



Kevin Mooney
Senior Project Manager
Global Operations - Environment, Health & Safety

General Electric Company
1 Plastics Ave.
Pittsfield, MA 01201

T (413) 553-6610
kevin.mooney@ge.com

Via Electronic Mail

December 16, 2022

Mr. Dean Tagliaferro
EPA Project Coordinator
U.S. Environmental Protection Agency
c/o HDR, Inc.
10 Lyman Street, Suite 2
Pittsfield, MA 01201

**Re: GE-Pittsfield/Housatonic River Site
Rest of River (GECD850)
Plan for Implementing Future Projects or Work**

Dear Mr. Tagliaferro:

In accordance with the Revised Final RCRA Permit issued by EPA and Section 4.5.1 of the Final Revised Rest of River Statement of Work, enclosed is GE's Plan for Implementing Future Projects or Work in the Rest of River area.

Please let me know if you have any questions about this Plan.

Very truly yours,

Kevin G. Mooney
Senior Project Manager – Environmental Remediation

Enclosure

Cc: (via electronic mail)
Tim Conway, EPA
John Kilborn, EPA
Richard Fisher, EPA
Joshua Fontaine, EPA
Christopher Smith, EPA
Anni Loughlin, EPA
Christopher Ferry, ASRC Primus
Thomas Czelusniak, HDR Inc.
Scott Campbell, Taconic Ridge Environmental

Izabella Zapisek, Taconic Ridge Environmental
Michael Gorski, MassDEP
Elizabeth Stinehart, MassDEP
John Ziegler, MassDEP
Ben Guidi, MassDEP
Michelle Craddock, MassDEP
Jeffrey Mickelson, MassDEP
Mark Tisa, MassDFW
Jonathan Regosin, MassDFW
Betsy Harper, MA AG
Traci Iott, CT DEEP
Susan Peterson, CT DEEP
Graham Stevens, CT DEEP
Lori DiBella, CT AG
Molly Sperduto, USFWS
Mark Barash, US DOI
Ken Finkelstein, NOAA
James McGrath, City of Pittsfield
Andrew Cambi, City of Pittsfield
Michael Coakley, PEDA
Melissa Provencher, BRPC
Christopher Ketchen, Town of Lenox
Town Administrator, Lee
Town Manager, Great Barrington
Town Administrator, Stockbridge
Town Administrator, Sheffield
Andrew Silfer, GE
Andrew Thomas, GE
Matthew Calacone, GE
Michael Werth and Charles Guest, Anchor QEA
James Bieke, Sidley Austin
Public Information Repository at David M. Hunt Library in Falls Village, CT
GE Internal Repository

Plan for Implementing Future Projects or Work

Housatonic River – Rest of River

General Electric Company

December 16, 2022

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1. Introduction

On December 16, 2020, pursuant to the 2000 Consent Decree (CD) for the GE-Pittsfield/Housatonic River Site, the U.S. Environmental Protection Agency (EPA) issued to the General Electric Company (GE) a final revised modification of GE's Resource Conservation and Recovery Act (RCRA) Corrective Action Permit (Revised Permit) for the Housatonic Rest of River (RoR). The RoR is defined as that portion of the Housatonic River and its backwaters and floodplain (excluding Actual/Potential Lawns as defined in the CD) located downstream of the confluence of the East and West Branches of the Housatonic River (the Confluence). The Revised Final Permit set forth a Remedial Action selected by EPA to address polychlorinated biphenyls (PCBs) in the RoR.

The Revised Permit required GE to develop and submit a Statement of Work (SOW) specifying the deliverables and activities that GE will conduct to design and implement the RoR Remedial Action. In accordance with that requirement, after receipt of EPA's comments on an earlier version, GE submitted a Final Revised RoR SOW on September 14, 2021, and EPA approved it on September 16, 2021.

Several provisions of the Revised Permit impose requirements on GE relating to Legally Permissible Future Projects or Work. That term is defined in full in the Revised Permit (Paragraph 19 of Definitions) as follows:

“‘Legally Permissible Future Project or Work’ shall mean when the property owner, the owner’s successors and assigns, or any other party with an interest in the property such as a lessee or easement holder: (1) has submitted a plan to the appropriate governmental authority(ies) to authorize any project or work (if such plan or authorization is necessary) and such plan (if required) has been approved by the governmental authority(ies), or, provides documentation that a proposed project or work is legal without additional government approvals (for example, authorized by an easement or existing permit) and (2) provides to EPA and to [GE] (directly or through EPA) other documented evidence of a commitment to such project or work (for example, such evidence may include evidence of financing or other financial assurance for the project or work, other plans for implementing the project or work (such as architectural plans, contracts for performance of the project or work, or other similar plans), or an affidavit that the owner intends to go forward with the project or work or if the necessary response actions are taken). Legally Permissible Future Projects or Work includes, but is not limited to, construction and repair of structures; utility work; flood management activities; road and infrastructure projects; dam removal, maintenance, repair, upgrades, and enhancement activities; and activities such as the installation of canoe/boat launches and docks.”

The specific provisions of the Revised Permit relating to Legally Permissible Future Projects or Work consist of the following:

- Sections II.B.2.j.(1)(c) and (2)(e), governing such projects or work involving non-GE-owned dams in Massachusetts;¹
- Sections II.B.2.k, governing such projects or work involving the river sediments, riverbanks, and backwaters in the Massachusetts portion of the RoR;
- Section II.B.2.l, governing such projects or work involving the dams, impoundments, river sediments, and riverbanks in the Connecticut portion of the RoR;
- Sections II.B.7.b.(1)(b) and (2)(b) and (c), governing such projects or work in the floodplain Exposure Areas (EAs) (as defined in the Revised Permit) in Massachusetts;² and
- Section II.B.7.c, governing such projects or work in other floodplain areas in Massachusetts and Connecticut.

These provisions were also described in Sections 2.2.10 through 2.2.12 and Section 2.6 of the Final Revised RoR SOW.

These provisions are already in effect under the Revised Permit. However, in accordance with Section II.H.20 of the Revised Permit and Section 4.5.1 of the Final Revised RoR SOW, this document presents GE's plan for implementing the requirements of these provisions going forward.

