Comment 12:
Inflow and infiltration (I&I) requirements have been included in recent NPDES permits. This permit does not require that I&I be assessed and reduced to meet current goals. This permit should address this and require a timely workplan to eliminate I&I.

Response 12:

See Response to Riverways Comment 5.

Comment 13:

It is usually a good idea to promote sheetflow and infiltration, but in this case they may also carry PCB and other contaminant loading from the facility into the river. GE needs to be able to measure the contaminants carried by the sheet flow and infiltration at the locations where they know it is getting into the river. If GE wants to disconnect a pipe and instead use sheet flow or infiltration, they should first have to prove that this will result in less contaminants being carried into the river.

Response 13:

See Response to Riverways Comment 7.

Comment 14:

Limits for storm drains and yard drains should be implemented for Total Suspended Solids (TSS) as data indicates large quantities are entering the river. It is well known that PCBs will attach to soil particles and could be transported with the TSS into the river.

Response 14:

Please see Response to Riverways Comment 18.

Comment 15:

There are several other pipes that GE should be monitoring. GE should monitor the pipe that has its outfall into the ditch next to Bobby Hudpucker's Restaurant both for flow and for contaminants. This pipe runs through GE's property and had several connections from the GE plant. It also carried storm water runoff from the GE site. It also carries water from an area that at least one worker claims was used to dump GE waste water off Benedict Road. The potential for this pipe to carry PCB contamination is very high. The only way to know what is getting into the river is to monitor at the outfall. This pipe should be monitored continuously for flow and four times per hour during storm event flows to determine the amount of contamination. If this

pipe flows continuously it should be monitored daily IN ADDITION to the monitoring during a storm event.

Response 15:

To the extent that this comment concerns outfall 007, GE has notified EPA that this connection to the city storm drain has been sealed.

See Response to Winn, Gray and Herkimer Comment 11 above regarding the site survey to identify any additional point sources not currently authorized by the permit.

Comment 16:

According to the Source Characterization Study, surface water and sediment contamination in the swales from Hill 78 are discharging into the river, as is groundwater contamination from Hill 78 area. Again, this should be quantified and stopped. This swale leads into a 42" pipe that has its outfall just north of East Street opposite Commercial Street both for flow and for contaminants. The outflow from this pipe then flows into a pipe under East Street, under part of Commercial Street and empties into the East Branch of the Housatonic River. From the research we have done, it appears GE put in this pipe. In that this pipe also carries the storm water runoff from Hill 78's swale, the potential for this pipe to carry PCB contamination is very high. The only way to know what is getting into the river is to monitor at the outfall. This pipe should be monitored continuously for flow and four times per hour during storm event flows to determine the amount of contamination.

Response 16:

See Response to Winn, Gray and Herkimer Comment 11 regarding the site survey to identify any additional point sources not currently authorized by the permit.

Comment 17:

According to the Source Characterization Study, page 1-6, Unkamet Brook bisects the old GE landfill and flows directly to the Housatonic River. Also, according to that Study, Table *5-1,* groundwater contamination and contaminated sediment in Unkamet Brook are flowing into the river above the remediated section of the river. When Unkamet Brook leaves the GE site, it flows under Merrill Road through a pipe. This pipe should be monitored for both flow and contaminants. This would show what is getting off the GE site through this pipe, and presumably getting into the East Branch of the Housatonic River. This should be done immediately even though the whole Unkamet Brook area is being studied. We know there are PCBs there. We need to know how much is getting into the river now!

Response 17:

The ambient monitoring plan required by the permit will include monitoring of Unkamet Brook. The pipe is a culvert that conveys the brook for short distances underground. Sampling the culvert pipe is the same as sampling the brook.

Comment 18:

According to the Source Characterization Study, outfall water and sediment contamination from Silver Lake as well as groundwater contamination is flowing into the river. The Silver Lake outfall goes through a pipe under East Street. This pipe should be monitored both for flow and for contaminants. Again, this would show what is getting into the East Branch of the Housatonic River above the remediation area. This is absolutely necessary given the proposed remediation of Silver Lake. It is inexcusable that this outflow has not been monitored for either flow or contaminants. When asked at a public meeting, the claim was that they could not monitor the flow from Silver Lake because of the design of the outfall. That is absurd. Monitoring the pipe will make it easy.

Response 18:

This comment is not relevant to the permit. The outfall in question is the outfall *from* Silver Lake to the Housatonic River. The Lake and pipe are not owned by GE. In fact, GE now has no discharges to Silver Lake. Also, the outfall from Silver Lake is downstream of all GE outfalls so sampling upstream and downstream of the outfall as part of the NPDES permit to GE is not necessary.

