EXHIBIT 1, PART 1 OF 2

SDMS DocID 280170

GE-Housatonic
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280170

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA NEW ENGLAND

PERMIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AS AMENDED (42 U.S.C. SECTION 6901 ET SEQ.)

General Electric Company
159 Plastics Avenue
Pittsfield, Massachusetts 01201
EPA I.D. No. MAD002084093

The Permittee is required to conduct certain activities at areas affected by releases of hazardous waste and/or hazardous constituents from the General Electric Facility located in Pittsfield, Massachusetts, in accordance with Sections 3004(u), 3004(v), and 3005(c) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), as specified in the conditions set forth herein.

This Reissued Permit of 2007 ("2007 Permit") has been prepared for RCRA Corrective Action activities to be performed by General Electric pursuant to a final Consent Decree. The Consent Decree has been entered in U.S. District Court, United States, et al. v. General Electric Company (D. Mass.) ("Consent Decree"). The Consent Decree memorializes an agreement to address releases of hazardous waste and/or hazardous constituents from the General Electric Company's facility in Pittsfield, Massachusetts, including, but not limited to, the releases of hazardous waste and/or hazardous constituents addressed in this 2007 Permit. This 2007 Permit, upon the effective date set forth below, replaces the HSWA Permit previously issued to the Permittee, which became effective upon entry of the Consent Decree on October 27, 2000 ("2000 Permit"). Upon the effective date of the 2007 Permit, the 2000 Permit hereby is revoked.

Dated and Effective as of: 12-5-07

Signed: _____
Robert W. Varney
Regional Administrator
U.S. Environmental Protection Agency, EPA New England
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

EPA solicited public comments on the proposed reissued Permit from September 17, 2007 through November 16, 2007. In response to the public comment solicitation, EPA received no

comments which requested a change in the proposed reissued Permit. Also, EPA has made no changes from the proposed reissued Permit. Accordingly, pursuant to 40 C.F.R. Section 124.15(b), this reissued Permit is effective immediately upon signature of the EPA Regional Administrator.

This reissued Permit shall expire upon the earlier of the following: (a) ten years after the effective date of this Permit; or (b) when the Permit modification described in Special Condition II.J hereof becomes final, effective, and not subject to any further appeals (i.e., after the conclusion of all appeals of such Permit modification decision, including any remands and subsequent appeals, as described in Paragraphs 22 and 141.b of the Consent Decree); provided, however, that to the extent that the Permittee has remedial design and/or remedial action obligations under Paragraph 22 of the Consent Decree during the pendency of any such appeals and remands, the Permittee shall perform such obligations as required despite the fact that this Permit remains in effect.

GENERAL ELECTRIC CO. - PITTSFIELD, MA
RCRA CORRECTIVE ACTION PERMIT
-DRAFT -

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DEFINITIONS

All terms used in this Permit are as defined in 40 C.F.R. Part 260 and Section 264.141, unless defined below:

1. "Act" or "RCRA" means the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act), 42 U.S.C. §§ 6901 et seq.

2. "Appendix IX+3 constituents" means, unless otherwise specified in a particular document submitted pursuant to this Permit and approved by EPA, all compounds listed in Appendix IX of 40 C.F.R. Part 264 plus the following three additional constituents: benzidene, chloroethylvinyl ether, and 1,2-diphenylhydrazene.

3. "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9601 et seq.

4. "Consent Decree" means the Consent Decree executed by the General Electric Company, the United States, and state governmental agencies, lodged in the United States District Court for the District of Massachusetts on _____ ___, 1999, in the case of United States et al. v. General Electric Company (Civil Action No. _____), and entered by the Court in that case on _____ ___, 1999.

5. "EPA" means the United States Environmental Protection Agency, Region I, and any successor department or agency.

6. "Floodplain" is the area located within the floodplain of the Housatonic River to which hazardous waste and/or hazardous constituents originating at the GE Facility are migrating, have migrated, or may have migrated.

7. "GE Facility" means, for the purposes of this Permit, the General Electric facility in Pittsfield, Massachusetts, as generally depicted on the map attached hereto as Attachment A.

8. "Groundwater" means water below the land surface.

9. "Hazardous Constituents" include those constituents listed in Appendix VIII to 40 C.F.R. Part 261 and Appendix IX to 40 C.F.R. Part 264.

10. "Hazardous Waste" means a solid waste or combination of solid wastes defined as a hazardous waste under 40 C.F.R. Part 261.

11. "HSWA" means the Hazardous and Solid Waste Amendments of 1984.

12. "Interim Media Protection Goals" means media-specific protection goals for the Rest of River area, as established pursuant to Special Condition II.D of this Permit. The Interim Media Protection Goals shall be used in the CMS, as provided in this Permit.

13. "Justify" or "Justification" means to support the recommendation or conclusion which is being put forth with scientific principles and/or supporting data, as appropriate.

14. "PCBs" means polychlorinated biphenyls.

15. "Performance Standards" mean cleanup standards, design standards and other measures and requirements necessary to protect human health and the environment.

