EXECUTIVE SUMMARY

I. Background and Introduction

At one time, the U.S. Environmental Protection Agency (EPA), the Commonwealth of Massachusetts, the State of Connecticut, and the General Electric Company (GE) decided that consensus, not confrontation, was the best path forward with respect to the polychlorinated biphenyls (PCBs) at the former GE facility in Pittsfield and in the Housatonic River and its floodplain. EPA, Massachusetts, Connecticut, and GE discussed their considerable differences, significant compromises were made, and a comprehensive agreement was reached. That agreement is memorialized in the judicially approved Consent Decree that specified the remedial actions that would be taken to address the PCBs everywhere but in the Rest of River.

Because the evaluations necessary to determine the best remedial course for the Rest of River would take several years to complete, EPA, Massachusetts, Connecticut, and GE agreed on a process for attempting to reach a consensus on the Rest of River as they had for all of the other areas that are addressed in the Consent Decree. That process included EPA's issuance to GE of a Rest of River Permit to conduct the evaluations necessary to select a Rest of River remedy with the understanding that the Permit would later be modified to select the Rest of River remedial action.

Since then, GE's Pittsfield-based project team has remediated the half mile of the Housatonic River beginning at the former GE facility, Silver Lake, and almost all of the other areas covered by the Consent Decree outside the Rest of River, having completed its work in 17 of 19 of those areas. The two remaining areas other than the Rest of River will be remediated as soon as the required remediation plans receive EPA's approval. At the same time, EPA's project team remediated another 1½ mile reach of the River (with a substantial contribution to the costs of that effort by GE).

GE also gave the Pittsfield Economic Development Authority 52 acres of remediated property and approximately $15 million to allow the creation of the William Stanley Industrial Park. GE gave Pittsfield another $10 million that has been used by the City to fund numerous projects, including the rehabilitation of the Colonial Theater, support of the Barrington Stage Company, and the creation of the Berkshire Innovation Center. GE also provided $15.7 million for environmental projects in Massachusetts and Connecticut.

In spite of all of this, there were those who opposed any effort by EPA, Massachusetts, and Connecticut to reach any consensus with GE. These critics have continued to criticize EPA, GE, and any suggestion of a consensus-driven approach to this day.

GE's evaluations necessary to select a Rest of River remedial action, as specified in the Consent Decree and the Permit, have now been completed. They include a massive Corrective Measures Study (CMS), and an even more comprehensive Revised Corrective Measures Study demanded by the Commonwealth of Massachusetts and others who concluded that the CMS did not sufficiently account for the inevitable negative impacts of further attempts to remove PCBs from the Housatonic River and its floodplain. The EPA New England Region (the "EPA

Region" or the "Region") has proposed a Rest of River remedial action in a draft Permit modification; and that draft Permit modification, and the Region's accompanying Statement of Basis and Comparative Analysis of Remedial Alternatives, contain (and purport to explain) the Region's proposed remedial action for the Rest of River.

However, the Region's proposal ignores the very evaluations that the Region itself demanded, and the Region has not conducted evaluations of its own proposal like those it demanded for every other remedial alternative in the CMS and the Revised Corrective Measures Study. The Region's proposed remedy is almost three times larger than the one proposed by the Commonwealth of Massachusetts in response to the Revised Corrective Measures Study, and larger than all but two of the alternatives evaluated in the Revised Corrective Measures Study. The Region's proposal would involve more removal, from more areas, with more negative impacts, and more cost. So it shouldn't be surprising that there is no consensus about the Rest of River remedy proposed by the Region, like the consensus that was reached with respect to all of the other areas addressed by the Consent Decree. Beginning when the Region first shared with the public and GE its intentions for the Rest of River in the summer of 2012, GE stretched as far as it could to try to achieve a consensus on a common-sense solution to the PCBs in the Rest of River that was consistent with the conclusions of the evaluations that the Region had required. GE was prepared to undertake one of the largest river cleanups in history, including elements important to stakeholders that can't be required under the Consent Decree or the Permit.