Comment 19:

pH levels should have limits set. Monitoring data showed pH levels in some of the outfalls are excessive in both directions. This should not be allowed.

Response 19:

Please see Response to Riverways Comment 20.

Comment 20:

What are the by products of the GE plastics operations and what are they being tested for?

Response 20:

The plastics operation has no discharges, so no monitoring is necessary.

Comment 21:

GE should monitor the wells at Pittsfield Generating Co. All of these wells should be monitored monthly. Data should include "flow" (the quantity of water used) as well as PCB and other contaminant levels.

Response 21:

NPDES permits do not regulate the withdrawal of groundwater, and we are not aware that the Pittsfield Generating Company discharges through any GE outfalls.

Comment 22:

All monitoring data must be made public. This eliminates the possibility of monitoring several times in one day and only submitting the one(s) that shows the least contamination.

Response 22:

The permit requires that a monthly summary of all data collected for each outfall be submitted with the DMR. These data are public information and may be obtained by contacting EPA or MassDEP.

Comment 23:

According to a former GE worker, contaminated water was pumped to a reservoir off Benedict Road. Obviously this water body should be tested, but also water from that area runs through pipes that cross the current GE property. This water should be tested NOW by GE, but when the city storm water is separated from the GE site, this water must still be tested to determine where the PCBs actually come from.

Response 23:

It is EPA's understanding that the "reservoir" is a concrete vault/tank formerly used in the 1930s for fire protection and is now dry. EPA further understands that this vault is located on property owned by the City and is not directly relevant to the permit at issue here. See Response to Winn, Gray and Herkimer Comment 11 regarding the site survey to identify any additional point sources not currently authorized by the permit.

Comment 24:

Injection wells were used to dispose of contaminated liquids possibly hundreds of feet below ground in the Unkamet Brook area. There should be deep monitoring wells to test for contaminants in this area.

Response 24:

Such testing is beyond the scope of an NPDES permit since pollutants disposed in deep wells are not discharges to waters of the United States. A requirement for such monitoring may be pursued with MassDEP.

Comment 25:

GE's previous NPDES permit expired in February 1997. The fact that this permit has lapsed for eight years so far, when this is a RCRA/Superfund hybrid site puts human health and the environment at risk. It is clear that this permit cannot address all of the issues associated with releases of PCBs from the General Electric Facility. EPA has stated that this permit only tries to assess and control releases from the GE storm water system. This permit fails to meet this goal. Releases of PCBs from sheetflow, city drains, and contaminated business properties are not addressed. EPA has not addressed these issues even though they have committed huge amounts of taxpayer money to clean the river to a performance standard of 1 ppm PCB. The data suggests that soon the recontamination will exceed these levels. EPA needs to address these issue in a holistic fashion to insure all PCB sources are cutoff to the river. Citizen groups previously argued that the entire facility, contaminated businesses and oxbows need to be cut off from interacting with the river. A slurry ditch was suggested to insure all migrating groundwater and plumes were effectively cutoff from the river. EPA dismissed this and instead did nothing to address this.

Response 25:

EPA agrees that it is important that the discharge of PCBs from the site be controlled in order to achieve state water quality standards. The permit regulates those GE discharges that EPA has the authority to regulate under the Clean Water Act.

See Response to Winn, Gray and Herkimer Comment 11 regarding the site survey to identify any additional point sources not currently authorized by the permit.

EPA is working on a Draft Permit to regulate the PEDA sources and understands that closer scrutiny needs to be given to City storm drains, and plan to do that in future permit actions, or through a Section 308 information request.

Comment 26:

EPA has issued its draft National Pollution Discharge Elimination System Draft Permit eight years after the previous permit expired. During this time, testing shows that GE has still been discharging PCBs into the receiving waters in amounts that sometimes exceed chronic water quality criterion by over 900 times and human health water quality criterion by 200,000 times. The renewed permit for this site must strive to fulfill the intent of the NPDES program to

achieve, "the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters". The prevention of further releases of PCBs and other pollutants to the Housatonic River, Unkamet Brook and Silver Lake certainly fits this mandate.

Additional treatment capacity must be required immediately not just for the outfalls currently covered in this draft permit, but also to treat the water from Unkamet Brook and Silver Lake. The outfalls of both these water bodies are known to have PCBs, but they are neither being monitored nor treated. These outfalls should be monitored while new treatment facilities are immediately built.