16. "Permittee" means the General Electric Company.

17. "Previously Issued HSWA Permit" means the Permit issued to the GE Facility under HSWA, initially issued on February 8, 1991, and modified effective January 3, 1994.

18. "Release" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing or migrating into the environment.

19. "Rest of River" or "Rest of River area" shall mean, for the purposes of this Permit, all sediments, surface waters, and floodplain soils of the Housatonic River which are downstream of the confluence of the East and West Branches of the River, including backwaters in the floodplain, and to which releases of hazardous wastes and/or hazardous constituents are migrating or have migrated from the GE Facility, but excluding any Actual/Potential Lawns at current residential properties in the floodplain, as defined in the Consent Decree.

20. "Solid Waste" means a solid waste as defined in 40 C.F.R. § 261.2.

21. "Surface Water" means water occurring immediately adjacent to land as overland flow, open channel flow, closed conduit flow and waters in lakes, ponds, and reservoirs.

22. "Zone of Contamination" means the three-dimensional extent of contamination that was produced or is being produced from a release of hazardous waste and/or hazardous constituents originating at the GE Facility due to migration of such waste or constituents from the GE Facility.

I. PART I - GENERAL PERMIT CONDITIONS

The Permittee shall comply with the following general permit conditions pursuant to RCRA, and 40 C.F.R. Parts 124 and 270, to the extent such conditions relate to the Permittee's corrective action activities under this Permit. A number of the Permittee's obligations set forth in this Permit (i.e., those set forth in Special Conditions II.A, II.C, II.E, II.G, II.J, and II.N) are incorporated by reference in the Consent Decree, while other provisions of this Permit (i.e., General Conditions I.A, I.B, I.E.1, I.F, I.G.1&3, and I.K and Special Conditions II.J and II.L) incorporate or cross-reference to provisions of the Consent Decree.

A. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration that such noncompliance is authorized by an emergency permit (see 40 C.F.R. § 270.61). For purposes of enforcement, compliance with this Permit during its term constitutes compliance with Sections 3004(u), 3004(v), and 3005(c) of the Act. Except as provided in the Consent Decree or approved by EPA pursuant to the Consent Decree, the Permittee is also required to comply with 40 C.F.R. Parts 260, 261, 262, and 263, to the extent the requirements of those Parts are applicable, and with all applicable self-implementing provisions imposed by RCRA or the Part 268 regulations. Any noncompliance with the Permit, except under the terms of an emergency permit, constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application; provided, however, that in the event of such noncompliance, enforcement of those requirements of this Permit which are incorporated in the Consent Decree or which incorporate provisions of the Consent Decree shall be in accordance with and pursuant to the Consent Decree rather than RCRA and this Permit. In no event shall the Permittee be liable for penalties or subject to other enforcement action under both RCRA and the Consent Decree for the same instance of noncompliance.

B. Duty to Mitigate

In addition to the requirements of the Consent Decree, in the event of any noncompliance with the corrective action requirements of the Permit that results in a new release of hazardous waste and/or hazardous constituents to the environment, the Permittee shall take all reasonable steps to minimize releases of hazardous waste and/or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent its noncompliance from having significant adverse impacts on human health and/or the environment.

C. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause as specified in 40 C.F.R. §§ 270.41, 270.42, and 270.43; provided, however, that notwithstanding the foregoing clause, this Permit shall not be modified or revoked and reissued prior to its expiration date except: (1) by written agreement of the Permittee and EPA; or (2) in the event of the Permittee's noncompliance with this Permit as provided in General Condition I.A of this Permit; or (3) upon transfer of this Permit as provided in General Condition I.J of this Permit. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination under this General Condition, or a notification of anticipated noncompliance under General Condition I.I, shall not stay any condition of this Permit.

D. Property Rights

1. The issuance of this Permit does not convey any property rights of any sort, or any exclusive privilege to the Permittee.

2. The issuance of this Permit does not authorize any injury to persons or property or invasion of other private rights.

E. Duty to Provide Information

1. Within a reasonable time, the Permittee shall furnish to EPA any relevant non-privileged information which EPA may request to determine whether cause exists for modifying, revoking and reissuing or terminating this Permit in accordance with General Condition I.C, or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to EPA copies of records required to be kept or prepared by this Permit and copies of other documents and information within the Permittee's possession or control relating to the implementation of this Permit, in accordance with and subject to Section XXX of the Consent Decree.

2. All information which the Permittee furnishes to EPA, either in the form of a request or a report pursuant to this Permit, shall contain or reference the sources from which the information was obtained.

F. Inspection and Entry

The Permittee shall provide EPA or an authorized representative, upon presentation of credentials and other documents as may be required by law, with access at reasonable times to the GE Facility or other property owned by the Permittee where any regulated activity under this Permit is located or conducted, for the purpose of conducting, inspecting, or monitoring any activity pursuant to this Permit; inspecting or copying records required to be kept under this Permit; conducting sampling or other investigations related to implementation of this Permit; assessing the Permittee's compliance with this Permit; or conducting other activities described in Paragraph 53 (access obligations) of the Consent Decree insofar as they relate to activities under this Permit. The Permittee's provision of such access to EPA or an authorized representative shall be in accordance with and subject to Paragraph 53 of the Consent Decree.

