

Monsanto

FROM (NAME & LOCATION)

T.L. Gossage - St. Louis - B2SL

DATE : September 15, 1975 CC: H.S. Bergen

SUBJECT : Notice of Hearing and Complaint
issued by the State of New York

REFERENCE :

TO : W.B. Papageorge
C. Paton
W.W. Withers
D. Wood

Attached is a copy of the Notice of the Hearing and Complaint issued to General Electric by the State of New York. This was forwarded to Mr. Bergen from Luke Hart. Please review this document. I am sure that Howard will want to meet with us soon after his return from Europe to discuss Monsanto's input to G.E. concerning this.

T.L. Gossage
T.L. Gossage

/bh
Attachment

MONS 090014

GENERAL ELECTRIC

GENERAL ELECTRIC COMPANY, JOHN STREET, HUDSON FALLS, NEW YORK 12839
Phone (518) 747-3341

CAPACITOR PRODUCTS DEPARTMENT

cc
Papagony
Patten
Wood
Gossage
Withers

September 12, 1975

Mr. Howard Bergen
Monsanto Industrial Chemicals Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63166

Dear Howard:

This is a Notice of Hearing and Complaint issued by the
State of New York. We're going to need your help on this.

Very truly yours,


L. P. Hart, Jr.

-hp
Enc.

MONS 090015

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of
Sections 17-0501, 17-0511 and 11-0503
of the Environmental Conservation Law
of the State of New York by:

NOTICE OF
HEARING AND
COMPLAINT

GENERAL ELECTRIC COMPANY

File No.
2833

Respondent.

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Articles 3, 11 and 17
of the Environmental Conservation Law of the State of New York,
a public hearing will be convened at the following time and place:

Monday, October 6, 1975 ✓
10:00 AM Room 106
50 Wolf Road
Albany, New York

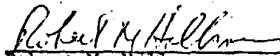
to consider certain violations of Articles 11 and 17 of the
Environmental Conservation Law of the State of New York, and
state water quality standards promulgated pursuant to Article 17
of such law, you are charged with having committed, as specified
below.

PLEASE BE ADVISED THAT you may file a written answer to the
charges of the violations herein alleged not later than three days
before the hearing date; that you may appear at the hearing in
person or by representative; with or without counsel; that all
witnesses will testify under oath; and a record of the proceeding
will be made; that you may produce witnesses and evidence in
your own behalf; that you may request issuance of subpoenas to
compel attendance of witnesses and production of records relating
to the matter under investigation; that you may cross-examine
witnesses and examine evidence produced against you.

PLEASE BE FURTHER ADVISED THAT whether or not you appear, the
hearing will convene at the stated time and place and, should you
be found in violation of the Environmental Conservation Law of
the State of New York, an Order may be issued and entered against
you and penalties may be assessed against you by reason of the
violations of the law alleged in the complaint herein.

DATED: *September 8*, 1975

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
Robert M. Hallman
Deputy Commissioner and
General Counsel


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To: General Electric Company
Electronic Components Business Division
Electronics Park
Syracuse, New York 13201

Mr. George B. Farnsworth
Vice President and Division General Manager

John F. Repko, Esq.
Division Counsel

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of
Sections 17-0501, 17-0511 and 11-0503 of the
Environmental Conservation Law of the State
of New York by:

COMPLAINT

GENERAL ELECTRIC COMPANY

FILE No.

2833

Respondent

The Department of Environmental Conservation of the State of
New York ("Department") complaining against the Respondent in the
above entitled action alleges:

DESCRIPTION OF THE ACTION

This is an action by the Department against the General
Electric Company (the "Company") seeking, based on alleged
violations of Sections 17-0501, 17-0511 and 11-0503 of the
Environmental Conservation Law of the State of New York ("ECL"),
and water quality and purity standards promulgated pursuant to
Section 17-0301 of the ECL, an Order requiring the Company to
cease and abate the discharge of a toxic waste and deleterious
substance, to wit, polychlorinated biphenyl compounds ("PCBs")
into the waters of the Hudson River from the Company's premises
and facilities located at Hudson Falls and Fort Edward, New York,
and to take appropriate steps to substantially abate or to
eliminate environmental contamination of the Hudson River and
the natural resources of the State of New York, including waters,
sediments, vegetation, fish and other animals, resulting from the
Company's past and continuing discharges of PCBs.