As it is now confirmed that PCBs are migrating off of the facility, EPA needs to take immediate action to reverse this situation. The NPDES permit alone cannot address this problem. While millions continue to be spent on cleaning the downriver portion, EPA has failed to address this severe problem. Reopeners to the consent decree or enforcement action due to new information seem to be empty promises to the community. Without strong action, the river will again be compromised and this consent decree and the EPA enforcement actions will go down in history as a waste of taxpayer money and inability of the EPA to meet the mandates of the Clean Water Act.

Response 26:

EPA agrees that reissuance of the Final Permit is overdue. The new permit represents a significant improvement from the standpoint of water quality over the 1992 permit. EPA has concluded that the Final Permit includes limitations and conditions that will lead to compliance with water quality standards.

Attachments:
I. Boston Globe article; March 3, 2005
Recontamination feared for river getting cleanup
by Beth Daley
2. Declaration of Independence from PCBs
http://www.pcbcongress.net!
3. Comments of Inter-Industry Analytical Group and WET Coalition on 2004 Draft Report to Congress on the Costs and Benefits of Federal Regulation 69 Fed. Reg. 7987 (February 20, 2004); May 20, 2004
http://www.whitehouse.ov/omb/inforeg/2OO4cb/14.pdf
4. Water Quality Criterion Chart; March 25, 2005; compiled by BEAT
5. GE Drain Mains Main Plant - Plant Drainage System Map (perforated subdrain line); ? March 1, 1985

VIII. COMMENTS FROM THE CT DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comment 1:

Thank you for the opportunity to provide comments on the draft National Pollutant Discharge Elimination System (NPDES) permit for the General Electric Company facility in Pittsfield, Massachusetts. The Connecticut Department of Environmental Protection (CT DEP) supports the efforts of the US Environmental Protection Agency and the Department of Environmental Protection of the Commonwealth of Massachusetts to regulate discharges from the General Electric facility. However, CT DEP is concerned that the draft permit, as proposed, will be insufficient to insure that the discharges from the facility will achieve water quality standards established under Section 303 of the Clean Water Act, as required by 40 C.F.R. 122.44(d). Given that the Housatonic River in both Massachusetts and Connecticut has been substantially impacted by past and present releases from this facility, it is our position that the NPDES permit for this facility must impose stringent limitations and requirements to allow attainment of water quality standards and goals within Massachusetts and Connecticut.

As proposed, the draft permit establishes discharge limitations for Polychlorinated Biphenyls (PCBs) on only one of the fourteen outfalls identified for the facility, Outfall 005. However, monitoring data indicates that all discharges and associated receiving waters contain levels of PCBs that exceed water quality criteria. While the remaining discharges are primarily composed of storm water, Outfall 001 does have dry weather flows including groundwater, city water and unknown components. CT DEP recommends that EPA establish water quality based limitations for PCBs for the dry weather component of this discharge.

Response 1:

In the Final Permit, EPA has imposed a water quality-based numeric PCB limits on all dry weather discharges from the facility. As described in the responses to other comments, outfall 001 is no longer included in the permit.

Comment 2:

The remaining discharges are primarily comprised of storm water. Monitoring of PCBs is included in the draft permit, not permit limitations, along with the imposition of Best Management Practices (BMPs). The BMPs include the cleaning and inspection of existing storm sewer components, enhancements to the oil/water separators, and some physical modifications to the storm water system. PCBs have been measured in these discharges in concentrations that exceed water quality criteria. Storm water represents a significant pathway for the mass transfer of PCBs from the facility to the river. CT DEP recommends that the monitoring frequency for these discharges be increased from quarterly to monthly. Additionally, water quality based

limitations should be considered for these discharges. Finally, requirements to identify and eliminate the source of PCBs in the storm water must be established within the permit.

Response 2:

EPA has increased the wet weather monitoring frequency to twice per month for 005, 006, 009, once per month for discharges 05A, 05B, 06A, and SR05, and once per year for yard drains.

As discussed in previous responses EPA has concluded that BMPs, in lieu of water quality-based numeric limits, as recommended in the Interim Permitting Strategy, are appropriate at this time.

It is premature to establish further storm water requirements beyond the required BMPs. EPA prefers to use the results of the required wet weather sampling to establish further PCB abatement requirements. If discharge and ambient sampling shows reasonable potential for the discharge of PCBs to cause or contribute to exceedances of WQS, then enhanced BMPs and/or the imposition of numeric limits will be necessary.

EPA has imposed a combination of numeric and non-numeric effluent limitations that EPA has concluded will be sufficient to ensure compliance with applicable water quality standards. Implementation of the certain BMPs will result in pollutant source reductions. EPA has also required the permittee to conduct an ambient monitoring program to test the efficacy of the permit's pollutant controls. In addition, EPA has also added a permit re-opener linked to this monitoring program.

