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**Beverly Naughton**

**From:** C. Jeffrey Cook  
**Sent:** Tuesday, October 07, 2014 10:40 PM  
**To:** 'r1housatonic@epa.gov'  
**Cc:** 'AREVALLO, JUAN AND LORI'; 'BERGER, CHRIS'; 'BERKEL, BRIAN'; 'BISSELL, RICHARD AND STACIA'; 'BRONSON, JIM'; 'BRUNO, FRANK'; 'BUBRISKI, CHRISTINE'; 'BUBRISKI, DAVE'; 'CARLOTTO, MIKE'; 'CHANDLER, MARY'; 'CHITTENDEN CATHLEEN'; 'CHITTENDEN, KEVIN'; 'COAN, BILL AND CHRISTINE'; 'COHEN, CAROL & ALAN'; 'COOKE, PAULA'; 'CUDDIHY, JEANNE'; 'DAVIS FAMILY'; 'DEBARTOLO, GRETCHEN & MARIO'; 'DOBOSZYNSKI, JOE'; 'DOUILLET, PATRICIA'; 'DOUILLET, ROGER'; 'DURKEE, JIM'; 'DUVAL, BRIAN'; 'EHVET-DICHTER, URSULA'; Ellen L. Arnold; 'EVERETTE, LEE'; 'FOX, JOE'; 'GOLDSTEIN, LEE'; 'HALSTEAD, TOM & NANCY'; 'HANDLER, JOE'; 'HANLON, TERRY AND MARY JANE'; 'HEATH, DAVE AND BETSY'; 'HERLAND, LIBBY'; 'HITCHCOCK, BRENDA AND BOB'; 'JEROME, BILL AND KAY'; 'JESTER, MARK'; 'KAPLIN, DAN AND RITA'; 'KOCH, DENNIS'; 'KRAVITZ, HEATHER & STEPHEN'; 'LESTER, ED AND SUSAN'; 'LINDSAY, NANCY'; 'LOEHR, LISA'; 'LOEHR, TODD'; 'LOTTO, DAVID'; 'MCLAUGHLIN, KATIE'; 'MERTZLUFFT, JOYCE & ED'; 'MOYNIHAN, ERNEST'; 'MURPHY PETER AND KATE'; 'POUTASSE, MARGARET'; 'ROSS, CHUCK AND JANE'; 'ROUSSEAU, RON'; 'RUGGERI, NICK, MARGE AND ANNE'; 'SABOURIN, RYAN'; 'SMOKE, LEONARD'; 'STEVENS, KATHY'; 'STURGEON, WILLIAM'; 'SWIGART, JIM'; 'TEICHERT, DAN'; 'TUGGEY, RAY'; 'TURNER, KIT'; 'VALLI, ANNE'; 'VANHORN, LARRY'; 'VINCELLETTE, CHUCK'; 'WALTERS, DARYL AND SUE TARNAWA'; 'WENTWORTH, DOUGLAS'; 'WESLEY, GLORIA'; 'WEST, LYNN'; 'WILLIAM, RICK AND ELIZABETH'; 'WILLIAMS, KAYE'; 'ZADEREJ, NICK & ANNA'; 'ZATORSKI, DAVID'  
**Subject:** Comment on Rest of River  
**Attachments:** Version 63465\_2 CJC ARTICLE WARD 4 RIVER WATCH.docx

Dean Tagliaferro  
 EPA New England

Dean:

Attached is my Article which sets forth my objections to (a) the proposed remedy and (b) the way in which the review process is being administered.

I am disappointed that, after all of the years I have been involved, EPA is taking this approach. Holding to the standard of 5 parts/mm for Reach 5A and then dropping the standard to 50 pts/mm for Reaches 5B and 5C, where no people live as compared with the affected neighborhoods in Reach 5A, makes no sense. We request that the standard of 50 pts/mm apply also for Reach 5A.

The omission of any mention of the location of access roads and staging areas (which everyone knows must be someplace) looks like a cynical attempt to avoid, at the permitting stage, the very active opposition which is sure to materialize as soon as the neighborhoods are shown what the impacts will be from the staging areas and access roads.

Please accept the attached Article as part of this comment.

