APR 20 1976

Pollution of Hudson could be costly to GE

ALBANY, N.Y. (AP)—Hearings that could lead to an order requiring the General Electric Co. to spend thousands of dollars cleaning up the Hudson River began Monday.

The hearings, at the order of the state Department of Environmental Conservation, are being conducted to decide what penalty GE will pay for dumping PCBs into the Hudson.

In February a hearing officer found that GE's discharge of polychlorinated biphenyls, PCBs, violated two sections of the state's Environmental Conservation Law. The company had, and still has, federal permits authorizing the discharges from electric capacitor plants at Hudson Falls and Fort Edward.

Columbia University Law School Prof. Abraham Sofaer made the legal finding in February and is presiding again at the penalty hearings. While he declined to speculate Monday about his eventual ruling, his February decision offered some clues.

Sofaer criticized the state and federal governments for not tackling the problem of PCB pollution sooner, and noted that GE had "operated openly and negligently rather than in secret or in disregard of PCB discharge limits set in its permits."

He wrote that his final recommendation would require GE to at least "drastically" limit its discharges, "and to rectify the effects of its prior violations where lawfully proper, and economically and environmentally practicable." But he added that effective government action could have prevented much of the environmental damage and that his recommendation would take that into account.

Once Sofaer has presented his final report, which will follow at least two weeks of public hearings, Environmental Conservation Commissioner Ogden Reid will issue the final abatement and clean-up order.

The department has not predicted what it would cost to purge the river of PCB pollution — the current hearings will examine just how possible that is — but it has asked GE to post a $2 million compliance bond.

PCBs, which resist natural decomposition much the way DDT does, are known to kill fish eggs and may cause cancer in rats. The effect on humans is still under study.

A medical team from Mt. Sinai Hospital in the Bronx has been conducting tests on GE workers to determine what continued contact with the chemical has meant to their health.

General Electric has acknowledged that some workers contracted skin rashes linked to PCB.

The department and GE have been negotiating on and off for months, in an attempt to find a reduced level of dumping agreeable to both sides.

Commissioner Reid asked that all discharges stop this September, but there may be room for compromise because the federal government is considering a total ban for 1977.

Also, the state Commerce Department has urged that the state not set tougher limits than the federal government because single-state standards might cause industries to move to other states where regulation is not so strict.

The Monsanto Co., the nation's only PCB-maker, has announced plans to phase out production.

Reid's insistence on the penalty hearings, and presumably on making GE pay for some of the damage, is reportedly a major stumbling block to the behind-the-scene negotiations.

On Monday, Associated Industries of New York, a major lobbying group for industry, asked permission to join the hearings to support GE. A statement said the department's pursuit of penalties is "without legal authority and, if granted, will have far-reaching and serious economic consequences to" the group's members.

MONS 036684