The RoR reaches and subreaches subject to the Rest of River Remedial Action are as follows (from upstream to downstream), as shown on Figures 1 and 2 of the Revised Permit:

- Reach 5, from the Confluence downstream to Woods Pond (the first significant impoundment), further divided into the following subreaches:
 - Reach 5A (Confluence to the Pittsfield Wastewater Treatment Plant)
 - Reach 5B (Pittsfield Wastewater Treatment Plant to Roaring Brook)
 - Reach 5C (Roaring Brook to the start of Woods Pond)

¹ These provisions are separate from the provisions in Section II.B.2.j of the Revised Permit requiring GE to prepare and implement plans to ensure the inspection, monitoring, and maintenance of the dams in the Massachusetts portion of the RoR and to conduct response actions in the event of a catastrophic failure or material breach of any of these dams. Those requirements are (or, for one dam, will be) addressed in separate plans relating to these dams.

² The provisions addressed in this Plan consist primarily of those that relate to the performance of future projects or work in the floodplain EAs. The provisions of Section II.B.7.b relating to the obtaining of Grants of Environmental Restrictions (EREs) or Notice EREs on properties within the floodplain EAs were addressed in GE's final separate *Plan for Obtaining Environmental Restrictions and Easements and Inspecting Subject Properties* (ERE Plan), submitted on December 14, 2018 and approved by EPA on December 20, 2018. The provisions relating to implementation of a Conditional Solution to address post-remediation changes in use at floodplain properties without an ERE are summarized in this Plan, but will be addressed in detail, after the remedial actions in the subject area have been completed, in the Interim and Final Remedial Action Completion Reports covering the subject areas.

Reach 5 also contains several backwater areas adjacent to the Housatonic River, particularly in the more downstream portion of the reach.

- Reach 6, Woods Pond
- Reach 7, Woods Pond Dam to Rising Pond (the next significant impoundment), further divided into the following subreaches:
 - Reach 7A (Woods Pond Dam to the Columbia Mill Dam Impoundment)
 - Reach 7B (Columbia Mill Dam Impoundment)
 - Reach 7C (Former Eagle Mill Dam Impoundment)
 - Reach 7D (Former Eagle Mill Dam to the Willow Mill Dam Impoundment)
 - Reach 7E (Willow Mill Dam Impoundment)
 - Reach 7F (Willow Mill Dam to the Glendale Dam Impoundment)
 - Reach 7G (Glendale Dam Impoundment)
 - Reach 7H (Glendale Dam to Rising Pond)
- Reach 8, Rising Pond
- Reach 9, Rising Pond Dam to the Massachusetts/Connecticut border
- Reach 10, Massachusetts/Connecticut border to Falls Village Dam
- Reach 11, Falls Village Dam to Cornwall Bridge
- Reach 12, Cornwall Bridge to Bulls Bridge Dam
- Reach 13, Bulls Bridge Dam to Bleachery Dam
- Reach 14, Bleachery Dam to Shepaug Dam (Lake Lillinonah)
- Reach 15, Shepaug Dam to Stevenson Dam (Lake Zoar)
- Reach 16, Stevenson Dam to Lake Housatonic Dam (Lake Housatonic)

2. Plan Relating to Future Projects or Work in the Housatonic River

This section describes GE's plan for implementing the provisions of the Revised Permit relating to future projects or work in the river, on the riverbanks, or in the backwaters or impoundments of the RoR.

2.1 Projects or Work Relating to Non-GE-Owned Dams and Associated Impoundments in Massachusetts

2.1.1 Applicable Requirements

Sections II.B.2.j.(1)(c) and (2)(e) of the Revised Permit address response actions relating to the non-GE-owned dams and associated impoundments in the RoR in Massachusetts. Those dams are the Columbia Mill, Willow Mill, and Glendale Dams.³ These provisions require GE to conduct response actions "to be protective" of any Legally Permissible Future Project or Work⁴ relating to such dams or impoundments, including dam removal (other than the required dam removals in Reaches 7B and 7C and regardless of whether the project or work occurs before or after the remedial actions required by the Revised Permit in Reaches 6 through 8). They provide more specifically that GE shall conduct such response actions (including materials handling and off-site disposal and engineering controls) to allow such Legally Permissible Future Project or Work to be conducted in a manner that maintains the applicable Performance Standards and/or maintains the effectiveness of the RoR Remedial Action. Section II.B.2.j.(2)(e) of the Revised Permit provides further that GE may seek EPA approval for another party to implement some or all of these obligations. It also specifies that any response actions conducted under these sections will be in accordance with and pursuant to the CD⁵ and consistent with the response actions selected in the Revised Permit, and that GE's responsibility for the costs of such response actions "will be limited to those costs solely related to the presence of PCBs."

In addition, Section II.B.2.j.(2)(d) requires that: (i) GE determine every five years whether there has been a change in ownership of each non-GE-owned dam on the RoR in Massachusetts; and (ii) whenever there is change in ownership, as well as following implementation of response actions behind such a dam, and at five-year intervals after any such event, GE must provide

³ As noted above, the requirements of Section II.B.2.j of the Revised Permit relating to the inspection, monitoring, and maintenance of these dams and to the performance of response actions in the event of a catastrophic failure or material breach of any of these dams are not addressed in this Plan, but are (or, for the Glendale Dam, will be) addressed in separate plans submitted to EPA relating to those dams.

⁴ The Revised Permit requires in numerous provisions that GE conduct response actions "to be protective" of a Legally Permissible Project or Work. GE interprets the quoted phrase to mean that GE is to conduct response actions to ensure that the project or work is conducted in a protective manner and in a manner that maintains the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action.

⁵ Those CD provisions include Paragraph 39.a of the CD, which provides that any modifications to the RoR SOW must be consistent with the scope of the response actions for which the modification is required and must not modify the applicable Performance Standards.

notice to the dam owner (and, for the initial notice, to the holders of any easements) containing the following:

- GE's commitment to implement the requirements of Section II.B.2.j.(1)(c) regarding the performance of response actions for any Legally Permissible Future Project or Work;
- An identification of contact persons for GE, EPA, the Massachusetts Department of Environmental Protection (MassDEP), and the Connecticut Department of Energy and Environmental Protection (CT DEEP);
- A request that the dam owner notify the relevant GE and agency contact persons prior to conducting work at the dam; and
- A description of the PCB contamination behind the dam.