JURISDICTION

1. Upon information and belief, the Company is a domestic corporation duly licensed to do business in the State of New York (the "State") with offices for conducting said business at various locations throughout the State, including Electronics Park, Syracuse; One River Road, Schenectady; John Street, Hudson Falls, and Upper Broadway, Fort Edward, New York.

2. Jurisdiction and authority to initiate this administrative action is based on Sections 3-0301.2.h., 11-0305.10, 17-0303.2 and 17-0303.4 of the ECL.

BACKGROUND

3. Upon information and belief, the Company operates and maintains premises and facilities for the manufacture of electrical capacitors located in Hudson Falls and Fort Edward, New York. The manufacturing process for such electrical equipment involves the use of substantial quantities of PCBs for filling or impregnating the capacitors.

4. Upon information and belief, the Company has for at least 20 years used and continues to use substantial quantities of PCBs in its manufacturing operations at Hudson Falls and Fort Edward, New York. Throughout this time, the Company has discharged and continues to discharge ^{PCBs} into the waters of the Hudson River.

5. Upon information and belief, PCBs are discharged from point and non-point sources at the Company's premises in Hudson Falls and Fort Edward, New York, including but not limited to manufacturing facilities and the grounds surrounding the

manufacturing facilities where PCBs have tended to concentrate over the years and from which discharges are increased during periods of wet weather.

6. Upon information and belief, the Company has been for at least the past twenty years and continues to be the principal source of PCBs in the Hudson River as the result of discharges from point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York.

7. Upon information and belief, the Company, as the result of the discharges of PCBs from point and non-point sources at the Company's premises and facilities located at Hudson Falls and Fort Edward, New York is responsible in substantial part for the presence of substantial amounts of PCBs in the Hudson River, including waters and sediments, and the natural resources of the State.

8. Upon information and belief, the Company is the largest user of PCBs in the State.

9. Upon information and belief, PCBs are toxic wastes and deleterious substances which are a hazard to the health of humans, fish, birds, wild fowl, marine and terrestrial mammals and other wildlife. Upon assimilation into any organism, either directly from the environment or indirectly through food chains, PCBs may cause physiological malfunctions, including malfunctions in reproduction, disease and death.

10. Upon information and belief, PCBs consist of a mixture of compounds only slightly soluble in water; highly soluble in fats and oils; and highly resistant to biological degradation. PCBs thus are persistent substances which also tend to concentrate and become magnified in biological food chains.

11. Upon information and belief, PCBs, because of their low solubility in water, settle preferentially onto the silts, sediments and earth of the Hudson River and consequently tend to concentrate in bottom-dwelling and bottom feeding animals and aquatic plants.

12. Upon information and belief, the sediments of major portions of the Hudson River contain substantial amounts of PCBs.

13. Upon information and belief, the Hudson River, including the waters and sediments, and natural resources of the State are and will continue for many years to be despoiled and degraded as the result of the presence of PCBs.

14. Upon information and belief, the past and continuing discharges of PCBs by the Company into the waters of the Hudson River from its premises and facilities located at Hudson Falls and Fort Edward, New York (a) present a hazard to human health and the natural resources of the State which is likely to have caused and to be causing irreparable damage to the Hudson River, and (b) have resulted and are likely to continue to result in substantial injury to commercial and recreational fishery interests of the State.

15. Upon information and belief, efforts to control the release of PCBs into the environment and concern about the adverse health and environmental effects of PCBs are increasing throughout the nation.

16. Upon information and belief, during the last few years, Monsanto Industrial Chemicals Company, the sole manufacturer and

distributor of PCBs in the United States, has restricted its sale of PCBs for use only in closed applications, such as electrical transformers and capacitors.

17. Upon information and belief, pursuant to the Federal Food, Drug and Cosmetic Act, the United States Food and Drug Administration ("FDA"), Department of Health, Education and Welfare, has determined PCBs are poisonous, deleterious, and persistent substances which may contaminate, inter alia, animal feed and various foods. FDA has established temporary tolerance levels of PCBs in food stuffs, including fish, based on toxicological data, designed to protect human health (38 Fed. Reg. 18096-18101, July 6, 1973; 39 Fed. Reg. 42743-42748, December 6, 1974), and recently has taken action to seize fish sold in interstate commerce which exceed these tolerance levels.

