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Washington, DCF 20044-7611

Reference: United States of America et al. v. CBS Corporation, D.J. Ref 90-7-1-212a

I am writing on behalf of COPA, Coalition Opposed to PCB Ash in Monroe County. As president of COPA since 1990, I have been intimately involved in the PCB issue, participated in most of the Citizens' Information Committee (CIC) meetings, jointly attended by US EPA and others concerned with the PCB issues. I have helped manage a Technical Assistance Grant for COPA, where the funds were used to support technical oversight of the PCB remedial actions in Monroe and Owen County's, chaired the environmental committee of the local Bloomington Rotary Club and worked with both county and city officials on this issue. I also helped establish the copa.org web site where all PCB related information has been posted for community access.

I have reviewed the proposed amendments to the Consent Decree and they proposed remedial actions for Lemon Lane, Neal's Landfill and Bennett's Quarry. During the last two years I was present at the CIC meetings where details of remedial options were discussed and explained. I was present during discussion of health and environmental risk were discussed by Dr. Clark and others and have been present on detailed discussions concerning karst, dye tracer studies, alternate technologies, fish and wildlife tissue studies and other technical discussions related to risk in the Monroe County area related to PCBs.

Like most of the community, I would have preferred a total excavation and removal of all PCB contamination deposited by CBS (Westinghouse) Corporation. I would have liked the court to have demanded CBS pay much more for natural resource damages than agreed to in the proposed amendment. I would like all our streams to be clean and the fish healthy, but that is not likely to happen for many years to come, if at all. I am disappointed that CBS (Westinghouse), led by high paid legal counsel and project managers, have been allowed to delay these proposed remedial actions way longer than necessary, while all that time PCBs continued to escape into the environment, contaminate fish and other wildlife. In the end the delay was unnecessary and only provided CBS time to leverage a reduced financial impact. In the end, even after these proposed actions are taken, citizens are helping to fund these measures in part, which is outrageous!

Based on my belief that the information provided to the public over the last 10 years, does indicate that total excavation from all sites may be truly impractical, I support the proposed amendments and remedial actions. The most important part of these amendments is the right for EPA to re-open a site for further actions if the proposed remedies do not work or additional risks are found over time.

Although these actions do not remove the total risk, they do seem to be protective of human risk and are aimed at reducing environmental risk.

I would suggest that if during implantation of these actions at the three mentioned sites, EPA and CBS should consider total removal if conditions exist that would indicate that possibility. I strongly suggest that EPA follow (chase) any and all known PCB contamination outside of the proposed areas of excavation if it is found and that all efforts should be made to reduce any volume of PCB contaminated soil as possible.

Since this is a negotiated settlement I assume the court has no latitude to financially punish CBS for the damages done to the Bloomington community but would hope CBS is not allowed to further delay or reduce their liability for the contamination of our community and the enormous negative financial impact CBS (Westinghouse) has had on our community. For over 20 years CBS has held us hostage in one way or the other over the contamination they created. I hope someplace in this amended consent decree, some level of justice is provided for our community!

Sincerely,

Michael R. Baker