

Housatonic River "Rest of River" EPA Requires GE to Revise Its Corrective Measures Study

September 2008



EPA has completed its review of the General Electric Company's (GE's) Corrective Measures Study (CMS) and, after consideration of the input received from the public and state and federal agencies, EPA is requiring GE to address over 150 inadequacies or other comments. This fact sheet summarizes the major points raised by EPA in its letter issued to GE on September 9, 2008. In the letter, EPA identifies numerous areas of the CMS it believes are inadequate or that EPA does not agree with, and requires GE to provide revised and/or additional information in a supplement to the CMS to be submitted to EPA for approval by December 9, 2008.

The CMS, submitted on March 21, 2008 by GE under the terms of its legal agreement with EPA, evaluates potential cleanup alternatives for polychlorinated biphenyls (PCBs) released from the GE facility in Pittsfield, Massachusetts, to the Housatonic River/Rest of River. The Rest of River extends from the Confluence of the East and West Branches of the Housatonic River in Pittsfield to the Derby Dam in Connecticut. GE evaluated eight alternatives for remediating contaminated sediment in the river, seven alternatives for remediating contaminated soil in the adjacent floodplain, and five alternatives for treatment and disposition of contaminated sediment/soil. GE also presented in the CMS the alternative GE believed best met the evaluation criteria.

Next Steps and Additional Opportunities for Public Input

After EPA receives the revisions to the CMS, EPA will hold another informal public input period (comments received will be placed in the Administrative Record) and conduct outreach activities. After receiving public input and reviewing the revisions to the CMS, EPA will evaluate the alternatives and propose an alternative or mix of alternatives that EPA believes best meets the evaluation criteria. EPA's draft cleanup proposal will undergo review by EPA's National

Remedy Review Board to ensure consistency with other remedies selected nationwide and with EPA policies and guidance. Organizations may submit up to 10 pages of comments for consideration by the Remedy Review Board.

After that review and any necessary revisions to the cleanup proposal, EPA will issue a proposed cleanup plan for formal public comment. Upon completion of the public comment period, EPA is required under the legal agreement with GE to provide notification of EPA's final decision, at which time GE can invoke the dispute resolution process provided in the legal agreement. Upon conclusion of this process, EPA will issue a final determination specifying the alternative(s) selected for Rest of River and will respond to the comments received during the public comment period. At that time, the public and GE can appeal EPA's decision, first to the EPA Environmental Appeals Board, and subsequently to the U.S. Court of Appeals. Upon completion of the appeals, GE is required to implement and pay for the remedy.

Copies of EPA's letter, the CMS, the public comments (website only), and other Rest of River documents are available for public review at the information repositories and the website listed on the next page.

EPA's primary concern is to ensure that GE's cleanup work on the Housatonic River will be fully protective of public health and the health of the surrounding river ecosystem in both Massachusetts and Connecticut. This area of the river provides a wide variety of opportunities for recreation and aesthetic appreciation that are highly valued by residents and visitors to this area. As the Housatonic cleanup moves from an urban, channelized river upstream to a more natural, meandering and rural environment downstream, it is critical that the remedy seek to avoid and/or minimize negative impacts on sensitive areas and restore the river and floodplain to its current character to the greatest extent possible. This issue is of great concern to EPA, the State, and the general public. Consistent with this goal, the remedy must include a phased and adaptive cleanup approach that allows the flexibility to accommodate new knowledge and advances in technology over time. Further, EPA will continue with its robust outreach program throughout the lifespan of the project to ensure that the public continues to be actively involved as the cleanup progresses, and as new developments occur in science or technology.

Summary of EPA's Major Comments

A brief summary of major comments included in EPA's letter to GE regarding its CMS is presented on the next page. Please note that, until GE satisfactorily addresses EPA's comments, it is premature for EPA to weigh in on which alternative or combination of alternatives best satisfies the evaluation criteria. Following review of GE's revisions to the CMS, and after receiving public input, EPA will identify for public consideration EPA's proposed cleanup plan for Rest of River.