Copies of such notices must be sent to EPA, MassDEP, CT DEEP, and other applicable regulatory agencies.

2.1.2 Implementation Plan

To implement the above provisions, GE will conduct the following activities:

- a. GE's obligation to conduct response actions under these sections will be triggered if the owner of a non-GE-owned dam in Massachusetts or other party with an interest in such dam plans to undertake a project or work at such a dam or the associated impoundment, including dam removal (apart from the removal of the Columbia Mill Dam and the former Eagle Mill Dam, which GE is already required to conduct under the Revised Permit), and such party meets the conditions for a Legally Permissible Future Project or Work. As provided in the Revised Permit's definition quoted in Section 1, those conditions are that the project proponent must:
 - (i) Show that it has submitted a plan to the appropriate governmental authority(ies) to authorize the project or work (if such plan or authorization is necessary) and that such plan (if required) has been approved by the governmental authority(ies), or if no such approval is required, that the project or work is otherwise legal; and
 - (ii) Provide to EPA and GE (directly or through EPA) other documented evidence of a commitment to such project or work, such as evidence of financing or other financial assurance for the project or work, other plans for implementing the project or work (e.g., architectural plans, contracts for performance of the project or work, or other similar plans), or an affidavit that the owner intends to go forward with the project or work if the necessary response actions are taken.
- b. If the dam owner or other party with an interest in the dam provides this required documentation and EPA determines that it has satisfied the required conditions specified above and that response actions are necessary for project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards for the RoR

Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, EPA will so notify GE.

- c. Upon receiving such a notice, GE will evaluate whether it is obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit.⁶ If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion. If GE agrees that it is obligated to conduct response actions, GE will, within 30 days of receiving notice from EPA (or such other time as is approved by EPA), submit a work plan to EPA to conduct the necessary PCB-related response actions (beyond those specified in the Revised Permit) to allow the project or work to be conducted in a manner that is protective and maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit (including those pertaining to the subject dam and impoundment) and/or the effectiveness of the RoR Remedial Action. Such additional response actions will include, as necessary and appropriate, sampling and analysis, engineering controls during the project or work and, if the project or work will involve the removal, handling, and/or excavation of sediments or soils, actions to ensure the proper excavation, management, and disposition of such sediments or soils (including off-site disposal if required by applicable laws or regulations) and the protection of workers and other individuals during such activities. Such response actions will be limited to those that are in accordance with the CD, are consistent with the scope of the response actions selected and specified in the Revised Permit, and relate solely to the presence of PCBs. The work plan will also include a schedule for performing the pertinent response actions.
- d. Upon EPA's approval of the work plan and schedule, GE will implement the response actions described in that work plan in accordance with EPA's approval, with any modifications directed by EPA consistent with the limitations specified in the Revised Permit and stated in the prior paragraph, on the approved schedule.
- e. As an alternative, in whole or in part, to conducting such additional response actions, GE may request EPA approval for the dam owner or other party performing the project or work to implement some or all of the required additional response actions. Any such request will identify the party proposed to conduct the response actions, provide a description of the response actions to be conducted by that party to ensure that the project or work is conducted in a protective manner that maintains the applicable Performance Standards for the RoR

⁶ In this case and in other portions this Plan stating that GE will evaluate whether it is obligated to implement response actions under the applicable provisions of the Revised Permit, that evaluation will include an assessment of whether the Revised Permit conditions for a Legally Permissible Project or Work have been met and whether response actions: (i) are necessary for the project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action; (ii) are in accordance with the CD, including, but not limited to, Paragraph 39.a of the CD; (iii) are consistent with the scope of the response actions already selected and specified in the Revised Permit (including Monitored Natural Recovery where applicable); and (iv) relate (or may, after sampling, relate) to the presence of PCBs.

Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, and include a proposed schedule. If EPA so approves, that party will conduct the additional response actions approved by EPA on the approved schedule.

- f. Every five years, beginning five years after EPA's approval of the current Plan, GE will determine whether there has been a change in ownership of each non-GE-owned dam on the RoR in Massachusetts.⁷ Within 30 days after (i) GE has determined that there has been a change in ownership of such a dam, or (ii) GE has completed the remedial action required by the Revised Permit in the impoundment behind such dam, or (iii) GE has completed any other response action in that impoundment, as well as every five years after any of the foregoing events, GE will provide notice to the dam owner (and, for the initial notice, to the holders of any easements) of GE's commitment to implement the requirements described in the preceding subsections.⁸ That notice will also include an identification of contact persons for GE, EPA, MassDEP, and CT DEEP; a request that the dam owner notify the contact persons at EPA and MassDEP prior to conducting work at the dam; and a description of the PCB contamination behind the dam, based on the most up-to-date data, including the presence of an engineered cap if applicable. Copies of that notice will be sent to EPA, MassDEP, CT DEEP, and the Massachusetts Office of Dam Safety.

2.2 Other River-Related Projects or Work in Massachusetts Portion of Rest of River

2.2.1 Applicable Requirements

Sections II.B.2.k.(1) and (2) of the Revised Permit require GE to conduct response actions to be protective of any Legally Permissible Future Project or Work affecting the river sediments, riverbanks, backwaters, or impoundments in the Massachusetts portion of the RoR (i.e., Reaches 5 through 9) other than the above-discussed projects or work involving non-GE-owned dams and associated impoundments. Those provisions provide more specifically that GE shall conduct such response actions to allow such Legally Permissible Future Project or Work to be conducted in a manner that maintains the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action, and that those response actions may include materials handling and off-site disposal, engineering controls, and repair of any aspect of the RoR Remedial Action that was disturbed by the project or work.

