

**From:** Svirsky.Susan@epamail.epa.gov  
**Sent:** Monday, April 02, 2007 8:58 AM  
**To:** Campbell, Scott (MNH); Palmieri, Linda  
**Subject:** Fw: Fwd: CMS comments

**Attachments:** River ducks full of PCBs.doc; Flood Warning Issued for Housatonic.. 03.29.07.doc; HEAL Comments CMS.doc

-----Forwarded by Susan Svirsky/R1/USEPA/US on 04/02/2007 08:57AM -----

To: Susan Svirsky/R1/USEPA/US@EPA  
From: HEAL <healct@snet.net>  
Date: 03/30/2007 05:06PM  
cc: jherkimer@snet.net  
Subject: Fwd: CMS comments

...2nd attempt with the correct comments attached!  
Judy

**HEAL <healct@snet.net>** wrote:

Date: Fri, 30 Mar 2007 14:54:46 -0700 (PDT)  
From: HEAL <healct@snet.net>  
Subject: CMS comments  
To: svirsky.susan@epa.gov

Dear Susan,  
Comments on the CMS for consideration. Receipt requested.

Have a lovely weekend.

Regards,  
Judy Herkimer  
860-672-6867

# Housatonic Environmental Action League, Inc.

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Post Office Box 21, Cornwall Bridge, CT 06754-0021

860-672-6867

March 30, 2007

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

[Sent via email:svirsky.susan@epa.gov](mailto:svirsky.susan@epa.gov)

RE: INFORMAL COMMENTS  
DRAFT CORRECTIVE MEASURES STUDY PROPOSAL  
SDMS #260320  
FEBRUARY 2007

Dear Ms. Svirsky,

The Housatonic Environmental Action League, Inc. (HEAL) is a broad-based, non-profit community organization advocating for a real clean-up of PCBs and other toxic substances from the Housatonic River watershed. Our members include sportsmen and women, environmentalists, political leaders and concerned residents from the tri-state region.

On behalf of HEAL's members, please accept our below comments to General Electric's (GE) Draft Corrective Measures Study Proposal (CMS).

Upon release of the CMS, multiple stakeholders requested of the US Environmental Protection Agency (EPA) for an extension in submitting comments. In a departure from multi-year historical past practice, EPA rejected the request. Allowing for an additional 15-30 day extension is reasonable, particularly for the many groups and individuals who have no formal training to assist in deciphering these long and complicated documents. Also, although brought to EPA's attention, this comment period fell during the income tax season when many would have appreciated a deadline for comment beyond April 15<sup>th</sup>. EPA's hard line rejection for an extension is yet another ominous sign of the ongoing and concerning collapse of the public participation process at the EPA GE/Housatonic River site.

Additionally, EPA's claims that they are being benevolent in even allowing for "informal" comments to this document are false. Their agency, among others, negotiated away the citizens' rights to fully participate in every step of this process during the closed-door crafting of the Consent Decree (see Appendix J of the Consent Decree at the Cornwall or Kent, CT public libraries).

On March 30, we reviewed Dr. Peter L. deFur's final comments to the CMS. Dr. deFur's usual brilliant and thoughtful comments speak eloquently to the science and technical aspects of the document. HEAL shares his concerns related to the document's deficits and to GE's anemic and ineffective recommendations for Rest of River found in the CMS. We strongly endorse and support Dr. deFur's

comments. It is unfortunate that the EPA continues to dismiss and ignore Dr. deFur's expert recommendations, particularly as they relate to the CT section of the Housatonic River.

Despite CERCLA (and the Clean Water Act) calling for **treatment** of toxins that permanently reduces their volume, toxicity or mobility, GE's proposals in their CMS fail to meet these standards. Dr. deFur includes in his comments at least two emerging technologies that may offer permanent solutions to PCB contamination. The Housatonic River Initiative, with HEAL as one of the many co-sponsors, recently presented an excellent Alternative Technology Symposium in Pittsfield where multiple viable technologies and treatments were discussed.

