

**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 # 38**

Release of \$127,463 to Massachusetts Department of Environmental Protection from the U.S. DOI Account #0251 for MA SubCouncil Restoration Planning, Implementation, Monitoring and Oversight Support 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 Energy and Environmental Protection (“CTDEEP”), 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 Massachusetts 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;
4. *Whereas*, the MA SubCouncil has approved the “Final Round 1 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, September 10, 2007, the “Final Round 2 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, June 14, 2011, and the “Final Round 3 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, May 7, 2013, and are currently implementing, monitoring, and overseeing Rounds 1, 2 and 3 restoration projects;
5. *Whereas*, GE agreed in the Consent Decree to undertake certain natural resource restoration and enhancement activities at a number of areas at the Site, and the MA SubCouncil is charged with overseeing these activities as defined in Paragraph 118 of the October 2000 Consent Decree;

6. *Whereas*, the MA SubCouncil has engaged a consulting firm to assist with Round 1, 2, and 3 restoration activities, and oversight of removal-associated restoration, as described in the *Work and Cost Plan: General Electric/Housatonic River Natural Resource Restoration: Assistance to the Massachusetts SubCouncil for Round 4 Restoration Planning; Implementation, Oversight, and Monitoring of Rounds 1, 2, 3, and 4; Oversight of Removal-Associated Restoration Work* attached hereto;

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 MassDEP and use of oversight funds from the MA NRD Trust Account 2200-2676 for the sole purpose of partially funding the Restoration Coordinator Work and Cost Plan that the MassDEP will manage on behalf of the MA SubCouncil. The remaining funds (\$45,655) will come from the MA NRD Trust. Funds are to be used to support the restoration support activities through state fiscal year 2016 as described in the attached memorandum. These funds shall be transferred and/or allocated as follows at this time:

- **\$127,463 to the MA NRD Trust Account # 2200-2676.** These funds will be transferred from the DOI NRDAR Account #0251 and allocated to the MA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Director of Budgetary and Legislative Affairs.
- **\$45,655 to be expended from the MA NRD Trust Account # 2200-2676.** These funds were deposited into the MA NRD Trust Account pursuant to Paragraph 98f of the Consent Decree for Massachusetts Trustee Oversight Costs.

CONCURRED IN by the following who are duly authorized:

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for MA SubCouncil Restoration Planning, Monitoring and Oversight Support Activities*

FOR THE COMMONWEALTH OF MASSACHUSETTS

6/10/15

Date



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

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

6/10/15  
Date

Molly Sperdulo  
Molly Sperdulo  
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

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

### MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, U.S. DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$127,463**  
**MA NRD Trust Expenditure: \$45,655**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
Resolution # 38: Release and use of funds for MA SubCouncil Restoration  
Planning, Implementation, Monitoring and Oversight Support Activities

DATE: June 9, 2015

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As Lead Administrative Trustee for the MA SubCouncil of the Housatonic River Trustee Council, I am requesting a disbursement of \$127,463 from the DOI NRDAR Massachusetts Restoration Account (Project # 0251) to the MA NRD Trust Account # 2200-2676 for the purpose of partially funding the Restoration Coordinator Work and Cost Plan that the MassDEP will manage on behalf of the MA SubCouncil. The remaining funds (\$45,655) will come from the MA NRD Trust from funds deposited pursuant to Paragraph 98f of the Consent Decree for Massachusetts Trustee Oversight Costs.

Tasks to be performed in this Work and Cost Plan through state fiscal year 2016 include:

*Restoration Planning, Implementation, and Monitoring*

Task A: Management and oversight of Round 3 (SubRounds 1 and 2) Restoration Implementation (\$34,136)

Task B: Evaluation of Rounds 1 and 2 Restoration Projects (\$58,387)

Task D: Technical Assistance for Rounds 1, 2, 3 and 4 Habitat Restoration Project Implementation (\$8,134)

Task E: Restoration Planning Administration (50% of \$53,612, or \$26,806)  
*Removal-Associated Restoration Oversight*

Task F: Oversight of Removal-Associated Restoration Work (75% of \$54,650, or \$40.987)

- Upper ½ Mile Reach of the Housatonic River
- Upper 1½ Mile Reach of the Housatonic River
- Silver Lake
- Unkamet Brook Area
- East Street Area 2-South
- Hill 78 Consolidation Area
- Newell Street Parking Lot
- Lyman Street Parking Lot
- Former Oxbows A and C (or Off-Site Restoration Area)

Task H: Other Removal-Associated Restoration Work (50% of \$9,336, or \$4,668)

- Dam Integrity Studies

TOTAL FUNDED: \$173,118