GE agrees that the Rest of River remedy must be fully protective of human health and the environment. However, as anyone who reads the Revised Corrective Measures Study can tell, the consideration of any effort to further reduce the concentrations of PCBs in the Rest of River requires a delicate balancing of the positive and negative impacts of such an effort. The Consent Decree and the Permit specify such a balancing by requiring EPA to select a Rest of River remedy on the basis of criteria that reflect particular kinds of positive impacts – like "overall protection of human health and the environment" and "control of sources of releases" – and negative impacts – like short-term and long-term negative impacts on the community and the ecosystem, as well as cost. The Consent Decree and the Permit do not allow EPA to propose a remedy that will do more overall harm than good, or to ask GE to spend unlimited amounts of money and effort to achieve speculative or minimal incremental benefits.

PCBs are undeniably present in the Rest of River, but PCBs have undeniably been present there for over 70 years, and the River, along with its unique forested banks and floodplains and associated wetlands, including dozens of irreplaceable vernal pools, all continue to support a rich variety of plant and animal life. Indeed, the Rest of River is home to many state-listed rare species that have not been able to maintain their footholds elsewhere.

At the same time, the Rest of River is a vulnerable and even a fragile place. Nearly any effort to remediate PCBs will disrupt it to some extent, and any aggressive cleanup effort will disrupt it beyond recognition and repair – clear cutting its forests, removing its delicate vernal pools, dredging the riverbed and wetlands, eliminating rare steep riverbanks carved by time and nature – destroying the habitats provided by these sensitive areas and destroying or displacing their many animal and plant inhabitants.

Given that removing PCBs from the Rest of River will also disturb its vibrant ecology, and that too many (or too aggressive) steps could result in "[d]estroying the river to clean it," as the Boston Globe entitled an editorial about an earlier proposal far smaller and less disruptive than what the Region is now proposing, it is essential that any Rest of River remedial decision carefully weigh all of the relevant impacts, positive and negative, of any particular remedy.

The Region's draft Permit modification does not employ such a balanced approach, and it does not achieve a balanced result. Time and again in the Region's Comparative Analysis of Remedial Alternatives and its Statement of Basis, the benefits of its unstudied approach are overstated (and benefits achievable by alternative remedial approaches that have been studied are downplayed), inevitable negative impacts are dismissed with a wave of the hand, and cost considerations are completely ignored. The remedy that the Region proposes would lay a heavy glove on the Rest of River even though it is exceedingly clear that a lighter touch will also protect human health and the environment, and be far less destructive. The draft Permit modification is therefore (i) procedurally defective, because the Region has not paid the necessary attention to the criteria specified in the Consent Decree and the Permit, and (ii) substantively wrong (even dangerous) because, in the name of protecting the environment, it would destroy substantial portions of the Rest of River.

II. Off-Site Disposal

Perhaps the most significant example of the Region's unbalanced approach is its selection of out-of-state disposal as the means of dealing with the nearly one million cubic yards of sediment and soil that would be removed if its proposal is implemented. Out-of-state disposal will be no more beneficial to the environment or the people of the Berkshires than on-site disposal in a secure upland facility on-site. In fact, out-of-state disposal could be more disruptive. Out-of-state disposal will certainly be far more expensive, costing GE about a quarter of a billion dollars more to implement than on-site disposal.

The Region knows this. It admits the vast disparity in cost, and it also admits that on-site disposal would be fully protective of human health and the environment. In fact, in the past, EPA has recognized on-site containment as the "presumptive remedy," approving on-site disposal of PCB-contaminated sediment and soil at other sites across the United States, including in Massachusetts, and in Pittsfield, after finding that on-site disposal was protective of human health and the environment.

Given EPA's long history of supporting on-site disposal in Pittsfield and elsewhere, it perhaps is not surprising that the Region's arguments for abandoning that position are not compelling. For example, an on-site disposal facility would not, as the Region claims, have a significant effect on existing habitat, especially in the context of the remedy that the Region is proposing. One of the locations proposed for such a facility is a sand and gravel quarry and the two others have no special ecological value.

The Region's other attempted justifications of out-of-state disposal highlight the impacts of on-site disposal while obscuring the essentially equivalent impacts of out-of-state disposal. For example, the Region focuses on the potential for improper operation and maintenance of an on-

site disposal facility (despite its certain ongoing role in overseeing the operation and maintenance of such a facility), but ignores the comparable risks at any out-of-state facility. The Region claims that out-of-state disposal is more reliable in the long term because "it does not rely on operation, monitoring, and maintenance requirements (except at the receiving facility)." The parenthetical qualification at the end of this statement lays bare the Region's bias: Wherever the material in question goes, the facility that receives it will necessarily be subject to "operation, monitoring, and maintenance requirements." There is no reason to believe – and the Region certainly has given none – that it would be any more difficult to meet those requirements at an on-site disposal facility than at an out-of-state "receiving facility."