G. Monitoring and Records

1. Samples and measurements taken for the purpose of waste analysis shall be representative of the waste to be analyzed. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 C.F.R. Part 261 or as provided in the approved and most recent edition of the Project Operations Plan described in Attachment C to the Statement of Work for Removal Actions Outside the River (which is Appendix E to the Consent Decree) and any amendments approved thereto.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The Permittee shall retain the records described in Paragraph 206.a of the Consent Decree, insofar as they relate to implementation of this Permit, for the time period specified in the second sentence of Paragraph 206.b of the Consent Decree.

4. Records of data obtained through monitoring shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The raw data (e.g., chromatograms) collected and data reduction;

d. The date(s) analyses were performed;

e. The individuals(s) who performed the analyses;

f. The analytical techniques or methods used;

g. The result of analyses; and

h. The quality assurance/quality control data.

H. Signatory Requirements

All proposals, reports and other documents submitted by the Permittee under this Permit shall be signed by an authorized representative of the Permittee, which may include the Permittee's Project Coordinator, designated pursuant to Special Condition II.I.

I. Notice of Anticipated Noncompliance

The Permittee shall give advance notice to EPA of any planned changes in any corrective action activity under this Permit which may result in noncompliance with the requirements of this Permit.

J. Transfer of Permit

This Permit shall not be transferred to a new owner or operator except after notice to and approval of the planned transfer by EPA, which may require that the Permit be modified or revoked and reissued.

K. Twenty-Four-Hour Reporting and Follow-Up

The Permittee shall comply with the reporting requirements set forth in Paragraph 69 of Section XIV of the Consent Decree; provided, however, that the Permittee shall not be subject to multiple enforcement actions or liable for multiple penalties under the Consent Decree, CERCLA, the Emergency Planning and Right-to-Know Act, RCRA, and/or this Permit for the same instance of noncompliance with such requirements.

L. Other Notification and Reporting Requirements

1. The Permittee shall report to EPA all instances of noncompliance with the terms of this Permit in the monthly progress reports to be provided

pursuant to Paragraph 67 of the Consent Decree. For each instance of noncompliance, such report shall contain the following information:

a. A description of the noncompliance;

b. The name and quantity of materials released, if any, as a result of such noncompliance;

c. The extent of injuries, if any, resulting from such noncompliance;

d. An assessment of actual or potential hazards to human health and/or the environment, where applicable, resulting from such noncompliance;

e. Any steps taken to mitigate the impact of such noncompliance or otherwise to correct such noncompliance; and

f. A description of the impact of such noncompliance on the performance and timing of other activities required under this Permit.

2. When the Permittee becomes aware that it failed to submit any relevant facts in a required report, or submitted incorrect information in a required report to EPA, it shall promptly submit the correct facts or information.

M. Computation of Time

1. For the purpose of compliance with this Permit, computation of time periods shall be made by the methodology specified in 40 C.F.R. § 124.20.

2. Where this Permit requires the submission of written reports or notification to EPA, the report or notification shall be deemed submitted on the post-marked date.

N. Severability

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

O. Confidentiality of Information

In accordance with 40 C.F.R. Part 2, any information submitted to EPA pursuant to this Permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2.

P. Interpretation of Migration from GE Facility

For purposes of this Permit, the Permittee agrees that, for hazardous waste and/or hazardous constituents in the Rest of River area which are also present both at the GE Facility and at the Former Oxbow Areas (as defined in the Consent Decree) and which could have migrated to the Rest of River area from either the GE Facility or the Former Oxbow Areas, the Permittee will not contend that such waste and/or constituents did not migrate from the GE Facility.

II. PART II - SPECIAL PERMIT CONDITIONS

A. Revised RCRA Facility Investigation (RFI) Report for Rest of River

In January 1996, the Permittee submitted an RFI Report for the Housatonic River and Silver Lake, including the Rest of River area, pursuant to the Previously Issued HSWA Permit. EPA has collected and is continuing to collect additional data on the Rest of River area for use in modeling of the fate, transport, and bioaccumulation of PCBs in that area and for human health and ecological risk assessments for that area. EPA will, at the Permittee's request, allow the Permittee to take split or duplicate samples of any samples collected by EPA or on EPA's behalf. EPA will promptly, on a periodic basis but at least monthly, in accordance with the Data Exchange Agreement attached to this Permit as Attachment C, provide the data from those investigations to the Permittee. To the extent that the Permittee conducts additional investigations in the Rest of River area, it shall notify EPA of those investigations in accordance with Special Condition II.I below, and shall conduct those investigations in accordance with the approved and most recent edition of the Project Operations Plan described in Attachment C of the Statement of Work for Removal Actions

Outside of the River (attached to the Consent Decree) and any amendments approved thereto, and shall provide the results of those investigations to EPA in accordance with the Data Exchange Agreement and in the monthly progress reports to be provided pursuant to Paragraph 67 of the Consent Decree.