18. The Department and the United States Environmental Protection Agency have sampled various species of edible fish in the State, including the Hudson River and specifically in the vicinity of the Company's premises and facilities located at Hudson Falls and Fort Edward, New York. Upon information and belief, these samples show that (a) edible fish in the Hudson River, including fish in the vicinity of such premises and facilities, exceed the PCB tolerance level established by FDA; and (b) that fish in waters of the Hudson River above the Company's premises and facilities contain barely detectable amounts of PCBs, far below the tolerance level.

AS A FIRST CAUSE OF ACTION

19. The environmental policy of the State is to conserve, improve and protect its natural resources and environment and to control water pollution in order to enhance the health, safety and welfare of the people of the State. (ECL Section 1-0101).

20. The Commissioner of Environmental Conservation (Commissioner") and the Department have the responsibility to provide for the prevention and abatement of all water pollution in the State (ECL Section 3-0301.i); to provide for the protection of marine resources (ECL Section 3-0301.e); to provide for the protection and management of fish and other aquatic life consistent with the environmental policy of the State (ECL Section 3-0301.l.c); and to promote the restoration and reclamation of degraded or despoiled areas and natural resources (ECL Section 3-0301.l.n).

21. It is the policy of the State to maintain reasonable standards of purity and quality for the State waters consistent with public health and public enjoyment thereof, as well as the propagation and protection of fish and wildlife, and for this purpose to require the use of all known available and reasonable methods to prevent and control pollution of State water. (ECL Section 17-0101).

22. Pursuant to ECL Section 17-0301, the Department has classified virtually all waters of the State and has adopted standards of purity and quality for each classification of water, set forth in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 701).

23. The water quality and purity standards established by the Department for fresh surface waters, including the waters of the Hudson River affected by the Company's discharge of PCBs, expressly prohibit concentrations of toxic wastes and deleterious substances "in amounts that will be injurious to fish life...or impair the waters for any best usage as determined for the specific waters which are assigned to each class." (6 NYCRR Part 701.4).

24. The Company discharges PCBs from point and non-point sources at its premises and facilities in Hudson Falls and Fort Edward, New York into a section of the Hudson River classified as Class "D" waters, the best usage of which has been determined to be secondary contact recreation, including boating, fishing and minimal bodily contact, and which "must be suitable for fish survival." (6 NYCRR Part 704.4).

25. The section of the Hudson River into which the Company discharges PCBs flows into waters classified as Class "B" and Class "A" waters, the best usage of which has been determined to be primary contact recreation and as a source of water supply for drinking, culinary or food processing purposes and any other usages, respectively. (6 NYCRR Part 701.4).

26. Concentrations of toxic wastes or deleterious substances which would not impair receiving waters for any best usage thereof, but which would impair waters into which the receiving waters flow for any best usage are prohibited. (6 NYCRR Part 701.2)

27. ECL Section 17-0501 prohibits the Company from discharging into waters of the State, including waters of the Hudson

River, organic or inorganic matter that shall cause or contribute to a condition in contravention of the water quality and purity standards adopted by the Department pursuant to ECL Section 17-0301.

28. ECL Section 17-0511 prohibits the Company from using existing or new outlets or point sources which discharge wastes, including industrial chemicals such as PCBs, into the waters of the State unless such use is in compliance with all standards, criteria, limitations, rules and regulations, promulgated or applied by the Department pursuant to Article 17 of the ECL.

29. The discharge by the Company of toxic wastes and deleterious substances, namely PCBs, in amounts which will be injurious to fish life, or which will impair the receiving waters, or waters into which such receiving waters flow for their best usage contravenes State water quality and purity standards, set forth in 6 NYCRR Part 701.

30. The discharge of PCBs by the Company into the waters of the Hudson River from point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York has and continues to violate ECL Section 17-0501 and ECL Section 17-0511 and water quality and purity standards promulgated by the Department pursuant to ECL Section 17-0301 (6 NYCRR Part 701).

FOR A SECOND CAUSE OF ACTION

31. ECL Section 11-0503.1 prohibits the Company from discharging or allowing to run into waters of the State any deleterious or poisonous substance in quantities injurious to fish

life, protected wildlife or waterfowl inhabiting those waters, or injurious to the propagation of fish, protected wildlife or waterfowl therein.

32. The discharge of PCBs by the Company into the waters of the Hudson River from point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York has and continues to violate ECL Section 11-0503.1.

WHEREFORE the Commissioner of Environmental Conservation is hereby requested to:

1. Find the Company in violation of ECL Sections 17-0501, 17-0511 and water quality and purity standards promulgated pursuant to ECL Section 17-0301, set forth in 6 NYCRR Part 701.

