



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ONE CONGRESS STREET, SUITE 1100
BOSTON, MA 02114-2023

March 12, 2007

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 June 28, 2006 *Demolition and Disposition Activities – Buildings 7, 17, 17C, and 19, East Street Area 2-North*, GE-Pittsfield/Housatonic River Site, Pittsfield, Massachusetts.

Dear Mr. Silfer:

This letter concerns the above-referenced submittal dated June 28, 2006, which 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.(b) of the CD, EPA, after consultation with the Massachusetts Department of Environmental Protection (MDEP), approves the above-referenced submittal, subject to the following conditions, and except as stated below in the Paragraph following Conditions 1-4:

1. GE shall properly characterize any building demolition debris to be disposed of off-site.
2. GE is proposing to remove three discrete areas of the concrete slab in Building 19. GE shall either replace the removed portions of the slabs with concrete or asphalt or sample the subject areas and comply with the applicable performance standards for unpaved soils. GE shall submit a proposal to address these areas within 90 days of the date of this letter.
3. The submittal provides that the concrete slab-on-grade floors that will remain following demolition will be addressed consistent with GE's plan dated December 21, 2006 regarding the characterization and disposition of the building slabs remaining at Buildings 1, 2, 3, 3B, 15, 15A, 15B, and 15W and the buildings at the 40s Complex. EPA concurs that the slabs remaining after the demolition of Buildings 7, 17, 17C and 19 may be addressed consistent with such plan, as finally approved by EPA.

4. GE may place the approximately 15,000 cubic yards of non-TSCA, crushable building debris in the Hill 78 OPCA. Placement of this material is subject to the volume limitations of the Hill 78 OPCA and other OPCA-related performance standards.

Pursuant to Paragraph 73.(d) of the CD, EPA disapproves the provisions of the above-referenced submittal regarding the temporary on-site stockpiling of approximately 15,000 cubic yards of non-TSCA, crushable materials (e.g., brick and concrete) for crushing at a later time and for use as subgrade backfill/grading material within properties owned or to be owned by the Pittsfield Economic Development Authority (“PEDA”). The CD and the Statement of Work for Removal Actions Outside the River (“SOW”) expressly allow for placement of building debris only in either the On-Plant Consolidation Areas (“OPCAs”) or in the foundations of buildings 2, 3C, 12, 12X, 12Y and 31. Therefore, the temporary stockpiling of debris for use as subgrade backfill/grading material elsewhere within the PEDA properties as described in the above-referenced submittal is not provided for in the Consent Decree and SOW, and thus would require a modification to the Consent Decree.

EPA informed GE in July 2006 that EPA would consider a CD Modification to allow the permanent disposition of the crushable building debris on PEDA property if GE obtained an agreement with PEDA to accept this material and there was a definitive plan and timeframe for the permanent placement of material. We understand that there have been ongoing conversations between PEDA and GE for over 6 months. As of this date, PEDA has informed us that there is no agreement for PEDA to accept this material.

If GE submits a proposal to EPA which (a) includes the crushing of such material as part of the demolition program (rather than creating temporary stockpiles for crushing at a later date) and (b) presents a definitive plan and timeframe for the permanent placement of the such material at either (i) GE-owned industrial property subject to the CD or (ii) pursuant to an agreement with PEDA, property transferred or to be transferred to PEDA – then EPA will consider a modification to the CD. In such a case, GE would need to obtain all federal, state and local approvals for the building demolition, crushing, temporary stockpiling, transportation, reuse and permanent placement of the debris. To be clear, if GE submits a proposal for a CD modification regarding crushed building debris that meets the criteria outlined in this paragraph, EPA is only agreeing to consider such a proposal. There is no guarantee that EPA will ultimately agree to such a Decree modification or that EPA will not require other or different conditions to approve a CD modification.

Absent these conditions being met, GE has the option of placing the approximately 15,000 cubic yards of non-TSCA, crushable building debris in the Hill 78 OPCA or disposing of the material at an off-site disposal facility.

This letter does not constitute approval or disapproval of the characterization of building demolition debris or other material for off-site disposal, nor does it constitute approval or disapproval of GE’s building demolition activities themselves.

EPA reserves its right to perform additional sampling and/or require additional sampling or Response Actions, if necessary, to meet the requirements of the CD.

If you have any questions, please contact me at (617) 918-1282.

Sincerely,

A handwritten signature in black ink that reads "Dean Tagliaferro". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dean Tagliaferro

cc:

Richard Hull, EPA
John Kilborn, EPA
Tim Conway, EPA
Rose Howell, EPA
Holly Inglis, EPA
Sue Steenstrup, MDEP
Anna Symington, MDEP
Jane Rothchild, MDEP
Thomas Angus, MDEP
Nancy E. Harper, MA AG
K.C. Mitkevicius, USACE
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Tom Hickey, PEDDA
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