



GE  
159 Plastics Avenue  
Pittsfield, MA 01201  
USA

November 3, 2008

Mr. Richard W. Hull  
EPA Project Manager for GE Facility  
U.S. Environmental Protection Agency  
EPA New England  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

**Re: GE-Pittsfield/Housatonic River Site  
Hill 78 Area - Remainder (GEC160)  
Response to EPA's October 28, 2008 Conditional Approval Letter**

Dear Mr. Hull:

We have received your letter of October 28, 2008, providing EPA's conditional approval of GE's September 18, 2008 *Addendum to Final RD/RA Work Plan* for Hill 78-Remainder. That letter states that it "shall not affect any of GE's obligations under the Clean Water Act, including, without limitation, its obligations under any National Pollutant Discharge Elimination System (NPDES) permit or under any regulations promulgated under the Clean Water Act, and this letter does not modify any NPDES permit." In response, we note GE's position that: (a) given the comprehensive settlement embodied in the Consent Decree (CD) for the GE-Pittsfield/Housatonic River Site and the lack of any discharges from active manufacturing operations at this site, the GE Plant area is not subject to any requirement to obtain, or meet the conditions in, a NPDES permit under the Clean Water Act; and (b) in any event, any activities that GE performs under the CD are not subject to NPDES or other permitting requirements under the Clean Water Act, and EPA has no authority under the Clean Water Act to require GE to perform additional response actions beyond those incorporated into the CD. GE reserves the right to take these positions in any proceeding involving issues relating to GE's obligations (if any) under the Clean Water Act.

Very truly yours,

Richard W. Gates  
Remediation Project Manager

cc: **Dean Tagliaferro, EPA**  
John Kilborn, EPA  
Tim Conway, EPA  
Holly Inglis, EPA  
Rose Howell, EPA  
Michael Gorski, MDEP  
Susan Steenstrup, MDEP  
Anna Symington, MDEP

Jane Rothchild, MDEP  
Dale Young, MA EOEEA  
Nancy E. Harper, MA AG  
Michael Carroll, GE  
Andrew Silber, GE  
Rod McLaren, GE  
James Bieke, Goodwin Procter