Section II.B.2.(k)(2)(a) establishes further specific requirements pertaining to GE's obligations to conduct such response actions, and it also provides that GE may seek EPA approval for another party to implement some or all of these obligations. Like the dam-related provisions discussed

⁷ The current owners of these dams are listed in Table 1 (attached),

⁸ That notice will also include GE's commitment to take response actions in the event of a catastrophic failure or material breach of the dam, as specified in GE's plans relating to the non-GE-owned dams in Massachusetts.

above, Section II.B.2.k.(2)(a) provides further that any response actions conducted under these sections will be in accordance with and pursuant to the CD and consistent with the scope of the response actions selected in the Revised Permit, and that GE's responsibility for the costs of such response actions will be limited to those costs solely related to the presence of PCBs. Finally, Section II.B.2.k.(2)(b) requires GE to provide certain annual notifications to the Conservation Commissions and Departments of Public Works (DPWs) for the municipalities along the RoR in Massachusetts and to the Massachusetts Department of Transportation (MassDOT) regarding applications for Legally Permissible Future Projects or Work in the RoR in Massachusetts.

2.2.2 Implementation Plan

To implement the above provisions, GE will conduct the following activities:

- a. GE's obligation to conduct response actions under these sections will be triggered if a party that owns or has an interest in a property in the Massachusetts portion of the RoR plans to undertake a project or work at such property affecting the river sediments, riverbanks, backwaters, or impoundments in that portion of the RoR (other than the projects or work covered by Section 2.1) and such party meets the conditions for a Legally Permissible Future Project or Work (as specified in Sections 1 and 2.1.2.a of this Plan).
- b. If the party planning the project or work provides this required documentation and EPA determines that it has satisfied the required conditions and that response actions are necessary for project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, EPA will so notify GE.
- c. Upon receiving such a notice, GE will evaluate whether it is obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit. If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion. If GE agrees that it is obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA (or such other time as is approved by EPA), submit a work plan to EPA to conduct the necessary PCB-related response actions (beyond those specified in the Revised Permit) to allow the project or work to be conducted in a manner that is protective and maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action. Such additional response actions will include, as necessary and appropriate, sampling and analysis, engineering controls during the project or work and, if the project or work will involve the removal, handling, and/or excavation of sediments or soils, actions to ensure the proper excavation, management, and disposition of such sediments or soils (including off-site disposal if required by applicable laws or regulations) and the protection of workers and other individuals during such activities. In addition, if the project or work would disturb any aspect of

the RoR Remedial Action that has been completed in the area, the response actions will include repair of that aspect. The response actions proposed will be limited to those that are in accordance with the CD, are consistent with the scope of the response actions selected and specified in the Revised Permit, and relate solely to the presence of PCBs. The work plan will also include a schedule for performing the pertinent response actions.

- d. Upon EPA's approval of the work plan and schedule, GE will implement the response actions described in that work plan in accordance with EPA's approval, with any modifications directed by EPA consistent with the limitations specified in the Revised Permit and stated in the prior paragraph, on the approved schedule.
- e. As an alternative, in whole or in part, to conducting such additional response actions, GE may request EPA approval for the party performing the project or work or another party to implement some or all of the required additional response actions. Any such request will identify the party proposed to conduct the response actions, provide a description of the response actions to be conducted by that party to ensure that the project or work is conducted in a protective manner that maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, and include a proposed schedule. If EPA so approves, that party will conduct the additional response actions approved by EPA on the approved schedule.
- f. On an annual basis, in December, GE will send letters to the Conservation Commissions and DPWs for the municipalities along the RoR in Massachusetts and to the MassDOT notifying them of the potential for PCB contamination in the RoR in Massachusetts and requesting those entities to notify GE, EPA, MassDEP, and CT DEEP prior to approving any application for, and prior to implementation of, any future project or work in the Massachusetts portion of the RoR, including the river channel, riverbanks, backwaters, impoundments, or associated floodplain.⁹ Copies of those letters will be sent to EPA, MassDEP, and CT DEEP.

2.3 River-Related Projects or Work in Connecticut Portion of Rest of River

2.3.1 Applicable Requirements

Sections II.B.2.I.(1) and (2) of the Revised Permit address response actions for future projects or work affecting the dams, impoundments, sediments, backwaters, or riverbanks in the RoR in Connecticut (i.e., Reaches 10 through 16). Those sections contain two sets of requirements. First, they require GE to conduct response actions to be protective of any Legally Permissible Future Project or Work that would require the handling or disturbance of sediments or riverbank soils with total PCB concentrations greater than 1 milligram per kilogram (mg/kg), including to allow such project or work to be conducted in a manner that maintains the applicable Performance Standards and/or maintains the effectiveness of the RoR Remedial Action. Second, they require that if there

⁹ Projects or work in the floodplain are addressed in Section 3 of this Plan.

is a catastrophic failure and/or material breach of a dam or dam component in Connecticut that results in a release of PCBs that is materially greater than PCB transport over that dam under a normal range of flow conditions, GE must conduct response actions as necessary to maintain the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action.

With respect to the first set of requirements, Sections II.B.2.I.(1)(a) and (2)(a) provide that, for any Legally Permissible Future Project or Work in the RoR in Connecticut for which documentation is provided that it would require the handling or disturbance of sediments or riverbank soils with total PCB concentrations greater than 1 mg/kg, GE must conduct response actions (including sampling and analysis, engineering controls, and material handling and off-site disposal) to allow such project or work to be conducted in a manner that is protective and maintains the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action. Section II.B.2.I.(2)(a) sets forth further specific requirements pertaining to GE's obligations to conduct such response actions. It also provides that GE may seek EPA approval for another party to implement some or all of these obligations. In addition, Section II.B.2.I.(2)(b) requires that: (i) GE determine every five years whether there has been a change in ownership of each dam on the RoR in Connecticut; and (ii) whenever there is change in ownership and at five-year intervals thereafter, GE must provide notice to the dam owner containing the following:

- GE's commitment to implement the requirements of Section II.B.2.I.(2)(a) regarding the performance of response actions for any Legally Permissible Future Project or Work involving the handling or disturbance of sediments or riverbank soils with total PCB concentrations greater than 1 mg/kg;
- An identification of contact persons for GE, EPA, and CT DEEP; and
- A description of the PCB contamination behind the dam.

Copies of this notice must be sent to EPA, CT DEEP, and other applicable regulatory agencies.

