

Filed: GE 0000  
 Page: 111  
 Case: 28648

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MASSACHUSETTS  
 WESTERN DIVISION

	)	
UNITED STATES OF AMERICA,	)	CIVIL ACTION NOS.
STATE OF CONNECTICUT, AND	)	99-30225, 99-30226, 99-30227-MAP
COMMONWEALTH OF	)	(Consolidated)
MASSACHUSETTS	)	
Plaintiffs,	)	
	)	
v.	)	<b>SUBMISSION OF AGREED-TO</b>
	)	<b>NON-MATERIAL MODIFICATIONS OF</b>
GENERAL ELECTRIC COMPANY,	)	<b>CONSENT DECREE AND APPENDICES</b>
	)	(No Action Required)
Defendant.	)	
	)	

On October 27, 2000, this Court entered a Consent Decree that resolved the consolidated actions listed above. The actions were filed by the United States, the Commonwealth of Massachusetts and the State of Connecticut (collectively the "governments" or "Plaintiffs") against the General Electric Company ("GE") related to the GE-Pittsfield/Housatonic River Site ("Site"). The City of Pittsfield and the Pittsfield Economic Development Authority ("PEDA") are also parties to the Consent Decree. Pursuant to the Consent Decree, GE is required to perform and/or pay for response actions to remediate contamination at the Site, to reimburse the Plaintiffs certain response costs incurred with respect to the Site, and to take actions to address damages to natural resources.

Pursuant to Paragraphs 215, 216 and 217 of the Consent Decree ("Decree"), the United States hereby submits to the Court the attached First Modification of the Consent Decree ("Modification"), which has been executed by the United States, the Commonwealth of

28648

Massachusetts (the “State”), and GE (the “Modification Parties”). The Modification incorporates six modifications to the Consent Decree and/or to specific Appendices which are incorporated into the Decree. The modifications agreed to herein are non-material and/or represent changes in schedules specified in the Decree for completion of Work, and therefore, are effective upon filing with the Court by the United States pursuant to Paragraphs 215, 216 and 217 of the Decree.

Written notification of the Modification has been provided to the State of Connecticut, the City of Pittsfield and PEDDA. Those parties do not oppose these modifications.

I. Background

The implementation of the Decree since the Court’s entry of the settlement has demonstrated that modification of certain requirements of the Consent Decree, and/or its incorporated Appendices, may lead to a more efficient and successful implementation of the Decree. The modifications are as follows:

A. Inclusion of Additional Property in Decree:

Parcel K10-11-5 is the property identification number for a commercial property in Pittsfield located at 1400 East Street that was not specifically designated as part of the Site under the existing Decree. As part of a potential property sale, Parcel K10-11-5 was investigated for contamination. A report on that investigation indicated the presence of polychlorinated biphenyls (“PCBs”) in soil, as well as the presence of fill material, at Parcel K10-11-5. Further investigation by the Massachusetts Department of Environmental Protection (“MADEP”) indicated that placement of fill material on Parcel K10-11-5 likely occurred in approximately the same time frame (the 1940’s) as when the channel of the Housatonic River (the “River”) was being straightened. The straightening

of the River channel created, *inter alia*, Oxbow Area J, which is located slightly to the west of Parcel K10-11-5 and which is currently being addressed under the Decree as a Former Oxbow Area. Decree, Paragraphs 18, 26; Decree Appendix A-6, Figures 1-2. That being the case, the Modification Parties have agreed that it is appropriate to address the contamination at Parcel K10-11-5 under the authority of the Consent Decree by expanding the boundaries of the Oxbow Area J portion of the Former Oxbow Areas J and K Removal Action Area (“RAA”) and of the Former Oxbow Areas J and K Groundwater Management Area (“GMA 2”) eastward to include that property.

