



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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**FACT SHEET**  
**DRAFT HAZARDOUS WASTE FACILITY LICENSE**  
**FOR**  
**GENERAL ELECTRIC COMPANY**  
**JUNE 2011**

This Fact Sheet summarizes the content of the Draft Hazardous Waste Facility License (Draft License) prepared by the Department of Environmental Protection (MassDEP) for General Electric Company (the Facility) pursuant to M.G.L. c. 21C and 310 CMR 30.000. This Fact Sheet was prepared in accordance with the provisions of 310 CMR 30.832, "Draft Facility License".

## **I. Purpose of the Licensing Process**

The purpose of the licensing process is to afford MassDEP, the U.S. Environmental Protection Agency (EPA), local government, and citizens the opportunity to evaluate the ability of a license applicant to comply with the applicable hazardous waste management regulations promulgated under M.G.L. c. 21C and 310 CMR 30.000.

Facilities which treat, store and/or dispose of hazardous waste must be designed and safely operated to protect the people of Massachusetts from the dangers of improperly handled hazardous waste. Stringent licensing requirements are intended to ensure that those who accept hazardous waste are qualified to do so. Before issuance of any hazardous waste facility license, pursuant to M.G.L. c. 21C and 310 CMR 30.000, the MassDEP is required to prepare a Draft License. The Draft License sets forth in one document all the applicable requirements that a licensee is required to comply with during the 5-year duration of the license.

## **II. Procedures for Reaching a Final Decision**

Massachusetts Hazardous Waste Regulation, 310 CMR 30.833, requires that MassDEP provide a public notice of the Draft License and allow at least a forty-five (45) day public

comment period. The public comment period for this Draft License will begin with publication of the public notice in the Berkshire Eagle on June 14, 2011 and will end on July 28, 2011, 5 p.m. Any person interested in commenting on the Draft License must do so within this comment period. Submit comments in writing to:

Anna Stern, Environmental Engineer  
Department of Environmental Protection  
Bureau of Waste Prevention  
Business Compliance Division  
One Winter Street, 7th Floor  
Boston, MA 02108

MassDEP will schedule an informal public hearing on the proposed Draft License if, during the comment period, or within 15 days of the close of the comment period, MassDEP receives written notice requesting an informal public hearing, or if it determines on its own that there is significant public interest in the draft license. Written and oral comments will be accepted at the hearing.

In making a final decision, MassDEP will consider all written comments received during the comment period, all verbal comments received at a public hearing, if held, and the requirements of the Massachusetts Hazardous Waste Regulations 310 CMR 30.000. MassDEP will then make a final determination to issue or deny a hazardous waste facility license to the Facility.

MassDEP will give notice of its final license decision to the Facility and each person who has submitted written comments or has requested notice of the final license decision. A final license decision becomes effective 21 days after the date of the notice of the decision. The final license decision will be postponed if a request for an adjudicatory hearing before MassDEP is made within the 21-day period.

### **III. Licensing History, Facility Description, Facility Operations**

#### **A. Licensing History**

The Facility was issued its previous hazardous waste facility license #28 B by MassDEP on October 25, 2005. The Facility is presently operating under that license, and subsequent MassDEP authorized modifications to that license.

#### **B. General Description**

The Facility is an existing Massachusetts licensed on-site hazardous waste storage facility authorized to manage and store a broad range of specific hazardous wastes in designated hazardous waste storage areas in containers. Hazardous wastes authorized for management at the Facility are identified in the RCRA Part A Form, Appendix 2A, of the Draft License.<sup>1</sup> The maximum hazardous waste storage capacity is 162,360 gallons. The

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<sup>1</sup> Refer to the Draft License for all figures and attachments provided in this fact sheet.

Facility is not authorized to treat, reclaim or dispose of hazardous waste.

The General Electric Company (GE) Facility, for the purposes of this Fact Sheet, consists of one facility referred to as Container Storage Facility S-78 (or Building 78) at GE's Pittsfield Plant, which is used to store hazardous wastes for periods in excess of 90 days. The waste stored at S-78 facility includes waste generated from response actions under the Consent Decree executed on October 27, 2000, facility maintenance operations, research and development, and waste generated at locations at or near Pittsfield, MA., that are subject to remediation by GE (through Pittsfield operations) pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000), the National Contingency Plan (40 CFR Part 300), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and/or the corrective action provisions of the Resource Conservation and Recovery Act (RCRA) under the oversight of MassDEP and/or the US EPA.

