

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 # 27

Release of \$30,701.19 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;
5. *Whereas*, the DOI/USFWS and EEA have approved the “Final Round 2 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, June 14, 2011, as prepared by Stantec Consulting, Inc. for the MA SubCouncil, and the MA SubCouncil has authorized the EEA, through its MassDEP, to conduct the contracting necessary for the implementation of such projects in the amount of \$1,300,000.00;
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 and Round 2 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:
 - **\$30,701.19 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

**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 # 27

Release of \$30,701.19 to Massachusetts Executive Office of Energy & Environmental Affairs
for Restoration

FOR THE COMMONWEALTH OF MASSACHUSETTS

4/27/2012

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 02114

MASSACHUSETTS SUBCOUNCIL
of the
HOUSATONIC RIVER TRUSTEE COUNCIL

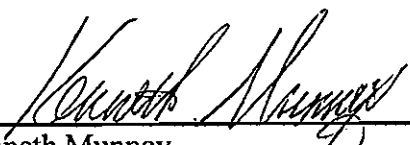
United States, et al., v. General Electric Company,
Civil Action Nos. 99-30225-MAP; 99-30226-MAP; and 99-30227-MAP (D. Mass.)

RESOLUTION # 27

Release of \$30,701.19 to Massachusetts Executive Office of Energy & Environmental Affairs
for Restoration

FOR THE U.S. DEPARTMENT OF THE INTERIOR

4/26/12
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

RICHARD K. SULLIVAN JR.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$ 30,701.19**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
Resolution #27: Release of Funds to EEA/MassDEP for Restoration

DATE: April 20, 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 restoration projects approved by the MA SubCouncil in the "Final Round 1 Restoration Plan & Supplemental Environmental Assessment" and "Final Round 2 Restoration Plan & Supplemental Environmental Assessment" (RP/EAs) 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 amounts of \$4,000,000 (Round 1) and \$1,300,000 (Round 2). 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. In FY12, MassDEP established MA NRD Trust Account # 2200-2676. Funds previously transferred to MA NRD Trust Account # 2000-6020 and administered by EEA will be transferred to MassDEP.

I am requesting a disbursement of funds for the following restoration projects for expenses in state fiscal year 2012 totaling **\$30,701.19**:

\$22,253.19

From FY08 through FY12, a total of \$2,155,911.05 was transferred to Account # 2000-6020 and a total of \$2,226,258.59 has been expended on Round 1 and 2 Housatonic restoration projects from that Account, resulting in a negative balance of \$70,347.54. However, in FY11, \$71,789 was transferred to Account # 2200-2676 for a Round 1 project where the expenses were actually paid out of Account # 2000-6020. Reconciling the two accounts results in a positive balance of \$1,441.46.

There is one Round 1 project for which FY12 expenses have not yet been transferred:

- Berkshire Conservation Agent Program/Berkshire Regional Planning Commission (\$26,500.05)

However, only \$22,253.19 needs to be transferred to Account # 2200-2676 due to:

- invoice in the amount of \$2,805.40 previously paid out of Account # 2000-6020 and accounted for above
- \$1,441.46 positive balance transfers from Account # 2000-6020

\$8,448

Resolution # 24 authorized a transfer of funds to Account #2200-2676 for the following project:

- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council (\$121,225)

However, due diligence activities conducted per EEA Land Acquisition Policies discovered debris on the site that requires removal (e.g. metal, wood, concrete) from wetland and upland habitats. The Scope of Work for BNRC has been amended to include planning, permitting, and oversight of the debris removal. (The debris removal will be conducted by a contractor operating under MassDEP's IRA/SS master service agreement and these funds will be the focus of a separate Resolution.) Costs associated with BNRC's additional work include:

Berkshire Natural Resources Council			
Task 2: Site Inspections, Permitting, and Oversight of Debris Removal			
DATE	TASK	Hours	
4/13/2012	Stockman Associates LLC - NOI Review & Comments		
	5 hours @ \$70/hour	5	\$350.00
3/1 - 4/13	BNRC Brownson NOI	35	\$2,450.00
	Site meetings with Conservation Commission and Contractor		
	On site inspection of dump sites		
	GPS dump sites, map sites and write report.		
	NOI Fee Great Barrington		\$95.00
	NOI Fee DEP		\$70.00
4/20/2012	Water Quality Sampling		\$1,285.00
4/26/2012	Conservation Commission hearing	4	\$280.00
June-July 2012	Oversight of debris removal	45	\$3,150.00
	Contingency (10%)		\$768.00
	TOTAL	44	\$8,448.00

- Berkshire Conservation Agent Program/Berkshire Regional Planning Commission (\$26,500.05)

However, only \$22,253.19 needs to be transferred to Account # 2200-2676 due to:

- invoice in the amount of \$2,805.40 previously paid out of Account # 2000-6020 and accounted for above
- \$1,441.46 positive balance transfers from Account # 2000-6020

\$8,448

Resolution # 24 authorized a transfer of funds to Account #2200-2676 for the following project:

- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council (\$121,225)

However, due diligence activities conducted per EEA Land Acquisition Policies discovered debris on the site that requires removal (e.g. metal, wood, concrete) from wetland and upland habitats. The Scope of Work for BNRCC has been amended to include planning, permitting, and oversight of the debris removal. (The debris removal will be conducted by a contractor operating under MassDEP's IRA/SS master service agreement and these funds will be the focus of a separate Resolution.) Costs associated with BNRCC's additional work include:

Berkshire Natural Resources Council			
Task 2: Site Inspections, Permitting, and Oversight of Debris Removal			
DATE	TASK	Hours	
4/13/2012	Stockman Associates LLC - NOI Review & Comments		
	5 hours @ \$70/hour	5	\$350.00
3/1 - 4/13	BNRC Brownson NOI	35	\$2,450.00
	Site meetings with Conservation Commission and Contractor		
	On site inspection of dump sites		
	GPS dump sites, map sites and write report.		
	NOI Fee Great Barrington		\$95.00
	NOI Fee DEP		\$70.00
4/20/2012	Water Quality Sampling		\$1,285.00
4/26/2012	Conservation Commission hearing	4	\$280.00
June-July 2012	Oversight of debris removal	45	\$3,150.00
	Contingency (10%)		\$768.00
	TOTAL	44	\$8,448.00

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:

- **\$30,701.19 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.

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

Cc: Kenneth Munney, USFWS