Accordingly, the Modification Parties hereby agree that Parcel K10-11-5 is part of the Former Oxbow Areas J and K RAA and GMA 2 under the Decree, and that all provisions of the Decree with respect to Former Oxbow Areas J and K and/or GMA 2 shall apply fully to Parcel K10-11-5. Attachment 1 to the Modification is a map depicting the revised area of the Former Oxbow Areas J and K RAA (which is co-extensive with GMA 2) with inclusion of Parcel K10-11-5. The Modification Parties also agree that the following listed existing Decree maps shall be read to conform to the changed definition of Former Oxbow Areas J and K as depicted on the revised map found at Attachment 1 to the Modification: Appendix A-1, Figure 1; Appendix A-6, Figure 2; Appendix E, Figures 1-1 and 2-5; and, within Technical Attachment H to Appendix E, “Groundwater/NAPL Monitoring, Assessment, And Response Programs”, Figures H-1, H-7 and H-8.

B. Modification of Peer Review Process:

Pursuant to Paragraph 22 of the Decree, certain documents/activities prepared or conducted by EPA as part of its investigation and evaluation of the Rest of River are subject to peer review by panels of independent experts, in accordance with, *inter alia*, the peer review Protocols found at Appendix J of the Decree.<sup>1</sup> Over the past year, EPA has implemented the first of these peer reviews, with respect to the EPA framework design document for modeling the fate, transport and bioaccumulation of PCBs in the Rest of River. Experience with that peer review process has demonstrated to the Modification Parties the efficacy of modifications to Appendix J.

The revised Appendix J is Attachment 2 to the Modification. The changes from the original Appendix J are set forth in Attachment 3 to the Modification, which is a “redlined” document that compares the text of the revised Appendix J to the text of the original Appendix J. The changes made in the revised Appendix J, other than minor editorial changes, and the rationales for each, are described immediately below.

1. Adding More Time to Peer Review Process:

Under the original Appendix J, the overall peer review process lasted 75 days. Based on the experience of the first peer review session, the Modification Parties have increased the time to 13 weeks (*see* Revised Appendix J, Step 2, 2<sup>nd</sup> bullet). The additional time will allow more time to respond to peer reviewers’ comments (*see*

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<sup>1</sup> The EPA documents/activities subject to peer review include the following: its human health risk assessment, Decree, ¶ 22.c; its ecological risk assessment, Decree, ¶ 22.d; and its modeling of the fate, transport and bioaccumulation of PCBs in the Rest of River, Decree, ¶ 22.h.

Revised Appendix J, Step 2, 3<sup>rd</sup> bullet), and for the peer reviewers to review relevant information (see Revised Appendix J, Step 2, 5<sup>th</sup> bullet, and Step 4, 1<sup>st</sup> bullet).

2. Adding an Additional Presentation Session:

Under the original Appendix J, the Peer Review Panel's first opportunity to hear from EPA in person regarding the topic of the peer review (other than at an Introductory session) was through the Panel's questioning at the actual Peer Review Meeting. Based on the experience of the first peer review, the Modification Parties believe it would be useful to have an additional session prior to the formal Peer Review Meeting, where EPA can make a presentation to the Panel on its document, respond to Panel members' written comments, and provide other clarifications as necessary (the "Presentation Session"). (See Revised Appendix J, Step 2, 4<sup>th</sup> bullet). In the Presentation Session, the Panel is not limited to asking factual questions of EPA, as it is at the actual Peer Review Meeting; however, the Panel is not allowed to begin its deliberations on the topic during the Presentation Session.

3. Modifying the Process for Answering Questions at the Peer Review:

Under the original Appendix J, questions from Panel members during the Peer Review Meeting were presented to the Managing Contractor (a neutral facilitator), who would then caucus with EPA and GE representatives to determine if the question called for a factual answer or sought a clarification. If it was determined that the question called for a factual answer or sought a clarification, the Managing Contractor would provide the response to the Panel. Based on experience at the first Peer Review Meeting, this process was very cumbersome, was unnecessary for the questions that EPA and GE

agreed were factual, and detracted from the desired scientific dialogue. Accordingly, the Modification Parties have modified the Peer Review Meeting procedures as follows: to eliminate the need for a caucus of EPA, GE and the facilitator when EPA and GE agree expeditiously that a question is factual or seeking a clarification; to allow EPA to respond to the Panel directly, and to allow GE, if it does not agree with EPA's response, to state such and provide information regarding the disagreement; and to retain the caucus procedures where discussion is necessary to determine if a question is factual or seeks a clarification. (See Revised Appendix J, Step 3, 3<sup>rd</sup> bullet.)

