

01-0877



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

August 18, 2005

Mr. Andrew T. Silfer
Corporate Environmental Programs
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

Via Electronic and U.S. Mail

Re: Conditional Approval of General Electric's July 2005 *Supplemental Building Material Characterization Report, Buildings 42, 43/43-A, 44, 40s Complex (Including Attachment E Proposal for a Stockpile)*, GE-Pittsfield/Housatonic River Site, Pittsfield, Massachusetts.

Dear Mr. Silfer:

This letter contains the Environmental Protection Agency's (EPA) conditional approval of the above-referenced *Supplemental Building Material Characterization Report, Buildings 42, 43/43-A, 44, 40s Complex* (Report) dated July 6, 2005. This Report is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000.

Pursuant to Paragraph 73 of the CD, EPA, after consultation with the Massachusetts Department of Environmental Protection (MDEP), approves the above-referenced submittal, subject to the following conditions.

1. Following the transfer of the 40s Complex to PEDDA, notwithstanding Paragraph 12 of the CD, GE shall perform all required Post Removal Site Control obligations for the stockpile, as presented in Attachment E of the Report and herein, including but not limited to, repair of any erosion damage and maintenance of the vegetative cover through annual mowing and re-seeding, as necessary, should PEDDA fail to perform such obligations.
2. Removal of material from the proposed stockpile to a location outside the 40s Complex RAA shall require EPA approval. EPA also reserves the right to require that the stockpile be removed at any time, if the conditions of the approval of the stockpile are not met.
3. GE shall follow the same material handling requirements used to create the stockpile (for example, dust suppression) when any portion of the stockpile is disturbed, moved, or relocated. If only a portion of the stockpile is moved or relocated, the remaining portion of the stockpile shall meet the same design criteria used to create the stockpile. Disturbed portions of the stockpile shall be revegetated as soon as possible after the disturbance.
4. Creation of a stockpile for building demolition debris is contingent upon a modification of the Consent Decree.

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5. GE shall also cover the debris layer on top of the slabs with a minimum of 4 inches of topsoil and seed with grass upon completion of the demolition activities. The general construction and maintenance requirements for the proposed stockpile shall also apply to the debris placed over the slabs. Furthermore, EPA reserves the right to require sampling of the slabs if they are ever to be used in a manner that results in a potential for direct contact. The ERE for the 40s Complex shall require that the slabs remain covered to eliminate any potential direct contact risks, unless such slabs are sampled and anticipated uses are found to be acceptable to the ERE grantee.

6. Errata: The Stockpile Area Inspection Check List (Exhibit E-1) contains a spelling error in item #4, "diffecencies" should be "deficiencies," to be corrected prior to use of the form.

EPA reserves its right to perform additional sampling in the areas subject to this Report and/or require additional sampling or Response Actions, if necessary, to meet the requirements of the Consent Decree.

If you have any questions, please contact me at (617) 918-1247.

Sincerely,



James M. DiLorenzo
 GE Facility Project Manager

Cc:

John Novotny	GE	Sharon Hayes	USEPA
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