



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

November 25, 2008

VIA OVERNIGHT MAIL AND ELECTRONIC SUBMISSION

Ms. Eureka Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Michael T. Carroll
Manager, Pittsfield Remediation Programs
Corporate Environmental Programs
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

**Re: G.E.-Pittsfield Facility
Notice of Uncontested and Severable Conditions
NPDES Appeal No. 08-25
NPDES Permit No. MA0003891**

Dear Ms. Durr and Mr. Carroll:

The General Electric Company ("GE") timely petitioned the U.S. Environmental Protection Agency Environmental Appeals Board for review of NPDES Permit No. MA0003891 ("Permit") on November 3, 2008. The Permit was issued by the New England Regional Office of the U.S. Environmental Protection Agency ("Region") on September 30, 2008. The draft permit was issued on December 22, 2004 ("Draft Permit").

Pursuant to 40 C.F.R. § 124.19, GE contests the following Permit provisions:

Part	Contested Limitation or Condition
Part I.A.1	-PCB limitation and/or conditions applicable to the 64G treatment system
Part I.A.3	-Sampling conditions applicable to dry weather discharges from Outfall 005 -Monthly average dry weather PCB limitation of 0.014 ug/l on Outfall 005 -Lack of authorization to discharge fire

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	suppression system water from Outfall 005 during dry weather
Part I.A.5	<ul style="list-style-type: none"> -Wet weather flow proportioned composite samples for TSS and PCB discharges from Outfall 05A -Dry weather discharge prohibition on Outfall 05A -Lack of authorization to discharge fire suppression system from Outfall 05A during dry weather
Part I.A.6	-Wet weather flow proportioned composite samples for TSS and PCB discharges from Outfall 05B
Part I.A.7	<ul style="list-style-type: none"> -Sampling conditions applicable to dry weather discharges from Outfall 006 -Monthly average dry weather PCB limitation of 0.014 ug/l on Outfall 006 - Lack of authorization to discharge fire suppression system water from Outfall 006 during dry weather
Part I.A.8	<ul style="list-style-type: none"> -Wet weather flow proportioned composite samples for TSS and PCB discharges from Outfall 006 -Monthly average wet weather PCB limitation of 0.065 ug/l on Outfall 006
Part I.A.9	<ul style="list-style-type: none"> -Wet weather flow proportioned composite samples for TSS and PCB discharges from Outfalls 06A -End of pipe flow meter on Outfall SR05
Part I.A.11	<ul style="list-style-type: none"> -Sampling conditions applicable to dry weather discharges from Outfall 009 -End of pipe flow meter on Outfall 009 -Monthly average dry weather PCB limitation of 0.014 ug/l on Outfall 009 - Lack of authorization to discharge fire suppression system water from Outfall 009 during dry weather
Part I.A.13	<ul style="list-style-type: none"> -Authorization of discharges from Outfalls YD6, YD7, YD8, YD9 and YD14 - Lack of authorization to discharge fire suppression system water from Outfalls YD10, YD11

	and YD12 during dry weather
Part I.E	-Ambient monitoring plan
Part I.F	-Permit re-opener
Attachment C, BMP Plan Part A.1, BMP 1.A	-BMPs applicable to Drainage Basin 007

GE also contests the increase in monitoring frequencies at all outfalls, as set forth in Part I.A.1 through I.A.12 of the Permit. Finally, the Region has determined that the following two additional conditions are not severable from the contested conditions set forth above:

Attachment C, BMP Plan Part A.1, BMP 1.C	-Pipe cleaning and inspection to the extent applicable to portions of the collection system discharging to OWS 64X ¹
Part I.D	-PCB treatment capability study for the 64G treatment system

Collectively, the foregoing contested and inseverable conditions are referred to as the "Contested Conditions." All other conditions of the Permit are referred to as the "Uncontested Conditions."

I hereby notify you of my determination that the Contested Conditions are stayed during the pendency of this appeal and until final agency action under 40 C.F.R. § 124.19(f). With respect to each of the Contested Conditions, the corresponding term, if any, in: (1) GE's individual prior permit issued by EPA on September 30, 1988, as modified on May 21, 1992, or, as the case may be, (2) the multi-sector general permit, for which GE sought and obtained coverage on April 4, 2001, for storm water discharges associated with industrial activity not covered under the individual permit, shall remain in effect. The Uncontested Conditions of the Permit shall become fully effective enforceable obligations on January 1, 2009.

If you have any questions regarding this notice, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or Brian Pitt, in our Office of Ecosystem Protection, at 617-918-1875.

Sincerely,



Robert W. Varney
Regional Administrator

cc:

¹ This inseverability determination is preliminary. It may be amended at a later date based on additional information or analysis discussed with GE. Any such amended determination will follow the notice requirements of 40 C.F.R. § 124.60(b).

Roderic McClaren, GE (via electronic mail)
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