### **C. Detailed Facility Description**

A listing of the hazardous wastes that are authorized for receipt and storage is provided in Section D, below. The majority of wastes stored in the Facility are PCB contaminated solids. Types of wastes include PCB contaminated solids and liquids, halogenated and non-halogenated solvents, acids and caustics, wastes from several water treatment facilities, spent chemicals from facility operations, wastes from routine facility maintenance, and wastes generated from research and development. Contaminated soils (other than PCBs) are also stored at the facility. Figure 1 of Appendix 16 shows the general location of the GE Pittsfield Plant. Figure 2 of Appendix 16 shows the specific location of the hazardous waste storage facility Building 78, within the GE Pittsfield Plant. The layout of the Facility – Building 78 – is shown on Figure 7 of Appendix 16. Containers are segregated according to contents to prevent an uncontrolled reaction of incompatible wastes. There are loading areas at the southern and eastern sides of the building for forklift trucks to safely load and unload containers. The building is totally enclosed and therefore, receives no precipitation or runoff. The total hazardous waste storage capacity of the container storage area of Building 78 is the equivalent volume of 2,952 55-gallon drums or 162,360 gallons, and a secondary containment capacity of 30,144 gallons.

The entire GE Plant is surrounded by fencing with a minimum height of 8 feet. All entrances to the Plant are locked and controlled by coded or card key access.

The Facility is located at the intersection of New York Avenue and Tyler Avenue in Pittsfield, MA. The site is about 0.2 miles southeast of Route 9, approximately 1.3 miles east of Route 7, and approximately 13.4 miles to Route I-90. A mixture of commercial, industrial and residential properties exist along nearby streets.

### **D. Authorization to Receive and Store Hazardous Waste**

The following hazardous wastes are stored at the Facility:

## Hazardous Waste Container Storage

Authorization for container storage is limited to the following hazardous waste codes:

<u>Waste Codes</u>	<u>Description</u>
MA01 *	Waste Oil
MA02	PCBs>50ppm
D001	Ignitable Waste
D002	Corrosive Waste
D003	Reactive Waste
D004 - D011 **	Toxicity Characteristic Waste
D016**	Toxicity Characteristic Waste
D018 - D019 **	Toxicity Characteristic Waste
D021 - D030 **	Toxicity Characteristic Waste
D032 - D043 **	Toxicity Characteristic Waste
F001	Spent Solvents
F002, F004	Spent Solvents
F003, F005	Spent Solvents and Paint Wastes
F039	Leachate***
U022	Acetone
U154	Methanol
MA95	Universal Waste

\* Authorized storage includes waste oil that exhibits a hazardous waste characteristic (D001, D004-D008) provided that waste oil has not been mixed with any other hazardous waste, and provided it passes the rebuttable presumption test pursuant to 310 CMR 30.215(1)(b).

\*\* These waste codes apply only to the presence of Toxicity Characteristic constituents in the waste streams listed above.

\*\*\* Includes leachate classified by more than one waste code under 310 CMR 30.131 through 30.136, or from a mixture of wastes classified under 310 CMR 30.120 through 30.125 and 30.131 through 30.136.

Any hazardous waste, other than those hazardous wastes identified by the hazardous waste codes specifically listed above, is prohibited from storage in containers.

### **E. Authority to Store Non-Hazardous Waste**

The Facility is authorized to store liquid and solid non-hazardous waste in containers. Detailed requirements for the management of non-hazardous waste are provided in the

Specific Conditions of the Draft License.

#### **F. Corrective Action Program**

Provisions regarding Corrective Action are specified in the Specific Conditions of the Draft License.

#### **IV. Summary of License Conditions**

In order to operate a hazardous waste management facility in Massachusetts, a licensee must comply with the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000, and all other applicable State and Federal statutes and regulations. These requirements are clearly stated in the terms and conditions of the Draft License, and failure to comply with them may result in suspension or revocation of the license or other enforcement actions by the Department and/or the Office of the Attorney General.

