UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 25 2010

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ann R. Klee, Vice President
Environment, Health and Safety Group
General Electric Company
41 Farnsworth Street
Boston, MA 02210

Re: Notice of Potential Liability and Request to Enter Administrative Settlement Agreement Negotiations for the Vo-Toys Superfund Site, Harrison, New Jersey

Dear Ms. Klee:

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§9601-9675, commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred.

EPA has documented the release and the threat of release of hazardous substances into the environment at the Vo-Toys Superfund Site ("Site") located at 400 South Fifth Street in the Town of Harrison, Hudson County, New Jersey and identified as Block 156, Lot 1 on the tax map of Harrison. BRG Harrison Lofts Urban Renewal LLC ("BRG") currently owns the Site. The Site consists of three empty buildings, which were used for the manufacture of lightbulbs and then radio tubes from the late 19th century through the mid-1970s. Mercury was used as part of the manufacturing processes. Investigations at the Site between 2015 and 2018 have shown significant concentrations of mercury in the air within all three buildings. Ambient air monitoring and sampling immediately outside the buildings also reveals detections of mercury. In addition, visible beads of mercury have been observed in the building materials inside the buildings.

Recently the New Jersey Department of Environmental Protection requested EPA to evaluate the Site for a CERCLA removal action to address the release and threatened release of hazardous substances. EPA has spent, and continues to spend, public funds to investigate, control and otherwise respond to releases and potential releases of hazardous substances at the Site. Based on

information presently available to EPA, EPA has determined that General Electric Company ("GE") may be responsible under CERCLA for cleanup of the Site and response costs incurred and to be incurred by EPA with respect to the Site.

Explanation of Potential Liability

Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), potentially responsible parties ("PRPs") may be held liable for all costs incurred by the EPA in responding to any release or threatened release of hazardous substances at the Site. PRPs may also be subject to orders requiring them to take response actions themselves. PRPs include current and former owners and operators of the Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site.

EPA believes that GE may be liable under Section 107(a) of CERCLA with respect to the Site as a previous owner and operator. Specifically, EPA has determined that GE owned and operated the Site at the time of disposal of mercury at the Site. Accordingly, EPA is notifying you that it considers GE to be a PRP under Section 107(a) of CERCLA regarding the Site.

Offer to Finance and Perform Response Action

GE is currently performing a characterization study to further determine the nature and extent of the contamination of the Site. At the conclusion of the characterization study, EPA will assess the options for response actions that will be required to address the release and threat of releases of hazardous substances at the Site. By this letter, EPA wishes to determine whether GE is interested in entering into negotiations to fully finance and perform the response actions that likely will be necessary at the Site and to reimburse costs incurred and to be incurred by EPA with respect to the Site. By separate letter, EPA is offering BRG Harrison Lofts Urban Renewal LLC, another PRP for the Site, the same opportunity to finance and perform a response action.

Please contact Michael van Itallie of EPA Region 2's Office of Regional Counsel within 30 days of receipt of this letter to indicate your interest in entering into negotiations. His contact information is as follows:

Michael J. van Itallie
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866
(212) 637-3151
vanitallie.michael@epa.gov

If you wish to discuss technical matters regarding the Site in further detail, please contact the On-Scene Coordinator, David Rosoff, at (908) 420-4465 or rosoff.david@epa.gov. Please direct all inquiries from an attorney to Mr. van Itallie. We appreciate your prompt attention to this matter.

Sincerely yours,

Eric J. Wilson
Deputy Director for Enforcement and Homeland Security
Emergency & Remedial Response Division

cc: Dennis Toft, Esq.
Eric Merrifield, Esq.