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New York Unit Seeks \$7.1 Million Penalty On GE for Pollution

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The New York State Department of Environmental Conservation has filed legal papers seeking a maximum penalty of \$7.1 million from General Electric Co. for polluting the Hudson River with polychlorinated biphenyls.

The Associated Press reported today that the penalty, if imposed, still wouldn't cover the entire cost of removing and treating the estimated 1.5 million cubic yards of polluted sediment, according to the department. That job would cost between \$12.5 million and \$26.3 million, "plus the cost of obtaining disposal sites," according to the department.

Hearing Examiner Abraham Solovitz previously had indicated that he probably wouldn't order a maximum penalty. Mr. Solovitz, a Columbia University law professor, is the hearing officer in the department's battle with GE. Hearings began last September.

GE has used the chemicals, known as PCBs, since the late 1940s as insulating fluids in capacitors made at plants at Hudson Falls and Ft. Edward, N.Y. A GE spokesman said yesterday that the company hadn't yet seen the state agency's brief, but that GE would "vehemently oppose" any penalties as "unfair and arbitrary."

GE "has operated within all applicable laws and regulations," the spokesman added, and "well within" the discharge limits set by a permit it obtained from the Federal Environmental Protection Agency. Previously, GE said that as a result of new treatment, control and monitoring facilities it had cut discharge of PCBs into the Hudson to less than 12 ounces a day.

GE also has offered to install new systems that, it believes, could cut the discharge ultimately to as little as one gram a day. It contends it would be impossible to eliminate the discharge completely and continue in production. Furthermore, the company has offered to confidentially negotiate with the state to spend \$2 million on cleaning up polluted sediment, but GE refuses to confirm or deny the report.

The state contends that the full legal penalty should be imposed because GE's discharge of the industrial pollutant has been "so insidious that even if respondent GE eliminates its PCB discharges, recreational and commercial fishing in 100 miles of the Hudson River will be impaired for years to come."

The Department also argued that GE should be required to build a PCB waste water-treatment system within five months of the department's approval of a plan that would limit daily discharges to 100 grams. Within seven months of the department's approval, discharges should be limited to one gram a day, it said.

PCBs are toxic substances that have been linked to a variety of human ailments. Several months ago, the state restricted fishing along the Hudson and warned New Yorkers against eating most varieties of fish taken from the river.

In an interim opinion a few months ago, Mr. Solovitz ruled that state officials also were to blame for allowing the pollution to continue for more than two decades.