

HOUSATONIC RIVER COMMISSION

"to coordinate on a regional basis the local management and protection of the Housatonic River Valley in northwestern Connecticut"

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March 22, 2007

Susan Svirsky
EPA Rest of River Project Manager
c/o Weston Solutions
10 Lyman Street
Pittsfield, MA 01201

Re: CMS Comments

Dear Ms. Svirsky:

I write on behalf of the Housatonic River Commission, whose commissioners represent the municipalities of Salisbury, North Canaan, Canaan/Falls Village, Sharon, Cornwall, Kent, and New Milford, Connecticut.

These comments are submitted in hopes of improving upon the proposed Corrective Measures Study (CMS) for the Housatonic River. Four of our commissioners and our recording secretary were in attendance of the Citizens Coordinating Council in Kent on March 7th. Commissioner Lynn Fowler also attended the CCC meeting in Great Barrington on March 6th. Although we wish you had granted us more time to respond with informal comments, we had a comprehensive discussion at our March 13th meeting. This letter addresses our major concerns. .

The Commission expects that, by the end of the remediation process, the River's water quality will improve to the point where people will feel comfortable swimming in the River and eating the fish they catch in the River. In other words, we, like the Connecticut Department of Environmental Protection, expect the River to attain a Class B water quality classification. This goal will not be achieved if the EPA and GE rush to closure on a very important piece of the remediation process.

In the presentation on Wednesday, GE presented many examples of the reduction in PCB contamination from the confluence of East and West Branches of the Housatonic through Connecticut. In Connecticut we are again glad that relative to points upstream, the Housatonic has a dramatically lower level of contamination than our neighbors to the north. However, in the data presented, two important data points were glossed over related to a late 1980's breach of Rising Pond dam that led to a significant release of PCB laden sediments downstream. This event is clearly mirrored in the increase of PCB concentration of Cornwall brown trout through 1992, West Cornwall and Bulls Bridge Bass from 1986-1992 and West Cornwall caddis fly and stonefly nymphs in 1987-1992.

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To prevent this recontamination from occurring (again) and despoiling downstream areas of the Housatonic (again), cleanup of the rest of the river through at least Rising Pond must proceed. In addition, the ability to continue to monitor the Rest of the River and address this and other means of possible recontamination must continue for at least another fifty years.

While we acknowledge that the evidence calling cleanup of the Connecticut stretches of the river is not as strong as that for points upstream, the Proposed Corrective Measures Study (CMS) makes no mention of any remediation work to be done in Connecticut, even in its most thorough proposed cleanup alternatives. The nature of PCBs indicates that the roughly 2000 pounds of PCBs still remaining in Connecticut are likely to be concentrated behind the human impoundments (especially the Falls Village, Bulls Bridge, Stevenson, Shepaug and Derby Dams). Each one of these impoundments is not a permanent structure and will breach at some point in the future, either by planned demolition or accident. When this occurs the sediments behind them will then be released to the environment. The current CMS makes no mention of addressing this problem. The cost of this would then be passed along to future taxpayers and river enthusiasts. At the very least the CMS must make provisions for further study of the PCBs behind our Connecticut dams to allow a fully informed decision to be made.

With regard to the cleanup “alternatives” in the “Primary Study Area” proposed by GE in the CMS, we are discouraged by the lack of support for the ever-growing menu of “soft” alternative methods of contamination reduction. These methods have shown promise as effective means of solving or delaying the exposure of PCBs. Even if some of these new technologies are expensive and slow acting, they may be appropriate because they would result in fewer disturbances of the River’s natural areas than dredging or extensive capping. In addition, the area is large enough to allow for small test plots of alternatives such as bacterial digestion and enzyme degradation of PCBs.

We are enclosing the comments from Dr. Peter deFur from the March 7th CCC meeting which were discussed at length at the River Commission’s March 13th meeting. Our Commission fully supports all of Dr. deFur’s comments and suggestions for improvement of the CMS. We request that all of his points be fully addressed in the final CMS.

On slide #16 of the Massachusetts’s presentation and slide #19 of the Connecticut presentation, the rechannelization of oxbows was listed as a retained option. We are strongly opposed to this inappropriate alternative because of the long term damage to the River.

In September 2006, the Housatonic River Commission completed a Management Plan that contains our goals and objectives for the River. Included with this letter is a compact disc with that Plan.

We appreciate the opportunity to comment on the proposed CMS and hope to see these changes to the actual CMS that is prepared later this year.

Thank you,

Jesse Klingebiel 
Housatonic River Commission

cc: file, HRC, NWCCOG

Comments and observations on the Corrective Measures Study
Dr. Peter L. deFur
Environmental stewardship Concepts
Richmond VA
For
Housatonic River Initiative
March 6-7, 2007

I received the CMS electronically at the end of the day on Thursday, Feb 28 and have had a few days to review the report. In the brief time available to me, I was able to scan the report to see what it contained, determine that the first few chapters are mostly background and technical information that I had seen in some form in reviewing the Ecological and Human Health Risk Assessments, and that most of the key information on cleanup is contained in Chapters 4 and 5. Chapter 4 has the descriptions of possible methods and the selection of the range of methods that will be considered and which methods will no longer be considered. Chapter 5 has much of the information on what range of alternatives and combinations will be used in each stretch of the river.

The CMS is unexceptional for the most part, except for being thin regarding the substantive documentation of the major cleanup methodologies. The document takes a "routine business as usual" approach to cleaning up the PCB contamination from 135 miles of the Housatonic River in two states. The document is well organized and logical, with good reference to the figures and tables that seem to be well presented. I find major substantive problems with the report. The list of these problems follows. Next I expand and explain where needed.

