



Ann R. Klee  
Vice President  
Corporate Environmental Programs

GE  
3135 Easton Turnpike  
Fairfield, CT 06828  
USA

T+1 203 373 3198  
F+1 203 373 3342  
Ann.Klee@ge.com

June 28, 2011

The Honorable Lisa P. Jackson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue  
Washington, D.C. 20460

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OFFICE OF THE  
EXECUTIVE SECRETARIAT

Re: Housatonic Rest of River

Dear Administrator Jackson:

I am writing to formally add GE's voice to the many stakeholder voices that have already urged the United States Environmental Protection Agency (EPA) to delay the National Remedy Review Board's (NRRB) consideration of EPA Region 1's proposed alternative to address the PCBs remaining in what is known as the Housatonic Rest of River. The NRRB is currently scheduled to meet with Region 1 on July 29; statements from stakeholders, including GE, are currently due to EPA Region 1 this Thursday, June 30<sup>th</sup>.

GE is committed to undertaking the right remedy for the Housatonic River. We are equally committed to meeting our obligations under the Consent Decree. As we have stated repeatedly, we are also committed to working with both EPA and the Commonwealth of Massachusetts (the Commonwealth) to craft a remedy for the Rest of River that will improve conditions in the River, while preserving the unique ecosystem of the Housatonic.

As you have already heard from the Commonwealth and others, NRRB review of an alternative is premature. Under the terms of the Consent Decree for the Housatonic River, the United States, the Commonwealth of Massachusetts and GE agreed *"to implement a fully collaborative, collegial and cooperative approach to the management of the response actions at the Site."* Consent Decree, paragraph 13(a). To date, that has not happened with respect to the selection of the remedy for the Rest of River. To the contrary, EPA has excluded GE and the

Commonwealth from presenting information at its public “workshops;” refused to engage in discussions with GE on the remedial alternatives; and is now rushing to present a proposed remedy to the NRRB before making any attempt to collaborate, cooperative or engage collegially with the parties to the Consent Decree.

I reaffirmed our commitments when we met with Jim Woolford on June 21<sup>st</sup>. We believe that deferring the NRRB process to allow further discussions among the Principals represents the best opportunity to avoid lengthy disputes and to reach a positive result for all stakeholders and the River.

Moreover, as we discussed with Mr. Woolford, contrary to what we have heard from some at the Agency, there is nothing in any law, regulation, or the Pittsfield/Housatonic River Consent Decree that prevents EPA from delaying the Remedy Review Board’s review of any proposal for the Rest of River until after EPA has maximized its efforts to arrive at a Rest of River proposal that is acceptable to the Commonwealth of Massachusetts and can be implemented by GE. In fact, it would be much more consistent with the Remedy Review Board’s mandate, and the terms of the Pittsfield/Housatonic River Consent Decree, for the Remedy Review Board’s involvement in the Rest of River matter to await EPA’s “intended final decision”, as defined in the Consent Decree, after efforts to reach a consensus have been exhausted, and after the public comment period specified in the Consent Decree.

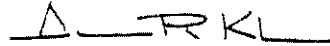
When we met with Mr. Woolford, he suggested that the Region does not intend to use the NRRB process in its ordinary capacity here – in other words, that the Region does not intend to seek NRRB recommendations with respect to a specific preferred alternative, but rather seek the NRRB’s advice only in an informational briefing. If that is indeed the case, we would respectfully suggest that such an informational meeting would be most productive if both the Commonwealth and GE were allowed to present information to the NRRB on other alternatives and if all three entities shared their respective presentations with each other prior to the NRRB meeting. This approach would facilitate a more robust and transparent discussion of the relative risks and benefits of the various alternatives and truly enable the NRRB to provide informed advice if that is what the Region intends.

We agree with the Commonwealth that if EPA makes a proposal to the Remedy Review Board now, the result is likely to exacerbate the possibility of a long and divisive legal battle. This is something we all should attempt to avoid while we endeavor to do what is right for the Housatonic River and the surrounding ecosystem.

I’m looking forward to what I hope will be the first of several necessary Executive Board meetings which move this process forward in the timely collaborative manner that the Consent

Decree mandates. We are ready willing and able to begin a more productive direction and ask that the Remedy Review Board not be engaged until our discussions have concluded.

Sincerely,

A handwritten signature in black ink, appearing to read "ARKL", written over a horizontal line.

Ann R. Klee

cc: Assistant Administrator Mathy V. Stanislaus  
Regional Administrator H. Curtis Spalding  
United States Senator John F. Kerry  
United States Senator Scott P. Brown  
United States Representative John W. Olver  
Secretary Richard K. Sullivan, Jr.  
Commissioner Kenneth L. Kimmell

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Company The Honorable Lisa P. Jackson  
Administrator

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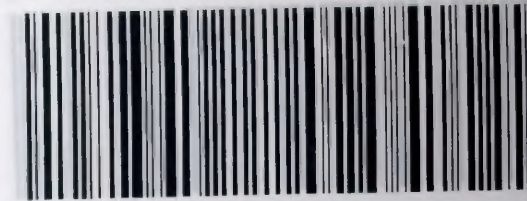
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