C. Schedule for Submission of Environmental Restrictions and Easements:

The Decree provides that, for non-GE owned properties within areas subject to Removal Actions Outside the River where the property owners have agreed to Environmental Restrictions and Easements ("EREs") as part of the Removal Action at their properties, the fully executed EREs, along with all supporting documentation, must be submitted as part of the Conceptual Removal Design/Action Work Plan ("Conceptual Work Plan"): See Decree, ¶ 57.a(i). Under this structure, the plans attached to the EREs showing the particular restricted areas (e.g. Soil Cover Area, Enhanced Pavement Area, Engineered Barrier Area, other Ground Covering Feature Area) would have to be completed based on GE's proposed Conceptual Work Plan prior to review of the Conceptual Work Plan by EPA and the State. Then, if, upon its and the State's review, EPA were to require a modification in the location of any particular restricted area, the ERE would have to be revised and re-executed, as would any associated subordination agreements. To address this issue, the parties have agreed to delay the submission of the

executed EREs until 30 days after EPA approval or conditional approval of the Conceptual Work Plan for such Removal Action -- or, for any of the Housatonic River Floodplain Removal Actions (for which Conceptual Work Plans are not required), 30 days after EPA approval or conditional approval of the Removal Design/Action Work Plan - - or at such later time as is approved by EPA (after reasonable opportunity for review and comment by MADEP).

However, the Modification Parties agree that this Modification does not affect EPA's ability following EPA's approval of the Conceptual Work Plan or Removal Design/Action Work Plan to require actions that may necessitate modifications to the EREs and/or associated documentation if necessary.

In addition, the Decree provides, in Paragraph 57.a(iii), that for riverbank portions of non-GE properties within the area subject to the 1 ½ Mile Reach Removal Action (excluding non-accessible banks), executed EREs (if agreed to by the property owners) must be submitted "on a schedule to be determined in connection with the 1 ½ Mile Reach Removal Action, but prior to commencement of on-site construction work." The Modification Parties have agreed that, for some properties along the 1 ½ Mile Reach, it may be more efficient for the EREs to be sought after the commencement of on-site construction work. Accordingly, the Modification Parties agree to eliminate the last clause of Paragraph 57.a(iii) – i.e., "but prior to the commencement of on-site construction work".

D. Schedule for Submission of Pre-Design Investigation Work Plans:

Under Paragraph 18 of the Decree, GE is required, for many of the Removal Actions Outside the River, to submit to EPA and the State a Pre-Design Investigation Work Plan in accordance with a workplan submission schedule found at Attachment A to the Statement of Work for Removal Actions Outside the River (“SOW”), which is Appendix E to the Decree. Based on the Modification Parties’ experience with respect to the Pre-Design Investigation Work Plans submitted to date by GE, as well as a review of the schedule for submission of initial work plans in Attachment A to the SOW, the Modification Parties have agreed to modify Attachment A to the SOW.

Currently, Attachment A to the SOW provides that a number of initial work plans are to be submitted on the same date. For example, three initial work plans are due 18 months from Decree entry, and two initial work plans are due 24 months from entry. Over the period of implementing the Decree to date, the parties have found that implementation is more efficient and effective when, if possible, multiple complex technical documents are not being prepared by GE, or reviewed by EPA, on identical timeframes. That being the case, the Modification Parties have agreed to “stagger” the submission dates for particular initial work plan submittals, so as to reduce the potential for such uneven workload periods for document preparation and review. The staggering of submission dates slightly delays the submission of particular initial work plans; however, at the same time, it expedites submission of other initial work plans. In any event, the difference in the submission deadline for any particular initial work plan in no case exceeds five weeks.