The fact is that even the EPA Region concedes that on-site disposal is equivalent to out-of-state disposal when it comes to their relative effectiveness. Further, the Region ignores certain impacts of out-of-state disposal that are not associated with on-site disposal. Out-of-state disposal will require construction of a rail loading facility that will, of necessity, have to be located near the River. Also, simply as a function of the total miles traveled, out-of-state disposal will result in many times higher emissions of greenhouse gases and a far higher risk of accidents, injuries, and even deaths.

Why then does the EPA Region insist on out-of-state disposal? The real reason is avoidance of local opposition. The Region claims that on-site disposal is not "implementable" because it would require "extensive coordination with state and local officials," as well as with "the public," and would encounter state and local opposition that could render the alternative infeasible. To be sure, implementability is one, albeit only one, of the many criteria EPA is required to consider in selecting a Rest of River remedy. However, as the Region knows, and even says elsewhere in its Comparative Analysis of Alternatives, the Rest of River remedial action is exempt from state and local permit requirements, and state and local opposition are not criteria that EPA is allowed to consider under the Consent Decree or the Permit. This was finally determined when the Court entered the Consent Decree. Thus, any state and local opposition to on-site disposal does not affect the implementability of that option.

On the other hand, cost is one of the criteria that EPA is specifically required to consider. GE estimates that out-of-state disposal will cost between $200 million and $300 million more than on-site disposal.

Given the functional equivalence between on-site and out-of-state disposal, EPA cannot require GE to pay for the much more expensive alternative. EPA's own guidance says that, when more than one potential remedy will meet all the threshold criteria (as is the case here), then "cost becomes an important consideration in choosing the remedy . . . ." Nothing in the Permit or Consent Decree authorizes EPA to abandon common sense and ignore its own guidelines. Requiring GE to spend hundreds of millions to achieve no incremental environmental benefit is the essence of arbitrariness.

III. Lack of Health or Environmental Justification for EPA Proposal

When it comes to the actual remediation of the Rest of River, the EPA Region has basically adopted the position that the more soil and sediment GE is required to remove, the better the

outcome. This simplistic formula has caused the Region to propose a remedy that is not calculated to produce a greater benefit than less extensive alternatives, and will have far greater negative impacts.

In determining the appropriate "fix" for the Rest of River, an important initial question is this: Just how "broken" is the Rest of River ecosystem? The answer is: Not very. As the Commonwealth of Massachusetts has observed, despite what it calls a "legacy of contamination" in the River and floodplain resulting from PCB releases that began in the 1930s and did not end until the 1970s, the Housatonic River watershed continues to encompass "a rich and unique ecosystem supporting many rare plant and animal species and their associated habitats, including wetlands, floodplains, vernal pools, surface waters, and forested areas." Recent field surveys by the Commonwealth have documented the ongoing ecological vitality of the area, finding numerous plant and animal populations that continue to thrive, including several state-listed species found in few other places in the Commonwealth. The same is true with respect to the human population of the area. Studies have shown no elevated cancer rates or elevated blood PCB levels in the people who live in communities along the Housatonic River.

Real-world experience thus calls into question EPA's assumptions about the risks of PCBs in the Rest of River.

But even if one takes EPA's concerns at face value, the Region wants to do too much. Similar benefits can be achieved with less extensive, and less destructive, remedial action. For example, the Region's proposed remedy would require the removal of 890,000 cubic yards of river sediment. This drastic action, however, would still not allow for unrestricted fish consumption, and less radical alternatives would achieve essentially the same level of protection of human health relating to fish consumption.

Likewise, with respect to the risk of direct human contact with contaminated soils and sediment, EPA proposes far more removal – some 75,000-80,000 cubic yards of floodplain soil – than is necessary to protect human health. To justify this position, EPA adopts a set of unrealistic assumptions, this time about the extent of potential human exposure. It supposes that a given individual would visit a given "high use" recreational area three times per week, every week from April to October, every year for 47 years, spending all of his or her time in the most contaminated areas of the floodplain. This is not, of course, how the recreational areas in the Rest of River are actually used. More realistic – but still very conservative – assumptions about exposure indicate that a much less extensive remedy, involving the removal of about 10,000 cubic yards of floodplain soil, would fully achieve the goal of protecting human health. In any event, even accepting EPA's extreme exposure assumptions, a remedy that involved the removal of only about 26,000 cubic yards of soil would sufficiently address this risk.

