

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
New England Office
1 Congress Street, Suite 1100
Boston, MA 02114-2023

February 22, 2007

Mr. Richard W. Gates
Corporate Environmental Programs
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

Via Electronic and U.S. Mail

Re: Conditional Approval of the three following documents: GE's September 2005 submittal titled *Pre-Design Investigation Report for Unkamet Brook*; GE's August 15, 2005 submittal titled *Parcel L12-1-2 and Adjacent Portion of Merrill Road Right of Way*; and GE's November 7, 2006 submittal titled *Proposal for Initial Unkamet Brook Flow Monitoring*.

Dear Mr. Gates,

This letter constitutes EPA's conditional approval of the three following documents: *Pre-Design Investigation Report for Unkamet Brook (PDI Report)* dated September, 2005; proposal for *Parcel L12-1-2 and Adjacent Portion of Merrill Road Right of Way* dated August 15, 2005; and *Proposal for Initial Unkamet Brook Flow Monitoring* dated November 7, 2006 (the "Reports"). These Reports are subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000.

PDI Report

Pursuant to Paragraph 73 of the CD, EPA, after consultation with the Massachusetts Department of Environmental Protection (MassDEP), approves the PDI report subject to the following conditions.

1. For the purposes of submitting deliverables, conducting future sampling and potential remedial actions, and schedule tracking, the Unkamet Brook RAA shall be divided as follows:

Unkamet Brook – West (including the following parcels)

K12-9-1 (Industrial portion as shown on Figure 2)
K11-7-2
K11-7-8

K11-7-9
K11-7-46
L2-2-2
L12-1-3
L11-4-213

Plastics Avenue between OP-1 and Buildings 51 and 59 (shown as yellow on Figure 2 of the PDI Report)

Unkamet Brook – Remainder (including the following parcels)

K12-9-1 (non-industrial recreational portion and Former Interior Landfill as shown on Figure 2)
L12-3-1 (portion within the RAA)
L12-1-4
L12-1-5
L12-2-1
L11-4-11
L11-4-112

This action is administrative in nature and does not constitute an alteration to the terms and conditions of the Statement of Work. GE shall submit separate submittals for the Unkamet Brook – West and the Unkamet Brook – Remainder portions of the RAA beginning with the Conceptual RD/RA Work Plans (Work Plan(s)). GE shall submit a map delineating the two areas in the Supplement to the PDI Report (Supplement). Although EPA is dividing the Unkamet Brook RAA for administrative efficiency, GE shall submit one certificate of completion for the entire Unkamet Brook RAA.

2. GE shall submit in the Work Plans, upon completion of site survey activities, a figure identifying the extent of areas that GE considers as “paved” for the purpose of complying with the soil-related Performance Standards (e.g. areas that were characterized on a paved frequency). Within such areas, GE shall show areas they consider to be degraded pavement (if any). The integrity of these areas shall be subject to review and approval by EPA after receiving this assessment. EPA may require further sampling after reviewing GE’s assessment. GE shall replace or repair the pavement in areas that EPA agrees are “degraded.” Alternatively, GE may elect to consider some of these areas as “unpaved” for the purposes of complying with the Performance Standards for unpaved areas. All areas determined to be paved for the purpose of meeting the Performance Standards will need to be surveyed and included in the plans attached to the ERE and Final Completion Report.
3. Sample locations N-AA19 (1,700 mg/kg @ 1 to 6’), N-CC18 (28,000 mg/kg/19,000 mg/kg @ 1 to 6’), and E-MM14 (3,300 mg/kg @ 0 to 1’) exhibit significantly elevated PCB concentrations. These locations occur within utility corridors. In these locations GE shall collect additional samples for PCBs in the 1

to 6' interval (E-MM14) and in the 6 to 15' interval (N-AA19 and N-CC18). These activities shall be coordinated as appropriate with actions associated with sampling location N-Y18 as required in the comments provided by EPA on GMA 3 on December 7, 2006. GE shall submit these analytical results in the Supplement.

4. GE shall include a proposal in the Work Plan for Unkamet Brook – Remainder regarding the disposition of the sanitary sewer line that bisects the former Interior Landfill. This proposal shall include a plan to implement one of the following two alternatives for the sewer line (1) a characterization of the sewer line following the requirements for existing utility corridors as defined in the CD and a proposal for the maintenance of the existing line without disturbance of the cap for the Former Interior Landfill (once constructed), or (2) rerouting of the sewer line outside the limits of the Former Interior Landfill such that it no longer will pose an issue for cap integrity/maintenance and/or a preferential pathway for migration of contaminants from the former Interior Landfill.

In addition, GE shall evaluate the seeming discontinuities of the other existing utility corridors depicted on Figures 4 and 5 of the PDI and submit a description of these lines and the reasoning behind the lack of connection or continuity and/or a reassessment of the locations of these existing utility corridors in the Work Plans.

