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PCB Fight in Final Round

ALBANY (AP) — The General Electric Co. and the Environmental Conservation Department are squared off for the final round of the PCB battle.

The department wants GE to stop dumping the industrial chemical polychlorinated biphenyls into the Hudson River and to pay for cleaning up some of the damage already done.

Negotiations between the two sides aimed at a compromise agreement on a reduced level of dumping have proved fruitless so far, reportedly because of the department's desire to extract a penalty from GE. A new phase of departmental hearings began here Monday that could lead to an order requiring GE to pay that penalty.

Testimony Monday focused on a GE proposal for a water treatment plant to screen PCBs from the discharges at its electric capacitor plants at Hudson Falls and Fort Edward, and on the Hudson River organisms which have ingested PCB-polluted particles.

EnCon Engineer Lawrence Nadler testified that a carbon filtration process designed for the General Electric plants could reduce daily PCB discharges to about one gram, or 1-20th of an ounce, daily. GE is presently releasing about two pounds a day into the river.

Columbia University Law School professor Abraham Sofaer, who ruled in February that the PCB dumping violated state law, is presiding again at the penalty hearings.

While he declined to say what his final ruling would be, his February decision said that his final recommendation would at least require GE to "drastically" limit discharges "and to rectify the effects of its prior violations where lawfully proper, and economically and environmentally practicable."

He added that effective government action could have prevented much of the environmental damage and that his recommendation would take that into account.

The company has federal permits authorizing its discharges. Sofaer noted that GE had "operated openly and negligently rather than in secret or in disregard of CPB discharge limits set in its permits."

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 how much it would cost to purge the river of PCB pollution, but it has asked GE to post a \$2 million compliance bond.

The current hearings will examine whether such a clean-up is possible. An EnCon official testified that PCBs were successfully removed from a Washington State river bed through the use of a sophisticated dredger. But the department has suggested that removal of the sediments might pose an even greater hazard because of PCBs stirred from the bottom into the current.

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 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-scenes 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 with "without legal authority and, if granted, will have far-reaching and serious economic consequences to" the group's members.