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February 13, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Re: Housatonic Rest of River

Dear Administrator Pruitt:

I am writing regarding the February 8, 2018 letter you received from Senator Warren, Senator Markey and Congressman Neal about the Housatonic River. We all agree about the importance of cleaning up the Housatonic Rest of River. GE is fully committed to a comprehensive clean-up that protects human health and the environment. That's why GE, together with EPA, conducted a clean-up of the first two miles of the Housatonic, and GE has spent hundreds of millions of dollars on environmental remedial projects at the former GE plant in Pittsfield and surrounding areas in Berkshire County. Here too, GE has consistently stated that it is prepared to undertake a significant dredging project to address the Rest of River.

However, the delegation letter highlights one area of disagreement: Where to dispose the soil and sediment removed from the Housatonic Rest of River and its floodplain? EPA has recognized that "on-site" disposal options can be effective.¹ GE has demonstrated that there is no technical or rational reason to transport this material hundreds, or thousands, of miles to another state when there are safe local disposal options. On-site disposal options reduce the risk associated with long distance transport (e.g. transportation accidents²) and prevents other consequences (e.g. increased

¹ EPA has stated a properly designed on-site disposal facility "would provide high levels of protection to human health and the environment..." EPA Region 1's Statement of Basis for Proposed Remedial Action for the Housatonic River "Rest of River" (June 2014) at page 35. James Murphy, EPA spokesperson, "EPA considers a local, capped landfill for PCB disposal 'just as safe' as a distant facility." The Berkshire Eagle, December 21, 2015.

² Out-of-state disposal results in tens of thousands of truck trips, or >10,000 rail cars, to a distant commercial landfill creating the risk of transportation related accidents and resultant injuries or fatalities. U.S. EPA Region 1 Response to Comments on Draft Permit Modification and Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River" GE-Pittsfield/Housatonic River Site (October 2016 at pgs. 256-257). Comments of the General Electric Company on U.S.

air emissions³) impacting the communities along the way. In addition, while GE is committed to spend hundreds of millions of dollars to clean the Housatonic Rest of River, it is arbitrary to require GE to spend an additional \$250 million dollars⁴ to move soil and sediment to another state because that is the preference of the state where the material exists.⁵

Finally, GE believes EPA's decision to require out-of-state disposal is inconsistent with the law and the judicially-approved Consent Decree that legally binds EPA. GE appealed this disposal issue, among others, to the Environmental Appeals Board (EAB), while maintaining our overall commitment to a comprehensive cleanup. As the delegation's February 8th letter indicates, the EAB agreed that the EPA Region 1 disposal analysis was flawed and remanded the permit to reconsider the out-of-state disposal requirement.

The EAB decision on reconsideration provides an opportunity for the parties to assess the situation and whether there may be a better approach that accelerates the cleanup of the Housatonic Rest of River and avoids the unnecessary risks and costs of out-of-state disposal. We don't want to prejudge the outcome of this assessment, and respectfully request that you decline the letter's invitation to do so at this time.

GE stands ready to work with you to bring the parties together to reach a common-sense solution that will expeditiously clean the Housatonic Rest of River while protecting human health and the environment.

Sincerely,

A handwritten signature in blue ink that reads "A R K L". The letters are stylized and connected, with a horizontal line underneath the letters.

Ann R. Klee
Vice President
Environment, Health and Safety

Environmental Protection Agency New England Region's Draft RCRA Permit Modification and Statement of Basis for Proposed Remedial Action for the Housatonic River – Rest of River (October 2014– Table 6).

³ For example, out-of-state disposal results in tens of thousands of tonnes of additional greenhouse gas emissions as compared to on-site disposal (U.S. EPA Region 1 Response to Comments on Draft Permit Modification and Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River" GE-Pittsfield/Housatonic River Site (October 2016 at pgs. 243-244). Comments of the General Electric Company on U.S. Environmental Protection Agency New England Region's Draft RCRA Permit Modification and Statement of Basis for Proposed Remedial Action for the Housatonic River – Rest of River – Table 3).

⁴ EPA Region 1's Response to Comments on Draft Permit Modification and Statement of Basis (October 2016) at pg. 267 and Comments of the General Electric Company on U.S. Environmental Protection Agency New England Region's Draft RCRA Permit Modification and Statement of Basis for Proposed Remedial Action for the Housatonic River – Rest of River at pg. 25.

⁵ The Senate Report underlying Section 104(c)(9) of CERCLA stated: "While everyone wants hazardous waste managed safely, hardly anyone wishes it managed near them, This is the NIMBY syndrome (not in my backyard). Yet, if the [RCRA] and Superfund programs are to work – if public health and the environment are to be protected – the necessary sites must be made available." S. Rep. No. 11, 99th Cong., 1st Sess. (1985) at 23..