BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:	)	
GENERAL ELECTRIC COMPANY Modification of RCRA Corrective Action Permit No. MAD002084093	)	RCRA Appeal No. 16-01

GENERAL ELECTRIC COMPANY'S ADDITIONAL CITATIONS

Pursuant to the Board's allowance at the oral argument on June 8, 2017 (Transcript ["Tr."] at 334, 357), the General Electric Company ("GE"), petitioner in the above-captioned appeal, provides the following additional citations:

In response to the Board's question regarding where in the record GE showed that risk-based approval under the TSCA regulations is appropriate for the on-site disposal facilities (Tr. at 64 and 65-66), *see*: GE's *Revised Corrective Measures Study Report* ("RCMS") (October 2010), Administrative Record ("A.R.") #580275, at 9-49 to 9-50; GE's Comments on the Draft Permit Modification ("GE Comments") (October 27, 2014), A.R. #568410, at 87-88 (referencing Section II thereof); and GE's Reply to EPA's Statement of Position in the dispute on the Region's intended final decision (March 15, 2016), A.R. #587218, at 12-13.

The EPA decisions cited by GE counsel at oral argument in which EPA rejected more extensive remedial alternatives based on cost (Tr. at 72-74) were: *Record of Decision Amendment, Operable Unit 1, Lower Fox River and Green Bay Superfund Site* (June 2008) at 25, 26, and 47; *Record of Decision, Hudson River PCBs Site, New York* (February 2002) at 104; and *Amended Record of Decision, Summary of Remedial Alternative Selection, Chemfax, Inc. Site, Gulfport, Harrison County, Mississippi* (February 2013) at 23-25 and 28 – all provided in Attachments 1-3.

In response to the Board's question regarding a concern with flooding at an on-site disposal facility (Tr. at 82), *see* RCMS, A.R. #580275, at 9-40, noting that all of the potential on-site disposal locations are outside of the 500-year floodplain.

In response to the Board's inquiries regarding the age and condition of Rising Pond Dam (Tr. at 237, 241), *see Rising Pond Dam, Phase 1 Inspection/Evaluation Report*, by GZA GeoEnvironmental, Inc. (July 31, 2015), A.R. #581176, at 2-4.

The Department of Interior regulation referenced by GE counsel as providing that natural resource damages include damages for resource injuries caused by remediation (Tr. at 299) can be found at 43 C.F.R. § 11.15(a)(1), provided in Attachment 4.

In response to the Board's request for a citation to GE's 2002 Housatonic River Floodplain Use Survey (Tr. at 342-343), *see* A.R. #41711, and *see also* GE Comments, A.R. #568410 at 30-31 and A.R. #579608 at Table 9.

Respectfully submitted,

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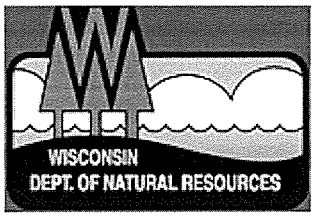
Dated: June 19, 2017

ATTACHMENT 1



Record of Decision Amendment

Operable Unit 1

Lower Fox River and Green Bay Superfund Site

June 2008

The estimated cost for the Amended Remedy is approximately $102 million. The Amended Remedy allows alternate remedial approaches that are much more efficient than dredging thin layer PCB deposits. The Amended Remedy would allow caps or sand covers in some areas with thin layer deposits, if specified criteria can be met (discussed detail in Section XI.A.2 below). It is estimated that the Amended Remedy would thereby reduce the overdredge volume by 122,000 cubic yards.

The cost estimates for both alternatives include preliminary estimates of operation and maintenance costs, including estimated costs of cap maintenance under the Amended Remedy. Refined estimates of operation and maintenance costs for the Amended Remedy will be developed during the remedial design process. The cost estimates do not include institutional control costs, although those costs are not expected to be significant compared to other cost components.

Because the Amended Remedy would cost an estimated approximately $42 million less than the 2002 ROD Remedy, and the Amended Remedy will achieve comparable or better results, it is more cost effective than the 2002 ROD Remedy.

TABLE 4. Comparative Costs of the 2002 ROD Remedy and Amended Remedy.

