

**Revised Appendix J to Consent Decree in
United States, Commonwealth of Massachusetts and Connecticut
v. General Electric Company (D. Mass.)
EPA Peer Review Process - Housatonic River**

The process for conducting the Peer Reviews that have been agreed upon between EPA and GE on EPA documents/work is outlined below. These processes were modified, pursuant to Paragraph 217 of the Consent Decree, by written approval of the United States, the Commonwealth of Massachusetts, and GE, and filing of this revised Appendix J with the Court. Such Peer Reviews will be conducted on at least the following five EPA documents/work products: the Model Framework Report, the Model Calibration Report, the Model Validation Report, the Human Health Risk Assessment for the Rest of the River, and the Ecological Risk Assessment for the Rest of the River.

Step 1. Preparation and Distribution of Materials

- EPA and GE develop an Introductory Session script for the Peer Review Panelists, including a site tour and technical site history.
- EPA puts out notice of opportunity for written comment on the issues defined in the Charge for the Peer Review of the EPA document to interested parties via an informal public notice. The notice for comment will define the terms of submission, i.e., the comments must be formatted to address each specific question in the Charge individually. The comment period will be 30 days. Comments will be submitted to the Managing Contractor.
- The Managing Contractor will then provide the EPA document, background documents (as necessary), Charge, and all comments submitted to the Peer Review Panelists 1 to 2 weeks prior to the Introductory Session.

Step 2 - Pre-Peer Review Activities

- Managing Contractor will convene the Introductory Session for the Peer Review Panel (1 day) in the Pittsfield area, with an EPA and GE representative (with support staff as needed) present to respond to factual questions or provide factual clarifications.
- The Peer Review Panelists will have a total review time of 13 weeks to review all documents prior to the conduct of the Peer Review Panel meeting, including the 1 to 2 weeks prior to the Introductory Session.
- The Peer Review Panelists may submit written questions on the materials to the Managing

Contractor during Week 4. The Managing Contractor will schedule a subsequent meeting with EPA and GE to review the comments and begin preparing a response. EPA will provide written response to the Peer Review Panel unless it determines that GE is better able to respond to a particular question. GE may also provide a written response to specific questions separate from EPA's response. All responses will be provided to the Peer Review Panel during Week 9 of the Review.

- During Week 10, the Managing Contractor will convene a Presentation Session for the Peer Review Panel (1 day) in the Pittsfield area, with an EPA and GE representative (with support staff as needed) present. The purpose of this meeting is for EPA (with support staff as needed) to make a presentation to the Peer Review Panel on its document and the responses to the written questions and provide any additional clarifications, as necessary, on the document or other related materials under review by the Panel.

During this session, Panelists' questions will not be limited to factual questions. However, Panelists will not be permitted to begin their deliberations. GE's role during this session is to assist EPA in answering questions and to answer the Panel's questions specifically on GE's information. Additional written responses to the questions raised initially by the Panelists, and during the Presentation Session, may be provided to the Peer Review Panel promptly after the Presentation Session, at EPA's sole discretion.

- One week prior to the Peer Review Meeting, each Panelist will submit a preliminary written summary of his/her review to the Managing Contractor for distribution ONLY to the other Panelists for informational purposes (Week 12). During this week, the Managing Contractor will conduct a conference call with the Panelists to discuss the Charge and the types of questions that will be answered during the Peer Review Meeting.

Step 3 - Peer Review Meeting

- The Peer Review Meeting will be convened in a public forum in the Pittsfield area (Week 13). The Managing Contractor will run the meeting with formal facilitation. The introductory session of the meeting will include the Managing Contractor stating the Charge, listing the documents provided to the Peer Review Panel, including the written comments submitted (comments that were submitted will be available to interested parties upon request), and outlining how the meeting will be conducted and the agenda for the meeting. During the introductory session, the Managing Contractor will emphasize that the Panel and the audience may only comment on the questions in the Charge.

- The agenda will include an opportunity prior to commencing the Peer Review Panel discussion where the audience will have equal and fair opportunity (EPA excluded) to present oral comment to the Peer Review Panel within a limited time span, defined per

entity, and according to the time allocation on the agenda. GE will have a minimum of one hour to present such oral comment. The Peer Review Panelists will be entitled to ask questions of the oral presentors during each presentation/comment by an entity.

- The Peer Review Panel will commence discussion of the questions posed in the Charge as laid out in the agenda. No active audience participation will be allowed. If the Peer Review Panelists have a question in the course of the discussion, the Managing Contractor will look to the EPA and GE representatives to determine expeditiously if the question is factual in nature or seeks a clarification (as opposed to calling for opinion or analysis). If both parties agree that the question is factual or seeking a clarification, the EPA representative (or support staff as requested by EPA) will respond to the question. If the GE representative does not agree with EPA's response, s/he may state this and provide information on why GE disagrees. If the question posed by the Panel is related to information provided by GE or GE's actions, EPA may defer to GE to respond to the question.