The Modification Parties have also agreed that two previously separate initial work plans will be combined into one submission for efficiency purposes. In the original Attachment A to the SOW, for the floodplain properties adjacent to the 1 ½ Mile Reach, the initial work plans for residential and non-residential properties were to be separate, and to be submitted two months apart. Since entry of the Decree, the Modification Parties have reconsidered this issue, and believe it would be more efficient to have one initial work plan covering both residential and non-residential floodplain properties adjacent to the 1 ½ Mile Reach. Accordingly, the Modification Parties have agreed to revise Attachment A to the SOW so that the date for submission of the combined initial work plan is roughly halfway between the original submission dates for the two separate initial work plans.

Accordingly, the Modification Parties have agreed to replace the existing Attachment A to the SOW with a revised Attachment A to the SOW, which is included as Attachment 4 to the Modification.

E. Addendum to Upper ½ Mile Reach Removal Action Work Plan:

Paragraph 20 of the Decree requires GE to implement the Upper ½ Mile Reach Removal Action within and on the banks of the River in accordance with the Upper ½ Mile Reach Removal Action Work Plan (“Upper ½ Mile Work Plan”), which is Appendix F to the Decree. Subsequent to EPA’s August 1999 conditional approval of the Upper ½ Mile Work Plan, circumstances dictated the need for one figure from the Upper ½ Mile Work Plan to be revised, and one figure to be added.

More specifically, the Revised Figure 4-4 delineates, in plan view, the required location of a permanent, impermeable sheetpile wall along the river bank of the Upper ½ Mile Reach adjacent to the Lyman Street Area. The purpose of this sheetpile wall is to mitigate the release of PCB-contaminated non-aqueous phase liquid (“NAPL”) into the River. Revised Figure 4-4 also identifies the locations of six cross-sections along this sheetpile wall. The new Figure 7-1D details the minimum amount of bank soil excavation and the required riverbank restoration for each of the six cross-sections identified in Revised Figure 4-4.

Accordingly, the Modification Parties have agreed on the following:

- a. Revised Figure 4-4, which is Attachment 5 to the Modification, is included as an enforceable addendum to the Upper ½ Mile Work Plan, replacing the existing Figure 4-4; and
- b. Figure 7-1D, which is Attachment 6 to this Modification, is included as an enforceable addendum to the Upper ½ Mile Work Plan.

F. Location For Payments to State:

Pursuant to Paragraph 94.d(iii), GE must forward payments of State Oversight Costs, and State Interim and Future Response Costs, to Chief, Environmental Protection Division, Office of Attorney General (“OAG”), unless otherwise instructed by the State. The Modification Parties agree that Paragraph 94.d(iii) shall be modified by changing the location to where GE sends payment of such costs. Therefore, Paragraph 94.d(iii) shall be modified by striking the second and third sentences, and replacing them with the following:

“Settling Defendant shall forward the checks for payment of State Oversight Costs, State Interim Response Costs, and Massachusetts Future Response Costs, to:

Department of Environmental Protection  
ATTN: Cost Recovery Chief – BWSC  
Commonwealth Master Lockbox  
P.O. Box 3584  
Boston, MA 02241-3584.

Copies of such checks, and original checks for payment of Massachusetts Trustee Oversight Costs and Massachusetts Trustee Future Response Costs, shall be mailed to:

Chief, Environmental Protection Division  
Office of the Attorney General  
200 Portland Street  
Boston, MA 02114.”

II. Consent Decree Requirements Regarding Modifications

Section XXXVII of the Decree provides for modifications under the Decree. Within that Section, Paragraph 215 governs modifications to schedules specified in the Decree, Paragraph 216 governs modifications to the SOW, the Upper ½ Mile Reach Removal Action Work Plan, or the Rest of River SOW, and Paragraph 217 addresses modifications to the Decree, not including modification to the SOW, the Upper ½ Mile Work Plan, or the Rest of River SOW.