Item		2002 ROD	Amended Remedy
2004-2007 Dredging/dewatering/water treatment and disposal		$ 67,000,000	$ 67,000,000[1]
Post-2007	Dredging/dewatering/water treatment and disposal	$ 56,250,000[2]	$ 6,450,000[2]
	Capping	0	$ 9,650,000
	Sand Cover	$ 17,150,000[2]	$ 8,700,000[2]
	Demobilization	$ 1,750,000[2]	$ 1,750,000[2]
	Monitoring and Maintenance	$ 2,000,000	$ 4,650,000
	Contingency	0[3]	$ 4,050,000
	TOTAL	$ 144,150,000	$102,250,000

Table Notes:

Costs are from the Design Supplement, Sections 7.2.2 and 7.3, pages 50 and 51, respectively.

[1] Although these costs were for cleanup actions completed consistent with the 2002 ROD, they are listed here to allow comparison of overall cleanup costs.

[2] Averages are used for the estimated cost ranges.

[3] No contingency is used for the 2002 ROD costs because experience at OU 1 gives a high confidence based on actual operating expenses from dredging completed during 2004 to 2007 (with 335,000 cy of sediments dredged).

8. State Acceptance

WDNR agrees with the Amended Remedy and is co-signing this Record of Decision Amendment.

9. Community Acceptance

Community acceptance considers whether the local community supports or opposes particular alternatives. Comments on the Proposed Plan are an important indicator of community acceptance.

The Responsiveness Summary that is attached as Appendix A to this ROD Amendment summarizes and addresses 44 comments on the Proposed Plan. The majority of the public comments supported a remedial action addressing the PCB contamination at the Site. A number of comments expressed support for the Proposed Plan because it would achieve remedial goals sooner, and would be more cost effective, as compared to the 2002 ROD Remedy. Some comments expressed concerns regarding the permanence of caps (i.e., long-term stability and effectiveness), as well as concerns about long-term maintenance of caps. As noted above, the Amended Remedy includes several features that are designed to address those concerns, including stringent design and criteria for caps and long-term cap monitoring and maintenance requirements. None of the comments provided specific technical reasons or justifications for certain assertions that the Amended Remedy would not be effective or protective.

Results of Evaluation Using the Nine Criteria

Both the 2002 ROD Remedy and the Amended Remedy meet the threshold criteria described above. Both would provide for protection of human health and the environment; and meet state and federal ARARs.

The Amended Remedy has distinct advantages under the balancing criteria described above. It would be more effective than the 2002 ROD Remedy in achieving risk-reduction SWAC goals, and would be more cost-effective. Recent analyses also suggest that the 2002 ROD Remedy would be more difficult and take longer to implement.

The two alternatives have also been evaluated under the modifying criteria described above. WDNR supports adoption of the Amended Remedy and is co-signing this Record of Decision Amendment. In response to community input, certain requirements of the Amended Remedy have been clarified and strengthened.

Applying the nine remedy selection criteria, and fully considering comments from the public, EPA and WDNR have decided to change the remedy for the Site by amending the 2002 ROD, as described below.

containing materials with PCB concentrations equal to or greater than 50 ppm that are removed from the Site. However, all known TSCA sediments in OU 1 have been removed during dredging operations from 2004 to 2006. This is unchanged from the 2002 ROD and all TSCA requirements for off-site disposal will still be met.

3. Cost Effectiveness

The Amended Remedy will cost approximately $42 million less to implement than the 2002 ROD Remedy. A significant portion of the cost savings is due to the smaller volume of relatively clean sediment that will be disposed of at a landfill under the Amended Remedy. The Amended Remedy will generally achieve equivalent or better results at lower cost, so it is more cost-effective than the 2002 ROD Remedy.

4. Use of Permanent Solutions and Alternative Treatment Technologies or Resource Recovery Technologies to the Maximum Extent Practicable

EPA and WDNR have determined that the Amended Remedy represents the maximum extent to which permanent solutions and treatment technologies can be used in a cost-effective manner for the Site.

5. Preference for Treatment as a Principal Element of the Remedy

Neither the 2002 ROD Remedy nor the Amended Remedy satisfies the statutory preference for treatment of the hazardous substances present at the Site because treatment was not found to be practical or cost-effective. For example, the most promising treatment technology, vitrification, was fully evaluated, but was not cost-effective and it had implementability issues (e.g., engineering uncertainties because a full-scale sediment vitrification facility had never been designed, permitted, or constructed). However, water separated from dredged sediments will be treated prior to discharge back to the Lower Fox River.

