MONS 032863

SARATOGA SPRINGS, N. Y.
SARATOGIAN
GILBERT MARKET AREA
P. 11 [illegible]

MAR 2 1976

Hearings to consider penalties for dumping PCBs

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Gannett News Service

ALBANY — Hearings began Monday to try to determine what penalties should be assessed against General Electric for dumping PCBs in the Hudson River, and what can be done to repair the damage.

Special hearing examiner Abraham D. Sofaer, a Columbia University law professor, last month found G.E. guilty of violating state law with its discharges.

Little work has been done, however, on how to go about restoring a polluted river, especially one in which much of the contamination appears to be imbedded in the silt at the river bottom, and determining what is technically and economically feasible may take some time.

General Electric has offered a treatment plan to reduce its discharges of the persistent chemical, which had averaged 30 pounds per day, to about 3.5 ounces per day, while also arguing that the state has no power to order restoration of the river.

Environmental Conservation Commissioner Ogden Reid, however, has asked that the company be ordered to stop all discharges, [illegible] whatever actions are necessary to clean up the river, and post a $2 million bond to ensure that the work would be done.

Last week the commissioner ordered a virtual ban on commercial fishing in the river and warned sport fishermen against the danger of eating contaminated fish.

Environmental Conservation lawyer Philip Gitlin said Monday that testimony at the hearings, which are get fully under way March 22, would show that, even if G.E. ended all discharges of PCBs, the bottom sediments are so heavily contaminated that they would constitute a continuing source of pollution unless treated or neutralized.

Finding a satisfactory way of treating bottom sediments may be a very difficult problem.

Conventional dredging with a line and bucket, for example, is considered unlikely because it would stir up the bottom, releasing more PCBs.

However, a different form of dredging — scouring the bottom with a large suction hose — was successfully used in New York to recover cadmium, a toxic heavy metal which had been released by the Marathon Battery Co.

But even if the sediments can be brought up, how are they to be treated to remove the PCBs? Canadian scientists are reported to have developed a strain of bacteria that attack the otherwise nearly indestructible PCBs — poly chlorinated biphenyls — by shearing off chlorine atoms, but the method is unproven.

Another possibility that has been advanced involves planting a form of [illegible] grass that tends to absorb PCBs, then "harvesting" it to get the pollutant out of the river.

Gitlin said Reid would also ask that financial penalties be assessed against G.E. for its damage to the river, primarily as a means of indemnifying repaying Hudson River fishermen whose livelihood has been damaged by the ban on commercial fishing.