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EPA has directed GE to address among other items the following significant concerns, where EPA believes that the information provided in the CMS is inadequate:

- Submit a detailed description of the habitat restoration requirements, process, and methods for restoration of habitats affected by construction activities, including steps to avoid or minimize impacts (including impacts to threatened and endangered species and species of special concern) and to control invasive species.
 - Analyze alternative methods using more natural techniques for the river banks that will provide greater opportunity for more rapid revegetation during the restoration process and provide more detail on the decision process GE followed for determining the type of remediation to be applied to banks.
 - Submit an analysis of the use of existing infrastructure and mitigation measures that could be implemented to minimize impacts to habitat, biota and quality of life from potential construction activities. Insufficient consideration has been given to measures that might be taken to minimize the impact of roads and staging areas on the floodplain.
 - Submit a timeline that shows the implementation of each sediment alternative and associated restoration by river reach. The timeline should assume that any actions in the floodplain are generally done concurrently with the sediment remediation.
 - Update the discussion on the state of the science of innovative treatment technologies that was included in the CMS Proposal Supplement.
 - Submit potential locations for the siting of an upland disposal facility with an evaluation of the suitability of each location for the facility, and provide additional information regarding the construction of such a facility.
 - Submit potential locations for the disposal of materials offsite, including location(s) for material that may be thermally or chemically treated, but will not meet the criteria for reuse. A more detailed discussion of the potential for beneficial reuse of material subjected to thermal desorption has also been required.
 - Evaluate the use of rail as a transportation option for potential offsite disposal, and conduct a comprehensive analysis of the energy requirements ("carbon footprint") associated with each of the alternatives.
 - Provide additional evaluation of the results of the chemical extraction pilot study.
- Provide additional justification for the use of thin-layer capping and monitored natural recovery (MNR) in the locations selected for these techniques in Reaches 5 through 8 for each of the alternatives. EPA has notified GE that EPA does not consider thin-layer capping to be a permanent means of isolating contaminants (but is a form of MNR).
 - Provide a more realistic cost estimate for operation, maintenance, and monitoring associated with each alternative, including monitoring and maintenance to evaluate and ensure the performance of any remedy for a period of up to 100 years (including after storm events).
 - Provide a more thorough evaluation of the net risk reduction (considering the evaluation criteria) associated with each alternative, and present the results in a single table or figures that can be used to facilitate comparisons among the alternatives.
 - Revise the figures provided in the CMS to show the entire EPA risk range and the response in all reaches. EPA believes that figures included in the CMS showing risks remaining after cleanup from fish consumption following implementation of the sediment (SED) alternatives do not present a clear assessment of the differences between alternatives.
 - EPA notified GE that there is an overemphasis in the CMS on the term "incremental reduction" in concentrations or loadings, and the CMS does not provide adequate consideration of the extent to which the alternatives achieve risk-reduction goals and other factors.
 - EPA notified GE of EPA's concerns regarding the need for a balanced assessment of the CMS evaluation criteria, including that the CMS focuses unevenly on the short-term detrimental effects rather than the long-term positive effects of the remedial alternatives and highlights percent reduction in PCB concentrations, rather than the more important effects of the risks remaining after cleanup.
 - EPA noted that the CMS inappropriately focuses on the "challenges" associated with the sediment remedies involving greater amounts of removal (SED 6 through SED 8) and that GE incorrectly suggests that such large-scale removal projects are rare.
 - Provide a discussion of the actions and/or institutional controls that may be required if land uses change in the future, as well as an expansion of the role of institutional controls in each of the alternatives.

- Provide a conceptual approach to institutional controls associated with the management of sediment containing PCBs associated with the maintenance or removal of structures (e.g., dams) in the entire Rest of River.

The full text of the EPA's letter, including EPA's comments, is available on the EPA website: www.epa.gov/ne/ge.

For More Information

For more information on the CMS process, including EPA's letter, go to www.epa.gov/ne/ge

Or contact:

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Or visit an Information Repository at:

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Cornwall Public Library

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Housatonic Valley Association

Cornwall Bridge, CT 06754
(860) 672-6678

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