

Tale of Two (or more) Rivers  
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The Duwamish River in the state of Washington flows north to Puget Sound for about 12 miles and empties into Elliot Bay, bordered on the east by the city of Seattle. Facing west from any of the tall buildings in Seattle, including the one that houses the Environmental Protection Agency, Elliot Bay stretches west, opening into Puget Sound. The view is breathtaking at sunset and mystical in the early dawn fog. The working waterway seen from downtown Seattle stretches south, a forest of cranes rising above docks, containers, and ships that ply the world's oceans. The Duwamish flows into Elliot Bay through the far western view of the working waterway. The Duwamish is a working river, lined with various commercial operations, marina's, shipping operation, as well as fishing, kayaks, beaches and houses. More of the land in the Duwamish watershed is residential than commercial. And the residents of the Duwamish area work for their living- in shops, on the water, in downtown Seattle. Many of the cultural origins in the neighborhoods of the Duwamish are Hispanic. This working river is also polluted, so badly polluted that it is a Superfund site.

The Housatonic River in western Massachusetts flows through the working city of Pittsfield, MA south for about 150 miles through Connecticut to its mouth at Stratford on Long Island Sound. The Housatonic comes out of the Berkshire Mountains and wanders, sometimes meanders, other times tumbles, beside the hillsides and cliffs of the rocky New England landscape. Route 7 largely parallels the Housatonic River, carrying cars, trucks and buses between southern Connecticut and ski country, hiking country, the land of covered bridges and fly fishing. The town of Lenox, MA can boast numerous inns that were once the summer homes of the New York city rich and famous (read Vanderbilt) and the writers Edith Wharton and Emily Dickinson. The music festival, Tanglewood, is the summer home of the Boston Symphony and (Sweet Baby) James Taylor owns a home overlooking the Housatonic River. This river is 3000 miles away from the Duwamish, across the continent, and shares the distinction of being terribly polluted. The Housatonic River missed being declared a Superfund site because the GE corporation signed an agreement to clean up their pollution.

Both of these two rivers, and many more, are being cleaned up under the legal authority and/or processes in the Superfund law, more formally CERCLA, the Comprehensive Environmental Response, Compensation and Liability Act. CERCLA sets out a process and requirements that agencies, individuals and companies must follow when cleaning up contaminated sites, whether formally listed as a CERCLA site or not. The problem is that the Environmental Protection Agency has a certain flexibility in how the requirements are carried out, resulting in differences in cleanups, sometimes

huge differences. These two river cleanups are at about the same point in the process and seem to be poised for quite different outcomes. On the Duwamish, EPA released the proposed plan for the cleanup on February 28 and plans for the potentially responsible parties to remove contaminated sediments from the river. The extent of removal remains to be determined. More removal will get the poisons out of the river. The Washington Department of Ecology is now and will force businesses along the river and upriver to find any sources of contamination and clean those up. The cleanup should have to result in fish that are safe to eat. We will see. Finally, at the insistence of the communities along the Duwamish, EPA completed an Environmental Justice analysis indicating that the Duwamish communities have experienced greater environmental impacts already. The plan remains a work in progress, and there is progress, unlike the Housatonic River situation.

The Housatonic River and communities along the river are not getting the same treatment as those on the Duwamish. On the Housatonic, EPA has all but stopped the cleanup process for the river below Pittsfield because GE, the only company that is responsible for the contamination, balked at cleaning up the decades-old mess made by the Pittsfield plant. Rather, EPA is listening to GE arguments that the Housatonic cannot be cleaned up, a complaint that the state of Massachusetts has given credence. The state seems to be telling EPA that it is OK to leave contamination in the river, making the fish unsafe to eat --forever. EPA seems poised to not clean up the Housatonic River as some sort of gift to GE.

The difference between the cleanup efforts on Duwamish and Housatonic Rivers is more than the distance and size or flow of the river. The responsible parties on the Duwamish (Port of Seattle, City of Seattle, King County, Boeing, and perhaps 100 more) have to respond to community concerns and input. Other local officials, the state agency and EPA are responsive to community input and concerns. On the Housatonic, the GE corporation is unresponsive to the community, and the state of Massachusetts seems to have sided with GE. EPA has, until now, demonstrated a willingness to hold GE responsible for the pollution they dumped in the river and its watershed over decades, into the waters of two states, but that hard-nosed approach is now in doubt.

EPA needs to hold companies responsible for cleaning up their pollution- all companies across the country, not just in some places. Communities across the country want beaches and riverbanks that are free from pollution, fish that are safe to eat, water that is free from toxic chemicals and rivers that do not poison the wildlife. Companies large and small that have polluted communities and common resources have a responsibility to correct the situation and the EPA has an obligation to insure that the cleanup is completed and done right the first time.