



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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BOSTON, MA 02114-2023**

September 14, 2007

Mr. Andrew T. Silber
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 November 22, 2005 submittal titled "East Street Area 2-South Second Interim Letter Report", the January 2006 submittal titled "Conceptual Removal Design/Removal Action Work Plan for East Street Area 2-South", and the February 17, 2006 submittal titled "Supplement to the Conceptual Removal Design/Removal Action Work Plan: East Street Area 2-South" GE-Pittsfield/Housatonic River Site, Pittsfield, MA

This letter provides the Environmental Protection Agency's (EPA) conditional approval of the above-referenced November 22, 2005 *East Street Area 2-South Second Interim Letter Report*, the January 2006 *Conceptual Removal Design/Removal Action Work Plan for East Street Area 2-South* (Work Plan) and the February 2006 *Supplement to the Conceptual Removal Design/Removal Action Work Plan; East Street Area 2-South* (Supplement). All three submittals are subject to the terms and conditions specified in the Consent Decree 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 submittals subject to the following conditions.

1. Several areas that GE depicts as a "Paved Area (Asphalt/Concrete)" in Figure 2-1 have pavement that is degraded, severely in some places. GE shall clarify, on a map or figure to be submitted in the Addendum to the Work Plan described below (the "Addendum"), the extent of the areas shown on Figure 2-1 that are to be considered as "paved" for the purposes of complying with the soil-related Performance Standards (e.g., areas that were characterized on a paved frequency). Within such areas, GE shall show the areas of degraded pavement where GE will replace or repair the pavement. All areas determined to be paved for the purposes of meeting the Performance Standards will need to be surveyed and included in the plans attached to the Environmental Restriction and Easement ("ERE") for the RAA

Alternatively, GE may elect to consider some of these areas as "unpaved" for the purposes of complying with the Performance Standards if GE can demonstrate how

such areas will meet all of the soil-related Performance Standards for unpaved areas. In all areas that GE will consider as “unpaved,” for polygons where the top foot of soil below degraded pavement contains PCBs at concentrations greater than the applicable not-to-exceed (NTE) levels, GE shall remove and replace the degraded pavement and underlying soil such that the top foot of soil in such areas following remediation consists of clean fill.

2. GE shall consider extending the enhanced pavement to include the unpaved polygons or unpaved portions of polygons associated with the 1-foot removal in the vicinity of sampling locations RAA4-F27 and RAA4-F28 or performing deeper excavations at sample locations RAA4-F27 (3,900 ppm) and RAA4-F28 (1,900 ppm) because of the elevated PCB levels found in the interval immediately below 1 ft.

GE shall consider expanding the enhanced pavement to improve its effectiveness by including the strip of land by the DNAPL pipes and sample locations 95-04 and 95-05 and also the triangle east of RAA4-H27. This will improve the effectiveness by increasing the coverage over contaminated soil and minimizing discontinuities that can present potential integrity issues. Such expansion will increase the coverage over contaminated soil, minimize discontinuities that can present integrity issues, and simplify the ERE and ERE compliance by eliminating metes and bounds for small areas.

3. GE shall consider expanding the enhanced pavement at sample location RAA4-J27 and RAA4-K27 to include the paved area associated with RAA4-K25. The PCB levels detected in the interval below 1 ft are elevated at RAA4-K25, and the existing pavement in the road is beginning to degrade and the underlying soils could be exposed following several freeze/thaw cycles.
4. GE shall consider expanding and connecting the enhanced pavement at sample locations Y-9, 60-5, and RAA4-L17 to include the following sample locations: RAA4-K19, RAA4-K20, Y-8, RAA4-L18, Y12, and RAA4-K15. See attached Figure 1. GE may elect to install a vegetated engineered barrier in some or all of this area.
5. Surface soil in the vicinity of sampling locations RAA4-E29 (0 to 1-foot depth increment) and RAA4-5 (0 to 1-foot depth increment) contains elevated concentrations of SVOCs. GE shall consider expanding the one-foot soil removal associated with sample locations X-12 and RAA4-4 to include soil associated with sample locations RAA4-E29 (small unpaved area between the small building and the fence south of the weather station near East St.) and RAA4-5 (between recovery well 64-R and the baseball field on East St.).
6. GE is proposing to excavate 0-1 foot of soil at sample location 95-07 just east of the weather station. This is in an unpaved area of the RAA. GE shall consider performing a deeper excavation to address the elevated levels of PAHs in the 2-4 foot depth interval and the elevated PCBs (3,100 ppm) in the 1-2 foot depth interval.