Comment 3:

One final issue to be raised concerning the draft permit is the choice of analytical methods used to monitor the level of PCBs in the discharge. Two analytical methods have been identified in the permit: Method 8082 with a Minimum Level of 0.5 ug/l and modified Method 8082 with a Minimum Level of 0.065 ug/l. With the exception of the discharge from the 64G treatment system, an internal compliance point for the 005 outfall, all discharges are monitored using the less sensitive analytical method, Method 8082. The Minimum Levels for both methods are greater than the applicable water quality criteria and so will not allow measurement of PCBs in the discharges sufficient to determine compliance with water quality standards. CT DEP recommends that the more sensitive method, modified Method 8082, be used for monitoring all the discharges.

Response 3:

The Final Permit requires that modified Method 8082 with a Minimum Level of 0.065 ug/l be used for all PCB monitoring.

Comment 4:

Given the persistence of PCBs within the environment and the impairment of the Housatonic River watershed, both within Massachusetts and Connecticut, CT DEP supports a greater level of regulatory control on the discharges emanating from the GE facility. Consistent with the substantial efforts undertaken by EPA, Massachusetts and the General Electric Company to remediate the historical PCB contamination, on-going impacts to water quality that affect both the Commonwealth of Massachusetts as well as Connecticut must be eliminated.

Response 4:

The Final Permit requires includes PCB monitoring and effluent limits for all dry weather discharges, increased monitoring of wet weather discharges, and also requires an ambient monitoring program. The Final Permit reflects the appropriate amount of regulatory control and will provides sufficient information gathering to support future decisions.

IX. COMMENTS FROM MASS AUDUBON

Comment 1:

On behalf of Mass Audubon, we submit the following comments on the draft NPDES permit for the General Electric Facility (GE) in Pittsfield to discharge storm water under Sections 301 and 402 of the federal Clean Water Act. Mass Audubon is also copying these comments to the Massachusetts Department of Environmental Protection (DEP) for DEP's consideration in relation to State Certification of compliance with the State Water Quality Standards pursuant to Section 401 of the Clean Water Act.

This permit applies to 17 point source discharges of storm water to the East Branch of the Housatonic River, Unkamet Brook, and Silver Lake. Mass Audubon requests that the EPA include the strongest possible conditions in this permit to ensure that PCB contamination does not flow from the site into the river in amounts that are toxic to humans, aquatic life, or wildlife. As so much effort is going in to cleaning up the river, it is essential that strong safeguards be in place to prevent recontamination of the river from storm water flowing off the GE property. Because PCBs do not readily degrade in the environment and bioaccumulate, even small new discharges to the river may result in unacceptable long term impacts.

Mass Audubon owns and operates the 262-acre Canoe Meadows Wildlife Sanctuary, located in Pittsfield within reach 5A, not far downstream from the confluence of the East and West branches. The sanctuary, which fronts the Housatonic River for approximately one-half mile, is home to seven state-listed species of animals and plants, including American Bittern (state endangered) and Wood Turtle (special concern). A considerable amount of the sanctuary's acreage is within the 10-year floodplain directly affected by PCB contamination. The sanctuary, since its establishment in 1975, has been dedicated to natural resource conservation and education. As such, the negative impacts on wildlife as a result of PCB contamination weigh even more heavily upon the sanctuary than upon parcels dedicated to other uses.

The Massachusetts State Surface Water Quality Standards include both narrative and numeric criteria to control toxic pollutants. The narrative criterion states: *All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.* EPA acknowledges in the fact sheet for this permit that toxicity testing is needed to determine whether the standards are being met. However, the draft permit provides for only a single monthly grab sample from most stations. This is insufficient to document actual discharge concentrations over variable weather conditions throughout the year. We recommend that more stringent testing requirements be imposed, including specifications for collecting samples more frequently and during a variety of weather conditions.

Response 1:

EPA understands the commenter's concerns regarding the impact of the GE discharges on its wildlife sanctuary and assumes that its comments regarding toxicity testing pertains specifically to PCB testing. As described in earlier responses, EPA has significantly increased sampling frequency under both wet and dry conditions.

Comment 2:

The draft permit also indicates that EPA does not have sufficient information on existing concentrations of PCBs in discharges, therefore numeric effluent limitations are not proposed for most of the discharges. Instead, Best Management Practices (BMPs) are required. This aspect of the draft permit is inadequate for two reasons. First, we request that numeric standards be set for all discharges, at levels sufficient to protect human health, aquatic life, and wildlife from adverse toxic impacts. Secondly, BMPs should be installed where they can help reduce the potential for releases of PCBs or other contaminants into waterways, but the permit needs to be more specific about exactly what BMPs are required and must set clear deadlines for installation. For example, the draft permit calls for increased water storage volumes and solid settling capabilities within each Oil Water Separator, through changes to the physical configuration (e.g., weir plates, baffles, etc.). This requirement is qualified by the phrase "where feasible." The final permit needs to be more specific about exactly what changes are required in order to avoid disputes and arguments between EPA and GE about what is feasible vs. cost-prohibitive.