Following EPA's notification to the Permittee that the Permittee should move forward with the preparation of the RFI Report, and in accordance with the compliance schedule set forth in Attachment B, the Permittee shall submit to EPA a revised RFI Report for the Rest of River area. Additional data gathered by EPA or the Permittee, after the date of EPA's notification to the Permittee to move forward with preparation of the RFI Report, will be incorporated, as appropriate, into subsequent reports or as supplements to the RFI Report. The revised RFI Report shall include the following, at a minimum, based on available data:

1. Environmental Setting

   The revised RFI Report shall include a discussion of the environmental setting in the Rest of River area, as outlined below:

   a. Hydrogeology- The revised RFI Report shall include a discussion of the impacts, if any, on groundwater in the Rest of River area from surface water, sediments, and/or floodplain soils to which releases of hazardous wastes and/or hazardous constituents are migrating or have migrated from the GE Facility.

   b. Surface Water and Sediment- The revised RFI Report shall include a characterization of the intermittent and permanent surface water bodies and sediments likely to be affected by hazardous wastes and/or hazardous constituents that have migrated from the GE Facility. Such characterization shall include the following information, based on available data:

      (1) For impoundments: location, elevation, surface area, depth, freeboard, and purpose of the impoundment;

      (2) For river channel and backwaters: location, elevation, flow, velocity, depth, width, seasonal fluctuations and flooding tendencies (e.g., 100-year event);

      (3) Drainage patterns; and

(4) Description of sediment depositional areas, and thickness profile of sediments.

c. Air/Climate- The revised RFI Report shall provide information characterizing the climate in the vicinity of the Rest of River. Such information shall include, at a minimum, the following, based on available data:

(1) Annual and monthly rainfall averages;

(2) Monthly temperature averages and extremes; and

(3) Wind speed and direction.

2. Contamination Characterization

The revised RFI Report shall include documentation of the nature, rate of migration, concentration, mass and extent of hazardous waste and/or hazardous constituents which have migrated from the GE Facility into the surface water, sediments, floodplain soils, and biota in the Rest of River area, and of the concentrations of PCBs in the ambient air of the Rest of River area. At a minimum, the Permittee shall provide the following information, based on available data:

a. Surface Water Contamination

In the revised RFI Report, the Permittee shall characterize the nature and extent of contamination in the surface water of the Housatonic River in the Rest of River area resulting from releases of hazardous wastes and/or hazardous constituents that have migrated from the GE Facility. At a minimum, the revised RFI Report shall include the following information with respect to surface water in the Rest of River area:

(1) A description of the sources, mass loading and extent of PCBs and other hazardous constituents in surface water;

(2) A discussion of the fate and transport of PCBs and other hazardous constituents in surface water;

(3) A discussion of the origin, fate, and transport of solids in surface water, and the impact, if any, of solids dynamics

on the fate and transport of PCBs and other hazardous constituents in surface water; and

(4) A description of the chemistry (e.g., pH, total dissolved solids, total suspended solids, biological oxygen demand, alkalinity, dissolved oxygen profile, nutrients, chemical oxygen demand) of the natural surface water to the extent relevant to aquatic life in this reach of the River.

b. Sediment Contamination

In the revised RFI Report, the Permittee shall characterize the nature and extent of contamination in the sediments in the Rest of River area resulting from releases of hazardous wastes and/or hazardous constituents that have migrated from the GE Facility. At a minimum, the revised RFI Report shall include the following with respect to sediments in the Rest of River area:

(1) A description of the physical characteristics of the sediments, including, at a minimum, grain size, specific gravity, bulk density, water content, organic carbon content, ion exchange capacity, pH, shear stress data (if collected), and settleability characteristics;

(2) A description regarding the sources and horizontal and vertical extent of PCBs and other hazardous constituents in sediments; and

(3) A description of the extent and rate of sedimentation in the Rest of River area.

c. Floodplain Soil Contamination

In the revised RFI Report, the Permittee shall characterize the nature and extent of contamination in the floodplain soils resulting from releases of hazardous wastes and/or hazardous constituents that have migrated from the GE Facility. At a minimum, the revised RFI Report shall include the following with respect to floodplain soils in the Rest of River area:

(1) A description regarding the sources and horizontal and vertical extent of PCBs and other hazardous constituents

in floodplain soils, taking into account floodplain soil data from the Rest of River and from Actual/Potential Lawns (as defined in the Consent Decree) at current residential properties downstream of the confluence of the East and West Branches of the River; and

(2) A description of the features and properties of the constituents in floodplain soils that might affect contaminant migration, transformation, or attenuation.

d. Biota Contamination

In the revised RFI Report, the Permittee shall characterize the nature and extent of contamination in biota resulting from releases of hazardous wastes and/or hazardous constituents that have migrated from the GE Facility. At a minimum, the revised RFI Report shall include the following with respect to biota in the Rest of River area:

(1) A description regarding the sources (to the extent known) and extent of PCBs and other hazardous constituents in fish, benthic invertebrates, and any other biota for which sampling data are available;

(2) A description of the temporal and spatial trends in concentrations of PCBs and other hazardous constituents in fish, benthic invertebrates, and any other biota for which sampling data are available.

e. Air Contamination

In the revised RFI Report, the Permittee shall characterize the nature and extent of PCB contamination in the ambient air in the Rest of River area.