6. Five Year Review Requirements

CERCLA Section 121(c), 42 U.S.C. § 9621(c) and the NCP at 40 C.F.R. § 300.430(f)(4)(ii), require a 5-year review if the remedial action results in hazardous substances, pollutants, or contaminants remaining on Site above levels that allow for unlimited use and unrestricted exposure. Because this remedy will result in hazardous contaminants remaining on Site above levels that allow for unlimited exposure, a statutory review will be conducted within 5 years after initiation of the remedial action to ensure that the remedy is, or will be, protective of human health and the environment.

XIV. Public Participation and Documentation of Significant Changes from Proposed Plan

ATTACHMENT 2

Hudson River PCBs Site
New York

Record of Decision

EPA will determine whether beneficial use (*i.e.*, the manufacture of commercial products) is appropriate for some portion of the dredged material.

MNA, CAP-3/10/Select, REM-3/10/Select and REM-0/0/3 rely on institutional controls (fish consumption advisories and fishing restrictions) to protect human health until target PCB concentrations in fish are achieved. The MNA alternative relies more heavily on institutional controls than the active remedial alternatives because of the significantly longer times needed to meet target concentrations under MNA. Institutional controls do not protect ecological receptors, and human health risk reduction relies on knowledge of and voluntary compliance with the consumption advisories and fishing restrictions. Consequently, the active remedial alternatives are substantially more protective of people who do not follow the fish consumption advisories, because of the residual risk in consuming fish and the shorter time required to reach fish PCB target levels under those alternatives.

The selected remedy is also protective of the environment, because the selected remedy will reduce PCB concentrations in fish averaged over the entire Upper Hudson, and in the Lower Hudson, to levels that are at or within the range of 0.3 to 0.03 mg/kg in whole largemouth bass (equivalent to 0.12 to 0.012 mg/kg in fish fillet), which is the Remediation Goal for ecological exposure. The selected remedy is therefore protective of the piscivorous or semi-piscivorous birds such as the belted kingfisher, great blue heron and bald eagle, and the piscivorous or semi-piscivorous mammals, such as the river otter and mink, which are the ecological receptors at greatest risk at the Site. By removing PCBs from the Upper Hudson River, the selected remedy also is protective of piscivorous fish, such as the largemouth bass and striped bass, omnivorous fish, such as the brown bullhead, insectivorous birds, such as the tree swallow, insectivorous mammals, such as the little brown bat, and omnivorous mammals, such as the raccoon, which also are at risk at the Site.

Overall reductions in ecological risk achieved by the selected remedy are large, especially in comparison with the No Action and MNA alternatives. The selected remedy is protective of the piscivorous birds and mammals which are the ecological receptors at greatest risk at the Site.

The selected remedy, REM-3/10/Select, is more cost-effective than the REM-0/0/3 alternative. The selected remedy is $110 million less expensive than REM-0/0/3, without substantially greater reductions in ecological and human health risks. In addition, the capping alternative that was considered (CAP-3/10/Select) would not be as permanent or reliable as the selected remedy and would raise significant long-term maintenance concerns.

The selected remedy will comply with the location-specific and action-specific ARARs identified, as well as four of the seven chemical-specific ARARs for the site. However, although the selected remedy will approach some of these numbers, three of the chemical-specific ARARs are not expected to be met because the PCB contamination entering the Upper Hudson River

ATTACHMENT 3

AMENDED RECORD OF DECISION

SUMMARY OF REMEDIAL ALTERNATIVE SELECTION

CHEMFAX, INC. SITE

GULFPORT, HARRISON COUNTY, MISSISSIPPI

PREPARED BY

U. S. ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA, GEORGIA

Overall protection of human health and the environment addresses whether each alternative provides adequate protection of human health and the environment and considers how risks posed through each exposure pathway are eliminated, reduced, or controlled, through treatment, engineering controls, and/or institutional controls. A No Action alternative is required by CERCLA as a baseline from which to compare the other alternatives. For groundwater, the No Action alternative is not protective of human health and the environment. The contaminated groundwater documented at the Site could possibly be used for drinking water in the future, and would possibly impact Bernard Bayou. Because a No Action alternative would not be protective of human health and the environment, it will not be further discussed here for the remaining criteria.

Alternatives 3, 4, and 5, as described for groundwater, would each be protective of human health and the environment, whereas Alternative 2 would provide a lesser degree of protection since a longer timeframe would be required to determine if a contingent remedy would be implemented.