The United States submits the attached Modification pursuant to Paragraphs 215, 216 and 217, as it includes modifications to documents referenced in all three Paragraphs. The Modification Parties believe that all of these modifications are non-material. Pursuant to

Paragraph 215, schedules specified in the Decree for completion of the Work may be modified by agreement of GE and EPA, after reasonable opportunity for review and comment by the State. Non-material modifications of the SOW pursuant to Paragraph 216 require the approval of GE and the United States, after reasonable opportunity for review and comment by the State, while non-material modifications of the Decree pursuant to Paragraph 217 require the approval of GE, the United States and the State (as well as the State of Connecticut for modifications to the Performance Standards). Here, GE, the United States, and the State have approved all six of the non-material modifications, regardless of whether they fall under Paragraph 215, 216 or 217. These modifications to Decree schedules and non-material modifications to the Decree, the Upper ½ Mile Work Plan or the SOW, *inter alia*, are effective upon filing with the Court by the United States.

### III. Conclusion

For the reasons stated in this submittal and the attached non-material Modification, the United States is hereby submitting the Modification to the Court. As provided in Paragraphs 215, 216 and 217 of the Decree, the Modification is effective upon filing with the Court and does not require Court approval.

Respectfully submitted,

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Environment and Natural Resources  
Division

By:



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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2002, I caused copies of the foregoing document and the attachment thereto to be served, by first class mail, on the following:

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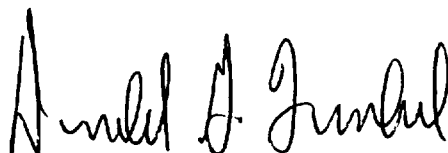
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
	)	
UNITED STATES OF AMERICA, <u>et al</u>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action Nos.
	)	99-30225, 99-30226,
	)	and 99-30227-MAP
	)	(consolidated)
GENERAL ELECTRIC COMPANY,	)	
	)	
Defendant.	)	<b>FIRST MODIFICATION</b>
_____	)	<b>OF CONSENT DECREE</b>

WHEREAS, on October 27, 2000, the Court entered a Consent Decree (“Decree”) in this action among the United States, the Commonwealth of Massachusetts (the “State”), the State of Connecticut, the City of Pittsfield, the Pittsfield Economic Development Authority (“PEDA”), and the General Electric Company (“GE”) relating to the GE-Pittsfield/Housatonic River Site (“Site”). Pursuant to the Decree (and without admitting liability), GE is required to perform and/or pay for response actions to remediate contamination at the Site, to reimburse the United States, the State, and Connecticut certain response costs incurred with respect to the Site, and to take actions to address alleged damages to natural resources;

WHEREAS, in order to facilitate prompt and effective implementation of the obligations under the Decree, the United States, the State, and GE (the “Modification Parties”) have agreed to certain modifications of the Decree, and related Decree appendices incorporated therein, as set forth below;

WHEREAS, pursuant to Paragraphs 215, 216 and 217 of the Decree, each of the modifications set forth below is either a modification to a schedule specified in the Decree for completion of the Work, and/or a non-material modification. Therefore, the modifications set forth below are effective upon filing with the Court by the United States.

NOW, THEREFORE, the Decree, including its appendices, is hereby modified as follows:

1. Inclusion of Additional Property in Decree:

Parcel K10-11-5 is a commercial property in Pittsfield, which is located to the east of Former Oxbow Area J (as defined in the Decree). Parcel K10-11-5 has been investigated for contamination. A report on that investigation indicated the presence of polychlorinated biphenyls ("PCBs") in the soil, as well as the presence of fill material, at this property.