7. In Averaging Area 4E, soil remediation for non-PCB compounds was proposed for the 1-3 foot depth increment for soil associated with sample location BH000750. The sample increment represented by the data appears to have been collected from the 1-6 foot depth increment. However, in table E-28 (0-15 foot depth increment), the data associated with this sample appears to have been replaced with data associated with clean backfill. It appears that the data associated with the original sample should have been retained for the 3-6 foot depth increment at this sample location. GE shall re-evaluate the data and, if necessary, propose additional response actions.
8. The Natural Resource Trustees (Trustees) have provided comments regarding the natural resource restoration/enhancement activities proposed in the CRD/RA. These comments are given in the attached April 19, 2006 letter from Woodlot Alternatives, Inc. to Dale Young (MA EOE / MA SubCouncil).
9. GE shall provide specific details and calculations in the Addendum regarding how GE will off-set any decrease in flood storage resulting from response actions or other work in East Street Area 2-South. The calculations and methodology for determining flood storage gains and losses shall be given for each one-foot elevation. This documentation shall include a net fill/cut drawing showing all additions and removals. GE shall demonstrate how they propose to comply with ARARs relating to the flood storage capacity of the floodplain and the provision of flood storage compensation.

Such calculations are required in the Addendum because this is the final area in which GE is implementing actions that need to be incorporated into the flood storage compensation calculations. GE shall note that EPA has not approved the assumptions included in GE's July 13, 2006 submittal titled "Results of Preliminary Assessment of Compensatory Flood Storage Volumes." The Decree requires that flood storage compensation be provided at the same elevation and within the same general waterbody stretch as the activities causing or contributing to the loss of flood storage capacity.

Please note the following: (1) without limitation, the soil placed on certain building foundations to minimize storm water run-off shall be factored into this evaluation and (2) the volume of interior air space within demolished buildings that were partially or completely open-sided (e.g., Building 68), or provide no restriction to incoming or outgoing floodwaters, shall not be considered a gain in flood storage capacity.

10. GE shall include in the Addendum a contingency plan for the potential discovery of buried drums, capacitors, or other vessels during soil removal activities. The contingency plan shall include measures to address any such vessels discovered during soil removal activities including, but not limited to, immediate notification of such a discovery to EPA and MDEP, and discussions with EPA regarding the need for and/or scope of follow-up activities, such as additional air monitoring, investigations, and response actions, if necessary.

11. EPA does not approve the use of the Massachusetts Contingency Plan (MCP) Upper Concentration Limit (UCL) as a default lead comparison level for the utility worker scenario applicable to the 1- to 6-foot depth increment at commercial areas within this RAA as described on Page 3-17 of the Work Plan. The SOW specifies screening non-PCB constituents against Region 9 PRGs followed by a comparison of retained constituents against MCP Method 1 (or 2) levels. Then, pursuant to SOW Performance Standard 21.f. for non-PCBs in soils at the GE Plant Area, performing an area-specific risk evaluation based on the cumulative risk of all those constituents retained prior to the Method 1 comparison.

For the area-specific risk evaluation, GE shall base calculations for lead risk on the Regulatory Daily Dose (RDD) of $7.5E-4$ mg/kg-day. This RDD is given in the MCP Toxicity Workbook (rev. 1/12/06) and is used for the various MDEP Method 3 Risk Assessment ShortForms, including the Construction Worker ShortForm 2007 and the Resident ShortForm 2006. GE shall then include this calculated value for lead risk value in the summation of cumulative risk described above.