Yours,

Jeff Cook

**C. Jeffrey Cook**  
 Cohen Kinne Valicenti & Cook LLP  
 28 North Street, 3rd Floor  
 Pittsfield, MA 01201

**Direct line: 413.553.0404**  
 Office main line: 413.443.9399, X - 104  
 Fax: 413.553.0336  
 Cell: 413.441.2814

Home: 413.499.1544  
Home office and fax: 413.499.4107  
Email: [jcook@cohenkinne.com](mailto:jcook@cohenkinne.com)

**COHEN | KINNE | VALICENTI | COOK**

## The Time is Now

I am writing this Article to help inform and support those who are the real stakeholders (the "Real Stakeholders") in the pending remediation of the part of the Housatonic River called "Rest of River" -- everything south of the confluence of the East and West Branches in Pittsfield (the "Confluence") running all the way through Connecticut. The Real Stakeholders are the people who will be directly and adversely affected by the proposed remediation of Rest of River including (a) those residents of Berkshire County who regularly boat, fish or hunt on or along the part of the River and adjoining Floodplains running from the Confluence to the southern shore of Woods Pond (called Reaches 5A-C and 6), and (b) those residents in Pittsfield and Lenox who live in what I call the "R5A Neighborhoods", located in Pittsfield and Lenox along the Housatonic River and Floodplains referred to as Reach 5A on the EPA Maps -- specifically residents living on both sides of the River up and down East New Lenox Road and Holmes Road, including two neighborhoods overlooking a critical wild life area in the Floodplain on both sides of the River ("Core Area 1"), the Anita-Eric-Joseph-Quirico-Lucia Drives neighborhood (which I call the "Anita-Joseph Neighborhood") on the east and the Palomino, Pinto, Clydesdale and Shetland Drives neighborhood (which I call the "Polo Acres Neighborhood") on the west, and residents living along the River on Pomeroy Avenue and the adjoining streets.

From the time I worked with a group supporting the then Mayor of Pittsfield in his negotiations in the late 90's of the Consent Decree under which the clean-up has progressed, I have been well aware of the progress toward the clean-up Rest of River. My friend David Bubriski, who lives in the Anita-Joseph Neighborhood, and I organized the Ward 4 Rest of River Watch ("Ward 4 Watch") in 2011 to help the Real Stakeholders, particularly those living in the R5A Neighborhoods who are about to be hit with a landslide in terms of the negative effects of the proposed cleanup. We watched the process between GE and EPA, hoping EPA would accept the recommendation dated January 11, 2011 of the Massachusetts Secretary of Energy and Environmental Affairs and the Commissioners of Departments of Environmental Protection and Fish and Game (the "Massachusetts Position") which stated:

After extensive review of the remedial alternatives presented to date, the Commonwealth has concluded that none of the current combinations of alternatives achieve the remediation goals without **causing irreparable harm to this unique, diverse and vital ecosystem** that has been designated by the Commonwealth as an Area of Critical Environmental Concern (ACEC)[Emphasis added].

EPA did not accept the Massachusetts Position. Since then the whole process has been filled by the fog of confusing EPA risk assessments and reports and assessments from others that are not based upon consistent peer review standards or involve situations that are not comparable to Rest of River.



It is very important that everyone involved in this process consider carefully how EPA gets to its cleanup standards, since those standards drive the whole process.

One might argue that the EPA cannot be too careful when setting its standards, so being overly conservative is a good thing, but not in the case where unrealistically high standards lead to the destruction of unique wild life areas, and Core Area 1 is just one of them.

#### Cancer Risks and EPA Cleanup Standards.

The cleanup standard based upon PCBs being a "probable carcinogen" is the prime example of EPA basic process gone wrong. We may not like it but the background risk for getting cancer during one's lifetime is roughly 40% whether you live in Boston, Pittsfield or San Francisco. The risk of dying from cancer is one in four for men and one in five for women whether you live in Boston, Pittsfield or San Francisco. Yet the cleanup standard for Rest of River is based upon EPA's *mathematical calculation* that will reduce the risk of cancer to between *1 in 10,000 to 1 in a million* -- a completely unrealistic standard. Expressed as a cleanup standard, the EPA requires that PCBs be cleaned up to 5 parts per million. That is the equivalent of five grains of sand in two five-gallon plastic buckets filled with sand. If the cleanup standard gets raised to 25 to 50 parts per million, we are now up to 25 to 50 grains of sand spread over those two five-gallon buckets. That miniscule difference results in a very significant difference in the level of cleanup. It is important to note that there is no scientific evidence that supports a standard of 5 parts or 25-50 parts per million; there are just the EPA's risk calculations. And EPA understands that well. The pending proposal is that below New Lenox Road, the level of cleanup will be 50 parts per million which will spare us the dredging of the most beautiful and most heavily used part of the River.

It is important to note when looking at the EPA's risk calculations that none of us would make an important family or business decision using such unrealistic standards. If the EPA proceeds with the proposed remedy at the cleanup levels specified, we are about to have the River and Floodplains in Reach 5A destroyed doing just that.

I have heard local environmental groups talking about cancer occurring in families living in the Lakewood area of Pittsfield or among GE employees, as proof that PCB contamination is the cause. The fact is those stories occur also in Boston and San Francisco (or any other cities with or without significant PCB contamination) because the 40% occurrence rate means cancer occurs in most families. That is why such a large segment of current cancer research is focused on gene therapy.