Response 2:

Numeric effluent limitations for PCBs have been included for all outfalls discharging during dry weather. As explained elsewhere in this response to comments, EPA has determined that, consistent with the Interim Permitting Policy, that it is appropriate to include BMPs, rather than numeric effluent limitations for storm water discharges.

EPA has concluded that in most cases, the BMPs in the Draft Permit were described in sufficient detail and the deadlines in the schedule were clear. As described previously, EPA has made several changes to the BMPs, including mandatory installation of flow measuring devices at the OWS discharges, and a schedule for repairing pipeline defects noted in the cleaning and inspection program.

Regarding the specific comment regarding the phrase "where feasible," EPA agrees with the commenter that the term is unnecessarily vague, and has instead required the permittee to undertake "reasonable best efforts" to implement the contemplated pollution controls. This change will provide EPA with additional assurance that the improvements will actually occur in accordance with CWA § 301(b)(1)(C).

Comment 3:

All discharge points should be monitored and required to meet specific limits. Pipes that have been blocked off but that remain underground may create differential flow points allowing contaminated groundwater to reach waterways. This should be avoided by requiring inspection and/or removal of all pipes and floor drains. Some point discharges may be eliminated through redirecting water to overland flow or infiltration. In most situations, this would be considered a positive improvement. On this site, however, EPA needs to exercise extra care to ensure that these overland flows or infiltration will not pick up PCBs from the site and carry them to waterways in a dispersed manner. All pipes carrying storm water emanating from the site should be included in the permit even if some of the discharge points are located on City land. This will ensure that GE is responsible for preventing PCB contamination from all potential sources on its site.

Response 3:

EPA has determined that the monitoring requirements and effluent limitations are adequate to ensure that the technology- and water quality-based requirements of the CWA are met, as discussed in the responses to previous comments.

EPA has added a condition to the Final Permit that the permittee routinely inspect blocked outfalls to confirm the integrity of the seal and to ascertain whether there is evidence of exfiltration or groundwater breakout in the vicinity of the outfall.

GE has reported that Outfall 007 has been sealed.

EPA is not aware of any other GE discharges that are conveyed to receiving waters through the City's storm drain system. See Response to Winn, Gray and Herkimer Comment 11 regarding the site survey to identify any additional point sources not currently authorized by the permit.

X. COMMENTS FROM THE HOUSATONIC VALLEY ASSOCIATION:

Comment 1:

On behalf of the Housatonic Valley Association (HVA), I would like to thank you for the opportunity to provide our comments on this proposed NPDES permit. We feel that this permit is of particular importance not only due to the public scrutiny associated with the ongoing PCB remediation efforts, but to the severity of the potential impacts that storm water run off will have on the East Branch of the Housatonic River.

HVA has been conducting water quality monitoring programs since 2001. The most important aspect that we have learned regarding water quality impact is that runoff is a major contributor to water quality impairment. Especially during wet weather sampling, the parameters that we measure show a dramatic spike in their concentration in our water samples. This evidence demonstrates that this spike is directly related to the fact that water runoff from riparian areas transport contaminated sediments directly into the river.

As we all know, there has been considerable time, money, and effort in mandating and fulfilling the required clean-up associated with the Consent Decree which was implemented to 'restore' the water quality of the Housatonic River. One of the unfortunate aspects of this compromise agreement has allowed 'residue of acceptable limits' to remain at the site. This residue that is present is our major concern regarding this NPDES permit. We feel that due to the nature of water runoff, this residue, without proper treatment, will find its way back into the river.

Since the EPA and the Massachusetts Department of Environmental Protection (DEP), recognize the impact that runoff has on water quality degradation; it would seem logical to not allow known PCB contaminated areas to be flushed into the river. Even though the residue that is on site is at Consent Decree 'acceptable limits', since it will be accumulating and concentrating in the river, we find any runoff that contains PCB concentrations to be unacceptable. Recent river bottom soil testings have shown that PCB residue already exists in the once clean soil that was placed down after the contaminated soil was removed. While the source of contamination may not yet be proven, the possibility that it could be caused by existing runoff needs to be taken into consideration.