B. Review and Approval of the Revised RFI Report

After the Permittee submits the revised RFI Report, EPA will either approve, conditionally approve or disapprove the Report.

If EPA disapproves the Report, EPA shall, within its discretion, either (1) specify the deficiencies and establish a time frame within which the Permittee

shall submit a modified Report; or (2) make such modifications as EPA deems necessary to satisfy the requirements of Special Condition II.A above. In the event that EPA makes such modifications, the modified Report shall become the approved RFI Report. If the approved, conditionally approved or modified Report concludes that further investigation is required, the Permittee shall implement the investigation in accordance with the implementation schedule contained therein.

C. Interim Media Protection Goals Proposal

As provided in the Consent Decree, EPA intends to conduct human health and ecological risk assessments for the Rest of River area and to issue a Human Health Risk Assessment Report and an Ecological Risk Assessment Report. These risk assessment reports will be subject to peer review in accordance with the Consent Decree.

Following EPA's determination that the peer review processes for EPA's human health and ecological risk assessments have been completed, and in accordance with the compliance schedule set out in Attachment B, the Permittee shall submit an Interim Media Protection Goals (IMPG) Proposal for the Rest of River area, taking into account the conclusions of the risk assessments conducted by EPA.

The IMPG Proposal shall present proposed media-specific IMPGs, in accordance with the following provisions, for PCBs and other hazardous waste and/or hazardous constituents that have migrated to the Rest of River area from the GE Facility.

1. The proposed IMPGs shall consist of preliminary goals that are shown to be protective of human health and the environment and that will serve as points of departure in evaluating potential corrective measures in the subsequent Corrective Measures Study (see Special Conditions II.E-II.G). Such IMPGs are not necessarily equivalent to cleanup standards or Performance Standards and may be modified or revised in the selection of Performance Standards and associated corrective measures.

2. IMPGs shall be proposed for the following media in the Rest of River area: sediments, surface water, floodplain soils, biota, and air (PCBs only).

3. The constituents to be addressed by the proposed IMPGs shall be limited to those which have migrated to the Rest of River area from the GE

Facility. Such constituents may be further limited to include only those constituents identified by EPA in its Human Health Risk Assessment Report and its Ecological Risk Assessment Report as contributing to the baseline risk.

4. The proposed IMPGs for sediments, surface water, and floodplain soils shall include numerical concentration-based goals for constituents in such media, based on the assessment of direct contact of humans (i.e., incidental ingestion and/or dermal contact) with such media. They may also include narrative descriptive goals for such media based on such direct contact pathways.

5. The proposed IMPGs for biota consumed by humans shall include numerical concentration-based goals for constituents in the edible tissue of such biota, based on the assessment of human consumption of such biota. They may also include narrative descriptive goals for such biota based on such human consumption pathways. The Permittee may also propose descriptive IMPGs for sediments, surface water, and/or floodplain soils based on an extrapolation from the human-consumption-based IMPGs for biota.

6. The proposed IMPGs for air shall include numerical concentration-based goals for PCBs in ambient air, based on the assessment of inhalation of such constituents by humans. They may also include narrative descriptive goals for PCBs in air.

7. The Permittee shall also propose IMPGs for relevant media based on the assessment of exposures and risks to ecological receptors. Such IMPGs shall consist of either numerical concentration-based goals or narrative descriptive goals, or a combination of these types of goals.

8. The IMPG Proposal shall include a justification demonstrating that the proposed IMPGs, if achieved, would ensure protection of human health and the environment, taking into account EPA's Human Health Risk Assessment Report and its Ecological Risk Assessment Report.

9. The IMPG Proposal shall take into account applicable or relevant and appropriate federal and state requirements.

D. Review of the Interim Media Protection Goals Proposal and Establishment of Interim Media Protection Goals

After the Permittee submits the IMPG Proposal, EPA will either approve, conditionally approve or disapprove the Proposal. If EPA approves or conditionally approves the Proposal, EPA shall establish the IMPGs in accordance with that Proposal as approved or conditionally approved, so that the Permittee can develop corrective measures as required under Special Condition II.E below.

If EPA disapproves the Proposal, EPA shall, within its discretion, either:

1. Specify the deficiencies in the Proposal and establish a time frame within which the Permittee shall submit a modified Proposal; or

2. Make modifications to the Proposal to establish IMPGs so that the Permittee can develop corrective measures as required under Special Condition II.E below.

E. Corrective Measures Study Proposal

As provided in the Consent Decree, EPA is currently developing, calibrating and validating a quantitative model of the fate, transport, and bioaccumulation of PCBs in the Housatonic River system, including the Rest of River area. This modeling work will be subject to peer review in accordance with the Consent Decree. Once developed, this model will be applied to baseline (i.e., natural attenuation) conditions, as well as to various corrective measure alternatives.