Look at the way EPA calculates the exposure rates for PCBs in the Floodplains. It is not usual to see something like this: the assumption that a person will be walking barefoot up to his ankles in sediment Monday, Wednesday and Friday every week of the months of April through November and continue doing that for 93 years. That is the kind of nonsense that drives the cleanup

standards that become the justification for the need to cleanup to five parts per million instead of 25 to 50 or even more parts per million.

The fog is intensified by "studies" presented by the environmental groups that now talk about other health risks. In terms of scientific standards, there is a big difference between showing "causality" and showing there are "associations" -- conditions appearing to occur in similar situations. One of HRI's favorite scientists talks about the relationship between high blood pressure and PCBs. In one of his publications, he says, "This study cannot prove causality no matter how strong the associations." Yet several weeks after that publication, he made a presentation in Berkshire County claiming that PCBs "cause" high blood pressure.

I see in the EPA public record for Rest of River a statement that over the years HRI has disbursed over \$230,000 in federal and state technical assistance grants. It is interesting to see how those grants have added to the fog.

Here are some facts that are well established, some by studies conducted by the Massachusetts Department of Health ("Mass DPH"):

- We all have PCBs in our blood whether we live in Pittsfield, Boston or San Francisco.
- The Mass DPH ran blood test of residents in the Lakewood area of Pittsfield, and students and teachers at Allendale School and found no higher levels of PCBs in the individuals tested than are present in the general population (probably the reason Mass DPH is not playing a more active role in this process).
- The air over the River and Floodplains has been repeatedly tested and there are no detectable levels of PCBs in the air. Of course, that is going to change during the 13-year period now estimated by the EPA to complete the remediation from the Confluence to the southern end of Woods Pond. We are told we will have about five years of that in the Reach 5A Neighborhoods. I would expect EPA to have protocols for the remediation to protect the young families and older residents in the R5A Neighborhoods.

Anyone discussing the health risks presented by the current status quo as justification for the cleanup, should ask to see the actual studies as well as look at Mass DPH's studies in Pittsfield.

### Impact on the Neighborhoods

The fog we have to peer through was made more dense by the 43-page Statement of Basis for Proposed Remedial Action which EPA is circulating. It talks about the way risk standards are calculated, but does not tell the Real Stakeholders important basic information about how the planned remediation will affect them -- which the EPA staff knows right now, but is holding back in an obvious manipulation of the public process.

The EPA has made the decision to defer dealing with the access roads and staging areas to the "Post Permit" process -- suggesting that EPA cannot now know where those will be located until

GE responds to the proposed solution. What is particularly disturbing about that position is that when you are dealing with the fragile wetlands in the Floodplains on both sides of the River, how (a) the River is dredged, (b) the work on the Floodplains is organized, and (c) dredged and excavated material and replacement clean material is processed and transported over the wetlands, makes a huge difference in terms of the damage to the adjoining areas and should in some cases influence the decision on the extent of the cleanup. EPA says it recognizes this by reducing the level of cleanup, for example, in Core Area 1, which is just about 100% wetlands and has the highest concentration of priority habitats in the whole River system. EPA is suggesting that even though that portion of the River (which bends back on itself in this location) will be fully dredged, the work in Core Area 1 will be limited to areas where the concentrations are above 50 parts per million. When asked at a public meeting how that could be done in such a sensitive area where the River will be fully dredged with contaminated material being removed to the staging areas and clean material brought in to replace the contaminated material, the answer was, "That is GE's problem." The truth is that is the Real Stakeholders' problem, because there is no way to conduct the cleanup required and process and transport the contaminated and clean material in that area without destroying Core Area 1.

Several years ago one of the senior members of HRI (highly respected for years of public service) visited my home and looked out at the River and Floodplain. He said, "You live on a beautiful part of the River which will be devastated by the cleanup, but it has to be done." EPA and HRI know well that the River and Floodplains, including Core Area 1, will be destroyed by the proposed cleanup, but believe somehow those areas will restore themselves in what is now an unknown number of years.

Up until the presentation of the proposed remediation, I had been a supporter and sometimes defender of EPA but am very sorry to say that I have lost my trust in the Agency and the individuals involved in Rest of River, because of the cynical way the process has been organized and the half-truths and platitudes that are thrown back at us when we raise the issues that matter to the Real Stakeholders.