With respect to the second set of requirements, Sections II.B.2.I.(b) and II.B.2.I.(2)(c) require that if there is a catastrophic failure and/or material breach of a dam or dam component in the Connecticut portion of the RoR that results in a release of PCBs that is materially greater than PCB transport over that dam under a normal range of flow conditions, GE must propose and implement a response as follows: (i) Within 30 days of notification by EPA of such failure or breach, GE must submit a report to EPA proposing repairs to the dam and a plan to characterize and respond to the PCBs released by the failure or breach, if necessary, to maintain the applicable Performance Standards or the effectiveness of the RoR Remedial Action, along with a schedule for such response actions; and (ii) GE must implement those response actions in accordance with EPA's approval, including the approval schedule. Section II.B.2.I.(2)(c) also provides that GE may seek EPA approval for another party to implement some or all of these obligations.

Finally, Section II.B.2.I.(2)(d) provides that any of the response actions taken in Connecticut under this overall Section II.B.2.I will be in accordance with and pursuant to the CD and consistent with

the response actions selected in the Revised Permit, and that GE's responsibility for the costs of such response actions will be limited to those costs solely related to the presence of PCBs.

2.3.2 Implementation Plan

To implement the first set of requirements described above, GE will conduct the following activities:

- a. GE's obligations to conduct response actions under these sections will be triggered if a party that owns or has an interest in a property in the Connecticut portion of the RoR plans to undertake a project or work at that property affecting a dam or impoundment or the sediments, backwaters, or riverbanks in that portion of the RoR and such party provides to EPA and GE (directly or through EPA) documentation that: (i) the project or work will require the handling or disturbance of sediments or riverbank soils with total PCB concentrations greater than 1 mg/kg; and (ii) the project or work meets the conditions for a Legally Permissible Future Project or Work (as specified in Sections 1 and 2.1.2.a of this Plan).
- b. If the party planning the project or work provides this required documentation and EPA determines that it has satisfied the required conditions and that response actions are necessary for project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, EPA will so notify GE.
- c. Upon receiving such a notice, GE will evaluate whether it is obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit. If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion. If GE agrees that it is obligated to conduct response actions (beyond those specified in the Revised Permit for these reaches – namely Monitored Natural Recovery [MNR]), GE will, within 30 days of receiving notice from EPA (or such other time as is approved by EPA), submit a work plan to EPA to conduct the necessary PCB-related response actions to allow the project or work to be conducted in a manner that is protective and maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action. Such additional response actions will include, as necessary and appropriate, additional sampling and analysis, engineering controls during the project or work and, if the project or work will involve the removal, handling, and/or excavation of sediments or soils, actions to ensure the proper excavation, management, and disposition of such sediments or soils (including off-site disposal if required by applicable laws or regulations) and the protection of workers and other individuals during such activities. The response actions proposed will be limited to those that are in accordance with the CD, are consistent with the scope of the response actions selected and specified in the Revised Permit (MNR for these

reaches), and relate solely to the presence of PCBs. The work plan will also include a schedule for performing the pertinent response actions.

- d. Upon EPA's approval of the work plan and schedule, GE will implement the response actions described in that work plan in accordance with EPA's approval, with any modifications directed by EPA consistent with the limitations specified in the Revised Permit and stated in the prior paragraph, on the approved schedule.
- e. As an alternative, in whole or in part, to conducting such additional response actions, GE may request EPA approval for the party performing the project or work or another party to implement some or all of the required additional response actions. Any such request will identify the party proposed to conduct the response actions, provide a description of the response actions to be conducted by that party to ensure that the project or work is conducted in a protective manner that maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit (MNR for these reaches) and/or the effectiveness of the RoR Remedial Action, and include a proposed schedule. If EPA so approves, that party will conduct the additional response actions approved by EPA on the approved schedule.
- f. Every five years, beginning five years after EPA's approval of this Plan, GE will determine whether there has been a change in ownership of each dam on the RoR in Connecticut.¹⁰ At any time that there is a change in ownership, and every five years thereafter, GE will provide notice to the dam owner (and, for the initial notice, to the holders of any easements) setting forth: (i) GE's commitment to implement the requirements described in the preceding subsections; (ii) an identification of contact persons for GE, EPA, and CT DEEP; and (iii) a description of the PCB contamination behind the dam, based on the most up-to-date data. Copies of this notice will be sent to EPA, CT DEEP, and other applicable regulatory agencies (i.e., the Federal Energy Regulatory Commission or the Massachusetts Office of Dam Safety, as applicable).

To implement the second set of requirements described above, GE will conduct the following activities:

- g. GE's obligations under these sections will be triggered if there is a catastrophic failure and/or material breach of a dam or dam component on the RoR in Connecticut that results in a release of PCBs that is materially greater than PCB transport over that dam under a normal range of flow conditions, and EPA so notifies GE.
- h. Within 30 days of receiving such notice from EPA, GE will submit a work plan to EPA proposing to repair the dam as needed and proposing a plan to characterize and respond to the PCBs released by the dam failure or breach, if necessary to maintain the Performance

¹⁰ The current owners of the dams on the Rest of River in Connecticut are listed in Table 1 (attached).

Standards and effectiveness of the RoR Remedial Action, which consists of MNR in these reaches, along with a schedule for such response actions.

- i. Upon EPA's approval of the work plan and schedule, GE will implement the response actions described in that work plan in accordance with EPA's approval, including the approved schedule.
- j. As an alternative, in whole or in part, to conducting such repairs and /or additional response actions, GE may request EPA approval for the dam owner or another party to implement some or all of the required repairs or additional response actions. Any such request will identify the party proposed to conduct the repairs and/or response actions, provide a description of the repairs and/or response actions to be conducted by that party, and include a proposed schedule. If EPA so approves, that party will conduct the additional response actions approved by EPA on the approved schedule.

3. Plan Relating to Future Projects or Work in the Housatonic River Floodplain

This section describes GE's plan for implementing the provisions of the Revised Permit relating to future projects or work on properties in the RoR floodplain.

