



**United States Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023**

January 9, 2008

Mr. Michael T. Carroll, Manager
Pittsfield Remediation Programs
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

Via Electronic and U.S. Mail

Re: Partial Conditional Approval of General Electric's October 26, 2007 submittal titled *East Street Area 2-North Building Materials Characterization and Demolition Activities for Buildings 11 and 16; Revised Plan for Disposition of Crushed Building Materials from Buildings 7, 17, 17C, and 19 and Buildings 11 and 16*, and GE's May 30, 2007 submittal titled *East Street Area 2-North Revised Plan for Post-Demolition Disposition Activities at Buildings 7, 17, 17C and 19* GE-Pittsfield/Housatonic River Site, Pittsfield, Massachusetts

Dear Mr. Carroll:

This letter provides the Environmental Protection Agency's (EPA) partial conditional approval of GE's October 26, 2007 submittal titled *East Street Area 2-North Building Materials Characterization and Demolition Activities for Buildings 11 and 16; Revised Plan for Disposition of Crushed Building Materials from Buildings 7, 17, 17C, and 19 and Buildings 11 and 16* ("Demolition Plan") and GE's May 30, 2007 submittal titled *East Street Area 2-North Revised Plan for Post-Demolition Disposition Activities at Buildings 7, 17, 17C and 19*. This letter 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, in consultation with the Massachusetts Department of Environmental Protection (MassDEP), (i) approves Section A of the Demolition Plan, subject to the following conditions numbered 1-11 below, (ii) approves GE's proposal to consolidate 17,500 cubic yards of material at the Hill 78 On-Plant Consolidation Area ("OPCA"), as described in the second paragraph of Page 8 of the Demolition Plan, and (iii) approves Section A of the above-referenced May 30, 2007 submittal.

1. GE shall properly characterize any building demolition debris to be disposed of off-site.
2. 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.

3. Any placement of material in the Hill 78 OPCA is subject to the volume limitations of the Hill 78 OPCA, the other OPCA-related performance standards and requirements of the CD and the Statement of Work, and the requirements of the OPCA Work Plans.
4. For the material placed into the Hill 78 OPCA, GE shall provide for a relatively even placement of (a) crushed brick and concrete and (b) structural steel and other non-crushable building debris, as necessary, to facilitate proper compaction.
5. GE shall ensure that the maximum size of any material placed into the Hill 78 OPCA is less than three feet in its largest dimension.
6. GE shall remove the west wall on the 1st floor of Building 11 beginning from the southwestern corner of the building to sample location 11-1-W6 to the extent practicable, recognizing that certain portions of the wall must remain in place to laterally support Woodlawn Avenue. Any debris from such wall shall be disposed of into the Hill 78 OPCA or at an off-site disposal facility.
7. GE shall either further characterize the north and west walls on the 2nd floor of Building 11 to demonstrate that such material meets the OPCA-related requirements and dispose of the material at the Hill 78 OPCA or dispose of the material at an off-site disposal facility as material subject to the Toxic Substances Control Act (“TSCA”).
8. GE shall dispose of the north wall of the 3rd floor and penthouse of Building 11 into the Hill 78 OPCA or at an off-site disposal facility.
9. GE shall dispose of the entire length of the steel column labeled 17-B-CW-39 that spans both floors in Building 17 at an off-site facility as TSCA material.
10. GE shall dispose of the north wall of the 4th floor of Building 16 from sample location 16-4-W2 to the western end of the wall into the Hill 78 OPCA or at an off-site disposal facility.
11. GE shall dispose of the north wall of Building 7 into the Hill 78 OPCA or at an off-site disposal facility.
12. Based upon recent TCLP data, GE shall dispose of the entire Building 17 2nd floor mezzanine at an off-site disposal facility.

EPA, in consultation with the MassDEP, has reviewed (i) Section B of the Demolition Plan and (ii) Section B of the above-referenced May 30, 2007 submittal. By this letter, EPA neither approves nor conditionally approves those sections, except, as described above, for the second paragraph of Page 8 of the Demolition Plan. The proposed activity (that is, the on-site re-use and placement of certain building debris) would require a Consent Decree modification. EPA, however, is willing to consider entering into a Consent Decree modification to allow the re-use

and placement of building demolition debris. Such a Consent Decree modification will need approval of EPA, the U.S. Department of Justice, and the Commonwealth of Massachusetts. EPA may consider such a Decree modification upon the following conditions:

13. GE shall repave or repair all building slabs and paved areas that are designated as “paved” for purposes of complying with Performance Standards, as shown in Figure E-1 of GE’s October 31, 2007 submittal titled Modification to Revised Attachment E – Post-Removal Site Control Plan, and that show evidence of excessive cracking, fissures, spalling, rutting, potholes, or exposed subgrade material, prior to the placement of building debris onto these areas.

