

# Exhibit 21

## TOWN OF LEE BOARD OF HEALTH

*Robert Wespiser, MD~ Chairperson~ Carisa Vincent, RN~ JoAnne Sullivan*

December 20, 2022

Housatonic River Initiative  
165 Bradley Street  
Lee, MA 01238  
Attn: Tim Gray, Executive Director

Re: DECISION OF LEE BOARD OF HEALTH (LBOH) ON A MOTION OF HRI FOR AN EXTENSION OF TIME AND ON THE REQUEST BY EPA FOR TIME TO RESPOND TO ADJUDICATORY HEARING

Dear Tim,

On behalf of HRI, you filed a Motion on December 12, 2022, to increase by 60 days the closing of the record of the Adjudicatory Hearing scheduled to expire on December 19, 2022. As reasons for this request HRI stated: ***HRI has additional relevant expert testimony that it wishes to submit into the record in this matter. This proposed expert testimony will be submitted in the form of affidavit(s) and is material information that directly relates to the issues before the LBOH in this matter. However, because of the other commitments by said experts involved and the upcoming holidays, HRI states that it needs an additional 60 days, until February 18, 2023, to submit important written expert testimony into the record in this matter for LBOH's consideration.*** (Motion of HRI)

The LBOH received email correspondence from EPA which has decided not to oppose the Motion with a caveat as follows: ***EPA takes no position regarding HRI's motion for an extension of the Board's hearing deadline. If additional testimony is submitted, however, EPA requests a reasonable opportunity to review that testimony and respond, if appropriate. If the Board decides not to extend the hearing deadline to February 18, 2023, EPA requests time to submit additional information to the Board and adequate advance notice of the date of the close of the hearing.*** (EPA's Response and Request for time.)

As of today, December 20, 2022, the LBOH has not received any correspondence in response to HRI's Motion.

Therefore, based on your petition request, the LBOH grants HRI's and EPA's Requests and issues the following filing time order:

HRI's Motion for an extension of time to file further additional expert testimony is granted. HRI must file on or before February 18, 2023, a single document with a table of contents and curriculums vitae of all additional experts if any. The curriculum vitae of experts DeSimone and

Carpenter are already part of the record. EPA's additional request for time to respond is also granted. EPA must file its response in a single document with a table of Contents by March 19, 2023.

Filings by all parties must be done via e-mail and hard copy to LBOH legal counsel:

([ccrbonifaz@gmail.com](mailto:ccrbonifaz@gmail.com) )  
Cristobal Bonifaz, Esq  
Law Office of Cristobal Bonifaz  
180 Maple Street  
Conway, MA 01341

As a reminder, LBOH is represented by counsel. All further communications by all parties must be sent directly to counsel. The closing date of the Adjudicatory Hearing has been extended as per the order above to **March 20, 2023**.

So, Ordered:

A handwritten signature in black ink, appearing to read "Robert Wespiser", followed by a circular stamp or mark.

Robert Wespiser, MD  
Lee Board of Health Chair

Cc: Board of Health, Tri-Town Health Department Director, John Kilborne-EPA, General Electric, Board of Selectmen, Judith Knight

45 Railroad Street  
Lee, MA 01238-1694

Tel: 413-243-5540  
Fax: 413-243-5542

## **LEE BOARD OF HEALTH**

**DATE:** December 13, 2022

**TO:** Henry 'Lawrence' Culp Jr., CEO.COO  
General Electric Company  
5 Necco Street  
Boston, MA 02210

**TO:** John W. Kilborn  
Senior Enforcement Counsel, USA EPA Region 1  
Five Post Office Square-Suite 100  
Boston, MA 02109-3912

**FROM:** Town of Lee Board of Health  
45 Railroad Street  
Lee, MA 01238

**CC:** Housatonic River Initiative  
165 Bradley Street  
Lee, MA 01238

**RE:** HRI Petition to Request extension

Dear Affected Parties,

On December 12, 2022, the Lee Board of Health (LBOH) received a petition request from HRI to ask the LBOH to extend the hearing deadline from December 19, 2022, to February 18, 2023.

This notice is being served to all affected parties and prior to the LBOH deciding on said request we are asking all parties to submit comment to the Lee BOH on this request for extension no later than December 19, 2022. This letter and the petition and any submitted comments will be entered into the record as an exhibit.

Thank you.

IN RE  
TOWN OF LEE  
BOARD OF HEALTH  
ADJUDICATORY HEARING  
OF NOVEMBER 19, 2022

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**The Petitioner HRI's Motion for an Extension of 60 Days to the Close-of-Evidence  
Deadline, Until February 18, 2022, in the above Adjudicatory Hearing**

On November 19, 2022, at the end of the public in-person hearing in the above matter, the Town of Lee Board of Health ("LBOH") announced that the evidentiary portion of the adjudicatory hearing would remain open for thirty days until December 19, 2022. The Petitioner, Housatonic River Initiative ("HRI") hereby requests a 60 (sixty) day extension on the close-of-evidence deadline in the above referenced adjudicatory hearing from December 19, 2022 until February 18, 2023.