2. Find the Company in violation of ECL Section 11-0503.1.

3. Order the Company:

(a) to cease and abate discharges of PCBs from all point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York into the waters of the Hudson River; and,

(b) to take action necessary to restore the health of the Hudson River and the natural resources of the State, including waters, sediments, vegetation, fish and other animals, so as to substantially abate or eliminate the degradation and desposition thereof by PCBs for which the Company is responsible, all in accordance with the provisions, terms and conditions contained in the proposed Abatement Order, attached hereto as Exhibit 1, and made a part hereof.

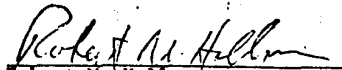
4. To order the Company to take whatever additional action may be just and proper under the circumstances to cease and

abate environmental contamination of the Hudson River and the natural resources of the State resulting from the Company's discharge of PCBs.

5. To assess civil penalties against the Company in accordance with ECL Section 71-1929 and ECL Section 71-0925.5 as deemed just and proper under the circumstances.

DATED: *September 8*, 1975

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
Robert M. Hallman
Deputy Commissioner and
General Counsel



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To: General Electric Company
Electronic Components Business Division
Electronics Park
Syracuse, New York 13201

Mr. George B. Farnsworth
Vice President and Division General Manager

John F. Repko, Esq.
Division Counsel

EXHIBIT I

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of
Sections 17-0501, 17-0511 and 11-0503 of the
Environmental Conservation Law of the State
of New York by:

PROPOSED
ABATEMENT
ORDER

GENERAL ELECTRIC COMPANY

FILE NO.

2833

Respondent

WHEREAS, the environmental policy of the State of New York ("State") is to conserve, improve and protect its natural resources and environment and control water pollution in order to enhance the health, safety and welfare of the people of the State (Environmental Conservation Law ("ECL") §1-0101);

WHEREAS, it is the responsibility of the Commissioner of Environmental Conservation ("Commissioner") and the New York State Department of Environmental Conservation ("Department") to prevent and abate water pollution; to provide for the protection of marine resources; to provide for the protection and management of fish and other aquatic life consistent with the environmental policy of the State; and to promote restoration and reclamation of degraded or despoiled areas and natural resources (ECL §3-0301);

WHEREAS, pursuant to ECL §17-0301 the Department has classified virtually all waters of the State and has adopted standards of purity and quality for each classification of water;

WHEREAS, Respondent, the General Electric Company ("Company") owns, operates and maintains premises and facilities for the

manufacture of electrical equipment located in Hudson Falls and Fort Edward, New York, from which polychlorinated biphenyl compounds ("PCBs") have been for at least twenty years and continue to be discharged into the waters of the Hudson River;

WHEREAS, PCBs are toxic and deleterious substances which are a hazard to the health of humans, fish, birds, wild fowl, marine and terrestrial mammals and other wildlife;

WHEREAS, the Hudson River, including waters and sediments, and natural resources of the State are and will continue for many years to be despoiled and degraded as the result of the presence of PCBs, a substantial portion of which have been discharged by the Respondent;

WHEREAS, the past and continuing discharges of PCBs by the Respondent into the waters of the Hudson River (a) present a hazard to human health and the natural resources of the State, which is likely to have caused and to be causing irreparable damage to the Hudson River, and (b) have resulted and are likely to continue to result in substantial injury to commercial and recreational fishery interests of the State;

WHEREAS, pursuant to the Federal Food, Drug and Cosmetic Act, the United States Food and Drug Administration ("FDA"), Department of Health, Education and Welfare, has determined that PCBs are poisonous, deleterious and persistent substances and has established temporary tolerance levels of PCBs in food stuffs, including fish, designed to protect human health;

WHEREAS, the Department and the United States Environmental Protection Agency have sampled various species of edible fish in the State of New York, including the Hudson River and specifically in the vicinity of the Respondents premises and facilities, and have found that edible fish in the Hudson River, including fish in the vicinity of the Respondent's aforementioned premises and facilities exceed the PCB tolerance level established by FDA;

WHEREAS, the discharge of PCBs by the Respondent into the waters of the Hudson River from point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York has and continues to violate ECL Section 17-0501 and ECL Section 17-0511, and water quality and purity standards promulgated by the Department pursuant to ECL Section 17-0301 (6 NYCRR Part 701), as well as ECL Section 11-0503.1,

NOW, THEREFORE, having considered this matter and being duly advised, it is ORDERED:

I. That immediately upon service of a conformed copy of this Order upon Respondent, Respondent shall cease and abate all discharges of PCBs into the Hudson River from all point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York in accordance with the provisions, terms and conditions of this Order as hereinafter provided.

