



# United States Department of the



**FISH AND WILDLIFE SERVICE**  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087

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Susan Svirsky  
US EPA - OSRR  
1 Congress Street  
Boston, MA 02114

Dear Ms. Svirsky,

Thank you for the opportunity to review the Interim Media Protection Goals (IMPG) Proposal for the General Electric(GE)/Housatonic River Site, Rest of River, September 2005, as prepared by contractors for GE. The following are brief summary comments regarding the major issues presented in the IMPG Proposal:

We recognize that GE does not agree with a large portion of the Ecological Risk Assessment (ERA) findings or, in some instances, the findings of the Peer Review Panel or the corroboration, in most instances, of the Trustees with EPA's findings. However, this document seeks to re-address many specific detailed issues concerning the ERA findings. GE contends that their position produces conservative and more realistic IMPGs versus the EPA's overly conservative findings. GE has produced two sets of Risk-based Media Concentrations (RMCs) based on varying inputs, their interpretations, and assumptions of the ERA findings and supporting literature. GE has set forth RMC ranges that they feel are representative of conservatively protective clean-up goals.

In our opinion, there are several problems with their approach. The first set of RMCs produced in Section 2, those based on the ERA, do not strictly follow ERA findings. Instead the RMCs are based on the ERA and GE's inclusion and interpretation of different data. Therefore, there is no strict presentation of RMCs based on EPA's years of investigations, analysis, Peer Review and Responsiveness Summary findings. We strongly urge EPA to request that GE present RMCs that reflect the unadulterated findings of the ERA or present them in a separate EPA-produced document.

Section 2, RMC's based on the ERA, and Section 3, Alternative RMCs, present ranges of RMCs based on the range of biota-specific effects documented in the ERA and other literature. We acknowledge that there may be a difference of opinion on which studies are most relevant or the range of studies that should be incorporated in determining pertinent effects and RMCs. However, EPA and numerous reviewers spent considerable time assessing and qualifying data for inclusion in or exclusion from the ERA. This process produced a well-refined dataset that allowed for the selection of appropriate and

conservatively protective data endpoints. It is unlikely that EPA will agree to redo ERA calculations based on GE's assertions but they may need to once again address these issues with GE, regarding specific data use, to put their assertions to rest. We generally agree with EPA's use of effects data throughout the ERA, including sensitive species and life stage extrapolations. Additionally, the use of ranges for RMCs and two sets of proposed RMCs is highly unusual and inefficient. The ranges proposed are, in some cases, extremely elevated compared to the ERA findings, represent such broad ranges that they become less than meaningful or useful or are elevated to a level that is beyond ecological acceptance with respect to long term food chain bioaccumulation and potential for effects.

Typically, we conservatively suggest clean-up goals within NOAEL to LOAEL ranges and Hazard Quotients (HQs) equal to or less than 1, especially for sensitive or protected species. There is little to no mention of these standards in GE's determination of the RMC ranges. It is apparent, even from the EPA ERA data, that residual risk based on their approach, may be low to intermediate for certain biota in portions of the PSA. Additionally, some Peer Review panelists stated that certain data approaches may be underestimating risk to indicator species or classes of biota they represent. Therefore, increasing RMCs several fold, compared to EPA data, and proposing broad RMC ranges serves to increase the uncertainty of adequate protective goals in acute or chronic exposure scenarios. Furthermore, many PCB remedial actions throughout the country have focused on a cleanup level in sediments of 1ppm. Federal Trustees have supported even lower cleanup levels in a number of high profile PCB cleanups, such as Fox River, Commencement Bay and Sheboygan River/Harbor. We realize that EPA Region 1 has conscientiously strived to attain meaningful site-specific exposure and effects data to determine sound protective goals. We contend in some cases that there is room to be even more conservative in the determination of cleanup criteria. However, GE's actions seek to undermine past and current regulatory efforts and establish more moderate, less restrictive and less protective PCB cleanup guidelines.

Narrative goals, as presented for each indicator species of significant risk, are ill-defined and too broad in scope to allow for specific management endpoints. As described, narrative goals do not fully support the data-derived RMCs and could undermine their effectiveness or intended benefits. The narrative goals should specify detailed endpoints that the RMC would allow to exist, without vague jargon, broad terminology or qualifying statements. This may be difficult to accomplish but without re-crafting the narrative goals they will have little merit.

We realize that RMCs must be formulated for each indicator species of risk. We feel that insectivorous birds should have also been included in the RMC evaluation due to evidence of injury and the likelihood that other, more sensitive species are at higher risk. Additionally, there is a large amount of overlap in the RMCs for both human health and eco concerns. Our concerns are principally with fish and wildlife resources but it is apparent that human health concerns may trump some of the eco RMCs, relative to sediment and fish tissue exposure. It is confusing to the public, as stated in the last MA CCC meeting, how the disparate but connected human health and eco RMCs will mesh together, related to final RMC determinations for adequate media and biota protection. This issue should be addressed in a summary section.

It is inappropriate for GE to waive Federal Water Quality ARARs based on their RMC determinations. Their rationale does not circumvent the FWPCA regulations and further discussions are warranted on this issue.

For further comments or questions concerning our comments, please contact Kenneth Munney at 603-223-2541, ext.19 or [Kenneth\\_Munney@fws.gov](mailto:Kenneth_Munney@fws.gov) .