3.1 Projects or Work in Floodplain Exposure Areas in Reaches 5-8

3.1.1 Applicable Requirements

Section II.B.7.b of the Revised Permit includes several provisions governing the performance of response actions to address future projects or work in floodplain areas that have been designated by EPA as Exposure Areas (EAs) in Reaches 5 through 8. Those EAs are listed in Table 1 of the Revised Permit, and the overall properties that include the EAs are shown generally on Figures 3 and 4 of the Revised Permit, although the actual EAs extend horizontally only to the extent of the floodplain (i.e., the 1 mg/kg PCB isopleth in Reaches 5 and 6 and the extent of PCBs in Reaches 7 and 8). Some of these provisions apply as part of a Conditional Solution that GE is required to implement under the Revised Permit after the completion of remedial actions at properties where the owner has declined to execute a Grant of Environmental Restriction and Easement (ERE) or a Notice ERE, and some apply to other properties prior to execution of, or not subject to, an ERE or Notice ERE.

Sections II.B.7.b.(1)(a), (2)(b).i, and (2)(c) require that at certain floodplain EA properties where a Legally Permissible Future Project or Work is planned, GE must conduct response actions to allow such project or work to be conducted in a protective manner that maintains the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action. That requirement applies at any property within a floodplain EA that is not subject to an ERE or a Notice ERE, whether because an ERE offer has not yet been required to be made, or because an ERE or Notice ERE, if required and agreed to, has not yet been recorded, or because the owner has declined to execute an ERE so that the property is subject to a Conditional Solution.¹¹ The requirement also applies to any property interest that has not been subordinated to an ERE or Notice ERE at the property. In such situations, GE's obligation to conduct response actions for a Legally Permissible Future Project or Work includes, as necessary, implementation of engineering controls, actions to ensure the proper excavation, management, and off-site disposal of excavated material, the protection of workers during such activities, and repair or restoration of any disturbed aspect of the RoR Remedial Action.

¹¹ As noted above, the Revised Permit requirements governing GE's obligation to execute or make best efforts to obtain EREs or Notice EREs for floodplain properties and the steps that GE will take to implement those requirements were described in GE's December 14, 2018 ERE Plan, approved by EPA on December 20, 2018.

In addition, Sections II.B.7.b.(1)(b) and (2)(b).ii require that, at any property within a floodplain EA where the owner has declined to execute an ERE (as well as for any property interest that is not subordinated to an ERE), GE must, as part of the Conditional Solution following the implementation of remedial action at the property (if required), conduct additional response actions, if necessary, to be protective of any subsequent change in land use to a different Legally Permissible Future Use.¹² Specifically, in the case of such a change in use, if additional response actions are necessary to achieve and maintain the applicable PCB Performance Standards for Floodplain Soil in Table 3 (General Future Use) and/or Table 4 (Future Agricultural Use) of the Revised Permit, GE must conduct such additional response actions.

Other provisions of Section II.B.7.b.(2) establish several associated requirements for implementing the above provisions. These include:

- Procedures for determining whether additional response actions are necessary for a new Legally Permissible Future Use (Section II.B.7.b.(2)(b).ii);
- Procedures and time requirements for GE to implement additional response actions for a Legally Permissible Future Project or Work or a Legally Permissible Future Use, including a provision that GE may seek EPA approval for another party to implement some or all of these response actions (Section II.B.7.b.(2)(b).iii);
- A requirement for GE to notify the owner of a property covered by the above requirements within 30 days of completion of any response actions at the property, at any time that there is a change in ownership, and every two years after the most recent notification, with such notice to contain: (a) GE's commitments regarding Legally Permissible Future Projects or Work or a Legally Permissible Future Uses (as described above); (b) a recommendation to notify EPA or MassDEP of any soil excavation or disturbance or change in use; (c) identification of contacts for EPA, MassDEP, and GE; and (d) a description of the residual PCB contamination at the property (Section II.B.7.b.(2)(b).iv and (2)(c));
- A requirement for GE to conduct annual inspections and determinations of property ownership of properties subject to Conditional Solutions, along with reporting to EPA and MassDEP (Section II.B.7.b.(2)(b).v); and
- Provisions that any further response actions under any of the above provisions will be in accordance with and pursuant to the CD and consistent with the scope of response actions selected in the Revised Permit, and that GE's responsibility for the costs of such response

¹² A "Legally Permissible Future Use" is defined in the Revised Permit to mean a change in use of the property from the exposure scenario on which the need for remediation was previously based (as specified in Tables 1 or 2 of the Revised Permit) to a different exposure scenario, where the property owner meets the conditions specified in the Revised Permit for a Legally Permissible Future Use, which are essentially the same as those specified for a Legally Permissible Future Project or Work, as defined in the Revised Permit and quoted on page 1 above.

actions will be limited to those costs solely related to the presence of PCBs (Sections II.B.7.b.(2)(b).i, (2)(b).ii.E, (2)(b).iii, and (2)(c)).

3.1.2 Implementation Plan

To implement the requirements described above, GE will conduct the following activities:

- a. GE's obligation to conduct response actions for a Legally Permissible Future Project of Work at the floodplain EAs will apply to:
 - Any property within a floodplain EA at which a Conditional Solution has been implemented, after the remedial action specified by the Revised Permit (if required) has been completed, because the owner has decided not to execute an ERE or Notice ERE;
 - Any property within a floodplain EA at which an ERE offer has not yet been required to be made or at which an ERE or Notice ERE, if required and agreed to, has not yet been executed;
 - Any property within a floodplain EA at which a Conditional Solution will be implemented but the initial remedial action required for such property under the Revised Permit has not yet been performed; and
 - Any property interest at a property subject to an ERE or Notice ERE but which has not been subordinated to the ERE or Notice ERE.
- b. GE's obligation to conduct response actions for a Legally Permissible Future Project or Work at any of the above-listed properties will be triggered if the party that owns or has an interest in the property plans to undertake a project or work at such property and meets the conditions for a Legally Permissible Future Project or Work (as specified in Sections 1 and 2.1.2.a of this Plan).
- c. If the party planning the project or work provides this required documentation and EPA determines that it has satisfied the required conditions and that response actions are necessary for project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, EPA will so notify GE.
- d. Upon receiving such a notice, GE will evaluate whether it is obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit. If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion. If GE agrees that it is obligated to conduct response actions, GE will, within 30 days of receiving such notice (or such other time as is approved by EPA), submit a work plan to EPA to conduct the necessary PCB-related response actions (beyond those specified in the Revised Permit) to allow the project or work to be conducted in a manner that is protective and maintains the

applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action. Such additional response actions will include, as necessary and appropriate, additional sampling and analysis, engineering controls during the project or work and, if the project or work will involve the removal, handling, and/or excavation of sediments or soils, actions to ensure the proper excavation, management, and disposition of such sediments or soils (including off-site disposal if required by applicable laws or regulations) and the protection of workers and other individuals during such activities. They will also include, if applicable, repair or restoration of any disturbed aspect of the RoR Remedial Action. The response actions proposed will be limited to those that are in accordance with the CD, are consistent with the scope of the response actions selected and specified in the Revised Permit, and relate solely to the presence of PCBs. The work plan will also include a schedule for performing the pertinent response actions.

- e. Upon EPA's approval of the work plan and schedule, GE will implement the response actions described in that work plan in accordance with EPA's approval, with any modifications directed by EPA consistent with the limitations specified in the Revised Permit and stated in the prior paragraph, on the approved schedule.
- f. As an alternative, in whole or in part, to conducting such additional response actions, GE may request EPA approval for the party performing the project or work or another party to implement some or all of the required additional response actions. Any such request will identify the party proposed to conduct the response actions, provide a description of the response actions to be conducted by that party to ensure that the project or work is conducted in a protective manner that maintains the applicable Performance Standards for the RoR Remedial Action under the Revised Permit and/or the effectiveness of the RoR Remedial Action, and include a proposed schedule. If EPA so approves, that party will conduct the additional response actions approved by EPA on the approved schedule.
- g. Within 30 days of completion of response actions at a property subject to this section, at any time that there is a change in ownership of such property, and every two years after the most recent notification, GE will provide a notice to the property owner (and, for the initial notice, to the holders of any easements) setting forth the following: (i) GE's commitment regarding Legally Permissible Future Projects or Work (as described above); (ii) a recommendation to notify EPA or MassDEP of any soil excavation or disturbance at the property; (iii) identification of contacts for EPA, MassDEP, and GE; and (iv) a description of the residual PCB contamination at the property. Copies of this notice will be sent to EPA, MassDEP, and other applicable regulatory agencies, if any.

In addition to the foregoing requirements, GE will conduct the following activities at any property within a floodplain EA at which a Conditional Solution has been implemented, after the remedial action specified by the Revised Permit (if required) has been completed, because the owner has

decided not to execute an ERE or Notice ERE (or for any interest at such property that is not subordinated to an ERE):¹³

- h. In the event that there is change in use at the property from the use/exposure scenario specified in Table 1 of the Revised Permit and the property owner (or other party with an interest in the property) demonstrates that the new use meets the conditions for a Legally Permissible Future Use, as defined in the Revised Permit (which are essentially the same as those specified in Sections 1 and 2.1.2.a of this Plan), GE will: (i) determine the appropriate exposure scenario for the new use from Tables 3 and/or 4 of the Revised Permit; (ii) calculate an exposure point concentration (EPC) for PCBs for the appropriate exposure area at the property; (iii) evaluate whether that EPC meets the applicable primary PCB Performance Standard in Table 3 or, for a future agricultural use, the Performance Standard in Table 4 and, if not, whether additional response actions are required in accordance with the procedures in Section II.B.3 of the Revised Permit; and (iv) submit that evaluation to EPA.
- i. If EPA determines that the criteria for a new Legally Permissible Future Use have been met and that additional response actions are necessary, it will so notify GE.
- j. In such a case, within 30 days of such notification, GE will submit a work plan to EPA to conduct the necessary additional response actions, along with a schedule for doing so; and upon EPA approval, GE will conduct those additional response actions.¹⁴ The additional response actions subject to these requirements will be limited to those that: (i) are in accordance with and pursuant to the CD, including, but not limited to, Paragraph 39.a of the CD, and consistent with the scope of the response actions selected and specified in the Revised Permit; and (ii) relate solely to the presence of PCBs.
- k. For any property with a Conditional Solution, the notifications specified in Section 3.1.2.g above will include of GE's commitment regarding Legally Permissible Future Uses, as described above).
- l. Following implementation of a Conditional Solution, GE will, on an annual basis, determine whether there is new ownership of the property and conduct an inspection of such property to determine whether there is visual evidence of: (i) any change in uses that are inconsistent with the exposure scenario basis upon which the Conditional Solution was implemented; (ii) any activities that resulted in the disturbance of 10 cubic yards or more of soil; or (iii) any installation, repair, or replacement of a utility that involved disturbance of soil. Within 30 days

¹³ The following subsections present, for completeness, a description of the additional activities that GE will conduct as part of a Conditional Solution to address future uses and activities at a property. The activities that GE will conduct as part of a Conditional Solution will also be described in detail, after the remedial actions at a given area have been completed, in the Interim and Final Remedial Action Completion Reports covering that area.

¹⁴ As an alternative, in whole or in part, to conducting such additional response actions itself, GE may request EPA approval for another party to implement some or all of the required additional response actions.

of such inspection, GE will submit a report to EPA, with a copy to MassDEP, presenting the results of its determination and inspection.

3.2 Projects or Work in Other Floodplain Areas in Reaches 5-16

3.2.1 Applicable Requirements

Section II.B.7.c of the Revised Permit includes provisions governing the performance of response actions to address future projects or work or future changes in use in areas of the RoR floodplain in Massachusetts outside EAs and in Connecticut. Those provisions apply only to floodplain areas where there are sampling data documenting the presence of Total PCBs at concentrations greater than 1 mg/kg.