In these ways, and others, the Region's draft Permit modification gets the "benefit" variable of the equation wrong, but that is only one variable in the equation that EPA is required by the Consent Decree and Permit to solve. Equally important are the negative impacts of the remedial actions necessary to achieve these "benefits." Like the Consent Decree and Permit, EPA's own internal guidance says that the agency must balance (i) residual risks posed by site contaminants before and after implementation of a selected remedy with (ii) the potential

impacts of the selected remedy on the environment. The Agency has long recognized that "it may not be in the best interest of the overall environment" to actively remediate a site if the remediation would cause more long-term ecological harm than leaving the contamination in place.

When it comes to an assessment of those negative impacts here, more is clearly not better. The proposed remedy would cause substantial, extensive, and irreversible harm to the Rest of River ecosystem. While that ecosystem has thrived in the presence of PCBs, it is nonetheless vulnerable in many respects, a unique place with unique and sensitive riparian habitats and substantial biodiversity. The Region's proposed remedy would inevitably cause more harm to these habitats and their biodiversity than it could possibly relieve or prevent. For example, the proposed remedy would:

- Require the removal of sediment from over 200 acres of the river bed and the removal of riverbank soil from approximately 3.5 miles of river banks, "caus[ing] severe and long-lasting destruction of the Housatonic River ecosystem and state-listed rare species." Those are the words of the Commonwealth of Massachusetts, not GE. The process of sediment removal and the capping of the riverbed would kill all of the benthic invertebrates that occupy the base of the aquatic food chain in this stretch of the river, and would cause severe damage to native fish populations, creating a vacuum in which invasive plant and animal species could take hold. In addition, the stabilization of the riverbanks would cause an enduring loss of critical habitat for many species, which would not return to their current condition.

- Require the removal of all mature trees from floodplain wetland forests in the area, destroying a vital habitat across 36 acres.

- Damage or destroy as many as 43 vernal pools. While EPA hasn't even specified which pools would be affected, or how many of them would be "remediated," it is clear that the vernal pools that would be subject to PCB removal, and the species that rely on them, would suffer long-term damage from which they would not completely recover.

- Adversely affect 25 state-listed species, including significant portions of the local populations of at least 9 of those species.

The Region essentially shrugs off these impacts, and justifies its blindness to the damage that its proposed remedy would cause by waving the banner of what it calls "restoration." According to the Region, "restoration is expected to be fully effective and reliable in returning [the affected] habitats . . . to their pre-remediation state." Even more outrageous is the Region's claim that the likelihood of such complete restoration would be equal across all of the alternatives that have been presented, from the smallest to the largest.

How would this "restoration" be achieved, and what would it look like? The Region doesn't say. In fact, the Region's proposed remedy is so lacking in substance in this regard that one can barely make out what the Region really means when it refers to "restoration." This lapse is a violation of the terms of the Permit, which require EPA to evaluate every significant aspect of

the proposed remedy in light of the Permit criteria. It also stands in stark contrast to, and opposition of, the exhaustive analysis that the Region required in the Revised Corrective Measures Study of the negative impacts of every other remedial alternative, what might be done to avoid or mitigate those impacts, and what the resulting condition of the affected areas would be.

From that Revised Corrective Measures Study and peer-reviewed research ignored by the Region, we know that restoration is not the panacea that the Region promises – not in general and not in the unique circumstances of the Rest of River. For example, there is absolutely no evidence that the complex infrastructure of a vernal pool network can be re-created once it, and its adjacent forest, is impacted in the way suggested by the proposed remedy. While it is narrowly true that forests can generally be "restored" by planting seedlings or saplings in the place of the mature trees that the proposed remedy will destroy, the prospect of "restoration" has to be tempered by the realization that it will, in the best case, be at least 50 to 100 years before the replanted forests could possibly return to their current, mature condition, with the ecological services they provide. That best case ignores the significant threats posed by invasive species, climate, and other forces working against such a possibility. In the meantime, the affected areas will be unable to sustain the species that currently rely on this unique habitat. The best case also ignores the steps that the Region would require to permanently prevent the reforestation of stabilized river banks.