The purpose of the NPDES permit is for the elimination of toxic discharge into our waterways. There are presently existing storm drains that have been found to exceed present EPA PCB limits, which is .014 ppb for aquatic life. I would like to raise the issue that the 'acceptable levels' of remaining PCBs that is stated in the Consent Decree, does not apply to setting discharge criteria from the storm drains. The Consent Decree and the NPDES permit process are separate legal documents. The NPDES is for the elimination, not for finding and establishing acceptable levels of contamination.

Response 1:

EPA agrees that storm water runoff contributes to water quality impairments. EPA agrees that the site remediation conducted pursuant to the Consent Decree may not reduce PCB contamination sufficiently to ensure that point source discharges from the site do not cause or contribute to exceedances of water quality standards and that EPA's authority under the Clean Water Act is separate and independent of its authorities under CERCLA and RCRA.

EPA has concluded that the requirements in the Final Permit will lead to attainment of water quality standards, but that if more stringent limits are necessary to ensure compliance with water quality criteria, the permit will be reopened and modified to include such requirements.

As described previously, the Final Permit includes water quality-based numeric limits for all dry weather discharges from the authorized outfalls. The permit requires BMPs for storm water discharges which EPA has concluded are sufficient to achieve water quality standards and also includes wet weather monitoring requirements of both effluent and receiving water to ensure that water quality criteria are achieved.

Federal regulations require that water quality–based effluent limitations be sufficiently stringent to ensure that the discharge of any pollutant does not cause or contribute to the exceedance of any water quality standard for that pollutant. Complete elimination of the pollutant is not necessarily required under the Act.

Comment 2:

It was stated at a public meeting regarding this application that at present, when a GE contaminated building is demolished; the drainage from that building site is plugged. When a drainage pipe to the river is only from that building, then the pipe is also plugged at the river. However, when a pipe from a contaminated site is connected to a storm drain system, the pipe to the river is not plugged. I would like to stress that any pipe from a contaminated building site should not be allowed to be connected to any existing pipe system that flows into the river.

Response 2:

It is EPA's understanding that drainage pipes from demolished buildings are routinely plugged regardless of whether the discharge goes to an active or inactive storm drain system. The sewer system mapping required by the SWPPP will confirm any remaining discharges.

Comment 3:

This permit plan calls for some storm drains to be eliminated and that the runoff will be allowed to flow off the surface of the affected areas. While we recognize the difficulties of obtaining accurate water quality measurements of this 'sheet' flow, it is understood however that this flow

has the same type of negative impact as storm drain outflow. They are both transporting sediments, which particularly in this case, have a percentage of PCB concentration. This sheet flow needs to be incorporated into EPA approved Best Management Practices, not at just a few locations, but at any site that allows flow to migrate into the river. Plus, if the sheet flow is channeled into one specific location, that location should be regulated as a specific discharge area.

Response 3:

It was not EPA's intent to create new point sources by promoting sheet flow. EPA has modified the language in BMP.3.A to clarify that the intent was to facilitate infiltration. If flow is channelized and discharged to a receiving water it would be considered a point source and subject to NPDES permitting. EPA also made modest changes to the language in BMP.3.A to clarify that the intent of this provision was to minimize storm water bypasses.

See Response to Winn, Gray and Herkimer Comment 11 regarding the site survey to identify any additional point sources not currently authorized by the permit.

See Response to Riverways Comment 7.

Comment 4:

The city of Pittsfield has apparently connected their storm drain system into the GE storm drain system. The applied for permit is for the GE site. Plus to make this issue even more complex, the land that is being transferred to PEDA, will be city owned and could be discharging contaminated PCB runoff. The ownership of these pipes needs to established, and city pipes and GE pipes need to be separated from the GE NPDES permit.

Response 4:

Outfalls 001, 01A, and 004 have been transferred from GE to PEDA. PEDA is now responsible for the discharges from those outfalls pursuant to the transferred permit. EPA understands that there have been discussions between the City and PEDA regarding a project to remove the City flow from the PEDA drainage systems. Such a project would reduce wet and dry weather flows from the PEDA outfalls.

EPA is less familiar with plans to remove City flows from the remaining GE outfalls. GE is ultimately responsible for pollutants discharged through outfalls it owns and operates. However, the City has an independent obligation to manage its contributing storm drains pursuant to its coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges From Small Municipal Separate Storm Sewer Systems.

Comment 5:

While it is recognized that the original NPDES permit did not cover storm water, this permit due to the presence of PCBs in the soil, and the confirmation of their affect on the environment, needs to eliminate any known discharge of PCBs into the river. To help to eliminate this discharge, the drainage from contaminated GE sites should not be allowed to flow directly into the river. At a minimum the runoff should be filtered either through the GE WWTP or have an effective filtering system installed in the system of drainage pipes.

