

**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 # 37**

Release of Funds in the amount of \$3,987.17  
for MassDEP  
Restoration Planning Activities

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") as administered by its 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) and Resolution #4 to the MOA, a Trustee SubCouncil for the Geographic Region of Massachusetts ("MA SubCouncil") has been established, consisting of two voting members from the Mass. 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 EEA requests that the MA SubCouncil authorize the release of \$3,987.17 from the DOI NRDAR Account #0251 (Housatonic River - MA Restoration) to support the MassDEP's participation in MA SubCouncil activities from July 1, 2013 through June 30, 2014;
5. **NOW, THEREFORE, BE IT RESOLVED**, that, after a thorough review of the proposed uses for such sums, the MA SubCouncil authorizes the release of funds in the amount of \$3,987.17 from the DOI NRDAR Account #0251 (Housatonic River - MA Restoration) to the MassDEP to support the MassDEPs' participation in the restoration planning activities of the MA SubCouncil. These funds will be transferred and allocated to the EEA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Director of Budgetary and Legislative Affairs.

CONCURRED IN by the following who are duly authorized:

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FOR THE COMMONWEALTH OF MASSACHUSETTS

4/13/15

Date

Karen I. Pelto

Karen I. Pelto  
MA SubCouncil Trustee Representative  
Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6th Floor  
Boston, MA 02108

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

4/13/15

Date

Molly Spurduto

Active Molly Spurduto  
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

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Charles D. Baker  
Governor

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Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

### MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$3,987.17**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #37: Release of Funds for MassDEP*

DATE: March 6, 2015

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 reimbursing the Commonwealth of Massachusetts restoration planning and oversight costs. The Massachusetts Department of Environmental Protection seeks reimbursement for GE-Housatonic restoration activities for the time period from July 1, 2013 through June 30, 2014 as specified in Resolution # 37 and discussed below.

**TOTAL = \$3,987.17**

MassDEP costs for State Fiscal Year 2014 were comprised of salary, travel, fringe and indirect costs for one Commonwealth employee.

#### **Salary**

Salary costs are those costs incurred through the Commonwealth's participation in GE-Housatonic restoration activities. Fringe, payroll tax, and indirect cost rates for MassDEP have been applied and are included in the total cost shown in the table below. Fringe benefit rates are calculated annually by the Massachusetts Office of the Comptroller and approved by the U.S. Department of Health and Human Services. Indirect costs are the sum of department overhead costs, as determined in the Indirect Cost Rate Calculation prepared by the Comptroller and the department's allocated share of statewide costs as set out in the Statewide Cost Allocation Plan. The assessment of fringe benefits on Federal funds is mandated by section 6B of Chapter 29 of the Massachusetts General Laws. Section 5D of the same law extends that assessment to all

other funds of the Commonwealth except the General Fund. Indirect costs are assessed against all federal, non-budgeted special revenue, and trust fund accounts unless an explicit exemption applies.

### **Travel**

Travel costs are actual costs incurred by MassDEP representatives for attendance at meetings of the Trustee Council, its subcommittees, or related MA SubCouncil activities, such as site visits and inspections.

### **Reconciliation of FY12 and FY13 Costs**

MassDEP costs for State Fiscal Years 2012 and 2013 were reimbursed through Resolutions # 30 (\$13,819.51) and # 34 (\$6,043.74).

The FY12 amount has been revised to \$13,185.29 due to the following:

- a fringe rate of 31.82% was used and the final approved fringe rate was 32.98%, a payroll tax rate of 1.91% was used and the final approved payroll tax rate was 1.94%;
- indirect rates were applied to salary + fringe + payroll tax amounts and have been applied only to salary + fringe amounts

The FY13 amount has been revised to \$5,201.40 due to the following:

- fringe and indirect charges were applied to the attorney advisor and have been removed from the calculation
- indirect rates were applied to salary + fringe + payroll tax amounts and have been applied only to salary + fringe amounts
- an indirect rate of 32.76% had been applied and has been revised to 12.12% (comptroller indirect rate only)<sup>1</sup>

### **FY14 Request**

MassDEP costs for FY14 total \$5,463.73. However, the amount requested through Resolution # 37 has subtracted \$1,476.56 from this total to reflect the above reconciliation of FY12 and FY13 costs, resulting in a request of \$3,987.17

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<sup>1</sup> Indirect rates were correctly applied in the FY12 calculations.