8. The entire river, including areas downstream in Connecticut, should be evaluated for remediation in each phase.
9. Sources of continuing contamination of the river should be identified, evaluated, and remediated.
10. If the EPA mandates dredging, lined, upland landfills should be utilized only as purely temporary measures.

Furthermore, HEAL strongly encourages EPA to implement the Precautionary Principle in every step and every decision, always erring on the side of caution when even a potential threat, now or in the future, to the environment or human health presents.

The Work Plan needs to include indefinite monitoring, monitoring, monitoring...to insure that the river is not becoming recontaminate by inadequate source controls or ineffective and archaic in-river temporary remedies such as caps.

General Electric's Work Plan variables state that the consumption of fish and other biota found within the system will continue to be unsafe to eat even after approximately 60-years and in the presence of their proposed remedy. The Work Plan in its current form is unacceptable and should be rejected by EPA. GE's Work Plan does not bring us a fishable, swimmable and livable river.

HEAL appreciates every opportunity to provide EPA our comments and input.

Respectfully submitted,

Judy Herkimer