- 1) Connecticut is ignored
- 2) The data are not sufficient to conclude CT has no problems worth treating
- 3) There is almost no consideration of innovative methods
- 4) The major methods are dig up, cover up and let the river cover it up
- 5) There seems to be no comprehensive source control plan to prevent recontamination once any cleanup has been done
- 6) The decision to set the floodplain based on 1 ppm is arbitrary and without any scientific foundation- the waters determine the floodplain.
- 7) GE's objections to use the scientifically accepted and demonstrated TEQ methods have no place in the document, not even the appendix.
- 8) Capping is still a fairly new method in many waters, without clear effectiveness.
- 9) Natural Recovery is another phrase for let the river cover it up and is also questionable.
- 10) Neither of the above two approaches is comprehensively documented at other sites.
- 11) Institutional Controls intended to restrict access to or use of the river and its resources are just not sufficiently effective.

1) Connecticut is all but ignored. You will not find a statement in the document that says GE does not care about the CT portion of the river or that GE will never clean the CT portion of the river or that EPA does not consider it worth the trouble. But the silence on CT is deafening. No ARAR's are listed for CT but for the CWA, bare mention of the CT portion of the river in section 3, and the one table that includes CT concludes that only 5% of the PCB mass is in CT, despite the fact that there are not enough data to reach that conclusion. (see our comments on the HHRA and ERA).

2) Data for fish tissue, sediment and floodplain levels in CT are insufficient. We commented on this gross deficiency during the risk assessment phase of the process. So few sediment data exist, especially behind the dams, that it is not possible to accurately depict the extent of contamination in CT.

3) No Innovation. Innovative methods and alternative technologies are all but absent. The only mention of alternatives is use of Thermal Desorption of PCB's from dredged sediments, hardly a new or innovative method. This lack of innovation may in part stem from the federal Superfund act, CERCLA, which seems to have no incentive for new technologies. This feature of Superfund stands in stark contrast to the Clean Air and Water Acts which are intended by design to force new technologies by rewarding companies that use them. Not so with Superfund for either the companies conducting the cleanup or EPA and other agencies responsible for overseeing the efforts.

4) The major methods are removal, cover with clean sand or watch the river cover it up. These methods are the same ones EPA has approved in other places in recent years, in other places. EPA seems to be comfortable with what they've always done and not with insisting that the solutions heree are tailored to the unique or special characteristics of the river.

5) There is no distinct source control plan. Sites where the contamination derives from land-based sources require a comprehensive effort to find all sources and pathways and eliminate these. The CMS discusses a number of actions taken or underway, but these need to be coordinated by some entity and have a responsible person in a regulatory agency with the authority to insure that the source assessment is completed.

6) The floodplain is not defined by PCB levels. The CMS sets the boundaries of the floodplain considered for cleanup based on the extent of contamination of 1 ppm or greater, rather than on the basis of flooding. Floodplains are set by flooding events (see the US Geological Survey) not by arbitrarily set cleanup goals or standards here or on any other case. If the CMS is going to use the 1 ppm boundary, then the term floodplain has to be qualified so as to get the proper scientific meaning of the term. Floodplain already has a meaning and the CMS should not be inventing new definitions or meanings of scientific terms.

7) The appendix complaining of the TEQ method should be removed. I have a problem with GE dismissing the use of the TEQ approach for both human health and wildlife. In fact, I expect that USFWS will take this to court to enforce the use of TEQ's for wildlife. The hesitations expressed in the NRC 2006 report are not shared by the international scientific community, as evidenced by the latest publication of TEQ's in Van den Berg 2006.

8) Capping is not demonstrably effective. Before relying on capping, I want to see a comprehensive list of sites where capping has been used for PCB contaminated sediments. This catalog needs to include the site characteristics, flow regime, length of time, effectiveness and biota tissue levels as a function of time. These need to demonstrate the long term effectiveness of the technique in rivers such as the Housatonic. There are so little data presented here that EPA would be fools to accept the method here. If caps fail, then who will pick up the bill?

9) Monitored Natural Recovery has a thin track record. Let's be clear about Monitored Natural Recovery- the only process known in this context is burial of old contaminated sediments with cleaner or less contaminated new sediments. The process that the CMS reports to be ongoing in section 4.2.31 is burial. MNR in Woods Pond is burial, not recovery in the sense that the contamination is reduced. The contaminated sediments are covered up the way a dog covers up something it wants to hide. The facts on MNR for highly persistent, chlorinated organic chemicals in sediments in the US is not good. Kepone in the tidal freshwater James River was covered by layers of sediment (see Maynard Nichols paper) to the point that surface sediments were reduced. But fish still take up Kepone, more than 30 years after the end of manufacture and release.

The Hudson River offers another example of MNR. Now after more than 25 years following the decision to do nothing, the sediments have to go from the river because the river is not recovering.

Newark Bay and the Passaic River are another place where PCB's, dioxins and pesticides from the 1960's are still present and causing problems. MNR means burial for future problems.

10) The CMS has to comprehensively document Capping and MNR as effective methods. There is no comprehensive examination of the long term effectiveness of caps or of monitored (or unmonitored) natural recovery. The few references to these methods include several that are quite recent and in tidal waters with completely different characteristics.

11) Institutional Controls do not work effectively. This method of IC is not effective where there are subsistence fishers or trappers or access is via multiple avenues- land and water. When river use is all times of day and the fence is not

monitored and the people are either hungry, desperate or fiercely independent, the fences are not likely to hold.

Consumption advisories for animals in the Housatonic floodplains is marginally practical, and only in a few places. I don't see how this is going to work for a remote and rural area, plus the native Americans who live and trap and catch in the river area. Just how will anyone determine the effectiveness of such advisories?