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:

GENERAL ELECTRIC COMPANY

Respondent

DEMAND FOR BILL OF PARTICULARS

File No. 2833

PLEASE TAKE NOTICE that respondent, pursuant to Part 658 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"), demands that the Department of Environmental Conservation ("Department") serve upon the attorneys for the respondent, within ten (10) days after service of this demand, a verified bill of particulars as to the complaint in which shall be set forth:

1. With respect to paragraph 3, the specific type of PCBs; and the specific quantities of each type, alleged to be used by respondent.
2. With respect to paragraph 4, the date and exact location of each discharge to which reference is made; and for each date and location, the specific types of PCBs, and the specific quantities of each type, alleged to have been discharged.
3. With respect to paragraph 5, a detailed description, including the exact location, of each point and non-point source to which reference is made; and for each of these

sources, the specific types of PCBs, and the specific quantities of each type, alleged to have been discharged on each date of claimed discharge; the specific locations at which PCBs are alleged to have concentrated and for each location, the specific types of PCBs, and the specific quantities of each type, alleged to have concentrated during each month of the period to which reference is made; and the locations from which increased discharges are alleged to have occurred, and for each location and increased discharge, the specific dates, specific types of PCBs and the specific quantities of each PCB.

4. With respect to paragraph 6, the exact location of each source of respondent to which reference is made and for each of these sources, the specific type of PCBs discharged, and the quantities of each type, alleged to have been discharged during each month of the period to which reference is made; and the location of each other source of PCBs in the Hudson River, and the specific quantities of each specific type of PCBs discharged by each of them during each month of the period to which reference is made.

5. With respect to paragraph 7, the location of each point and non-point source to which reference is made; for each of these sources, the specific types of PCBs, and the specific quantities of each type, alleged to have been discharged on each date of claimed discharge; the exact locations at

which substantial amounts of PCBs are alleged to be present in each of the Hudson River, waters and sediments and natural resources of the State; and for each location, the specific types of PCBs and the specific quantities of each type alleged to be present; a description and location of each natural resource to which reference is made; and the specific types of PCBs and the specific quantities of each type, at each location, for which respondent is alleged to be responsible.

6. With respect to paragraph 8, the specific types of PCBs, and the specific quantities of each type, used by respondent and all others for each date on which it is alleged respondent is the largest user of PCBs.

7. With respect to paragraph 9, a specific identification of each fish, bird, wild fowl, marine and terrestial mammal and other wildlife to which reference is made, and for each so identified and for humans, the specific types of PCBs and the specific quantities of each type which are alleged to be a hazard and the mode or mechanics by which it is claimed to become a hazard in each case; each specific physiological malfunction and malfunction in reproduction, disease and death to which reference is made; and a detailed description of each such malfunction, specifying the specific types of PCBs, the specific quantities of each type and the mode and period of assimilation alleged to cause it.

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8. With respect to paragraph 10, a detailed description of each mixture to which reference is made, specifying the specific types of PCBs and the specific quantities of each type contained in the mixture, the degree and a quantification of its solubility in water, fats and oils, of its resistance to biological degradation, of its persistence and of its tendency to concentrate and become magnified.

9. With respect to paragraph 11, each specific type of PCBs to which reference is made and with respect to each type, its degree of solubility, degree of preference to settle onto the silts, sediments and earth, and a quantification and description of its tendency to concentrate in each bottom-dwelling and bottom-feeding animal to which reference is made, specifying the name of each such animal and aquatic plant.

10. With respect to paragraph 12, the specific location and a detailed description of each sediment to which reference is made and the specific type of PCBs, and the quantities of each type, alleged to be contained in each sediment.

11. With respect to paragraph 13, a detailed description and quantification of each instance of the alleged despoilation and degradation of the Hudson River, its waters and sediments and the natural resources of the State to which reference is made, specifying in each case, the specific types of PCBs,

the quantities of each type, the exact locations and the number of years over which the alleged despoilation and degradation have taken place.

12. With respect to paragraph 14, a description of each discharge to which reference is made, specifying for each discharge, the date, the exact location, the specific types of PCBs and the specific quantities of each type; the precise manner in which each of these discharges is claimed to present a hazard to human health and the natural resources of the State; the precise manner in which each of these discharges is claimed to be causing irreparable damage and a detailed and quantitative description, including the location and date in each case, of the alleged irreparable damage; the precise manner in which each of these discharges is claimed to result and to continue to result in alleged substantial injury to commercial and recreational fishing interests of the State; a detailed and quantitative description, together with the location and date in each case, of the alleged substantial injury; and the name, address, location and description of each commercial and recreational fishing interest to which reference is made.

13. With respect to paragraph 15, a detailed description and quantification of the efforts and concern to which reference is made.

14. With respect to paragraph 16, the date, time, place and details of the restrictions to which reference is made.

15. With respect to paragraph 17, the date, time, place, and text of the FDA determination to which reference is made and the specific types of PCBs which were involved; and the date, time, place, character of action, number of each species of fish, the analysis reports of all tests made of each of these fish, a statement of the specific quantity of each specific type of PCBs found to be present in each fish, and the amounts by which tolerance levels were allegedly exceeded in each fish, all with respect to the seizure of fish alleged in the paragraph.

16. With respect to paragraph 18, the date, time of day, exact location, species of fish, the number of each species, the age and weight of each fish, the analytic reports, including method, mode and place of analysis and the name and address of the analyst(s), of each sample to which reference is made; and a detailed identification of each fish alleged to have exceeded or to have been below the tolerance level and for each, the specific types of PCBs and the specific quantities of each type found in each fish.

17. With respect to paragraph 24, the exact location of each discharge to which reference is made and with respect to each, the dates of discharge, the specific type of PCBs and

the specific quantity of each type alleged to have been in the discharge on each date.

18. With respect to paragraph 25, a detailed geographic location of the section and Class "B" and Class "A" waters to which reference is made.

19. With respect to paragraph 29, the specific types of PCBs to which reference is made in the paragraph, the precise amounts of each which are claimed to be injurious to fish life or to impair the receiving waters and a detailed description of the alleged injury or impairment.

20. With respect to paragraph 30, the date, time and exact location of each of the alleged discharges to which reference is made; for each of these discharges, the specific types of PCBs, the specific quantities of each type and the source of each type; and the exact manner by which each of these discharges is claimed to constitute violations.

21. With respect to paragraph 32, the date, time and exact location of each of the alleged discharges to which reference is made; for each of these discharges, the specific types of PCBs, the specific quantities of each type and the source of each type; and the exact manner by which each of these discharges is claimed to constitute violations.

Yours, etc.,

BOND, SCHOENECK & KING
Attorneys for Respondent
Office and P.O. Address
One Lincoln Center
Syracuse, New York 13202
Telephone: (315) 422-0121

TO: DEPARTMENT OF ENVIRONMENTAL CONSERVATION
50 Wolf Road
Albany, New York 12233
Attention: Robert M. Hallman
Mark Pellagrino
Philip Gitlin

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