In a critique that is attached to these comments, Professors Brooks, Calhoun, and Hunter, renowned experts on river ecosystems and vernal pools, demonstrate that the EPA Region has no basis for its optimism in the specific context of the Rest of River (because nothing like the "restoration" that the Region envisions has ever been attempted, much less achieved), and that the premise of the Region's reliance on "restoration" is incorrect. In truth, the affected ecosystems can never be returned to their pre-remediation state. As the Professors explain, what the Region calls "restoration" will actually produce a new ecosystem. The most that can be hoped for, then, is that "restoration" may be partly effective at returning some types of habitats to some semblance of their pre-remediation state after an extended period that cannot be predicted with any certainty. What the Region proposes, in other words, is a speculative technological and ecological gamble. Given the high stakes for this unique and sensitive ecosystem and the low need for the extent of remediation that the Region proposes, this is a very poor wager indeed for the Commonwealth of Massachusetts, and for the people of the affected communities.

IV. Deficiencies in Specific Elements of Proposed Remedy

The picture does not change if one tightens the focus to particular elements of the proposed remedy. In its details, as in its broader outlines, the Region's proposal is arbitrary and capricious because it fundamentally skews the necessary balance.

A. Proposed Remedies for Specific Parts of the Rest of River

The Region's plans for remediating PCBs at Woods Pond and Rising Pond, in the Reach 7 impoundments, in the backwaters, and at the precious vernal pools are all microcosms of the

larger proposed remedy: Each suffers in some way from a defective calculation of positive and negative impacts. For each, the Region insists on more dredging, more capping, more removal of sediments and soils, but at every turn it fails to substantiate the assumption – more is better – that animates its insistence.

Thus, for example, at Woods Pond, the proposed remedy would require deep dredging and the placement of an engineered cap throughout the Pond, a remedy that will require the removal of at least 285,000 cubic yards of sediments and likely as much as 340,000 cubic yards, for the ostensible purposes of (i) reducing PCB concentrations in fish in the Pond and downstream, and (ii) reducing the transport of PCBs downstream from the Pond. But projections made using EPA's own model show no discernible difference in outcomes between the Region's proposal and alternatives involving far less removal. Likewise, in Rising Pond and in the Reach 7 impoundments and backwaters, the EPA model indicates that, at most, the Region's proposal would yield only tiny improvements in risk reduction over much more moderate remedies – or, in the case of Reach 7, even over Monitored Natural Recovery (MNR), in which the ecosystem is essentially allowed to recover without intrusion. Indeed, given the minuscule projected differences and the uncertainties inherent in the model, it cannot be said with statistical confidence that any real benefit would be achieved through the extra removal.

In each case, however, it is clear that performing the Region's proposed remedy will both (i) cost more, and (ii) have greater and more detrimental impacts. More dredging and more capping inevitably mean more traffic, and more traffic inevitably means more disruption and the emission of more greenhouse gases. The Region's proposal for Woods Pond would require an extra 30,000 truck trips over an equally effective plan involving much less removal; its plan to remove and replace up to 84,000 cubic yards of sediments in the Reach 7 impoundments would produce about 7,000 additional tonnes of greenhouse gases over "thin-layer capping" (and 10,000 more tonnes than MNR, which would be practically as effective); and its remedy for Rising Pond would necessitate approximately three times as many truck trips and generate nearly seven times as many tonnes of greenhouse gases as a more moderate approach. Remediating Woods Pond according to the proposed remedy would cost as much as $188 million; the expense of an equally effective alternative would be only $34-$39 million. The cost disparities are similarly dramatic for the other areas mentioned.

For the vernal pools in the floodplain, the draft Permit modification does not convey a proposed remedy at all, but only the vaguest outlines of a highly contingent plan. This plan, moreover, is not rooted in the Permit criteria, as any proposed remedy must be, but contemplates the performance of undefined pilot tests and experimental measures whose potential benefits and impacts cannot reliably be predicted. Thus, according to the draft Permit modification, EPA will select 8 to 10 vernal pools for remediation by excavation, an unspecified number of additional pools for treatment with activated carbon, and yet another unspecified number of pools for testing of an unspecified "third remediation method." After these pilot programs are completed, EPA will decide which method to use on the remaining vernal pools.

It is clear that excavation will have a devastating impact on the affected pools and their inhabitants, and that there is no basis for the Region's claim that the damaged pools could be "restored" to anything resembling their pre-excavation state. Where the activated carbon

method would be used, the Region is proposing not a remedy but an experiment; there is no prior research on the effects of this approach, and no data on the harm that it might cause. With respect to the mysterious "third remediation method," of course, no assessment of impacts is possible and the proposed remedy could not possibly be anything but arbitrary and capricious.

