

**TOWN OF LEE, BOARD OF HEALTH  
ADJUDICATORY HEARING  
November 19, 2022**

GE-Pittsfield/Housatonic River Site/Rest of River Portion  
Petition to Town of Lee Board of Health by HRI,  
Letter from LBOH's Counsel to EPA's Counsel Dated November 3,  
2022

**EXHIBIT-8**

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November 3, 2022

John W. Kilborn  
Senior Enforcement Counsel  
Office of Regional Counsel  
US EPA, Region 1  
Five Post Office Square -- Suite 100  
Boston, Massachusetts 02109-3912

*In Re: Follow-up to my Letter dated October 31, 2022  
Sent via regular and electronic mail*

Dear John:

The Lee BOH received the enclosed communication from Andrew T. Silfer, PE, Leader Global Remediation GE. The letter did not have GE's letterhead.

The lack of letterhead and the enclosed estimation of whether the UDF is able to house the 2 million to 12 million tons of mud does not specifically address the issue of risk of health, but they both put into doubt the credibility of GE.

As per the fourth paragraph of my letter of October 31, the tonnage of PCB mud needed to be transported to the UDF ranges between 2 to 12 million tons.

One ton of water has a volume of 40 cubic feet, and one ton of dirt has a volume of approximately 20 cubic feet. It is reasonable to assume that one ton of the river mud has a volume of 27 cubic feet that will fit in one cube three feet on each side.

One acre has an area of 43,560 square feet, or a square area of approximately 210 feet on each side.

One acre of land could then contain  $70 \times 70$  cubes of mud ( $210/3$ ), or 4,900 cubes of mud three feet thick in one layer.

The UDF is 20 acres as per EPA data, then the tonnage per layer of mud cubes is then 98,000 **cubes** of mud per layer, or 98,000 **tons** of mud per layer. ( $4,900 \times 20$ )

Number of layers required to house 12 million tons of mud divided by 98,000 tons per layer or 122 layers three feet thick for a total height of a square tower of height of **366** feet.

The same height number can be achieved by simply multiplying 12 million tons by 27 cubic feet for ton and dividing that number by the base of the twenty-acre tower which is 43,560 square feet/acre times the 20 acres of the UDF. (*Volume of a prism is the area of the base multiplied by the height.*)

The UDF will not be a square rectangular tower but some sort of hill. The height of this hill can be estimated by first assuming that instead of a rectangular tower with a base of 20 acres or 871,200 square feet ( $43,560$  feet per acre  $\times$  20 acres) and a height of 366 feet the UDF is instead a pyramid of equal base. The height of such pyramid can be calculated by the formula Volume in cubic feet of a rectangular tower 366 feet high  $\times$  3 and divided by area of the base, or 871,200 for a height of such pyramid of 1,098 feet.

The empire State Building is 1,454 feet tall.

Clearly, GE cannot build a PCB mud prism 66 feet tall, or a pyramid 1098 feet tall on the 20 acres of the UDF. The Lee Board of Health would like, however, to know how does GE plan to construct a dome 366 to 1098 feet in height within the perimeter of the UDF without leaking mud, water, and PCBs, that will contaminate areas not protected by the proposed liner during the construction period...a period that could last one, two, five, or for that matter any number of years.

Sincerely,

By Attorney for the Lee Board of Health of Massachusetts.

s/*Cristóbal Bonifaz*, Esq.

Cristóbal Bonifaz

Cc: Andrew Sifer , PE, Leader Global Remediation GE.

CB/mj