Following EPA's determination that the peer review process on validation of EPA's model has been completed and the Permittee's receipt of the results of the modeling effort, including equations and outputs, from EPA, the Permittee shall submit to EPA a Corrective Measures Study (CMS) Proposal in accordance with the compliance schedule set out in Attachment B. In the CMS Proposal, the Permittee shall identify the corrective measures it proposes to study and provide a justification for the selection of the corrective measures proposed for study, including a description of the methodology proposed to be used in evaluating the corrective measures. The justification shall consider the ability of such corrective measures to achieve the IMPGs.

F. Corrective Measures Study Proposal Approval

After the Permittee submits the CMS Proposal, EPA will either approve, conditionally approve or disapprove the Proposal. If EPA approves or conditionally approves the Proposal, the Permittee shall carry out the evaluation of corrective measures and develop the CMS Report (see Special Condition II.G below) in accordance with the approved or conditionally approved CMS Proposal. In addition to requiring additional CMS work, a conditional approval or disapproval may include a requirement to conduct additional RFI work if such work is necessary to implement the CMS.

If EPA disapproves the Proposal, EPA shall, within its discretion, either: (1) specify the deficiencies and establish a time frame within which the Permittee shall submit a modified Proposal; or (2) make such modifications as EPA deems necessary to satisfy the requirements in Special Condition II.E above. If EPA modifies the proposal, the Permittee shall carry out the evaluation of corrective measures and develop the CMS Report (see Special Condition II.G below) in accordance with the modified Proposal.

G. Corrective Measures Study Report

In accordance with the compliance schedule set out in Attachment B, the Permittee shall submit a CMS Report. At a minimum, the Permittee shall provide the following information for each corrective measure approved for evaluation in the CMS Proposal (taking into consideration that the corrective measures ultimately selected will be implemented as a remedial action pursuant to CERCLA and the Consent Decree, as provided in Special Condition II.J):

1. General Standards for Corrective Measures

   a. Overall Protection of Human Health and the Environment -- How each alternative or combination of alternatives would provide human health and environmental protection, taking into account EPA's Human Health and Ecological Risk Assessments.

   b. Control of Sources of Releases -- How each alternative or combination of alternatives would reduce or minimize possible further releases, including (but not limited to) the extent to which each alternative would mitigate the effects of a flood that could cause contaminated sediments to become available for human or ecological exposure.

c. Compliance with Applicable or Relevant and Appropriate Federal and State Requirements -- How each alternative or combination of alternatives would meet such requirements or, when such a requirement would not be met, the basis for a waiver under CERCLA and the National Contingency Plan ("NCP").

2. Selection Decision Factors

a. Long-Term Reliability and Effectiveness;

(1) Magnitude of residual risk, including (but not limited to) the extent to which each alternative would mitigate long-term potential exposure to residual contamination, and the extent to which and time over which each alternative would reduce the level of exposure to contaminants;

(2) Adequacy and reliability of each alternative or combination of alternatives, including (i) operation, monitoring, and maintenance requirements; (ii) availability of labor and materials needed for operation, monitoring, and maintenance; (iii) whether the technologies have been used under analogous conditions; and (iv) whether the combination of technologies (if any) have been used together effectively; and

(3) Any potential long-term adverse impacts of each alternative or combination of alternatives on human health or the environment, including (but not limited to) potential exposure routes and potentially affected populations, any impacts of dewatering and disposal facilities on human health or the environment, any impacts on wetlands or other environmentally sensitive areas, and any measures that may be employed to mitigate such impacts.

b. Attainment of Interim Media Protection Goals -- The ability of each alternative or combination of alternatives to achieve the Interim Media Protection Goals approved by EPA in accordance with Special Condition II.D, including (if applicable) the time period in which each alternative would result in the attainment of the IMPGs and an evaluation of whether and the extent to which each alternative would accelerate such attainment compared to natural processes.

c. Reduction of Toxicity, Mobility, or Volume of Wastes

(1) If applicable, treatment process used and materials treated;

(2) If applicable, amount of hazardous materials destroyed or treated;

(3) If applicable, degree of expected reductions in toxicity, mobility, or volume;

(4) If applicable, degree to which treatment is irreversible; and

(5) If applicable, type and quantity of residuals remaining after treatment.

d. Short-Term Effectiveness -- Impacts to nearby communities, workers, or the environment during implementation of each alternative, including (but not limited to) risks associated with excavation, transportation, dewatering, disposal, or containment of sediments, soils, or other materials containing hazardous constituents.

e. Implementability

(1) Ability to construct and operate the technology, taking into account any relevant site characteristics;

(2) Reliability of the technology;

(3) Regulatory and zoning restrictions;

(4) Ease of undertaking additional corrective measures if necessary;

(5) Ability to monitor effectiveness of remedy;

(6) Coordination with other agencies;

(7) Availability of suitable on-site or off-site treatment, storage and disposal facilities and specialists; and

(8) Availability of prospective technologies.

f. Cost

(1) Capital costs;

(2) Operating and maintenance costs; and

(3) Present worth costs.