B. Proposed Performance Standards

The draft Permit modification sets a number of "Performance Standards" for GE's performance of the proposed remedy. Several of these standards are inappropriate because – in line with the Region's philosophy that more is better – they set much more stringent benchmarks than needed to achieve the intended benefit. For example, engineered caps can be considerably thinner than the Region has estimated and still be effective.

Other proposed standards are arbitrary because the Region cannot tie them to actual reductions in risk or otherwise justify them under the Permit's selection criteria. For example, the numerical "flux values" set by the Region for downstream transport of PCBs are not related to any demonstrable benefit under the Permit. Moreover, that standard and a standard for PCB concentrations in fish tissue are not authorized under the Permit because they are essentially open-ended and contingent. Those standards suggest that, if GE someday does not meet them, then GE will have to undertake additional remedial actions; but the nature and extent of those actions are not specified in the draft Permit modification – they are instead left for future determination. This is contrary to the letter and spirit of the Consent Decree and the Permit, which are intended to provide everyone with certainty about the response actions that will be required, so that those interested can now take advantage of the review and appeal processes specified in the Consent Decree and the Permit.

V. Additional Requirements

The draft Permit modification contains a number of additional requirements that are inappropriate. For example, the habitat "restoration" requirements exceed EPA's authority under the Consent Decree, in addition to being too vague to evaluate and unachievable. Requiring GE to pay for the restoration of resources damaged by the implementation of a remedial action falls into the legal category of "natural resource damages." In the Consent Decree, however, GE entirely resolved its potential liability for natural resource damages by paying millions of dollars and agreeing to perform specified "Restoration Work." This matter is settled and EPA cannot now assert new claims for additional natural resource damages caused by its own proposed remedy.

Some of the other proposed requirements go beyond EPA's legal authority in other ways. For example, the draft Permit modification says that, if anyone implements any kind of a project along the river that would require sampling, handling, or disposition of sediment, then GE must pay all testing, handling, and disposal costs associated with PCBs in the sediment. This provision exceeds EPA's proper role in two ways. First, it does not address any identified risks to human health or the environment, and thus is not within EPA's purview. Second, EPA simply lacks the power to declare by administrative fiat that GE must pay costs incurred by third parties. If they suffer damages, and if the law makes GE liable for those damages, then they

may seek relief from GE, and if necessary from the courts, which are empowered and obligated to take into account not just the claims of the injured parties but any defenses that GE may offer.

Finally, the draft Permit modification goes wrong in its listing of a litany of state and federal ARARs (Applicable or Relevant and Appropriate Requirements) that must be attained by the on-site remedial actions. Some of these ARARs are in fact unattainable and will have to be waived. Others do not qualify as ARARs at all – for example, because they are not applicable to the proposed remedy or are simply not measurable and attainable using current technology.

VI. Conclusion

The Permit requires EPA to select a remedy for the Rest of River on the basis of specific criteria agreed to by EPA, the Commonwealth of Massachusetts, the State of Connecticut, and GE and then approved by the Federal Court.

The EPA Region has not complied with this essential requirement.

In fact, the Region ignores the very evaluations that it has demanded and refuses to subject its proposed remedy to the same evaluation it required of every other remedial alternative. It has not quantified many of the impacts of its proposed remedy (for example, its impacts on several types of floodplain habitat, marking those impacts as "TBD"). In certain material respects, it has not even specified the remedial actions that might be required (for example, the to-be-determined and therefore not evaluable "third remediation method" for vernal pools or the further work that might be required in the event of a flux or fish tissue Performance Standard exceedance). It also relies on a general and unsupportable claim of the likelihood of success of "restoration" to ignore the negative impacts that it does identify.

For these reasons and others, the Region is proposing a Rest of River remedy that is far larger and more destructive than remedies that have already been rejected by the Commonwealth of Massachusetts as doing more harm than good. This is a much different direction than anticipated by the Consent Decree and the Permit and unlikely to result in a consensus like the one reflected in those documents. However, GE remains committed to implementing a responsible remedy that addresses the PCBs remaining in the Rest of River in a way that is consistent with the requirements of the Consent Decree, the Permit, and EPA precedent.