II. On or after the date of service of a conformed copy of this Order on Respondent, the discharge of PCBs into the Hudson River from point and non-point sources at its premises and facilities located in Hudson Falls and Fort Edward, New York shall

constitute continuing violations of this Order, as well as continuing violations of the ECL and the rules and regulations promulgated thereunder provided, however, that action for penalties for any such violation pursuant to law shall not be instituted by the Department for so long as Respondent proceeds with, completes and complies with the provisions, terms, and conditions of Schedule A attached hereto and incorporated herein by reference.

III. All reports and submissions herein required shall be made to the Director of the Division of Pure Waters of the Department in Albany, New York. All time limits set forth in Schedule A shall commence on the date the conformed copy of this Order is served upon Respondent.

IV. To ensure compliance with this Order, duly authorized representatives of the Department shall be permitted access to Respondent's premises and facilities for the purpose of inspecting them and for the purpose of making or such test as may be deemed necessary, including sampling of discharges and receiving waters, to determine the status of compliance with the provisions, terms and conditions of this Order.

V. Within 15 days of service of a conformed copy of this Order upon Respondent, in order to ensure full and timely compliance with the provisions, terms and conditions hereof, Respondent shall post or deposit with the Department a financial undertaking in cash, check or other equivalent negotiable instrument in acceptable form or a surety bond issued by a

company licensed to do business in the State of New York in a form acceptable to the Department, in the amount of Two Million Dollars (\$2,000,000) on condition that upon 15 days written notice to the Respondent, said financial undertaking shall be forfeited to the Commissioner of Environmental Conservation if at any time the Respondent fails to comply in whole or in part with the provisions, terms and conditions of this Order; provided however, that the Respondent has not requested in writing and been granted prior formal modification of said provisions, terms, and conditions by the Commissioner; and provided further that forfeiture of said amount shall in no way prejudice the right of the Commissioner to institute such other and further action as he may deem necessary in order to ensure full compliance with the terms and conditions of this Order and the provisions of the ECL and the rules and regulations promulgated thereunder.

Provide further, however, that said financial undertaking shall be returned to the Respondent upon written request to the Department with proof acceptable to the Department to establish that the Respondent has complied fully with the provisions, terms and conditions of this Order.

Provided further, that the amount of such financial undertaking may be increased by the Commissioner as deemed appropriate in response to any relevant information, including but not limited to, the nature and extent of specific abatement programs, plans, strategies and procedures developed pursuant to Schedule A hereof.

VI. That the Respondent can at any time request the Commissioner of Environmental Conservation to modify the requirements of Paragraph 4 of Schedule A hereof on the grounds that compliance therewith is not technologically achievable and that the Respondent has made significant efforts to abate substantially or to eliminate damage to and degradation of the Hudson River and the natural resources of the State caused by its past and continuing discharges of PCBs. Upon receipt of such a request and supporting evidence, the Commissioner of Environmental Conservation will review the following: (i) the technological achievability of compliance;

(ii) the nature and extent of the Respondent's efforts to restore the health of the Hudson River and the resources of the State so as to eliminate environmental contamination thereof caused by the Respondents discharges of PCBs;

(iii) the environmental and public health effects of any proposed modification;

(iv) alternatives to any proposed modification, including closure of Respondent's facilities where warranted by threatened or actual damage to the public health and/or irreparable damage to the natural resources of the State.

Upon completing his review, and after providing the Respondent an opportunity to be fully heard, the Commissioner of Environmental Conservation will take whatever action is necessary and appropriate to protect the public interest and to sustain the environmental policies of the State.

VII. The provisions, terms and conditions of this Order shall be deemed to bind Respondent, its officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, or for it.

DATED: Albany, New York
1975

OGDEN REID, Commissioner
New York State Department of
Environmental Conservation

SCHEDULE A

1. The Company shall achieve within seven days of the date of this Order, a weekly average discharge of PCBs into the waters of the Hudson River not to exceed 3 pounds per day as the total load from all its manufacturing facilities, including discharge outlets emanating therefrom, located in Fort Edward and Hudson Falls, New York.