3. Recommendation

The Permittee shall conclude the CMS Report with a recommendation as to which corrective measure or combination of corrective measures, in the Permittee's opinion, is best suited to meet the general standards outlined in Special Condition II.G.1 above in consideration of the decision factors in Special Condition II.G.2 above, including a balancing of those factors against one another.

H. Corrective Measures Study Report Approval

After the Permittee submits the CMS Report, EPA will either approve, conditionally approve or disapprove the Report. In addition to requiring additional CMS work, a conditional approval or disapproval may include a requirement to conduct additional RFI work if such work is necessary to complete the CMS.

If EPA disapproves the Report, EPA shall, within its discretion, either (1) specify the deficiencies and establish a time frame within which the Permittee shall submit a modified Report; or (2) make such modifications as EPA deems necessary to meet the requirements in Special Condition II.G above.

I. Project Coordinators

1. Pursuant to the Consent Decree, EPA and the Permittee have each designated a Project Coordinator and an Alternate Project Coordinator.

2. EPA and the Permittee shall provide at least five (5) working days' written notice prior to changing Project Coordinators or Alternate Project Coordinators, unless impracticable but in no event later than the actual day the change is made.

3. The absence of EPA's Project Coordinator shall not be cause for stoppage of work by the Permittee.

4. Unless otherwise specified, reports, notices or other submissions required under the Permit shall be in writing and shall be sent to:

EPA's Project Coordinator

Susan Svirsky
U.S. Environmental Protection Agency
Region I
1 Congress St. Suite 1100
Boston, MA 02114-2023

EPA's Alternate Project Coordinator

Bryan Olson
U.S. Environmental Protection Agency
Region I
1 Congress St. Suite 1100
Boston, MA 02114-2023

Permittee's Project Coordinator

Andrew T. Silfer
General Electric Company
Corporate Environmental Programs
100 Woodlawn Avenue
Pittsfield, MA 01201

Permittee's Alternate Project Coordinator

Michael T. Carroll
General Electric Company
Corporate Environmental Programs
100 Woodlawn Avenue
Pittsfield, MA 01201

State Project Coordinator

J. Lyn Cutler
Massachusetts Department of Environmental Protection
436 Dwight Street - Fifth Floor
Springfield, Mass. 01103

J. Permit Modification To Select Corrective Measures and Right to Appeal

Based on the information that the Permittee submits pursuant to this Permit and any other relevant information in the Administrative Record for the modification of this Permit, EPA will propose Performance Standards, and the appropriate corrective measures necessary to meet the Performance Standards, to address PCBs and any other hazardous waste and/or hazardous constituents that have migrated from the GE Facility to the surface waters, sediments, and floodplain soils in the Rest of River area. This proposal will also include a proposed identification of the applicable or relevant and appropriate requirements ("ARARs") under federal and state law that must be met by such corrective measures, and where EPA proposes to waive any such ARARs, the basis for such waiver under CERCLA and the NCP. EPA will propose these Performance Standards, corrective measures, and ARARs as a draft modification to this Permit in accordance with 40 C.F.R. §§ 124.5-124.12 and 270.41 and Paragraph 22.n of the Consent Decree.

In considering public comment, EPA may require the Permittee to conduct additional RFI, CMS or other work that is necessary for EPA to make a final decision. Such work shall be conducted in accordance with an implementation schedule established by EPA.

EPA will notify the Permittee of its intended final decision on the proposed Permit modification in accordance with Paragraph 22.o of the Consent Decree, and the Permittee shall have the right to seek administrative dispute resolution with respect to that notification in accordance with Paragraphs 22.o and 141.b(i) of the Consent Decree. Upon completion of that dispute resolution process (if invoked), or after the expiration of 30 days following EPA's notification (if the Permittee does not invoke such dispute resolution), EPA will issue a modification of this Permit, which will set forth the selected Performance Standards and corrective measures for the Rest of River area, along with the associated ARARs and the basis for waiver of any ARARs under CERCLA and the NCP.

That Permit modification will be subject to review by the EPA Environmental Appeals Board and the United States Court of Appeals in accordance with Paragraphs 22.q through 22.v, 22.bb, 22.cc, and 141.b of the Consent Decree and subject to the stays described in those paragraphs. In accordance with and as provided in Paragraphs 22.q through 22.cc of the Consent Decree, the Permittee shall implement the selected corrective measures as a remedial action pursuant to CERCLA and the Consent Decree. As further provided in Paragraph 22.z of the Consent Decree, the modification of this Permit to select

such corrective measures shall be considered to be the remedy selection decision pursuant to Section 121 of CERCLA and Section 300.430 of the NCP (40 C.F.R. § 300.430).

K. Sampling Requirements

The Permittee shall provide the results of all sampling and/or tests or other data generated by the Permittee or on the Permittee's behalf with respect to the implementation of the Permit, to EPA and shall submit these results to EPA in accordance with the Data Exchange Agreement (Attachment C hereto) and in monthly progress reports.