Please refer to a recent article in *Journal of Environmental Monitoring*, **Dehalogenation of polychlorinated biphenyls and polybrominated diphenyl ethers using a hybrid bioinorganic catalyst** -Article citation: **Stuart Harrad, J. Environ. Monit., 2007, DOI: 10.1039/b616567b** [<http://www.rsc.org/Publishing/Journals/EM/article.asp?doi=b616567b>] for another new and promising treatment for PCBs. This treatment employs a biomass-supported palladium catalyst which has successfully removed halogenated atoms, thus significantly reducing their toxicity.

The Responsible Party is more than able to meet the costs associated with alternative, remedial actions and treatment ***which permanently and significantly reduces the volume, toxicity, or mobility of the hazardous substances.***

Once again, truly permanent solutions are rejected in favor of untreated containment.

Any deceit that is covered up invariably sees the light of day. Covering up contamination is no different, and will invariably come back to haunt the next generations. EPA must not allow GE to employ the use of any additional capping methods over and above what, unfortunately, has already been allowed in the Pittsfield. At this point, the taxpayers are being forced to shoulder the costs of indefinitely monitoring the numerous caps installed in Pittsfield....a monitoring period conservatively estimated at up to 100 years or longer.

For years, we have called for all dam sites, and the sediment deposited behind the dams, in CT and MA to be thoroughly sampled and characterized. GE's computations in the CMS on the amount of PCBs they believe to be still within the CT river system is ridiculous with no basis in fact. GE's history at this site (and others) in calculating PCB loads that were dumped into the river system have been proven to be woefully underestimated.

For many years, HEAL has called for thorough sampling and characterization of the floodplain in CT. Representatives of the CT Environmental Protection are repeatedly quoted on videotape that little to no floodplain exists in CT. No final decisions in the CMS should be allowed by EPA without adequate sampling and characterization of the dam sites and floodplain in CT. (See attached Kent Tribune article 03.29.07 ***Flood Warning Issued for Housatonic River at Falls Village.***)

The MA duck studies were released in 1999, with EPA stating the PCB levels: ***"...were among the highest biologists have ever seen -- hundreds of times higher than the federal government considers safe to eat."*** (see attached Berkshire Eagle article of 08.27.99). At, and since, that time HEAL has requested that EPA and/or CT DEP also test the duck in the Housatonic watershed in CT. To date, we have been told that CT DEP has experienced difficulty in catching any duck in the river system. Without comprehensive sampling and testing in the CT river system, EPA must not allow GE to finalize their Corrective Measures Study for Rest of River.

As HEAL and other organizations have previously advocated, we believe the EPA GE/Housatonic River site is an excellent choice for the EPA to adopt and apply the Precautionary Principle:

***"When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action." - [Wingspread Statement](http://www.sehn.org/precaution.html) on the Precautionary Principle, Jan. 1998***

The Precautionary Principle also fits perfectly into General Electric's new campaign for Ecomagination. As more and more long-standing polluting corporations turn the corner toward responsible environmental practices, the Precautionary Principle is not only correct and moral, it is good for business. We encourage EPA to recommend that General Electric implement the Precautionary Principle into their CMS.

Although there are significant flaws in GE's CMS, the real fundamental problem is that it truly only benefits GE in terms of lower costs and effort. A staggering additional PCB mass contained within the Rest of River sediments of the Housatonic River will remain in place under the proposed plan. This is completely unacceptable to us, given the toxicity of PCBs to humans and wildlife. Combined with the use of monitored natural attenuation, the dangerously poor point source controls in the Pittsfield area and the long-term persistence of PCBs within sediment, the only sure way to insure the protection of water quality in the future is to remove and/or treat (in-situ) all contaminated sediment. Alternative treatment options is the watershed's only hope...a pilot study being an excellent starting point. Otherwise, PCBs will continue to find their way into our homes, communities, our children, our children's children, the women's breast milk, the food supply, the wildlife and drift throughout the globe contaminating other systems.

