

**From:** Svirsky.Susan@epamail.epa.gov  
**Sent:** Friday, March 30, 2007 5:24 PM  
**To:** Campbell, Scott (MNH); Palmieri, Linda  
**Subject:** Fw: Please send confirmation

**Attachments:** CMS.doc

-----Forwarded by Susan Svirsky/R1/USEPA/US on 03/30/2007 05:23PM -----

To: Susan Svirsky/R1/USEPA/US@EPA  
From: Tim Gray <housriverkeeper@verizon.net>  
Date: 03/30/2007 11:19AM  
Subject: Please send confirmation

Comments on the Corrective Measures Study

Housatonic River Initiative

March 30, 2007

## **Failure of IMPGs to set adequate goals to protect wildlife and it sets the stage for flawed clean up assumptions**

The IMPGs that assumptions in the CMS are based on are some of the most outrageous ? goals? ever proposed by the GE/USEPA team.

The PPM levels set for all species are extremely troubling and cannot be protective of wildlife. These ?goals? will insure huge levels of PCBs are left in the river system and will be ?acceptable?. PCBs have traveled from PCB spots around the globe, including the Housatonic River , to contaminate the entire food chain reaching even polar bears and the Arctic through atmospheric deposition. Wildlife continues to be cited in the scientific literature as having huge impacts from PCB poisoning. To base recommendations in the CMS on these numbers is failing to live up to our responsibility to protect wildlife and the ecosystem it relies on.

## **Capping as the remediation of choice**

Capping gets a lot of attention in the proposed CMS. The EPA has allowed capping of huge amounts of highly contaminated earth to remain in place at hundreds of sites across the nation. The primary study area of the Housatonic River is a very unique floodplain and wetland area. The proposed CMS does not show examples of long term successful caps in other areas. We also cannot find examples of long term capping in a similar river. EPA scientists have warned the public that caps are at best temporary solutions and they will eventually fail.

They state this in relation to relatively stable landfill situations. The dynamic hydrology in the Housatonic River will present forces far greater than a landfill. The caps will eventually fail.

Here's some of what other EPA scientists have said about landfills in the past: "There is good theoretical and empirical evidence that the hazardous constituents that are placed in land disposal facilities very likely will migrate from the facility into the broader environment. This may occur several years, even many decades, after placement of the waste in the facility, but data and scientific prediction indicate that, in most cases, even with the application of best available land disposal technology, it will occur eventually." (Federal Register, Feb. 5, 1981, pg. 11128)

"Manmade permeable materials that might be used for liners or covers (e.g., membrane liners or other materials) are subject to eventual deterioration, and although this might not occur for 10, 20 or more years, it eventually occurs and, when it does, leachate will migrate out of the facility." (pg. 11128)

"A liner is a barrier technology that prevents or greatly restricts migration of liquids into the ground. No liner, however, can keep all liquids into the ground. Eventually liners will degrade, tear, or crack and will allow liquids to migrate out of the unit." (Federal Register, July 26, 1982, pg. 32284)

"Some have argued that liners are devices that provide a perpetual seal against any migration from a waste management unit. EPA has concluded that the more reasonable assumption, based on what is known about the pressures placed on liners over time, is that any liner will begin to leak eventually." (pgs. 32284-32285)

"Since disposing of hazardous wastes in or on the land inevitably results in the release of hazardous constituents to the environment at some time, any land disposal facility creates some risk." Federal Register, May 26, 1981, pg. 28315)

"The longer one wishes to contain waste, the more difficult the task becomes. Synthetic liners and caps will degrade; soil liners and caps may erode and crack ... EPA is not aware of any field data showing successful long-term containment of waste at facilities which have not been maintained over time." (pg. 28324) "First, even the best liner and leachate collection will ultimately fail due to natural deterioration, and recent improvements in MSWLF containment technologies suggest that releases may be delayed by many decades at some landfills. For this reason, the Agency is concerned that while corrective action may have already been triggered at many facilities, 30 years may be insufficient to detect releases at other landfills." EPA, Federal Register, August 30, 1988, Vol., 53, No. 168.

## **Connecticut**

The CMS ignores Connecticut for clean up. Only Monitored Natural Recovery is considered. If EPA allows this to stand it is ignoring their responsibility under the Clean Water Act.

As far back as 1995 the public and HRI members knew that the Environmental Protection Agency and the Connecticut Department of Environmental Protection was going to ignore Connecticut for consideration of any clean up. It was clear in most of their public presentations in Massachusetts. Connecticut meetings were non-existent in the first decade of public meetings. It was not until citizens demanded that EPA have a presence and start to bring the long existing Citizens Coordinating Council for a meeting in Connecticut. Without the continued pressure from groups like HRI, the Housatonic Environmental Action League, and the Housatonic River Commission there would be no public process in Connecticut.