10.2 COMPLIANCE WITH ARARS

Section 121(d) of CERCLA requires that remedial actions at CERCLA sites attain legally applicable or relevant and appropriate Federal and State requirements, standards, criteria, and limitations which are collectively referred to as ARARs, unless such ARARs are waived under CERCLA section 121(d)(4). The 2002 Record of Decision's Table 10 listed the chemical-, location-, and action-specific ARARs for the Site.

Alternatives 3, 4, and 5 would comply with all ARARs. These alternatives would satisfy all drinking water standards through treatment. Depending on the discharge method, each of these alternatives would comply with the substantive requirements of the Underground Injection Control program or the NPDES program.

The FS stated that unless a groundwater contingent remedy was implemented, Alternative 2 would not achieve chemical-specific ARARs (FS, pg. 5-28). However, new information from the 2009 groundwater sampling indicates that Alternative 2 is expected to achieve ARARs without a contingent remedy, albeit under a longer timeframe than under Alternatives 3, 4, and 5.

10.3 LONG-TERM EFFECTIVENESS AND PERMANENCE

Long- term effectiveness and permanence refers to expected residual risk and the ability of a remedy to maintain reliable protection of human health and the environment over time, until and once performance standards have been met. This criterion also considers the adequacy and reliability of controls.

Alternatives 3, 4, and 5, as described for groundwater, would provide effective, permanent remedies over the long-term, and are ranked equally for this criterion. However, it is noted that

Based on recent data, Alternative 4 is likely to achieve groundwater performance standards in less than time than Alternatives 3 and 5.

Compared to Alternatives 3, 4, and 5, Alternative 2 would provide a lesser degree of long-term effectiveness and permanence due to the longer timeframe to attain cleanup goals.

EPA evaluated five alternatives identified in the Feasibility Study (FS) for remediating contaminated groundwater at the Chemfax, Inc. Site. The following table lists each alternative, along with a short description, total present worth cost, and time to implement the remedy, but not to attain cleanup goals. See Section 4 of the FS for a complete discussion of each alternative.

Table 2- DESCRIPTION OF GROUNDWATER CLEANUP ALTERNATIVES

Alternative and Description	Total Cost ($ Thousands)	Implementation Time
ALTERNATIVE No. 1 - No Action The National Oil & Hazardous Substances Pollution Contingency Plan (NCP) requires that a No Action alternative be evaluated as part of the screening process, in order to provide a baseline for comparison to other alternatives. Under this alternative, no further actions would be taken to address the groundwater at the Chemfax, Inc. Site.	98	0
ALTERNATIVE No. 2 -Limited Action This alternative would also involve limited action to address the groundwater at the Site, including the periodic monitoring discussed for Alternative 1. However, Alternative 2 would be implemented with the anticipation that natural processes can alone reduce the contaminant levels in the groundwater. Alternative 2 would also include institutional controls that would restrict access to and use of the contaminated aquifer.	533 *285.7 (amended)*	<1 year
ALTERNATIVE No. 3 -Pump and Treat With Physical and/or Chemical Treatment Alternative 3 would consist of an extraction system that would consist of wells or other mechanisms to pump groundwater to an on-site wastewater treatment system. The treated groundwater could then be discharged either to the Publicly Owned Treatment Works (POTW), injection wells, or surface water. The treatment system would consist of air stripping for the VOC compounds, whereas the PAH compounds would likely require an activated carbon process, also.	1,732	30 years
ALTERNATIVE No. 4 - In-situ Treatment Alternative 4 would treat the groundwater in place, without pumping it to the surface. The treatment process would consist of air sparging, soil vapor extraction, bioaugmentation, or a combination of the three.	2,305	1 year
ALTERNATIVE No. 5 - Permeable Treatment Bed Alternative Five consists of construction of a permeable treatment bed (or treatment wall). As contaminated groundwater flows through the treatment wall, contaminants are treated via physical, chemical, and/or biological processes. The natural gradient of the groundwater can be used to provide continuous flow across the treatment wall, as opposed to pumping. Additional Site characterization would be required for this alternative, to optimize the design of the treatment bed.	3,037	30 years

10.4 REDUCTION OF TOXICITY, MOBILITY, OR VOLUME

Reduction of toxicity, mobility, or volume refers to the anticipated performance of the treatment technologies that may be included as part of a remedy.