EPA and GE may decide that discussion is necessary to determine if the question is factual or seeks clarification. If so, the Managing Contractor will caucus with the EPA and GE representatives (and support staff as appropriate) to provide an expeditious response. EPA may also need to caucus with its team, with GE, or both in order to provide a response to the question posed by the Panelists. If a caucus is needed for either of these purposes, the Managing Contractor will inform the Panel of the need for a caucus and provide the Panelists with the option of continuing to debate the issues or waiting for EPA's response before continuing with their discussions. The Panel will be encouraged by the Managing Contractor to continue their deliberations during the caucus.

If both parties determine that the question is not factual in nature or seeking a clarification, the Panel will be instructed to debate or otherwise handle the issue as they wish.

- The Peer Review Panelists will be instructed not to discuss the Peer Review Subject offline during the pendency of the Review with any interested parties, and will be discouraged from having internal discussion offline on issues associated with the Charge (which has the potential to deprive the audience of the benefit of the Panel debate in subsequent days).

Step 4 - Post -Peer Review Summary and Response

- Within 1 week of completion of the Review Meeting, the Managing Contractor will provide a draft summary of the Peer Review Panel discussion and audience/entity oral presentations to the Panel and commentors for factual correction where necessary. Panelists and commentors will provide corrections within 2 weeks of completion of the

- Peer Review Meeting. The Peer Review Panelists will provide final individual written comments to the Managing Contractor within 3 weeks.
- One month after completion of the Review Meeting, the final Meeting Summary and Peer Review Panel comments will be compiled by the Managing Contractor and made public.
- EPA will then prepare a responsiveness summary responding to the comments, questions, and discussion points in the Peer Review Summary document and make any revisions to the EPA document it deems appropriate.

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- The Managing Contractor will then provide the EPA document, background documents (as necessary), Charge, and all comments submitted to the Peer Review Panelists 1 to 2 weeks ~~period~~ prior to the Introductory Session.

Step 2 - Pre-Peer Review Activities

- Managing Contractor will convene the Introductory Session for the Peer Review Panel (1 day) in ~~Pittsfield~~, the Pittsfield area, with an EPA and GE representative (with support staff as needed) present to respond to factual questions or provide factual clarifications.
- The Peer Review Panelists will have a total review time of ~~75 days~~, 13 weeks to review all documents prior to the conduct of the Peer Review Panel meeting, including the 1 to 2 weeks prior to the Introductory Session.

- The Peer Review Panelists may ~~can~~ submit written questions on the materials to the Managing Contractor ~~(Week 4), who schedules a~~ during Week 4. The Managing Contractor will schedule a subsequent meeting with EPA and GE to ~~develop a response (collective if consensus, individual if not). Response is given~~ review the comments and begin preparing a response. EPA will provide written response to the Peer Review Panel unless it determines that GE is better able to respond to a particular ~~at the start of Week 8~~ question. GE may also provide a written response to specific questions separate from EPA's response. All responses will be provided to the Peer Review Panel during Week 9 of the Review.
- During Week 10, the Managing Contractor will convene a Presentation Session for the Peer Review Panel (1 day) in the Pittsfield area, with an EPA and GE representative (with support staff as needed) present. The purpose of this meeting is for EPA (with support staff as needed) to make a presentation to the Peer Review Panel on its document and the responses to the written questions and provide any additional clarifications, as necessary, on the document or other related materials under review by the Panel.

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- One week prior to the Peer Review Meeting, each Panelist will submit a preliminary written summary of his/her review to the Managing Contractor for distribution ONLY to the other Panelists for informational purposes (Week 12). During this week, the Managing Contractor will conduct a conference call with the Panelists to discuss the Charge and the types of questions that will be answered during the Peer Review Meeting.

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- The Peer Review Panel will commence discussion of the questions posed in the Charge as laid out in the agenda. No active audience participation will be allowed. If the Peer Review Panelists have a question in the course of the discussion, the Managing Contractor will ~~take the question to caucus with an EPA and GE representative (and support staff as appropriate). The question will undergo expeditious review to determine if it look to the EPA and GE representatives to determine expeditiously if the question is factual in nature or seeks a clarification (as opposed to calling for opinion or analysis), and if so, what the response is. If determined to be~~ If both parties agree that the question is factual in nature or seeking a clarification, the EPA representative (or support staff as requested by EPA) will respond to the question. If the GE representative does not agree with EPA's response, s/he may state this and provide information on why GE disagrees. If the question posed by the Panel is related to information provided by GE or GE's actions, EPA may defer to GE to respond to the question.

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~~Panel, if not,~~ If both parties determine that the question is not factual in nature or seeking a clarification, the Panel will be instructed to debate or otherwise handle the issue as they wish.

- The Peer Review Panelists will be instructed not to discuss the Peer Review Subject offline during the pendency of the Review with any interested parties, and will be discouraged from having internal discussion offline on issues associated with the Charge (which has the potential to deprive the audience of the benefit of the Panel debate in subsequent days).

