STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233
PETER A.A. BERLE, COMMISSIONER

FOR RELEASE: IMMEDIATE, WEDNESDAY, SEPTEMBER 8, 1976

The New York State Department of Environmental Conservation and the General Electric Company will cooperate in a $7 million program to deal with PCBs in the Hudson River, Peter A.A. Berle, New York State's Commissioner of Environmental Conservation and John F. Welch, Vice President and Group Executive, General Electric Company, jointly announced here today.

Commissioner Berle signed a settlement agreement and issued a consent order settling the legal action brought against General Electric relating to the discharge of polychlorinated biphenyls (PCB) into the Hudson River.

The settlement, agreed to by all intervenors, provides for General Electric to contribute $4 million - $3 million in a lump sum to the Department of Environmental Conservation and $1 million to perform related research, making the benefits of the research available to the Department. The Department will participate in the comprehensive program in a monetary amount comparable to General Electric's cash contribution.

In addition, General Electric has agreed, by July 1, 1977, to discontinue use of PCB compounds in capacitor manufacturing.

General Electric has also agreed to continue to reduce its discharge from its facilities at Hudson Falls and Fort Edward from its present level of less than 1 lb/day. General Electric will move ahead immediately with its $3.5 million treatment facility which will be completed by April of 1977. Upon completion of this facility, discharges from its Hudson Falls and Fort Edward locations will be reduced to an average of 1 gram/day (.0022 lbs/day).

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In addition, General Electric will conduct research in the amount of $1 million in the following areas:

-- $400,000 for research on the environmental compatibility of the PCB substitute.

-- $400,000 for research and pilot plant studies on the removal or treatment of PCBs in liquids and sediments from Hudson River sludge dredged by the Department.

-- $200,000 for research into the impact of substances which may be hazardous to the environment to be chosen by Commissioner Berle. This program will consist of chemical and biological tests at a research institution to be selected by the Commissioner.

The comprehensive $7 million program will be under the Department's direction with the advice of an Advisory Committee of independent experts to be selected by the Commissioner. $6 million of the program will be directed toward:

-- Monitoring of the presence and levels of PCBs discharged into the Hudson River waters.

-- Further investigation of the need for remedial action concerning PCBs presently in the River.

-- Taking of remedial action, including dredging of the River if this is deemed necessary and environmentally sound.

-- Revitalization of the recreational and commercial values of the Hudson River.

-- Aiding in the development of a program to regulate storage and discharge of substances hazardous to the environment, if all of the funds are not needed to deal with PCBs.

Professor Abraham Sofaer of the Columbia University School of Law, Hearing Officer in the case, recommended acceptance of the agreement on the grounds that "its terms are reasonable" and said that the agreement "substitutes tangible advantages for legal uncertainty and delay."

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"This notion of shared responsibility is one which can only foster heightened awareness and caution by regulators, as well as increased trust and cooperation by the regulated. Its utilization in this case is warranted by the circumstances, and makes the proposed agreement an attractive precedent for dealing with situations of joint culpability. The settlement brings no sure solution to a serious and difficult ecological problem," Professor Sofaer said. "But it does assure that a comprehensive study will occur, and that several millions of dollars will be spent to remove PCBs and improve the Hudson, if those measures are necessary and practicable. It is an arrangement we can confidently accept as a reasonable, fair and constructive step. The parties and their attorneys deserve the public's gratitude for working so responsibly to bring this controversy to a constructive resolution."

Commissioner Berle said, "This agreement by General Electric to contribute $4 million in cash and scientific research, and to discontinue the use of PCBs, represents real progress in our drive to remove toxic substances from the waters of New York. This settlement will enable us to move ahead rapidly with a $7 million program to upgrade this great natural resource."

Mr. Welch said, "The program outlined today represents an excellent example of industry and the State working and learning together and provides the means to undertake immediate action on an immensely complex issue."

The Agreement and Final Order settling the case initiated by D.E.C. on September 8, 1975 was signed by both Dr. John F. Welch, General Electric's Vice President and Group Executive, and Commissioner Peter A.A. Berle at the Department of Environmental Conservation offices, 50 Wolf Road, Albany, New York.

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