



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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KENNETH L. KIMMELL
Commissioner

NOTICE OF FINAL LICENSE DETERMINATION

In Re: Issuance of Final Hazardous Waste Facility License # 28B-2011 M.G.L c. 21C

Issued To: General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201
EPA ID Number MAD002084093

On October 25, 2005, the Department issued a five-year license to General Electric Company (GE). In October 2010, GE submitted a license renewal application to allow the company to continue hazardous waste facility operations at its site in Pittsfield, MA.

Following technical review of the application, the Department prepared a draft license. Public Notice of the draft was given in The Berkshire Eagle on June 14, 2011.

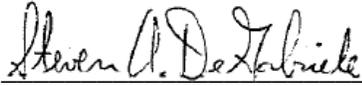
Copies of the draft license were available for public review at the Pittsfield Public Library, the Pittsfield Health Department, the Department's Boston and Western Regional Office in Springfield and the U.S. Environmental Protection Agency Region I New England Office in Boston.

The public comment period was from June 14 through July 28, 2011. During the 45-day comment period, the Department received written comments specific to the terms and conditions of the draft license. The Department's responses to comments it received are summarized in the document titled "Summary Response to Comments" attached to this notice. This document also describes revisions made to the draft license as a result of the comments received.

The Department grants General Electric Company, Pittsfield, MA a final hazardous waste facility license.

Any person aggrieved by this decision may request an adjudicatory hearing before the Department; please refer to the "Appeal Rights and Time Limits" procedures attached to this notice.

The final license shall become effective either (a) twenty-one (21) days after the date of the notice of final decision pursuant to 310 CMR 30.838(1) unless the final determination is appealed during the 21 day period, or (b) at the conclusion of the Adjudicatory Hearing Process, pursuant to M.G.L. c. 21C and c. 30A, and 310 CMR 1.00.



Steven A. DeGabriele, Director
Business Compliance Division
Bureau of Waste Prevention

Date: 9/6/2011



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SUMMARY RESPONSE TO COMMENTS

The Department received comments on the Draft Hazardous Waste Facility License for General Electric Company (GE) from US EPA Region I during the public comment period. Below are those comments listed as C1, C2, C3 and C4 and the Department's response to each comment listed as R1, R2, R3 and R4:

C1. EPA Corrective Action Permit:

EPA would like it to be clear, up front in the license, that there is an EPA-issued Corrective Action Permit in effect. While the license gives a brief overview of the Corrective Action authority in the "General Description" on page iii and in the "specific License Conditions" on page 7, the fact that there is an EPA-issued corrective action permit in effect is not specifically stated until Appendix 3, page 3-5 of the license. We made the request that this be clear at one of our bi-monthly meetings, the note from that meeting is included below.

R1. Page i FORWARD of the draft license, shall be revised to include, after first paragraph, the following statement:

"General Electric Company's (GE) Housatonic River site investigation and cleanup work is performed pursuant to an EPA-issued RCRA Corrective Action permit. The present license renewal for GE's hazardous waste facility is a separate matter from EPA's RCRA Corrective Action permit."

C2. Test Methods:

In Appendix 5, "Waste Characteristics", Attachment 5A refers to SW-846 Test Methods. The methods for reactivity should be deleted since Section 8.3 of SW-846 no longer includes test methods for reactivity. The Agency currently uses the narrative section of the regulations for determining reactivity.

R2. In Appendix 5, “Waste Characteristics”, Attachment 5A Summary of Testing Methods shall be revised to read, in part, as follows:

“Reactivity The narrative section of the regulations at 310 CMR 30.124 shall be used for determining reactivity.”

C3. Inspection Plan

The requirements for inspections at the facility are unclear, some of the permitting language is vague and at times confusing. On page 29, “Facility Inspection Plan and Procedures”, there are references to the state regulations for inspections (the regulations require that inspections be done weekly), this section also refers to Appendix 7 of the license which mentions an inspection schedule, but there was no such “schedule” included in the license. However, in Appendix 9 on page 9-3, it states that “The facility is inspected daily and weekly as described in Appendix 7 of this permit...” To avoid any confusion it should be clearly stated in the Inspection Plan (Appendix 7) what inspections are required and how often they should be done.

R3. Page 29 shall be revised for clarity and accuracy to eliminate vagueness and confusion (Attached). Section J Facility Inspection Plan and Procedures on page vi of the Table of Contents shall be revised accordingly.

Page 7-1, Section 7.02 Inspection Schedule, last sentence shall be revised to read as follows: “The daily, weekly and monthly schedules of inspections are included in the inspection forms provided in Attachment 7A. Though it is not a regulatory requirement, GE conducts monthly inspections of its Hazardous Waste Management Facility – Building 78.”

Attachment 7A, title page shall be revised to read “Inspection Schedules and Logs”. Inspection logs title should be revised to include the word “Schedule”, i.e., “Daily Inspection Schedule – Building 78”, etc.

Page 9-3, Section 9.02.03, fourth paragraph, of Appendix 9 shall be revised to read as follows: “The facility is inspected daily, weekly and monthly as described in Appendix 7 of this permit application and in accordance with 310 CMR 30.686.”

C4. Air Emissions

When referring to the air emissions standards that may be applicable to the facility the state should refer to the 40 CFR Part 265, interim status standards not the permitting regulations of 40 CFR Part 264. The reference to Part 264 can be found on page 5 under section 19 and on Page 3-4 in Appendix 3 of the license.

R4. Page 5 under section 19 and page 3-4 in Appendix 3 of the license shall be revised to reflect interim status standards of 40 CFR Part 265.

Revised replacement pages in the draft license pertaining to all comments above shall be provided once revisions are finalized. The final license shall incorporate all the required revisions.