As reasons therefore, HRI has additional relevant expert testimony that it wishes to submit into the record in this matter. This proposed expert testimony will be submitted in the form of affidavit(s) and is material information that directly relates to the issues before the LBOH in this matter. However, because of the other commitments by said experts involved and the upcoming holidays, HRI states that it needs an additional 60 days, until February 18, 2023, to submit important written expert testimony into the record in this matter for the LBOH's consideration.

In furtherance of this request, HRI states that the LBOH has total discretion as to whether to grant a request for an extension on the close-of-evidence deadline in an adjudicatory hearing. In this case, no other involved party will be prejudiced if the LBOH extends the deadline for 60 days. In addition, the LBOH will have the benefit of having additional relevant expert testimony on the record for its consideration at the conclusion of this adjudicatory hearing.

December 12, 2022

Respectfully submitted,  
For the Petitioner,  
Housatonic River Initiative,  
*Tim Gray*

Tim Gray, Petitioner  
165 Bradley Street  
Lee, MA 01230  
Telephone: 413-243-3353

**Jim Wilusz**

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**From:** Kilborn, John <Kilborn.John@epa.gov>  
**Sent:** Wednesday, December 14, 2022 6:54 AM  
**To:** Jim Wilusz; Judith Knight; Robert Wespiser; Cristobal Bonifaz  
**Cc:** Tim Gray; Zachary Roberts; Tagliaferro, Dean; Loughlin, Anni; Conway, Timothy  
**Subject:** RE: In re LBOH 11/19/22 adjudicatory hearing- motion to extend deadline

Mr. Wilusz:

Per your request of EPA contained in Exhibit 19, EPA takes no position regarding HRI's motion for an extension of the Board's hearing deadline. If additional testimony is submitted, however, EPA requests a reasonable opportunity to review that testimony and respond, if appropriate. If the Board decides not to extend the hearing deadline to February 18, 2023, EPA requests time to submit additional information to the Board and adequate advance notice of the date of the close of the hearing.

We appreciate the Board's consideration of these requests.

John Kilborn

*John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: 04-3)  
Boston, MA 02109-3912*

*Tel: 617-918-1893*

*E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)*

**From:** Jim Wilusz <Jim@tritownhealth.org>  
**Sent:** Tuesday, December 13, 2022 8:29 AM  
**To:** Judith Knight <jknight@judithknight.com>; Robert Wespiser <rwespiser@gmail.com>; Cristobal Bonifaz <ccrbonifaz@gmail.com>; Kilborn, John <Kilborn.John@epa.gov>  
**Cc:** Tim Gray <housriverkeeper@gmail.com>; Zachary Roberts <zachary@tritownhealth.org>  
**Subject:** RE: In re LBOH 11/19/22 adjudicatory hearing- motion to extend deadline

Folks,

For your records a copy will be mailed out and also added to the exhibit as #19.

*James J. Wilusz, R.S.*

Executive Director/Registered Sanitarian

Tri-Town Health Department  
Lee, Lenox, and Stockbridge Boards of Health  
413.243.5540

***"To Promote, Protect, and Sustain Local Public Health"***

**From:** Judith Knight <[jknight@judithknight.com](mailto:jknight@judithknight.com)>  
**Sent:** Monday, December 12, 2022 1:19 PM  
**To:** Jim Wilusz <[Jim@tritownhealth.org](mailto:Jim@tritownhealth.org)>; Robert Wespiser <[rwespiser@gmail.com](mailto:rwespiser@gmail.com)>; Cristobal Bonifaz <[ccrbonifaz@gmail.com](mailto:ccrbonifaz@gmail.com)>  
**Cc:** Tim Gray <[housriverkeeper@gmail.com](mailto:housriverkeeper@gmail.com)>  
**Subject:** In re LBOH 11/19/22 adjudicatory hearing- motion to extend deadline

**Dear LBOH and Attorney Bonifaz,**  
**Attached please find HRI's motion to extend the close-of-evidence deadline in the above matter from December 19, 2022 to February 18, 2023 for your consideration.**

**Please feel free to contact me or Tim Gray if you have any questions.**

**Sincerely,**

***Judith C. Knight, Esq.***  
***342 Main Street***  
***Great Barrington, MA 01230***  
***Off: 413-528-0505***  
***Cell: 413-329-4665***  
***[Jknight@judithknight.com](mailto:Jknight@judithknight.com)***