Here are the issues that demonstrated why we have lost trust in the EPA:

- EPA spokesmen suggest that EPA does not know where the access roads and staging areas will be located, but it has been studying the River and Floodplains for about 20 years and knows the limited number of places where the staging areas can be located. Keep in mind that the staging areas are (a) where the equipment is stored (and started up every workday morning between 6 and 7 am), (b) the contaminated material dredged from the River and excavated from the Floodplain is dewatered and readied for shipment, and (c) the clean fill and cap material is delivered and processed for backfill into the River bed and banks and the Floodplain. There are only a very limited number of areas in Reach 5A where staging areas can be located *and serviced* by equipment moving back and forth on the access roads from the staging areas to the work sites.



- In the last several years, GE has prepared plans showing the access roads and staging areas which EPA suggests was done to "scare the neighbors". But the fact is that the layout of the River and Floodplains and the presence of wetlands really dictate where the access roads and staging areas will go and EPA knows that right now. EPA also knows that the Real Stakeholders will be very disturbed at where those facilities will have to be put and for how long. So leaving mention of those facilities out of the proposed remedy puts the EPA in the position -- when the staging areas and access roads are addressed after the permit process -- to say to the Real Stakeholders that the proposed remedy was vetted with the community with significant number of public meetings and was "approved". Something that will be much harder to do now if the Real Stakeholders are able to see what the access roads and staging areas do to the River, the Floodplains, Core Area 1, and life in the R5A Neighborhoods.
- Some of the platitudes:

  - GE could well decide to pump the dredged material through a pipe to a staging area down river. REAL WORLD: What about the fact that for every cubic yard of material removed a cubic yard of clean fill and cap will be replaced, so doesn't that mean there will still be need for the access roads throughout the project area?
  - We will encourage the use of rail to reduce the impact on local roads. REAL WORLD: Where is the rail depot large enough to handle 10,000 truckloads per year of material going in and out? Where in Reach 5A could it be located? And how does the material get from the River and Floodplains to that depot and back? Obviously when EPA is talking about reducing impact on local roads it is not talking about the R5A Neighborhoods, Pomeroy Avenue, Holmes Road and East New Lenox Road.
  - We will encourage the use of improved methods to reduce the need to excavate and transport the contaminated material. REAL WORLD: There are no methods that have been identified that can treat PCBs in situ in anything like the scale of this project. At the very minimum, the River beds and banks and Floodplains would have to be excavated and the excavated material would have to be put in a location for treatment (does that mean larger staging areas?), and after treatment would have to be restored to the excavated area.
  - Just look at the first mile and a half of remediation ("First 1.5 Miles") to see how the River restores itself after it is cleaned up. You should expect the same thing to happen in Reach 5A. REAL WORLD: The River east of Holmes Road is not within the fairly straight banks that exist in the First 1.5 Miles; it has significant



meanders and the River bed is five to ten times wider than most of the First 1.5 Miles. In addition, there are significant Floodplains which are mostly wetlands making the River harder to access with construction equipment and there is nothing like Core Area 1 anywhere in the First 1.5 Miles.

- The reason for the difference in cleanup standards for the River in Reach 5A of 5 parts per million and Reaches 5B and 5C of 50 parts per million is that Reach 5A is more contaminated. REAL WORLD: EPA knows that the difference between 5 grains of sand spread over the sand content of two five-gallon buckets versus 50 grains of sand is miniscule and does not make a real difference in terms of health risk though it makes a huge difference in terms of cleanup required under the EPA's system.
- In every project, we work with the property owners involved to help address the issues they face, so you do not have to be concerned about how the cleanup will affect your neighborhoods and homes. REAL WORLD: Look at the platitudes and the obvious nonsense used in the risk assessments.

Berkshire Regional Planning Commission had a socioeconomic impact study done on the six municipalities in Berkshire County that have joined together to pursue claims against GE for the socioeconomic costs incurred as a result of the cleanup. The study shows that there will likely be a loss of real estate tax revenue because of the "temporary" loss of value of the homes near the River and Floodplains. Considering the extent of the proposed remediation, including the work in the Floodplains, we expect there to be a loss of value of most of the homes in the R5A Neighborhoods and will be approaching the Mayor and Assessors in Pittsfield and Selectmen and Assessors in Lenox about an efficient way to process the approximately 450 homes which we think fall into that category. But that will not solve the big problem: beginning right now with the publication by EPA of the proposed remedy, all of us living in the R5A Neighborhoods have a cloud of uncertainty hanging over our homes which is sure to make selling our homes much more difficult. For the senior citizens approaching retirement this will be a very disturbing problem.

Dave and I urge everyone living in the R5A Neighborhoods to walk out of their homes, look at the River and Floodplains and think about 10,000 truckloads of material being moved in and out of those areas in 20-ton trucks. Do everything you can to learn as much as you can about all that will be involved. The time to express your concerns or approval to the EPA ends on October 27, 2014.