Accordingly, the Modification Parties hereby agree that the boundaries of the Former Oxbow J portion of the Former Oxbow Area J and K Removal Action Area ("RAA") and of the Former Oxbow Area J and K Groundwater Management Area ("GMA 2") under the Decree are expanded eastward to include Parcel K10-11-5, so that that parcel is part of the Former Oxbow Areas J and K RAA and GMA 2. The Modification Parties further agree that all provisions of the Decree with respect to Former Oxbow Areas J and K and/or GMA 2 shall apply fully to Parcel K10-11-5. Attachment 1 to this Modification is a map depicting the revised area of the Former Oxbow Areas J and K RAA (which is coextensive with GMA 2) with inclusion of Parcel K10-11-5. Moreover, the Modification Parties agree that the following listed existing Decree maps shall be read to conform to the changed definition of Former Oxbow Areas J and K as depicted in the revised map found at Attachment 1: Appendix A-1, Figure 1; Appendix A-6,

Figure 2; Appendix E, Figures 1-1 and 2-5; and, within Technical Attachment H to Appendix E, “Groundwater/NAPL Monitoring, Assessment, And Response Programs”, Figures H-1, H-7 and H-8.

2. Modification of Peer Review Process:

Pursuant to Paragraph 22 of the Decree, certain documents/activities prepared or conducted by EPA as part of its investigation and evaluation of the Rest of River are subject to peer review by panels of independent experts, in accordance with, *inter alia*, peer review Protocols found at Appendix J of the Decree.<sup>1</sup> Over the past year, EPA has implemented the first of these peer reviews, with respect to the EPA framework design document for modeling the fate, transport and bioaccumulation of PCBs in the Rest of River. Experience with that peer review process has demonstrated the efficacy of modifications to Appendix J.

Accordingly, the Modification Parties agree that Appendix J of the Consent Decree is hereby modified by replacing the existing Appendix J with the revised Appendix J which is Attachment 2 to this Modification. Attachment 3 to this Modification is a redline showing the changes being made to Appendix J.

3. Schedule for Submission of Environmental Restrictions and Easements:

For non-GE owned properties within areas subject to Removal Actions Outside the River, where the property owners have agreed to Grants of Environmental Restrictions and Easements (“EREs”) as part of the Removal Action at their properties, Paragraph 57.a(i) of the Decree requires that the fully executed EREs, along with all supporting documentation (including any

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<sup>1/</sup> The EPA documents/activities subject to peer review include the following: its human health risk assessment, Decree, ¶ 22.c; its ecological risk assessment, Decree, ¶ 22.d; and its modeling of the fate, transport and bioaccumulation of PCBs in the Rest of River, Decree, ¶ 22.h.

necessary subordination agreements), be submitted as part of the Conceptual Removal Design/Action Work Plan (“Conceptual Work Plan”) for the Removal Action in question.

To avoid the possible need for revision of such EREs after review by EPA and the State of the Conceptual Work Plan, the Modification Parties agree that Paragraph 57.a(i) of the Decree is hereby modified by replacing the existing language with the following:

“(i) For Non-Settling Defendant Property within each area subject to a Removal Action Outside the River, within 30 days after EPA approval or conditional approval of the Conceptual Removal Design/Action Work Plan for such Removal Action (or, for any of the Housatonic River Floodplain Removal Actions, within 30 days after EPA approval or conditional approval of the Removal Design/Action Work Plan for such Removal Action) or at such later time as is approved by EPA (after reasonable opportunity for review and comment by MADEP);”.

In addition, to facilitate the requests for and (if the property owners agree) the execution of EREs for properties adjacent to the 1 ½ Mile Reach, the Modification Parties agree that Paragraph 57.a(iii) of the Decree is hereby modified by replacing the existing language with the following:

“(iii) For the riverbank portions of Non-Settling Defendant Property within the area subject to the 1 ½ Mile Reach Removal Action, excluding any non-accessible riverbank portions of such property, on a schedule to be determined in connection with the 1 ½ Mile Reach Removal Action;”.

4. Schedule for Submission of Initial Removal Design/Action Work Plans:

Paragraph 18 of the Decree requires GE, for many of the Removal Actions Outside the River, to submit to EPA and the State Pre-Design Investigation Work Plans in accordance with the schedule in Attachment A to the Statement of Work for Removal Actions Outside the River (“SOW”), which is Appendix E to the Decree. To promote efficiency, the Modification Parties agree that Attachment A to the SOW is hereby modified by replacing the existing Attachment A with the revised Attachment A, which is included as Attachment 4 to this Modification.