2. The Company shall achieve on or before December 31, 1975, a weekly average discharge of PCBs into the waters of the Hudson River not to exceed 2 pounds per day as the total load from all its manufacturing facilities, including discharge outlets emanating therefrom, located in Fort Edward and Hudson Falls, New York.

3. The Company shall achieve, on or before March 31, 1976, a weekly average discharge of PCBs into the waters of the Hudson River, not to exceed 1 pound per day as the total load from all its manufacturing facilities, including discharge outlets emanating therefrom, located in Fort Edward and Hudson Falls, New York.

4. (a) The Company shall achieve, on or before September 30, 1976, a zero discharge of PCBs into the waters of the Hudson River, from all its manufacturing facilities, including discharge outlets emanating therefrom, located in Fort Edward and Hudson Falls, New York.

(b) The Company shall achieve a zero discharge of PCBs into the waters of the Hudson River, from all point and non-point sources on its premises (including but not limited to loading docks, entry ways, disposal areas, land fills, tank farms, parking

lots and all grounds) located in Fort Edward and Hudson Falls, New York in accordance with the abatement program to be developed pursuant to Paragraphs 7(c) and 8 herein.

5. The Department reserves the right, pursuant to applicable provisions of law, to require that the Company achieve any more stringent limitation on the discharge of PCBs, or take any additional action to reduce or eliminate the discharge of PCBs from any point and/or non-point source at its premises and facilities located in Hudson Falls and Fort Edward, New York deemed warranted by any relevant information, including but not limited to:

(a) future effluent monitoring at the aforementioned premises and facilities conducted by the Company and/or the Department,

(b) information indicating that the discharge of PCBs from the aforementioned premises and facilities, at then existing levels, presents an imminent danger to the health or welfare of the people of New York State or results in or is likely to result in irreversible or irreparable damage to the natural resources of New York State;

(c) the results of the Company's abatement program, as provided for herein; and

(d) the promulgation of any effluent, toxic or deleterious substance or water quality standard or requirement.

6. (a) Immediately following receipt of a conformed copy of this Order, the Company shall commence monitoring the total amount of discharges of PCBs from all point and non-point sources

at the Company's premises and facilities located in Hudson Falls and Fort Edward, New York.

(b) Within fifteen (15) days of the date of this Order, the Company shall submit to the Commissioner of Environmental Conservation, for his approval, a program and specific procedures for monitoring the total amount of discharges of PCBs from all point and non-point sources at the above described premises and facilities. The general conditions for the Company's program shall be as follows: (i) hourly samples shall be composited for each discharge for each twenty-four hour period in proportion to flow; (ii) the results of the analysis for PCBs in each composite daily sample for each week shall be submitted to the Department and the Federal Environmental Protection Agency, Region II, within one week of the close of the sampling period.

7. The Company shall submit to the Commissioner of Environmental Conservation, for his approval,

(a) within thirty (30) days of the date of this Order, an engineering report containing: specific proposals for meeting the requirements of paragraphs "2" and "3" hereof; an implementation plan for each of the steps proposed; and, a projection of the reduction in discharges of PCBs attainable by each step.

(b) within ninety (90) days of the date of this Order, an engineering report containing: specific proposals for achieving zero discharge of PCBs as required by paragraph "4(a)" above; an implementation plan for each of the steps proposed; and, a projection of the reduction in discharges of PCBs attainable by each step.

(c) within one hundred eighty (180) days of the date of this Order, an engineering report containing specific proposals for achieving zero discharge of PCBs as required by paragraph "4(b)" above; an implementation plan outlining the steps proposed; and, a projection of the reduction in discharges of PCBs attainable by each step.

8. Within fifteen (15) days of the date of approval of the engineering report referred to in subparagraph "7(a)" hereof, and within forty-five (45) days of the date of approval of the engineering reports referred to in subparagraphs "7(b) and 7(c)" hereof, the Company shall submit to the Commissioner of Environmental Conservation final plans and specifications for waste disposal, treatment and/or discharge control facilities and strategies described in the approved engineering report.

9. The Company shall develop and implement a program, to be submitted to and approved by the Department, which shall serve to restore the health of the Hudson River and the natural resources of the State, including waters, sediments, vegetation, fish and other animals, so as to substantially abate or eliminate the environmental contamination thereof for which the Company's past and continuing discharges of PCBs are responsible, as determined by the Department.