14. GE shall perform and submit to EPA for approval a topographic survey with a resolution of at least one foot vertical contours on all areas designated for placement of building debris prior to the placement of building debris.

15. The materials to be reused will be limited to the 22,500 cubic yards of crushed brick and concrete from Buildings 7, 11, 16, 17, 17C and 19 as described in the Demolition Plan (the “Building Debris”), as modified by conditions Numbers 3-10 above.

16. The Building Debris will be segregated, crushed and placed in the areas and locations described on Pages 8 and 9 and depicted in Figures 10 through 13 of the Demolition Plan as part of the demolition program, instead of being stockpiled for later reuse. All Building Debris subject to on-site placement will be crushed to two inches in diameter or less.

17. After the initial placement of Building Debris, the Pittsfield Economic Development Authority (“PEDA”), a subsequent owner of the PEDA properties, or GE may move the Building Debris to another location on the PEDA properties, for reuse as backfill or grading purposes only, without further sampling of the Building Debris, upon providing 15 days prior written notice to EPA and MassDEP. PEDA may request that GE revise the location and grading of the Building Debris prior to initial placement of the Building Debris if necessary for redevelopment purposes. In such a case, if GE agrees, GE shall submit to EPA a revised proposal for the placement of the Debris, which shall require EPA’s prior approval, after a reasonable opportunity for consultation by MassDEP.

18. PEDA, a subsequent owner of the PEDA properties, or GE may move the Building Debris off of the PEDA properties to an appropriate authorized off-site disposal facility. GE may move the Building Debris off the PEDA properties to either (i) the Hill 78 OPCA, subject to the volume limitations of the Hill 78 OPCA and the other OPCA-related performance standards and requirements of the CD and the Statement of Work, or (ii) to another GE-owned industrial property located in the GE Plant Area, for reuse as backfill or grading purposes only, upon obtaining EPA prior approval, after a reasonable opportunity for consultation by MassDEP. EPA’s decision to approve or deny such reuse of Building Debris shall be in EPA’s sole, unreviewable discretion. At this time, EPA is expressly not approving GE’s proposal to place the material in the 60s Complex along East Street. EPA will review and approve or disapprove

any such proposal if and when such an alternative placement proposal is made.

19. GE shall, upon PEDA's request, arrange for the removal from PEDA property of any or all of the Building Debris at GE's expense.

20. After placement, the Building Debris will be subject to the applicable Grant of Environmental Restriction and Easement when such Grant is effective.

21. Prior to any Consent Decree modification, GE shall submit a detailed plan for the placement of the approximate 22,500 cubic yards of Building Debris that shall at least include items a. through j. on Pages 9 and 10 of the Demolition Plan and figures showing the areas to be backfilled. Such plan shall include details regarding the inspection of the backfilled areas, similar to the inspections required for the stockpile on the 40s Complex. The backfilled areas will be subject to maximum horizontal and vertical "build-out" limits, which may be lessened based upon the actual amount of material subject to placement. The placement plan will be an attachment to the Consent Decree modification.

22. The demolition of Buildings 7, 11, 16, 17, 17C, and 19 is not part of the CD work and shall not be subject to the on-site permit exemption contained in Section 121(e) of the Superfund law. Accordingly, GE shall obtain all required permits and comply with all applicable federal, state, and local laws, rules, regulations, and ordinances for the demolition of the above-referenced buildings. The placement of the Building Debris (including the processing of the Building Debris necessary to comply with the requirements for such on-site placement), however, will be part of the work subject to the CD and will be subject to the permit exemption. The placement of the Building Debris will be subject to oversight by the EPA and shall comply with the substance of all applicable or relevant and appropriate federal and state laws and regulations, including, without limitation, MassDEP's solid waste management regulations. EPA has determined that the on-site placement of the Building Debris, in accordance with the conditions in this letter, would comply with the substantive requirements of MassDEP's solid waste management regulations.

23. GE shall coordinate the demolition, crushing and disposition of material to minimize the stockpiling of demolition debris on the 19s complex and shall periodically transport material to the Hill 78 OPCA and to off-site disposal facilities. Prior to the CD modification, GE shall submit a schedule showing how and when such material will be consolidated into the Hill 78 OPCA.

24. PEDA and the City of Pittsfield shall concur in the placement of the Building Debris and in the CD modification. EPA understands that PEDA and GE will be entering into an agreement regarding the potential relocation of the Building Debris within the PEDA properties and/or the removal (if any) of the Building Debris off of PEDA's properties, following the initial placement of the Building Debris.

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25. The Consent Decree Modification will clarify that Building 7 is on GE property *not* designated to be transferred to PEDA and that some of the crushed building debris is proposed to be placed on this GE-industrial area not designated for transfer to PEDA.

EPA reserves all of its rights under the CD, including but not limited to, the 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) 918-1882.

Sincerely,



Dean Tagliaferro

cc:

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