At the request of EPA, the Permittee shall allow split or duplicate samples to be taken by EPA and/or its authorized representative, of any samples collected by the Permittee or on the Permittee's behalf pursuant to the implementation of this Permit. The Permittee shall notify EPA not less than seven (7) days in advance of any sample collection activity.

EPA will notify the Permittee not less than seven (7) days in advance of any sample collection activity by EPA in connection with the implementation of this Permit. At the request of the Permittee, EPA shall provide to the Permittee, or allow the Permittee to take, split or duplicate samples of any samples collected by EPA or on EPA's behalf in conducting work in the Rest of River area.

L. Reservation of Rights

1. EPA and the Permittee reserve all rights and defenses that they may have, subject to the provisions of the Consent Decree.

2. Apart from the provisions of this Permit that are incorporated by reference in the Consent Decree, nothing in this Permit shall in any way affect the rights, obligations, and reservations of rights of either the Permittee or EPA as set forth in the Consent Decree.

M. Access to or Use of Property

1. To the extent that the work required of the Permittee under this Permit requires access to or use of property presently owned or under the control of persons other than the Permittee, the Permittee shall use its best efforts to obtain access in accordance with the provisions of Paragraph 59.a of the Consent Decree relating to access.

2. Except as otherwise provided in the Consent Decree or this Permit, nothing in this Permit shall be construed to limit EPA's authority to exercise its rights pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, or to affect any rights of entry possessed by EPA pursuant to any applicable laws, regulations, or permits.

N. Dispute Resolution on Interim Submittals

1. Except as otherwise provided in this Permit, in the event the Permittee disagrees, in whole or in part, with EPA's disapproval or modification of any submission prior to the Permit modification described in Special Condition II.J., the Permittee shall notify EPA of its objections by providing EPA with a written statement of position within fourteen (14) days of receipt of EPA's disapproval or modification. The Permittee's statement of position shall set forth the specific matters in dispute, the position that the Permittee asserts should be adopted as consistent with the requirements of this Permit, and the basis for the Permittee's position, and shall include any supporting documentation.

2. EPA and the Permittee shall have an additional fourteen (14) days from EPA's receipt of the Permittee's statement of position to meet or confer to attempt to resolve the dispute. This 14-day period may be extended by EPA upon the Permittee's request. If agreement is reached, the Permittee shall submit a revised submission and implement the same in accordance with such agreement, or take such other action as is provided for by the agreement.

3. If EPA and the Permittee are not able to reach agreement within the fourteen (14) day (or extended) period, the Permittee may, within ten (10) days thereafter, submit a written statement of its position to the Director of the Office of Site Remediation and Restoration, EPA Region I, or another appropriate official in Region I at the level of Director or Deputy Director of an Office, as designated by the EPA Regional Administrator (either of which is referred to herein as the "Director"), and/or may request a meeting, to be conducted within the ten (10) day period, with the Director in order to make an oral presentation of its position. This 10-day period may be extended by the Director upon the Permittee's request or upon his/her own initiative. Either after the expiration of this 10-day (or extended) period (if the Permittee takes neither action) or, if requested by the Permittee, after the Permittee's written or oral presentation, the Director will issue a written decision, based on the record, that responds to the Permittee's arguments. The

Permittee shall comply with the terms and conditions of this decision on the dispute pending and subject to the final outcome of any appeals of the Permit modification described in Special Condition II.J of this Permit pursuant to Paragraphs 22 and 141.b of the Consent Decree.

4. Notwithstanding the invocation of this dispute resolution procedure, the Permittee shall proceed, at the direction of EPA, to take any action required by those portions of the submission and of the Permit that EPA determines are not substantially affected by the dispute.

5. The Permittee shall not contend that EPA's disapproval or modification of any submission under this Permit prior to the Permit modification described in Special Condition II.J constitutes a modification of this Permit for purposes of invoking 40 C.F.R. Parts 124 and 270 and RCRA § 7006(b), 42 U.S.C. § 6976(b). Once this Permit is modified pursuant to Special Condition II.J above, the Permittee may challenge, in any proceeding seeking review of that Permit modification, EPA's disapproval or modification of any prior submission on substantive grounds. In making such a challenge, the Permittee shall not contend that EPA's disapproval or modification of a prior submission constituted a modification of the Permit.

O. Biota Consumption Advisories

Within 60 days of the effective date of this Permit, the Permitee shall submit to EPA for review and approval a proposal for (1) maintenance and/or updating of signs in the Rest of River area which notify the public of biota consumption advisories due to PCB contamination, and (2) provision to hunting and fishing license distributors of an appropriate written notice regarding such advisories to be included with the licenses. This proposal shall include the specific wording of the signs and notices, the locations for posting signs, and the frequency for inspections and maintenance of the signs and for provision of notices to hunting and fishing license distributors. Upon EPA's approval or conditional approval of such proposal, the Permittee shall carry out these activities in accordance with EPA's approval or conditional approval until such time as this Permit is modified pursuant to Special Condition II.J above, or earlier if approved by EPA.