To emphasis the point, there should be no allowable PCB concentration allowed from storm water runoff to flow into the Housatonic River. Also, any storm drains, whether they are owned by GE, PEDA or the city of Pittsfield, which includes Silver Lake and the former oxbows, if they flow though areas that have PCB concentrations, should not be allowed to discharge PCBs into the Housatonic River.

Response 5:

Regarding the comment that the permit should require that filtering systems be applied to storm water runoff, NPDES permits do not typically specify treatment technologies that must be applied to achieve effluent limitations and conditions. If effluent limitations are not achieved with current facilities and the required BMPs, GE will be required to take additional actions to achieve the permit requirements.

Regarding the comment that no discharge of PCBs should be authorized, EPA is required to ensure that the discharge of PCBs meet the applicable technology and water quality-based requirements of the Act. This does not necessitate complete elimination of all PCB discharges from the GE site.

XI. COMMENTS FROM THE PITTSFIELD DEVELOPMENT AUTHORITY:

Comment 1:

The Pittsfield Economic Development Authority (PEDA) appreciates the opportunity to comment on the subject draft National Pollutant Discharge Elimination System (NPDES) permit for the General Electric Company (GE) property in Pittsfield, Massachusetts. As described in the attached comments, PEDA is encouraged by the U.S. Environmental Protection Agency and Massachusetts Department of Environmental Protection requirements for storm water runoff Best Management Practices (BMPs) implementation at the GE facility. We expect that these BMPs will further protect the water quality in the Housatonic River and Silver Lake. The draft permit also recognizes the changes at the facility that are ongoing and planned for the future, including the transfer to and redevelopment by PEDA of a 52-acre parcel at the west end of the current GE facility. We provide further detail about those plans in the attached comments.

We are, however, concerned about the potential implications of certain proposed changes to the current wet weather sampling protocol for Outfalls 001 and 004, which are expected to be transferred to PEDA. As described further in the attached comments, the consequences of the proposed changes are largely unknown and control of the current storm water quality in Outfall 001 is strongly influenced by storm water from 91 acres in the City of Pittsfield that is not under GE or PEDA control. If PEDA were to inherit this revised sample collection protocol, we are concerned about the potential impact on PEDA's NPDES compliance status during the property redevelopment process.

The US Environmental Protection Agency (USEPA) and Massachusetts Department of Environmental Protection (MassDEP) issued a draft NPDES permit MA0003891 to the General Electric Company (GE) to replace the current expired permit currently covering GE's discharges to Silver Lake, Unkamet Brook, and the Housatonic River. PEDA is pleased to see that the draft permit appears to take into account several changes and improvements that GE has made to its storm water discharge system over the past several years, improvements resulting from GE's ongoing environmental remediation of its property, and the planned redevelopment of a portion of the current GE property by PEDA. In these comments, we provide further information about PEDA's plans for the development of this property, focusing on the storm water management infrastructure, and raise some concerns about certain of the draft permit provisions as they may affect PEDA.

In the fact sheet for the draft permit, USEPA and MassDEP have recognized the plans to transfer 52 acres of the GE property to PEDA, which will be developed as the William Stanley Business Park (the "Park"). The fact sheet also states that outfalls 001, 01A, 004, and YD3 are associated with this property. Our understanding is that permit responsibility for these outfalls will transfer to PEDA upon transfer of the property. An agreement between GE and PEDA regarding details

of that transfer and associated responsibilities has been submitted to USEPA. As part of the PEDA property redevelopment, which could take up to 10 years to complete and could reduce the amount of impervious surface on the property by up to 10 acres, PEDA expects to develop a new storm water infrastructure. The specific elements of the new storm water management infrastructure are still being evaluated by PEDA but the general approach to storm water management has been developed and is described below.

First, working with GE and the City of Pittsfield, storm water discharges from land owned by GE, except for one small parking lot, and from portions of Pittsfield not owned by PEDA will be separated from storm water discharges originating on the PEDA property. This separation will likely be accomplished over the next several years through diverting storm water runoff from these other properties upstream of the Park or through the construction of parallel storm water systems, if diversion is not feasible. At the end of this process, PEDA expects to have a separate 52-acre watershed, corresponding to the limits of the Park that drain almost entirely into Silver Lake.