Sections II.B.7.c.(1)(a) and (2)(a) require that at any floodplain property (outside an EA) where a Legally Permissible Future Project or Work is planned (including flood management activities, road and infrastructure projects, and installation of canoe and boat launches) and where sampling data show PCB concentrations above 1 mg/kg, GE must conduct response actions to be protective of such project or use. Such response actions are to include, as necessary, sampling and analysis, implementation of engineering controls, actions to ensure the proper excavation, management, and off-site disposal of excavated material, the protection of workers during such activities, and repair or restoration of any disturbed aspect of the RoR Remedial Action. In addition, Sections II.B.7.c.(1)(b) and (2)(b) require that, at any such property where a Legally Permissible Future Project or Work is planned or where there is or will be a new Legally Permissible Future Use, and where sampling data show PCB concentrations above 1 mg/kg, GE must conduct response actions as necessary to achieve the applicable PCB Performance Standards in Tables 3 and/or 4 of the Revised Permit. Section II.B.7.c.(2)(c) specifies procedures for implementing these requirements. It also notes that any further response actions under these provisions will be in accordance with and pursuant to the CD and consistent with the scope of response actions selected in the Revised Permit, and that GE's responsibility for the costs of such response actions will be limited to those costs solely related to the presence of PCBs.

3.2.2 Implementation Plan

To implement these requirements, GE will conduct the following activities:

- a. GE's obligation to conduct response actions for a future project or work at a floodplain property in Reaches 5 through 16 outside an EA will be triggered if the party that owns or has an interest in the property plans to undertake such a project or work and such party provides to EPA and GE (directly or through EPA): (i) sampling data documenting that the soils in the floodplain area that will be affected contain total PCBs at concentrations greater than 1 mg/kg; and (ii) documentation that the project or work meets the conditions for a Legally Permissible Future Project or Work (as specified in Sections 1 and 2.1.2.a of this Plan).

- b. If the party planning the project or work provides this required documentation and EPA determines that it has satisfied the required conditions and that response actions are necessary to be protective of such project or work or may be necessary to achieve the applicable PCB Performance Standards specified in Tables 3 and/or 4 of the Revised Permit, EPA will so notify GE.
- c. Upon receiving such a notice, GE will evaluate whether it is obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit. If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion. If GE agrees that it is obligated to conduct response actions, GE will, within 30 days (or such other time as is approved by EPA), submit a work plan to EPA to conduct the necessary PCB-related response actions (beyond those specified in the Revised Permit) to be protective of the project or work. Such additional response actions will include, as necessary and appropriate, additional sampling and analysis, engineering controls during the project or work and, if the project or work will involve the removal, handling, and/or excavation of sediments or soils, actions to ensure the proper excavation, management, and disposition of such sediments or soils (including off-site disposal if required by applicable laws or regulations) and the protection of workers and other individuals during such activities.
- d. If EPA notifies GE that response actions may be necessary for the future project or work to achieve the applicable PCB Performance Standards specified in Tables 3 and/or 4 of the Revised Permit, GE will conduct an evaluation to assess that issue by: (i) determining the applicable exposure scenario from Tables 3 and/or 4 of the Revised Permit; (ii) calculating a PCB EPC for the appropriate exposure area at the property; and (iii) evaluating whether that EPC meets the applicable primary PCB Performance Standard in Table 3 or, for a future agricultural use, Table 4 and, if not, whether additional response actions are required in accordance with the procedures in Section II.B.3 of the Revised Permit. GE will submit that evaluation to EPA; and if the evaluation indicates that response actions are necessary, GE will submit a work plan to conduct such response actions, along with a schedule for doing so.
- e. In addition to these activities, in the event that the owner of a floodplain property outside an EA provides to EPA and GE (directly or through EPA) (i) notice that it intends to change the current use of the floodplain portion of the property, (ii) sampling data documenting that the soils in that area contain PCBs at concentrations greater than 1 mg/kg, and (iii) documentation that the new use meets the conditions for a Legally Permissible Future Use, as defined in the Revised Permit (which are essentially the same as those described in Section 2.1.2.a of this Plan), EPA will determine whether the applicable criteria have been met and whether response actions may be necessary to achieve the applicable PCB Performance Standards specified in Tables 3 and/or 4 of the Revised Permit.

- f. If, in the case of a submission under Section 3.2.2.e above, EPA determines, and notifies GE, that the applicable criteria have been met and that response actions may be necessary, GE will conduct an evaluation to assess whether response actions are necessary to achieve the applicable PCB Performance Standards set forth in Tables 3 and/or 4 of the Revised Permit for the new use. That evaluation will follow the same steps specified in Section 3.2.2.d above. GE will submit that evaluation to EPA; and if the evaluation indicates that response actions are necessary, GE will submit a work plan to conduct such response actions, along with a schedule for doing so.
- g. Under any of the scenarios described in the foregoing subsections in which response actions are required, the response actions proposed will be limited to those that: (i) are in accordance with and pursuant to the CD, including, but not limited to, Paragraph 39.a of the CD; (ii) are consistent with the scope of the response actions (if any) selected and specified in the Revised Permit; and (iii) relate solely to the presence of PCBs.
- k. Further, under any of the above-described scenarios in which response actions are required, GE will, upon EPA's approval of the submitted work plan and schedule, implement the response actions described in that work plan in accordance with EPA's approval, with any modifications directed by EPA consistent with the limitations specified in the Revised Permit and stated in the prior paragraph, on the approved schedule.¹⁵

¹⁵ As in prior section, as an alternative, in whole or in part, to conducting such additional response actions itself, GE may request EPA approval for another party to implement some or all of the required additional response actions.

4. Schedule

The requirements of the Revised Permit described in this Plan that do not depend on the implementation of the remedial actions described in the Revised Permit are currently in effect. However, the specific provisions presented in this Plan for implementing those requirements will go into effect upon EPA approval of this Plan.

TABLE 1
Ownership of Non-GE-Owned Dams in Rest of River

Dam	Owner
<i>Dams in Massachusetts</i>	
Columbia Mill Dam	Lenox Development, LLC
Willow Mill Dam	Onyx Specialty Papers, Inc.
Glendale Dam	Gravity Renewables, Inc.
<i>Dams in Connecticut</i>	
Falls Village Dam	First Light Power Resources Services, LLC
Bulls Bridge Dam	First Light Power Resources Services, LLC
Bleachery Dam	New Milford, CT
Shapaug Dam	First Light Power Resources Services, LLC
Stevenson Dam	First Light Power Resources Services, LLC
Lake Housatonic Dam	McCallum Enterprises, LLC