Step 4 - Post -Peer Review Summary and Response

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- One month after completion of the Review Meeting, the final Meeting Summary and Peer Review Panel comments will be compiled by the Managing Contractor and made public.
- EPA will then prepare a responsiveness summary responding to the comments, questions, and discussion points in the Peer Review Summary document and make any revisions to the EPA document it deems appropriate.

ATTACHMENT 4 TO THE FIRST MODIFICATION OF CONSENT DECREE
United States, et al. v. General Electric Company

REVISED TECHNICAL ATTACHMENT A TO THE STATEMENT OF WORK FOR
 REMOVAL ACTIONS OUTSIDE THE RIVER

INITIAL REMOVAL DESIGN/REMOVAL ACTION SUBMITTALS (1,2)

<u>Removal Action</u>	<u>Deadline for Initial RD/RA Submittal (Following Entry of Consent Decree unless Otherwise Specified)(3)</u>
A. Project Operations Plan	
1. FSP/QAPP Portions	3 months from lodging (submitted)
2. Other Portions	2 months from entry (submitted)
B. GE Plant Area	
1. 20s Complex/30s Complex/40s Complex	3 months from lodging (submitted)
2. East Street Area 2-South	12 months from entry (submitted)
3. East Street Area 1-North	19 months from entry (5/27/02)
4. Unkamet Brook Area	25 months from entry (11/27/02)
5. East Street Area 2-North	30 months from entry (4/28/03)
6. Hill 78 Area - Remainder	40 months from entry (2/27/04)
C. Former Oxbow Areas	
1. Former Oxbow Areas J and K	20 months from entry (6/27/02)
2. Newell Street Area I	5 months from lodging (submitted)

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|----|----------------------------|-------------------------------------|
| 3. | Newell Street Area II | 12 months from entry
(submitted) |
| 4. | Lyman Street Area | 17 months from entry (3/27/02) |
| 5. | Former Oxbow Areas A and C | 23 months from entry (9/27/02) |

D. Housatonic River Floodplain

- | | | |
|----|---|--------------------------------|
| 1. | Floodplain Current Residential Properties
Adjacent to 1 ½ Mile Reach -
Actual/Potential Lawns and Floodplain
Non-Residential Properties Adjacent To
1 ½ Mile Reach (Excluding Banks)(4) | January 31, 2002 |
| 2. | Floodplain Residential Properties
Downstream of Confluence -
Actual/Potential Lawns | 16 months from entry (2/27/02) |

- | | | |
|-----------|-------------------------|--------------------------------|
| E. | Silver Lake Area | 18 months from entry (4/29/02) |
|-----------|-------------------------|--------------------------------|

Notes:

1. Schedule does not include: (a) Removal Actions for which the Pre-Design and Removal Design/Removal Action Work Plans were submitted and approved prior to lodging of the Consent Decree (i.e., the Allendale School Removal Action and the Hill 78 Consolidation Area and Building 71 Consolidation Area Removal Actions); or (b) the source control activities within East Street Area 2-South, Lyman Street Area, and Newell Street Area II. This Schedule also does not include a timetable for the initial submittals for the groundwater/NAPL-related Removal Actions, which is set forth in Attachment H to this SOW.
2. Initial RD/RA submittal is a Pre-Design Investigation Work Plan, unless otherwise specified in this SOW.
3. This Schedule includes, in parenthesis, the current status or due date for the submittals as of the date of the First Modification of Consent Decree.
4. The schedule included in the Pre-Design Investigation Work Plan for the Floodplain Residential and Non-Residential Properties Adjacent to 1 ½ Mile Reach (Excluding Banks) will incorporate phased timing for subsequent work based upon the location of each property and EPA's progress on the sediment and banks of the 1 ½ Mile.

TARGET SHEET

THE MATERIAL DESCRIBED BELOW
WAS NOT SCANNED BECAUSE:

- OVERSIZED
- NON-PAPER MEDIA
- OTHER:

**DESCRIPTION: DOC# 28648, Attachment 5, Figure 4-4,
Sediment & Bank Soil Sample Locations, PCB Results &
Proposed Removal Areas Section 4**

THE OMITTED MATERIAL IS AVAILABLE FOR REVIEW
BY APPOINTMENT
AT THE EPA NEW ENGLAND SUPERFUND RECORDS CENTER,
BOSTON, MA

TARGET SHEET

THE MATERIAL DESCRIBED BELOW
WAS NOT SCANNED BECAUSE:

- OVERSIZED
- NON-PAPER MEDIA
- OTHER:

**DESCRIPTION: DOC# 28648, Attachment 6, Figure 7-1D,
Removal Action Work Plan - Upper ½ Mile Reach, Cross
Sections**

THE OMITTED MATERIAL IS AVAILABLE FOR REVIEW
BY APPOINTMENT
AT THE EPA NEW ENGLAND SUPERFUND RECORDS CENTER,
BOSTON, MA