The Connecticut portion of the Housatonic River has had fish advisories since the 1980's. PCBs exist at the dam sites in quantities sufficient to be bio- available to the benthic organisms and hence the entire food chain. Although PCB fish levels dropped off through the late 1980's and early 1990's they have hit a plateau and fish advisories are continued. Stopping the active plumes that had been entering the river in Pittsfield at the GE facility was probably the reason fish PCB levels initially lowered. For many years they have stayed consistent. Last year the Connecticut DEP/DPH added a fish species (pike) to the advisory. Without any consideration of a Connecticut clean up the EPA has determined these fish advisories are sufficient (institutional controls are not a clean up). In fact these institutional controls may violate the Clean Water Act by insuring PCBs remain in the affected waters. Massachusetts ducks just 25 miles to the north have extremely high PCB levels. The public has asked for Connecticut ducks to be tested. EPA and Ct. DEP have never responded. The Connecticut DEP told the public they couldn't catch a duck. It is most likely Ct. ducks have Housatonic PCBs in their system.

Most of the Connecticut sediment samples the agencies rely on was generated by a GE consultant. Floodplain data is largely nonexistent. Several times the Connecticut DEP actually stated at a public meeting that there was no floodplain in the Housatonic River . They obviously don't read the dozens of Connecticut news stories of flooding along the Housatonic during storm events. Both agencies have done little investigation.

## **Innovative technology**

Innovative technology is dismissed by GE contractors in the CMS. Their disregard for this technology is based on EPA guidance. EPA has failed to actively pilot innovative technology and only funds a rudimentary program designed to appear that they are interested in this subject. This program has been underfunded and these types of technologies routinely are dismissed. Several state environmental agencies are actually testing new innovative technologies. There appears to be little support from the EPA.

Several groups intervened in the consent decree negotiations. HRI was one of those groups. The CMS study is a direct result from the consent decree. HRI received a set of public promises from the USEPA if we dismissed our motion to intervene. We agreed to these promises. Mindy Luber, then Regional Director of the USEPA stated? the agreement includes, among other things, EPA's commitment to identify and potentially test new and innovative technologies. So far the EPA has failed to live up to this commitment. No technology has been discussed with the citizens at EPA meetings. HRI conducted a Symposium on Alternative Technologies to Destroy PCBs. EPA sent two representatives but denied to partner with HRI and endorse the event. The EPA refused to help with the cost of this event through the TAG program by explaining they were ? not to fund ancillary activities of the grant recipient such as travel and training, which, by reducing available funds, would detract from or limit the recipient's ability to obtain technical advice regarding remedial actions." . Use of innovative technology should be considered by EPA ?technical advice regarding remedial activities?. This is exactly what the symposium intended to do for the public. Over 120 people attended including many PHDs, licensed site professionals, environmental public officials, 15 river stakeholder groups, and the General Electric Company. Some of the technologies presented are in use in Europe and other countries. In 2007 EPA has not embraced new technology and puts many obstacles in place.

The EPA is years behind in exploring and promoting use of the ?best available technology?. The EPA has a chance to remedy this situation by following in the footsteps of the state agencies that are receptive to innovative technology. The EPA should require the CMS to fully investigate these new technologies with an open mind and the desire to conduct pilot testing in field at this site.

The floodplain of the Housatonic River has huge amounts of the estimated poundage of PCBs in the primary study area. This area is a sensitive floodplain with endangered species and magnificent habitat. It is bordered by October Mountain State Forest , Mass. Fish and Wildlife protected land, and public property protected by towns and land preservation groups. Only the use of an insitu noninvasive technology has any chance to remediate this section. By the CMS dismissing any of the technologies on the horizon that appear to offer

new directions in remediation the floodplain has no chance to have reduced PCB levels. By GE not pushing to

use new technology they have made a mockery of there current national ?ecoimagination campaign?. If EPA does not require GE to explore these technologies and pilot these technologies in the floodplain they are giving up on true remediation of this area. If large amounts of PCBs remain in the Housatonic and its floodplain the ? clean up ?of the river will never be accomplished.

Submitted By

Timothy Gray

## **Housatonic RIVERKEEPER®**

Housatonic River Initiative  
Box 321  
Lenoxdale, Massachusetts  
01242  
413-446-2520  
[housriverkeeper@verizon.net](mailto:housriverkeeper@verizon.net)