

# Congress of the United States

Washington, DC 20510

AL-18-000-4280

February 8, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to you today with regards to the ongoing responsibility of the Environmental Protection Agency (EPA) to ensure that General Electric (GE) fulfills its commitment to Housatonic River "Rest of River" Project. Specifically, we urge the EPA to uphold its previous finding that any contaminated material removed during the cleanup must be "shipped off-site to existing licensed facilities for disposal."<sup>1</sup>

From the 1930s to 1970s, GE's Pittsfield plant spilled tons of polychlorinated biphenyls (PCBs), which were banned from use in the United States in 1979<sup>2</sup> because of their high probability of being a cancer causing agent, into the Housatonic River. The EPA has estimated that up to 600,000 pounds of PCBs remain in the river<sup>3</sup> and continue to pose a significant wildlife and human health risk.

In October 2016, the EPA issued its final decision concerning the Rest of the River permit, thereby setting the standards for cleaning a 125 mile stretch of the Housatonic River, in which the majority of the cleanup effort will target the highly contaminated first 11 miles through the City of Pittsfield and the towns of Lee and Lenox. This EPA-approved plan required GE to "address PCB contamination that poses a health risk to the river and the impacted communities"<sup>4</sup> and sought to significantly lower PCB levels in the river's fish.<sup>5</sup> The cleanup plan was initially proposed more than three years ago, and its finalization involved "extensive consultation" with the Massachusetts Departments of Environmental Protection and Fish and Game, GE technical advisors, and public commenters.<sup>6</sup> In short, this plan was meticulously

<sup>1</sup> Environment Protection Agency. "EPA Issues Final Cleanup Plan for the Housatonic River 'Rest of the River' Project in Western Mass. and Conn." (Oct. 24, 2016) (<https://web.archive.org/web/20170114211902/www.epa.gov/newsreleases/epa-issues-final-cleanup-plan-housatonic-river-rest-river-project-western-mass-and-conn>)

<sup>2</sup> David Abel. Boston Globe. "GE, EPA in dispute over federal plan to clean Housatonic River." (Feb. 16, 2016) (<http://www.bostonglobe.com/metro/2016/02/16/and-epa-dispute-over-federal-plan-clean-polluted-housatonic-river/uVpQQLSBKecI9vcRD5gAqK/story.html?event=event12>)

<sup>3</sup> Clarence Fanto. The Berkshire Eagle. "EPA upholds plan to remove PCBs from Housatonic River, rejects GE objections." (Oct. 19, 2016) (<http://www.berkshireeagle.com/stories/epa-upholds-plan-to-remove-pcb-from-housatonic-river-rejects-ge-objections.428536>)

<sup>4</sup> Environment Protection Agency. "EPA Issues Final Cleanup Plan for the Housatonic River 'Rest of the River' Project in Western Mass. and Conn." (Oct. 24, 2016) (<https://web.archive.org/web/20170114211902/www.epa.gov/newsreleases/epa-issues-final-cleanup-plan-housatonic-river-rest-river-project-western-mass-and-conn>)

<sup>5</sup> David Abel. Boston Globe. "GE, EPA in dispute over federal plan to clean Housatonic River." (Feb. 16, 2016) (<http://www.bostonglobe.com/metro/2016/02/16/and-epa-dispute-over-federal-plan-clean-polluted-housatonic-river/uVpQQLSBKecI9vcRD5gAqK/story.html?event=event12>)

<sup>6</sup> Environment Protection Agency. "EPA Issues Final Cleanup Plan for the Housatonic River 'Rest of the River' Project in Western Mass. and Conn." (Oct. 24, 2016) (<https://web.archive.org/web/20170114211902/www.epa.gov/newsreleases/epa-issues-final-cleanup-plan-housatonic-river-rest-river-project-western-mass-and-conn>)

vetted by the EPA and the Commonwealth of Massachusetts and determined to be in the best interest of the people of Western Massachusetts.


However, a critical component of the clean-up plan was recently called into question by the Environmental Appeals Board (EAB), which has instructed the EPA to review requirements involving the location of toxic waste disposal from the cleanup.<sup>7</sup> GE has long insisted that the toxin-infused material to be dredged from the riverbed should be stored in landfills near the river. The EPA and Commonwealth have repeatedly stated, the contaminated material must be "shipped off-site to existing licensed facilities for disposal"<sup>8</sup> – and there is no such a facility in Massachusetts. To allow local disposal of GE's toxic waste scraped from the riverbed would be incompatible with Massachusetts state law and a complete disregard of the affected Massachusetts communities who have been plagued with this corporate pollution for far too long.

Completing the Housatonic River Project is about protecting our environment and public safety. This project is about protecting the health of our families that deserve to be able to fish, hike, and play alongside the river and its banks.


We urge the EPA to insist that GE be a responsible corporate neighbor by cleaning the Housatonic River. In doing so, the EPA should respect existing Massachusetts laws regarding toxic waste disposal, hear and respect the concerned voices of Western Massachusetts, and require that the carcinogenic PCBs be deposited in a federally licensed out-of-state disposal site.

Thank you for carefully considering this issue and hearing the voices of the Massachusetts residents you serve.


Sincerely,



Elizabeth Warren  
United States Senator



Edward J. Markey  
United States Senator



Richard E. Neal  
Member of Congress

<sup>7</sup> Larry Parnass, The Berkshire Eagle. "Winners, losers in 'Rest of River' appeal decision." (Jan. 27, 2018) (<http://www.berkshireeagle.com/stories/winners-losers-in-rest-of-river-appeal-decision.530566>)

<sup>8</sup> Environment Protection Agency. "EPA Issues Final Cleanup Plan for the Housatonic River 'Rest of the River' Project in Western Mass. and Conn." (Oct. 24, 2016) (<https://web.archive.org/web/20170114211902/www.epa.gov/newsreleases/epa-issues-final-cleanup-plan-housatonic-river-rest-river-project-western-mass-and-conn>)