Although far too brief a period, HEAL appreciates the opportunity to submit comments on GE's Draft Corrective Measures Study Proposal.

Sincerely,

Judith Herkimer

Attached: [Kent Tribune](#) article 03.29.07 ***Flood Warning Issued for Housatonic River at Falls Village***  
[Berkshire Eagle](#) article 08.27.99 ***River Ducks Full of PCBs***

## River ducks full of PCBs

State set to issue a health advisory  
Friday August 27, 1999

By Theo Stein

Berkshire Eagle Staff

PCB levels in ducks collected along the Housatonic River near Woods Pond last fall by the Environmental Protection Agency were among the highest biologists have ever seen -- hundreds of times higher than the federal government considers safe to eat.

Based on the new EPA data, the state Department of Public Health is expected to issue a public health advisory as early as today strongly warning sportsmen about the dangers of eating contaminated waterfowl. The state also is offering free screenings and blood tests for sportsmen who fear they may have ingested PCBs with their game.

Prominent signs warning against the consumption of fish, frogs and turtles taken from the river have been posted since 1982, but there has been no such advisory concerning ducks. Sportsmen have continued to eat the ducks they shoot each fall over the river.

Until now.

Hunters concerned

Chet Farmer, 51, of Lee said he eats about 30 ducks from the Housatonic every year.

"I've been eating ducks from the river for 25 years -- a lot of them," he said last night at a small presentation by EPA project manager Susan Svirsky at the Lee Sportsmen's Club on Fairview Street.

"I'm very concerned. My family eats them. My kids eat them."

Farmer said he hunts both upstream and downstream of Woods Pond, the 104-acre impoundment above which most of the PCBs are believed to be lodged.

The EPA data also show that the PCBs used by GE as an insulating fluid in transformers from 1930 to 1977 are being transported south each winter along the Atlantic flyway, concentrated in the fat of migrating ducks.

In fact, even ducks taken from an uncontaminated pond in Sheffield used for comparison had more PCBs on average than ducks studied on the contaminated Fox River near Green Bay, Wis., where the state has posted a consumption advisory.

"It's extraordinary," said Thomas Keefe, the western district manager of the Division of Fisheries & Wildlife, which owns the 818-acre Housatonic Valley Wildlife Management Area.

"If this is any indication of how this chemical compound has permeated that ecosystem, it's extraordinary."

The agency was particularly anxious to get the new data out to hunters, because the goose season opens in less than two weeks.

The U.S. Fish and Wildlife Service will be notifying other waterfowl biologists up and down the East Coast.

Another state with a duck advisory, New York, has warned hunters to eat no more than two meals of duck a month because of contamination in the Hudson River, for which GE also is responsible.

Svirsky said PCB levels in Housatonic ducks were much higher than in either Hudson or Fox River waterfowl.

GE spokesman Gary Sheffer, a former New York Department of Environmental Conservation official, said yesterday it was "too early to draw conclusions."

"We will carefully review [the EPA data] and continue to work with [the] EPA and [Massachusetts], as we are working with them on other matters," Sheffer said.

He added that a 1997 blood serum study performed by the Massachusetts Department of Public Health of people living near the Housatonic showed PCB levels similar to those found in the general public.

The release of the duck study represents the first salvo by the EPA of what promises to be a long fight with GE over how much of a cleanup, if any, the company should be ordered to perform on the Housatonic.

The river's mud has some of the highest PCB contamination of any American river and its fish show the highest PCB burdens anywhere in the country.

The study looked at 25 mallards and wood ducks collected from river backwaters upstream of Woods Pond in Lenox and 20 more from the 168-acre Three Mile Pond in Sheffield, an uncontaminated "reference area." Mallards and wood ducks are dabbling ducks and a favorite target of hunters.