Alternatively, GE may use the Adult Lead Methodology (ALM) which is used for non-residential environments where children are not present. Use of the model for intermittent exposures at a lead contaminated site is described in the document, Assessing Intermittent or Variable Exposures at Lead Sites (EPA, 2003, EPA-540-R-03-008). The use of this model is limited to a minimum frequency of one day a week for three months. To ensure that the most plausible area-specific exposure scenario, utility work, can be evaluated for risk, GE shall modify the utility worker exposure frequency specified in Appendix D of the CD until the lead model is viable – that is, one day a week for three months. If GE evaluates area-specific risk using this model, risk for lead exposure would not be included in a summation of risk.

As another alternative, GE may apply to the 1- to 6-foot depth increment at commercial areas within this RAA the same risk-based concentration that is used to evaluate lead in the top one foot at such areas (based on the groundskeeper scenario). If this alternative is chosen, then GE shall include a numerical comparison that demonstrates that the allowable level for the groundskeeper scenario would be sufficiently protective for a utility worker. This comparison must account for the more elevated ingestion rate expected for a utility worker and include a discussion on exposure frequency and duration relative to the minimum values set forth in EPA's intermittent exposure guidance.

12. As specified in SOW Performance Standard 21.e for soils at the GE Plant Area, if any constituent(s), other than PCBs and dioxin/furan TEQs, have average concentrations exceeding the applicable Method 1 (or 2) standards, then GE shall either develop response actions sufficient to reduce the average concentrations of such constituent(s) to the Method 1 (or 2) standards; or conduct an area-specific risk evaluation, as described in Standard 21.f. Since an exposure scenario is not explicitly given for the 0'-15' depth increment in Attachment A to EPA's Action Memo for Removal Actions

Outside the River (Appendix D of the CD), and given the future use restrictions that will limit site activities, the risk evaluation shall be conducted based on a utility worker scenario, including the procedures for lead described in condition #11, unless GE proposes and EPA accepts alternative exposure assumptions. Utility work represents the most likely activity that could present a risk of exposure on the site and utilities in the area have been found to be below 6 ft depth.

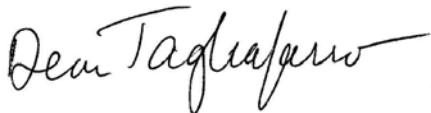
13. GE shall identify the boundary of the property that will be subject to an ERE granted by GE. For any property within the RAA, but not subject to an ERE granted by GE, such as the area between the chain link fence and the East Street sidewalk, GE shall discuss how EREs will be placed upon such property.

Pursuant to Paragraph 73.d of the Decree, EPA, after consultation with MDEP, disapproves GE's utility corridor evaluation contained in the Work Plan. In the Addendum, GE shall submit a revised utility corridor evaluation that addresses the following conditions. GE shall identify all utilities GE has abandoned or currently intends to abandon. GE shall identify when and how GE has abandoned or will abandon such utilities. GE shall perform a corridor-specific analysis and evaluation of the entire length of each remaining utility (that is, each non-abandoned utility) within the RAA, including but not limited to, areas in the utility corridor that are within the proposed engineered barrier and enhanced pavement areas. GE shall provide additional maps at an appropriate scale for each utility corridor subject to evaluation. If the spatial average PCB concentration in the 1- to 6-foot depth increment in any such corridor exceeds 200 ppm, GE shall evaluate whether any additional response actions are necessary and shall submit the results of that evaluation, together with a proposal for such precautions or actions, if needed, to EPA for review and approval. GE's evaluation shall include, without limitation, the submission to EPA of a compilation, for each corridor evaluated, of the Appendix IX+3 data located within each corridor, regardless of depth, and the PCB data within each corridor located below six feet of the surface of the ground.

GE shall address the above conditions by submitting an Addendum to the Conceptual Work Plan within 90 days from the date of this letter. EPA reserves its right to perform and/or require additional sampling or response actions, if necessary, to meet the requirements of the Consent Decree. If there is any conflict between the Performance Standards as stated in the Work Plan and the Performance Standards as stated in the Consent Decree and SOW, the Consent Decree and SOW shall control.

If you have any questions, please contact Richard Fisher at (617) 918-1721.

Sincerely,



Dean Tagliaferro
GE-Team Leader

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