The licensee must properly operate and maintain the facility to prevent any actual or potential threat to the public health, safety, welfare and the environment. In addition, the licensee shall act to prevent all actual and potential adverse impacts to persons and the environment resulting from non-compliance and will be responsible for paying for damages caused by such non-compliance.

The licensee must provide records of activities to the Department, allow inspections, and inform the Department of any changes in activities or to the facility. In all cases, it is the obligation of the licensee to meet the burden of proof to persuade the Department that the applicant is competent with respect to hazardous waste activities. All documents submitted to the Department must be certified under penalty of law. In the event of an emergency involving hazardous waste that could threaten public health, safety, welfare and the environment, the hazardous waste emergency coordinator will invoke the facility contingency plan, which includes notification to the Department's Western Regional Office in Springfield.

#### **V. License Organization**

The Draft License is organized as follows: Part I, Facility Operating Conditions; Part II, Facility Management Requirements; and the remainder of the Draft License consists of appendices.

Part I contains 3 sections, which describe general license conditions, specific license conditions, and the use and management of containers.

Part II contains 12 sections, which describe facility management requirements for:

- Required Notices
- Manifest System
- Record Keeping and Reporting

- Ignitable and Incompatible Wastes
- General Waste Analysis Plan and Procedures
- Security Plan and Procedures
- Inspection Plan and Procedures
- Personnel Training Plan and Procedures
- Preparedness and Prevention
- Contingency Plan and Procedures
- Closure Plan and Procedures
- Financial Responsibility

Appendices:

- Summary, Statements and Certifications
- RCRA Part A Form
- Completeness Checklist
- Articles of Organization & Financial Statements
- Facility Location Documentation
- Waste Analysis Plan
- General Inspection Plan
- Personnel Training Plan
- Contingency Plan
- Closure Plan and Financial Responsibility
- Security Plan
- Preparedness and Prevention Plan
- Engineering Plans and Specifications
- Figures

## **VI. Location of Available Information**

A copy of the Draft License and additional copies of this Fact Sheet will be available at:

Department of Environmental  
Protection  
Bureau of Waste Prevention  
Business Compliance Division  
One Winter Street, 7th Floor  
Boston, MA 02108  
Contact: Anna Stern  
(617) 292-5904

Department of Environmental  
Protection  
Western Regional Office  
406 Dwight Street  
Springfield, MA 01887  
Contact: John Downs  
(413) 755-2231

US Environmental Protection Agency  
Suite 1100 CHW  
Boston, MA 02114-2023  
Contact: Sharon Leitch  
(617) 918-1647

Pittsfield Health Dept.  
70 Allen Street  
Pittsfield, MA 01201  
Contact: Jim Wliusz  
(413) 499-9411

Pittsfield Public Library  
One Wendell 401 Street  
Pittsfield, MA 01201  
(413) 499-9480

The Fact Sheet is also available on the MassDEP web site at:

<http://www.mass.gov/dep/recycle/hazardous/treatmen.htm>.

## **VII. Appeal Procedures**

Pursuant to Massachusetts General Law (MGL) Chapter 21C, Section 11, any person aggrieved by a determination by the Department to issue or deny a license and has legal standing to do so, may request an adjudicatory hearing before the Department. For the purposes of 310 CMR 30.000, an “aggrieved person” shall be deemed to be any person who is or may become a “party” or “intervener” pursuant to 310 CMR 1.00.

A person aggrieved by a final decision in any adjudicatory proceeding may obtain judicial review thereof pursuant to the provisions of M.G.L. c. 30A. This license is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the Notice of Final License Decision.

### **CONTENTS OF HEARING REQUEST**

Under 310 CMR 1.01(6) (b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

### **FILING FEE AND ADDRESS**

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

### **EXCEPTIONS**

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or municipal housing authority.

### **WAIVER**

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

This Fact Sheet was prepared by the MA DEP, Business Compliance Division, Bureau of Waste Prevention. For additional information contact Anna Stern at (617) 292-5904.