5. Addendum to Upper ½ Mile Reach Removal Action Work Plan:

Paragraph 20 of the Decree requires GE to implement the Upper ½ Mile Reach Removal Action in accordance with the Upper ½ Mile Reach Removal Action Work Plan (“Upper ½ Mile Work Plan”), which is Appendix F to the Decree. Subsequent to EPA’s August 1999 conditional approval of the Upper ½ Mile Work Plan, circumstances dictated the need for one figure from the Upper ½ Mile Work Plan to be replaced, and one additional figure to be added. Accordingly, the Modification Parties agree that the Upper ½ Mile Work Plan is hereby modified by:

- a. Including Revised Figure 4-4, which is Attachment 5 to this Modification, as an enforceable addendum to the Upper ½ Mile Work Plan, replacing the existing Figure 4-4; and
- b. Including Figure 7-1D, which is Attachment 6 to this Modification, as an enforceable addendum to the Upper ½ Mile Work Plan.

6. Location For Payments to State:

Pursuant to Paragraph 94.d(iii), GE must forward payments of State Oversight Costs, and

State Interim and Future Response Costs, to Chief, Environmental Protection Division, Office of Attorney General (“OAG”), unless otherwise instructed by the State. The Modification Parties agree that Paragraph 94.d(iii) shall be modified by changing the location to where GE sends payment of such costs. Therefore, Paragraph 94.d(iii) shall be modified by striking the second and third sentences, and replacing them with the following:

“Settling Defendant shall forward the checks for payment of State Oversight Costs, State Interim Response Costs, and Massachusetts Future Response Costs, to:

Department of Environmental Protection  
ATTN: Cost Recovery Chief – BWSC  
Commonwealth Master Lockbox  
P.O. Box 3584  
Boston, MA 02241-3584.

Copies of such checks, and original checks for payment of Massachusetts Trustee

Oversight Costs and Massachusetts Trustee Future Response Costs, shall be mailed to:

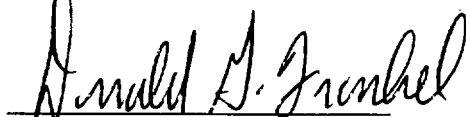
Chief, Environmental Protection Division  
Office of the Attorney General  
200 Portland Street  
Boston, MA 02114.”

THE UNDERSIGNED PARTY enters into this First Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

UNITED STATES OF AMERICA

Thomas L. Sansonetti  
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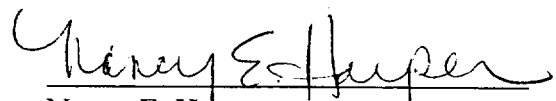
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Karen L. Goodwin  
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(413) 785-0235

THE UNDERSIGNED PARTY enters into this First Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

COMMONWEALTH OF MASSACHUSETTS

2/5/02  
Date



Nancy E. Harper  
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Environmental Protection Division  
200 Portland Street, 3<sup>rd</sup> Floor  
Boston, MA 02114  
(617) 727-2200

THE UNDERSIGNED PARTY enters into this First Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

GENERAL ELECTRIC COMPANY

01/29/02

Date

By: Michael T. Carroll

Michael T. Carroll  
Manager, Pittsfield Remediation Programs  
General Electric Company  
Corporate Environmental Programs  
100 Woodlawn Ave.  
Pittsfield, MA 01201  
(413) 494-3500

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
STATE OF CONNECTICUT, AND	)	CIVIL ACTION NOS.
COMMONWEALTH OF	)	99-30225, 99-30226, 99-30227-MAP
MASSACHUSETTS	)	(Consolidated)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	<b>NOTICE OF APPEARANCE</b>
GENERAL ELECTRIC COMPANY,	)	
	)	
Defendant.	)	

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Please take notice that the undersigned, Donald G. Frankel, is entering an appearance on behalf of the United States in the above-captioned action in addition to the other counsel of record for the United States.

Respectfully submitted,  
  
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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2002, I caused copies of the foregoing document and the attachment thereto to be served, by first class mail, on the following:

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