

**MASSACHUSETTS SUBCOUNCIL**  
*of the*  
**HOUSATONIC RIVER TRUSTEE COUNCIL**

United States, et al., v. General Electric Company,  
Civil Action Nos. 99-30225-MAP; 99-30226-MAP; and 99-30227-MAP (D. Mass.)

**RESOLUTION # 28**

*Release of \$75,600 to Massachusetts Executive Office of Energy & Environmental Affairs  
for Restoration*

1. *Whereas*, the United States Department of Commerce, acting by and through the National Oceanic and Atmospheric Administration ("NOAA"), the Commonwealth of Massachusetts, acting by and through its Executive Office of Energy and Environmental Affairs ("EEA") and administered by its Massachusetts Department of Environmental Protection (MassDEP), the State of Connecticut, acting by and through its Department of Environmental Protection ("CTDEP"), the United States Department of the Interior ("DOI"), acting by and through the United States Fish and Wildlife Service ("USFWS"), are the four Natural Resource Trustee agencies ("Trustees") responsible for restoration in the Housatonic River Environment with respect to the above-referenced case;
2. *Whereas*, the Trustees have entered into a Memorandum of Agreement ("MOA") effective January 30, 2002, to coordinate activities for the above-referenced case; and pursuant to Section VII Paragraph B (1) of the MOA, a Trustee SubCouncil for the Geographic Region of Massachusetts ("MA SubCouncil") has been established and subsequently revised pursuant to MA SubCouncil Resolution #4 to consist of two voting members from the Commonwealth Trustee and the Federal Trustee agencies, EEA and USFWS, and non-voting Ex Officio Delegates;
3. *Whereas*, the sums recovered for the restoration activities, in the civil action referred to above, are being held in the Natural Resource Damages Assessment and Restoration (NRDAR) Fund, Account #0251 (Housatonic River - MA Restoration), administered by the DOI and jointly managed by the MA SubCouncil; and
4. *Whereas*, the DOI/USFWS and EEA have approved the "Final Round 1 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)", September 10, 2007, as prepared by Woodlot Alternatives, Inc. for the MA SubCouncil, and the MA SubCouncil has authorized the EEA to conduct the contracting necessary for the implementation of such projects in the amount of \$4,000,000.00;
6. *NOW, THEREFORE, BE IT RESOLVED*, after a thorough review of the proposed uses for such sums, the MA SubCouncil authorizes the release of funds from the DOI NRDAR Account #0251 (Housatonic River - MA Restoration) to the EEA for continued implementation of Round 1 Restoration Projects as approved by the MA SubCouncil in the Final RP/SEA. These funds shall be transferred and allocated as follows at this time:
  - **\$75,600 to the MA NRD Trust Account # 2200-2676.** Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Year 2012" restoration. These funds will be transferred and allocated to the MA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Acting Director of Budgetary Affairs.

CONCURRED IN by the following who are duly authorized:

**MASSACHUSETTS SUBCOUNCIL  
of the  
HOUSATONIC RIVER TRUSTEE COUNCIL**


United States, et al., v. General Electric Company,  
Civil Action Nos. 99-30225-MAP; 99-30226-MAP; and 99-30227-MAP (D. Mass.)

**RESOLUTION # 28**

Release of \$75,600 to Massachusetts Executive Office of Energy & Environmental Affairs  
for Restoration

FOR THE COMMONWEALTH OF MASSACHUSETTS

5/21/2012



Date

Karen I. Pelto  
MA SubCouncil Trustee Representative  
Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, MA 02114

MASSACHUSETTS SUBCOUNCIL  
of the  
HOUSATONIC RIVER TRUSTEE COUNCIL

United States, et al., v. General Electric Company,  
Civil Action Nos. 99-30225-MAP; 99-30226-MAP; and 99-30227-MAP (D. Mass.)

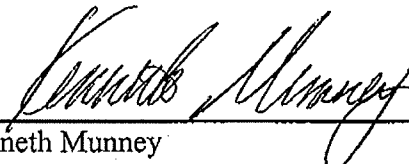
RESOLUTION # 28

Release of \$75,600 to Massachusetts Executive Office of Energy & Environmental Affairs  
for Restoration

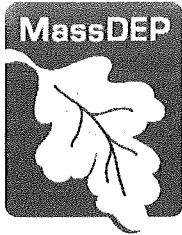
FOR THE U.S. DEPARTMENT OF THE INTERIOR

5/18/12

Date



Kenneth Munney  
MA SubCouncil Trustee Representative  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

### MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$ 75,600**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #28: Release of Funds to EEA/MassDEP for Restoration*

DATE: May 17, 2012

As Lead Administrative Trustee for the GE/Housatonic River NRD case, I am requesting a disbursement from the DOI NRDAR Massachusetts Restoration Account (Project # 0251) for the purpose of funding a restoration project approved by the MA SubCouncil in the "Final Round 1 Restoration Plan & Supplemental Environmental Assessment" (RP/EA) developed by the MASubCouncil for the GE/Housatonic River Trustees.

The MA SubCouncil has authorized the Commonwealth to conduct the contracting necessary for the implementation of such projects in the amount of \$4,000,000 (Round 1). Designated by the Governor, the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) is the Commonwealth's natural resources Trustee. Within EEA, the Mass Department of Environmental Protection (MassDEP) administers the NRD Program.

I am requesting a disbursement of funds for the following restoration projects for expenses in state fiscal years 2012 and 2013 totaling **\$75,600**:

Resolutions # 24 and #27 authorized transfers of funds in the amounts of \$121,225 and \$8,448 to Account #2200-2676 for the following project:

- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council

Resolution # 27 authorized an additional \$8,448 to cover the BNRC's cost of providing planning, permitting, and oversight of the removal of debris on the site (e.g. metal, wood, concrete) that was discovered during due diligence activities conducted per EEA Land Acquisition Policies. The debris removal will be conducted by a contractor operating under MassDEP's IRA/SS master service agreement, Maxymillian Technologies, and Resolution # 28 authorizes a disbursement to fund the removal costs.

The range of costs for debris removal is between \$48,000 and \$72,000 for labor, equipment, and disposal costs, depending upon the number of weeks the project takes to complete and the amount of debris removed. As there are some unknowns relative to the extent of buried debris in some areas on the parcel, we are requesting a disbursement based on the upper end of the estimate, plus a 5% contingency, or \$75,600.

These funds will be transferred and will be allocated in accordance with the RP/EA and contracted Scopes of Work.

The Funds should be made payable as follows:

- **\$75,600 to the MA NRD Trust Account # 2200-2676.** Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Years 2012 and 2013" restoration. These funds will be transferred and allocated to the MA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Acting Director of Budgetary Affairs.

If you have any questions regarding this matter, please do not hesitate to contact me at 617-292-5785.

Cc: Kenneth Munney, USFWS