

November 8, 2022

James J. Wilusz, R.S.
Director of Public Health
Lee Tri-Town Health Department (LBOH)
45 Railroad Street
Lee, Massachusetts 01238

Exhibit 17

Re: GE-Pittsfield Housatonic River Site
LBOH Adjudicatory Hearing
Request to Submit Material Evidence

Dear Mr. Wilusz:

For the record, I am a retired US Department of Interior water quality Subject Matter Expert, a former Massachusetts Licensed Site Professional; I worked under the Massachusetts Contingency Plan regulations for 23 years; I am a current Maine Certified Geologist, and since 2016 I have been studying ocean dumping of chlorinated hydrocarbons as permitted by EPA between 1973 and 1977. My technical report, "Ocean Dumping of Chlorinated Hydrocarbons under the Marine Protection, Research and Sanctuaries Act of 1972" can be found at <https://www.amazon.com/s?k=9781093384550>. I presented a professional talk on my research at the Gulf of Mexico Oil Spill & Ecosystem Science Conference in Tampa, Florida on February 5, 2020. I am currently researching the GE/Housatonic River site as an analog for PCB waste that was dumped at offshore Industrial Waste Site (IWS-1) in 1973 to 1977.

On September 16, 2022, I submitted to LBOH public comments I wrote to EPA regarding the Upland Disposal Facility (UDF) being proposed by General Electric (GE). The comment letter is attached for your convenience. The comment letter references a Public Health Assessment conducted by the Agency for Toxic Substances and Disease Registry (ATSDR), documented in a report, dated August 25, 2008, which is posted here [Microsoft Word - G.E. Housatonic River SiteFinalPHA082508.doc \(mass.gov\)](#).

The 2008 ATSDR report identified highly toxic accessory contaminants in the river sediments, namely dioxins (specifically 2,3,7,8-tetrachlorodibenzo-p-dioxin, or TCDD) and furans, which ATSDR considered Chemicals of Concern (COCs) related to the site. Dioxins, including TCDD, are formed when PCB transformer oil is heat-damaged ([Polychlorinated Biphenyls \(PCB's\) \(86-111\) | NIOSH | CDC](#)). GE and EPA did not consider these accessory contaminants in its administrative record beginning in 2012. I have not found any technical justification for dropping these COCs. It is my position that by omitting dioxins and furans from site assessment, risk characterization, and remediation plans, risk to area residents from the site is considerably under-stated.

It appears that dioxins and furans have been omitted at similar PCB sites being overseen by EPA. Hudson River contamination, where GE is also the Potentially Responsible Party for discharge of PCBs, has also not been characterized for dioxins and furans, even though these chemicals are common in heat-damaged PCBs. GE appears to be using the omission of dioxins and furans to its advantage. In the Hudson River case, "GE Spokesman Mark Behan said researchers have not been able to link PCB exposure

to human illness" (https://www.saratogian.com/2000/07/19/pcb-activists-take-interest-in-6m-valentine-lawsuit/?fbclid=IwAR37TgE950Kc3SFy5sfoBZGU9-Y-f6wq3ldHvezsK7cGvIF_x9HKVzpAPeg).

I suggest that LBOH ask GE at the hearing how dioxins (TCDD) and furans were eliminated from consideration at the Housatonic River site, and what difference it would make to risk characterization if they were included.

I hereby request that this letter, my comment letter to EPA and the ATSDR report be entered as material evidence for the upcoming LBOH adjudicatory hearing on November 19, 2022. I am currently planning to attend the hearing to provide additional clarification, if requested.

Sincerely,

Charles McCreery, CPG

Cc:

[R. Christopher Brittain](mailto:cbigelow@town.lee.ma.us), Lee Town Administrator
cbigelow@town.lee.ma.us

John Ziegler, MADEP
John.Ziegler@mass.gov

Capt. Tarah Somers, RN, MSN/MPH, Regional Director, ASTDR
tv44@cdc.gov

Margret R. Cooke, Commissioner, [Massachusetts Department of Public Health](https://www.mass.gov)
Margret.R.Cooke@State.MA.US

VIA EMAIL R1Housatonic@epa.gov

July 21, 2022

Mr. Dean Tagliaferro
EPA Project Coordinator
U.S. Environmental Protection Agency
c/o HDR, Inc.
10 Lyman Street, Suite 2
Pittsfield, MA 01201

Re: GE-Pittsfield/Housatonic River Site
Rest of River
Revised Baseline Monitoring Plan
Public Comments

Dear Mr. Tagliaferro,

I am submitting comments on the General Electric Company (GE) Revised Baseline Monitoring Plan, submitted by GE on June 30, 2022, for the Housatonic Rest of River Permit. For the record, I am a retired US Department of Interior water quality Subject Matter Expert, a former Massachusetts Licensed Site Professional, and since 2016 have been studying ocean dumping of dioxins as permitted by EPA between 1973 and 1977. My qualifications to submit technical comments on the Housatonic River cleanup are given in my LinkedIn profile at [linkedin.com/in/charles-mccreery-626a01178](https://www.linkedin.com/in/charles-mccreery-626a01178).