Alternatives 3, 4, and 5, as described for groundwater, each call for active treatment of the contaminated groundwater to performance standards, and are ranked equally for this criterion.

Although MNA processes do permanently reduce the volume of contaminants, compared to Alternatives 3, 4, and 5, Alternative 2 would provide a lesser degree of reduced toxicity, mobility, or volume.

10.5 SHORT-TERM EFFECTIVENESS

Short-term effectiveness addresses the period of time needed to implement the remedy, and considers any adverse impacts that may be posed to workers and the community during construction and operation of the remedy.

Alternatives 3, 4, and 5, as described for groundwater, are each ranked equally with respect to short-term effectiveness.

Alternative 2 involves no additional on-site construction. Alternative 2 provides a higher degree of short-term effectiveness since there are no short-term risks to site workers.

10.6 IMPLEMENTABILITY

Implementability addresses the technical and administrative feasibility of a remedy from design through construction and operation. Factors such as availability of services and materials, administrative feasibility, and coordination with other governmental entities are also considered.

Alternatives 3, 4, and 5, as described for groundwater, would each require significant effort during Remedial Design before the remedy could be implemented. Alternative 3 would require selection of a specific pump-and-treat alternative. Alternative 4 would require the design of an in-situ treatment system, whereas Alternative 5 would require the design of a Site-specific permeable treatment wall. However, Alternative 3 is ranked higher for this criterion because pump-and-treat technology is significantly less complex technically.

Alternative 2 involves less effort—primarily monitoring—and thus provides a higher degree of implementability since there are limited efforts required during Remedial Design for this alternative.

10.7 COST

Cost estimates for the five groundwater alternatives are shown in Table 2. Total costs for each alternative include estimated capital costs, as well as associated operation and maintenance (O&M) costs after the alternative is implemented. Present worth costs were calculated for a period of 30 years using an interest rate of 7%. All costs shown in Table 2 are taken from the April 2000 Feasibility Study and the June 2000 Feasibility Study Addendum.

As shown in Section 9.2.1, the updated cost for Alternative 2, Limited Action/Monitored Natural Attenuation, is now $285,713, as compared to the 2002 ROD cost estimate of $533,113.

For groundwater, costs range from $98,406 for Alternative 1 - No Action, to $3,036,849 for Alternative 5 - Permeable Treatment Bed.

10.8 STATE ACCEPTANCE

The State of Mississippi, as represented by the Mississippi Department of Environmental Quality (MDEQ), has assisted in the cleanup process through the review of RI/FS documents, and has also submitted comments on the State's behalf for the selected remedy documented in this decision document. Their letter of supporting the amended remedy is included in Appendix B.

10.9 COMMUNITY ACCEPTANCE

Based on the comments expressed at the October 13, 2011 public meeting and recorded in the transcript thereof (no written comments were received during the comment period), the community in the vicinity of the Site does not oppose the selected remedies as described within this Amended Record of Decision, for the impacted soils, sediments, and groundwater at the Site. A copy of the comments provided during the October 13, 2011 public meeting are included in APPENDIX A.

11.0 PRINCIPAL THREAT WASTES

The NCP establishes an expectation that EPA will use treatment to address the principal threats posed by a Site wherever practicable. In general, principal threat wastes are those source materials which cannot be contained in a reliable manner or would present a significant risk to human health or the environment should exposure occur. Contaminated groundwater is not generally considered to be a source material.

At the Chemfax, Inc. Site the greatest current risk would come from the surficial groundwater, were it to be used as a drinking water source. The contaminated soils and/or sediments that remain at the Site will continue to contaminate the groundwater at levels above drinking water

levels, if left unremediated. The selected remedy set forth in this Record of Decision will address the remaining threats in the soils/sediment through excavation and off-site disposal. None of the remaining contaminated source material at the Site constitutes principle threat source material.

12.0 THE AMENDED REMEDY

Based on CERCLA requirements, the NCP, the detailed analysis of alternatives and comments from both the State and the community, EPA has determined that, for those alternatives evaluated for groundwater, Alternative 2 (Limited Action/Monitored Natural Attenuation) constitutes the best overall groundwater remedial action for the Site. Excavation with off-site disposal remains the selected remedy for the contaminated soils/sediment at the Site.

