

HOUSATONIC RIVER TRUSTEE COUNCIL

RESOLUTION #4

February, 2021

Determination that the Pittsfield Economic Development Authority has met its Obligation to the Trustees

United States, et al., v. General Electric Company,

CIVIL ACTION NOS. 99-30225-MAP; 99-30226-MAP; AND 99-30227-MAP (D. MASS.)

1. Whereas, the United States Department of Commerce, acting by and through the National Oceanic and Atmospheric Administration (“NOAA”), together with the Commonwealth of Massachusetts, acting by and through its Executive Office of Energy and Environmental Affairs (“EEA”), the State of Connecticut, acting by and through its Department of Energy and Environmental Protection (“CTDEEP”), and the United States Department of the Interior, acting by and through the United States Fish and Wildlife Service (“USFWS”), are the four natural resource trustees (the "Trustees") responsible for the restoration to compensate for the natural resource injuries incurred within the Housatonic River Environment;
2. Whereas, the Trustees have entered into a Memorandum of Agreement ("MOA") effective January 30, 2002, to provide a framework for intergovernmental coordination for implementation of their activities in furtherance of their natural resource trustee responsibilities; and which, pursuant to Part VII A, establishes a Trustee Council with four voting members as designated by the Trustees; and
3. Whereas, pursuant to the Consent Decree (CD) approved by the United States District Court of Massachusetts in the matter of United States, et al. v. General Electric Company, Civil Action Nos. 99-30225-MAP; 99 30226 MAP; and 99-30227-MAP (D. Mass.), the Pittsfield Economic Development Authority (PEDA) was required to pay the Trustees a total of \$4,000,000.00 consisting of in-kind services and/or a percentage of Net Revenues, as described in Paragraph 124 of the CD; and
4. Whereas, the Trustees have reviewed Net Revenues and in-kind services provided by the PEDA, as well as in-kind services provided by the City of Pittsfield or by other allowable entities as specified in the CD and as documented in the report titled ‘*General Electric/Housatonic River Natural Resource Restoration: Pittsfield Economic Development Authority (PEDA) Obligation Restoration Project Evaluation, January 2021*, and have determined that the PEDA has met its in-kind services obligation;

NOW, THEREFORE:

By their signatures below, representatives of the Trustees hereby notify the PEDA that the obligation to pay \$4,000,000.00, or provide in-kind services to the Trustees has been met in accordance with provisions outlined in the CD (paragraph 124).

CONCURRED IN by the following who are duly authorized Housatonic River Trustee Council Representatives.

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FOR THE COMMONWEALTH OF MASSACHUSETTS

2/18/2021

Date

Michelle Craddock

Michelle Craddock
Trustee Representative
Department of Environmental Protection
Bureau of Waste Site Cleanup
One Winter Street, 8th Floor
Boston, MA 02114

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

MOLLY
SPERDUTO



Digitally signed by
MOLLY SPERDUTO
Date: 2021.02.18
11:46:42 -05'00'

Date

Molly Spurduto
Trustee Representative
U.S. Fish and Wildlife Service
New England Field Office
700 Commercial Street, Suite 300
Concord, NH 03301

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FOR THE U.S. DEPARTMENT OF COMMERCE

2/10/2021

Date



Kenneth Finkelstein

Kenneth Finkelstein, Ph.D.
Trustee Representative
National Oceanic and Atmospheric Administration
c/o U.S. Environmental Protection Agency, Region 1
5 Post Office Square – OSRR-07-1
Boston, MA 02109

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FOR THE STATE OF CONNECTICUT



2/18/2021

Date

Richard A. Jacobson
Trustee Representative
Department of Energy and Environmental Protection
Bureau of Natural Resources
79 Elm Street
Hartford, Connecticut 06106