My primary comment about the Revised Baseline Monitoring Plan also applies to previous planning documents submitted by GE for the site. The planning documents do not consider Chemicals of Concern (COCs) other than the 209 polychlorinated biphenyl (PCB) congeners that may be expected to be present in dredged sediments. GE proposes to operate the Upper Disposal Facility as a non-hazardous landfill, with dewatered sediments in the landfill having total PCB concentrations not to exceed 50 mg/kg. Landfill leachates and groundwater downgradient of the landfill would be analyzed for total PCB only.

The sole use of total PCB concentrations for site assessment, risk characterization, and remediation might be appropriate for a spill of virgin refined PCB transformer oil, but not for a more complex remediation waste type that might contain other more toxic chemicals. More toxic chemicals in the mix would drive the risk characterization, not total PCB. Assessment and planning documents prepared by GE since 2012 do not appear to consider any COCs other than total PCB. Somehow, more toxic accessory chemicals previously detected in the river have been omitted by GE. I have been unable to find any technical justification for dropping those COCs.

The GE/Housatonic River site was subject of a Public Health Assessment conducted by the Agency for Toxic Substances and Disease Registry (ATSDR), documented in a report, dated August 25, 2008, which is

posted here: <https://www.mass.gov/doc/general-electric-site-housatonic-river-public-health-assessment-final-release-0/download?fbclid=IwAR1c8OijwOJgeE0fXHRfuvczikGbKEizkDRgNzJAht2fizBuGs1u4RmbMvY>

Conclusions beginning on Page 67 of the ATSDR report state, "PCB and dioxin/furan contamination in the Housatonic River is and was a "Public Health Hazard" for people who consume mallards, wood ducks, and possibly other waterfowl taken from the Housatonic River and surrounding area due to PCBs and dioxin/furans in waterfowl tissue." ATSDR repeated this warning for fish caught from the river. "In fish and waterfowl on the other hand, contaminants besides PCBs (i.e., dioxins/furans) may appreciably increase exposure concerns already posed by PCBs." ATSDR was clear that dioxins and furans should be COCs for the site.

ASTDR reported the most toxic dioxin congener (**2,3,7,8-tetrachlorodibenzo-p-dioxin**, or TCDD) in three of three samples of surface soil at an average concentration of 8.2E-07 mg/kg and a maximum concentration of 9.3E-07 mg/kg. TCDD was detected in three of eight samples of surface sediment at an average concentration of 4.6E-06 mg/kg and a maximum concentration of 9.0E-06 mg/kg (concentrations exceeding 2.5E-05 mg/kg are considered hazardous according to the Massachusetts Contingency Plan). Some of the surface sediment analyses had elevated detection levels insufficient to detect TCDD. Unfortunately, TCDD concentrations in surface soils and sediments have not been analyzed in a sufficient number of samples to be able to estimate what actual TCDD concentrations might be dredged up during remediation. GE and EPA should know that TCDD in the river sediments present a risk even though their concentrations may be below what might be considered hazardous.

Dioxins, including TCDD, and furans are formed when PCB transformer oil is burned (<https://www.cdc.gov/niosh/docs/86-111/default.html>). The association of dioxins and furans with PCB in the river suggests the waste may have originated from burned transformers returned to GE after a fire. This interpretation is quite different from the site model currently being presented by GE.

It is my contention that there will be dioxins and furans in the dredged sediment destined for the Upper Disposal Facility, and that those chemicals may be the primary risk drivers, not total PCB. That soil would be appropriately characterized as "dioxin-containing soil" because it contains TCDD, the most toxic of the dioxin congeners. This material may be subject to Land Disposal Restrictions (LDR) pursuant to 40 CFR Part 268 <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-268>, or the waste may qualify for disposal in a Toxic Substances Control Act (TSCA) landfill based on actual TCDD concentrations.

It is my contention that risk from dioxin and furans in the dredged sediment, if combined with risk from dioxin-like PCB congeners already being considered, would conclude the material is hazardous and not suitable for the Upper Disposal Facility being proposed.

GE and EPA should recognize this material was not appropriate for ocean dumping at the Massachusetts Industrial Waste Site (IWS-1) at Stellwagen Bank and is not appropriate for placement adjacent to the Housatonic River.

I appreciate the opportunity to comment on this phase of the Housatonic River cleanup. I look forward to EPA's written response to this letter.

Sincerely,

Charles McCreery, CPG

Cc:

R. Christopher Brittain, Lee Town Administrator
cbigelow@town.lee.ma.us

John Ziegler, MADEP
John.Ziegler@mass.gov

Capt. Tarah Somers, RN, MSN/MPH, Regional Director, ASTDR
tv44@cdc.gov

Margret R. Cooke, Commissioner, Massachusetts Department of Public Health
Margret.R.Cooke@State.MA.US

Larry Parnass, The Berkshire Eagle
lparnass@berkshireeagle.com