Under the amended remedy, groundwater at the Site will be monitored annually until cleanup goals are met. Also, under the amended remedy, institutional controls will be implemented to control, limit, and monitor activities on-site, with the primary purpose of preventing exposure to contaminated groundwater.

As noted in Section 9.2.1, the present worth cost for implementing the amended groundwater remedy will be about $285,713, assuming a 100 year time frame for monitoring. The estimated present worth cost to implement the soils/sediment remedy is about $2,259,992. The total cost to perform both remedial actions is approximately $2,545,705.

12.1 PERFORMANCE STANDARDS

The groundwater performance standards are not being amended and are listed below:

Benzene	5 parts per billion (ppb)
Toluene	1,000 ppb
Ethylbenzene	700 ppb
Naphthalene	310 ppb
Methyl butyl ketone	630 ppb
2-Methylnaphthalene	310 ppb
Bis(2-chloroethyl)ether	2 ppb[2]

Soil performance standards are not being amended and remain unchanged as shown in the 2002 Record of Decision:

[2] In the case of bis(2-chloroethyl)ether, current laboratory procedures do not quantify this compound below a value of 0.8 ppb. The 2 ppb performance standard for bis(2-chloroethyl)ether is based on a residential cancer risk level of 1×10^{-4}.

ATTACHMENT 4

and sediments in or transported through coastal and marine areas. This term does not include ground water or water or sediments in ponds, lakes, or reservoirs designed for waste treatment under the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6901–6987 or the CWA, and applicable regulations.

(qq) *Technical feasibility* or *technically feasible* means that the technology and management skills necessary to implement an Assessment Plan or Restoration and Compensation Determination Plan are well known and that each element of the plan has a reasonable chance of successful completion in an acceptable period of time.

(rr) *Trustee* or *natural resource trustee* means any Federal natural resources management agency designated in the NCP and any State agency designated by the Governor of each State, pursuant to section 107(f)(2)(B) of CERCLA, that may prosecute claims for damages under section 107(f) or 111(b) of CERCLA; or an Indian tribe, that may commence an action under section 126(d) of CERCLA.

(ss) *Type A assessment* means standard procedures for simplified assessments requiring minimal field observation to determine damages as specified in section 301(c)(2)(A) of CERCLA.

(tt) *Type B assessment* means alternative methodologies for conducting assessments in individual cases to determine the type and extent of short- and long-term injury and damages, as specified in section 301(c)(2)(B) of CERCLA.

(uu) *Indian tribe* means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[51 FR 27725, Aug. 1, 1986, as amended at 53 FR 5171, Feb. 22, 1988; 59 FR 14281, Mar. 25, 1994]

§ 11.15 What damages may a trustee recover?

(a) In an action filed pursuant to section 107(f) or 126(d) of CERCLA, or sections 311(f) (4) and (5) of the CWA, a natural resource trustee who has performed an assessment in accordance with this rule may recover:

(1) Damages as determined in accordance with this part and calculated based on injuries occurring from the onset of the release through the recovery period, less any mitigation of those injuries by response actions taken or anticipated, plus any increase in injuries that are reasonably unavoidable as a result of response actions taken or anticipated;

(2) The costs of emergency restoration efforts under § 11.21 of this part;

(3) The reasonable and necessary costs of the assessment, to include:

(i) The cost of performing the preassessment and Assessment Plan phases and the methodologies provided in subpart D or E of this part; and

(ii) Administrative costs and expenses necessary for, and incidental to, the assessment, assessment planning, and restoration, rehabilitation, replacement, and/or acquisition of equivalent resources planning, and any restoration, rehabilitation, replacement, and/or acquisition of equivalent resources undertaken; and

(4) Interest on the amounts recoverable as set forth in section 107(a) of CERCLA. The rate of interest on the outstanding amount of the claim shall be the same rate as is specified for interest on investments of the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954. Such interest shall accrue from the later of: The date payment of a specified amount is demanded in writing, or the date of the expenditure concerned;

(b) The determination of the damage amount shall consider any applicable limitations provided for in section 107(c) of CERCLA.

(c) Where an assessment determines that there is, in fact, no injury, as defined in § 11.62 of this part, the natural resource trustee may not recover assessment costs.

(d) There shall be no double recovery under this rule for damages or for assessment costs, that is, damages or assessment costs may only be recovered once, for the same discharge or release

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2017, I served one copy of the foregoing General Electric Company's Additional Citations, with attachments, on each of the following by first-class mail:

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