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GE Fights Edict To Stop Dumping PCB in Hudson

ALBANY, N.Y. (AP) — Denying it has violated state law, the General Electric Co. called Monday for dismissal of a proposed order that the firm stop discharging a chemical pollutant known as PCB into the Hudson River.

At a hearing on the proposed order, the company said it has been using a type of polychlorinated biphenyl "for the last two or three years" that is not as damaging as some of the 200 other varieties of the organic chemical.

In its recent complaint, the state Environmental Conservation Department said GE has been dumping PCB into the Hudson River from two upstate plants for more than 20 years. It said the discharges violate state law and federal regulations.

The complaint said the company may have done "irreparable damage" to the river and it proposed an order that would stop all PCB discharges from the plants at Fort Edward and Hudson Falls by next September. It also requests that the company be ordered to post a minimum compliance bond of $2 million and clean up existing PCB pollution.

"Our position with respect to these charges and our evidence will demonstrate that the losses (of PCB) that are currently taking place, that recently have taken place and that will take place, do not violate these sections of state law," said N. Earle Evans, a counsel for the firm, which has headquarters in Fairfield, Conn.

"Our evidence will show—and it's a critical element in your evaluation of the charges—that all PCBs are not alike," Evans told hearing examiner Abraham D. Sofaer, a Columbia University Law School professor.

"We are dealing with a PCB called Aroclor 1016—one of 200 potential PCBs—which is actually employed in the GE process," the GE counsel continued. "We intend to show that its biodegradability and persistence is not the same (as the others)."

Philip Gitlin, a counsel for the state department, said it will be shown that PCBs are "toxic and deleterious substances that have toxic effects on fish and humans" and that the GE plants have been dumping amounts of the chemical in excess of state law and federal regulations.

He said the state would show that the chemical "is not degradable and that it persists in the environment virtually indefinitely."

When Ogden Reid, state environmental conservation commissioner, issued the formal complaint Sept. 7, he warned New Yorkers not to eat many varieties of fish taken from the Hudson. He said recent samplings showed that many fish in the Hudson contained PCB in excess of the five-parts-per-million limit set by the federal Food and Drug Administration.

Later in the month, Reid announced that the state was stepping up its monitoring of state waters to improve pollution detection.

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