All of the ducks collected from the river backwaters during the study showed elevated levels of PCBs in both their breast and liver tissue. PCB levels measured according to FDA testing practices averaged 648 parts per million in ducks collected from contaminated areas of the river.

Housatonic duck livers averaged 262 ppm, with a high of 985 ppm.

The FDA standard for poultry is 3 ppm, adjusted for fat content. Wisconsin is one state that has adopted the FDA poultry standard for waterfowl. Canada's federal Department of Health and Welfare has set a 0.5 ppm consumption standard.

On a strict weight basis, duck breast tissue averaged 7.1 ppm for Housatonic ducks, with a high of 19.4 ppm.

Svirsky said analysis of the duck tissue showed very low levels of pesticides and dioxins, but elevated levels of dibenzofurans, which are a byproduct of heating PCBs. She said the agency would evaluate this discovery further.

The EPA also will be analyzing which forms of the PCB molecule were present in the ducks. Polychlorinated biphenyls are a family of 209 distinct chemicals that vary in the number and placement of their chlorine atoms. The trade name for the PCBs used by GE -- Aroclor 1260 or 1254 -- refers to the percentage of chlorine in the mixture.

The chemical analysis was performed by the Texas A&M University lab, one of the nation's top research centers for organic contaminants.

The birds in the study, most hatched last year, were collected in August and September of 1998, dates selected to precede the start of migration. The study showed that even hatchlings absorb PCBs from the environment at a rapid rate.

The Department of Public Health, which has worked closely with the EPA on the matter, is

expected to announce new guidelines for eating ducks today. Spokeswoman Rose Ann Pawelec said sportsmen and anyone else who wants more information on PCBs can call (800) 240-4266.

It would be the nation's third PCB-related waterfowl consumption advisory.

The EPA also is seeking people who may still eat fish, frogs, ducks or turtles from the river for its overall human health risk assessment, which is part of the not-yet-signed cleanup consent decree that negotiators have been working on for almost two years.

Svirsky said attempts to locate mink and otter along the main stem of the river last winter were essentially fruitless, though researchers found both animals abundant in uncontaminated river tributaries. The EPA is conducting additional studies of tree swallows, largemouth bass, fern fiddleheads, aquatic insects and other subjects.

The Housatonic River study did not look at mergansers, a fish-eating duck that dives after its prey.

The EPA expects that mergansers would show even higher contamination levels because they eat only fish, which concentrate PCBs in their tissues by eating insects and smaller fish that forage in the contaminated sediments. But mergansers are generally not considered good eating.

Likewise, Canada geese were not studied. Biologists believe that geese, which graze in uplands away from water, would accumulate PCBs at a lower rate than dabblers like mallards.

Svirsky said the agency will also look at the migrating patterns of banded ducks. Keefe said mallards may fly only as far south as Long Island Sound, but wood ducks migrate to the Carolinas, Georgia and Florida.

Mark Jester, president of the Berkshire County League of Sportsmen, said sportsmen had long assumed Housatonic ducks were contaminated. But he said the high levels surprised them.

"I think people just didn't want to hear it," he said. "But there's no way around it now."

Thursday, March 29, 2007

## Flood Warning Issued for Housatonic River at Falls Village

Thursday, March 29, 2007

A flood warning was issued late Wednesday for the Housatonic River at Falls Village.

Snow melt has raised the water level of the river from the Massachusetts border down through New Milford.

In an advisory issued at 11:01 p.m. Wednesday, the National Weather Service said:

"Flood warning for the Housatonic River at Falls Village from this evening until further notice. At 10 p.m. Wednesday the stage was, 7.0 feet. Minor flooding is occurring and minor flooding is forecast. Flood stage is 7.0 feet. The river will continue rising to near 7.3 feet by Friday morning then begin falling. At 7.0 feet, the Housatonic River begins to flood the park above Falls Village dam, and water begins to flow into the fields of White Hollow farms near Limerock road in Canaan, and is at the edge of Canaan high school fields."

### Related Links

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