Within the Park, PEDA, in conjunction with future tenants, will create a new storm water infrastructure and, for the most part, abandon the existing system in place. The new storm water management system would rely primarily on BMPs to treat storm water runoff. These BMPs would likely include a combination of techniques including constructed wetlands/extended detention ponds, parking lot detention ponds, deep sumps and hooded catch basins, street sweeping, water quality swales, and dry wells for roof drains. The new storm water infrastructure would likely tie into the existing outfalls 001 and 004 immediately upgradient of Silver Lake Boulevard to avoid the impacts associated with constructing new outfalls within Silver Lake. BMP 3.A in the proposed draft permit calls for the closure of Outfall 004, but retention of the outfall pipe underneath Silver Lake Road for possible future use by PEDA. PEDA intends that the new storm drainage infrastructure on the PEDA property will comply with all applicable state and federal storm water quality management regulations and guidelines.

Construction of the new storm water improvements will coincide with the transfer schedule between GE and PEDA for the 52 acres. This will occur over the next several years, with the specific schedule depending upon market conditions for attracting and securing new tenants for the Park. The first transfer, which is expected in the spring of 2005, will include approximately 25 acres south of the existing CSX rail line that bisects the 52 acres that will ultimately be transferred from GE to PEDA. Another 7 +/- acres (40's complex) located north of the railroad tracks and west of Woodlawn Avenue will follow in the next couple of years and another 20 +/- acres north of the railroad tracks and east of Woodlawn Avenue (19 complex) will follow after that.

PEDA has one specific area of concern with respect to the draft permit, the new wet weather sample collection protocol that would apply to the outfalls associated with the land transfer to PEDA. As described in Item 5 in the Fact Sheet associated with the draft permit, the drainage basin associated with Outfall 001, one of the outfalls that will be transferred to PEDA, includes

drainage from 91 acres in Pittsfield that is not currently owned by GE and will not be owned by PEDA. Historic data for Outfall 001 under the current permit sampling protocols (24-hour composite samples) indicates that GE has maintained compliance with the current and proposed total suspended solids (TSS) and oil & grease (O&G) criteria, despite the lack of control over flow contributions from properties not owned by GE. We are not aware, however, of any data collected under the proposed wet weather sampling protocol described in footnote *2 of the draft permit (grab sample during the first 30 minutes of discharge from a storm event and a flow weighted composite over the first three hours of discharge). It is not feasible, therefore, to predict the potential impact of the new sampling protocol on the compliance status of Outfall 001, or the other outfalls that discharge storm water, under the draft permit terms. Nor is it possible for GE or PEDA to manage the storm water quality from the 91 acres of land outside of GE or PEDA control that drains through Outfall 001.

The Pittsfield storm drain system serving these 91 acres does not include modern best management practices (BMPs) that would be associated with a more recently installed system, and thus may contribute a higher TSS and oil & grease (O&G) load than an otherwise comparable system with modern BMPs. Although there is intent to eventually separate the municipal storm drain system from the GE storm drain system, as described above, until that occurs, higher TSS and O&G loads associated with this older system are likely to be discharged through Outfall 001. PEDA therefore expresses concern about the potential impact of the proposed sampling protocol on PEDA's currently planned cost effective approach to upgrading the storm water management system in the land area to be transferred to PEDA. PEDA intends to fully comply with federal and state regulations and guidance with regard to storm water discharge quality management as the PEDA parcel is redeveloped. It could, however, take several years to complete the property redevelopment and diversion of the municipal storm water. We recommend that a storm water sample collection protocol consistent with that in the current permit be retained in the new permit.

With regard to the overall site storm water management under the proposed permit, we are encouraged that the USEPA and MassDEP are requiring GE to retrofit a series of Best Management Practices ("BMP5") to its storm drainage system despite the fact that most of the area is undergoing building demolition and closure, not redevelopment. These BMPS, which include cleaning and inspection of significant portions of the storm drainage system and upgrades to the storm water treatment facilities, are expected to improve the quality of storm water discharges to the Housatonic River and Silver Lake, discharges that are already meeting the current permit requirements.

Response 1:

As discussed previously, 27 acres of land, outfall 001, 01A, 004, and YD3 were transferred from GE to PEDA in May of 2005, shortly after the public comment period closed. Accordingly, GE's Final Permit does not include those outfalls. The applicable conditions and limitation for those outfalls are from the September 30, 1988 permit, as modified in 1992. EPA intends to

issue a new permit to PEDA in the near future, subject to required permit issuance procedures. EPA is therefore not providing responses to the specific concerns raised regarding the sampling requirements for outfalls 001, 01A, 004 and YD3 as future requirements for those outfalls (with the exception of outfall 004 which has been eliminated) will be included in the new PEDA permit and will be subject to public notice and comment.

Regarding the comments pertaining to the anticipated construction project that will create a new storm sewer infrastructure on the PEDA site, the project as described would appear to provide significant water quality benefits and be consistent with EPA guidance.