5. EPA requests that GE submit a proposal (Modeling Proposal) for conducting the characterization and modeling of the watershed and other activities described in this condition within 90 days of the date of this letter. This characterization shall include modeling of the watershed flows upstream of the discharge of Unkamet Brook into the East Branch of the Housatonic River. Upon determination of potential design considerations, additional sampling for PCBs may be required to completely characterize areas to insure adequate design of the new stream channel. All existing flow routing from Unkamet Brook into the wetland east of the landfill from upstream across Dalton Avenue shall be described as part of this characterization.
6. GE shall provide a delineation of the “top of bank” in addition to the mean high water line of Unkamet Brook in the Work Plan for Unkamet Brook – Remainder in those areas of Unkamet Brook where the “top of bank” is not co-located with the mean high water line, as identified by EPA.
7. EPA previously approved GE’s request to perform iterative sampling on Parcel K12-9-1 in areas located more than 100 feet from Unkamet Brook by first performing sampling on a sampling grid reduced from the sampling required by the Statement of Work. EPA concurs with GE that adequate characterization has been performed of this area for the purpose of the PDI.

The reduced sampling grid for Parcel K12-9-1 shall require a modification of the Statement of Work pursuant to Section 216 of the Consent Decree. Such modification shall be at EPA's request and is subject to approval of the U.S. Department of Justice and a reasonable opportunity to review and comment by MassDEP.

8. EPA wishes to clarify that Parcel K11-7-46 is not within the Unkamet Brook Area RAA because that tax parcel contains only buildings OP-1 and OP-2 and not the soil underlying those buildings. Soil beneath buildings OP-1 and OP-2 (on Parcel K11-7-2) are subject to the CD, and shall be subject to future RD/RA evaluation and response action, if necessary, should the buildings be removed. The area underneath the buildings on Parcel K11-7-46 shall be a restricted area in the ERE for the Unkamet Brook RAA and shall be subject to that ERE. GE shall include this clarification in the Supplement.
9. GE shall submit the Supplement to the Pre-Design Investigation Report within 90 days of receipt of this letter. This Supplement shall include, without limitation, the results of the soil investigations conducted pursuant to GE's November 2, 2005 submittal approved by EPA on March 8, 2006 and results of the soil investigations conducted pursuant to GE's September 2005 PDI Report and conditionally approved by this letter. The Supplement shall include a proposed schedule for the submission of the Work Plans. In addition the Supplement shall include figures quantifying PCB concentrations within the North and East areas on a depth-specific basis (i.e. a separate figure for the 0- to 1-foot, 1- to 3-foot, 3- to 6-foot and 6- to 15-foot depth increments). If GE believes additional sampling is warranted, GE shall propose, for EPA approval, additional sampling in the appropriate Work Plan.
10. All other activities proposed in Section 3 of the PDI report and not discussed explicitly above shall be included in the Work Plans.

GE Proposal for Parcel L12-1-2 and Adjacent Portion of Merrill Road Right of Way

Pursuant to Paragraph 73 of the CD, EPA, after consultation with the MassDEP, approves GE's proposal to (1) not perform the pre-design soil investigations previously proposed for this area, and (2) modify the boundary of the Unkamet Brook RAA to exclude Parcel L12-1-2 and the adjacent portion of the Merrill Road easement, subject to the following condition.

GE's Proposal for Parcel L12-1-2 and Adjacent Portion of Merrill Road Right of Way shall require a modification of the Consent Decree and/or Statement of Work. Such modification shall be at EPA's request and is subject to approval of the U.S. Department of Justice and approval or comment, as appropriate, of Mass DEP.

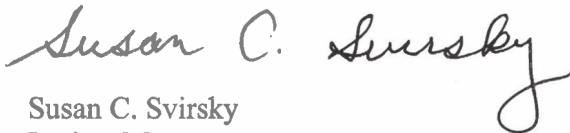
GE Proposal for Initial Unkamet Brook Flow Monitoring

Pursuant to Paragraph 73 of the CD, EPA, after consultation with the MassDEP, approves GE's proposal to initiate flow monitoring for Unkamet Brook subject to the following conditions. GE shall submit a schedule for conducting these activities within 30 days of the date of this letter. Any alterations to the flow monitoring program shall be discussed with EPA prior to implementation and subsequently documented in a letter to the Agencies after EPA approval. These activities may be performed and reported in tandem with those conducted under Condition 5 listed above.

If there is any conflict between the Performance Standards as described in the Reports, and as set forth in the Consent Decree and/or Statement of Work, the Consent Decree and Statement of Work shall control. EPA reserves the right to perform additional sampling and/or require additional response actions, if necessary, to meet the requirements of the Consent Decree.

Please contact me if you have any questions.

Sincerely,



Susan C. Svirsky
Project Manager

cc: Dean Tagliaferro, EPA
 John Kilborn, EPA
 Rich Hull, EPA
 Rose Howell, EPA
 Holly Inglis, EPA
 Dale Young, MA EOE
 Mike Backunas, MDEP
 Jane Rothchild, MDEP
 Susan Steenstrup, MDEP
 K.C. Mitkevicius, USACE
 Linda Palmieri, Weston Solutions
 Scott Campbell, Weston Solutions
 Jim Nuss, BBL
 Andrew Corbin, BBL
 Mayor James Ruberto, City of Pittsfield
 MA Dept of Highways,
 Rights of Way Bureau
 Jeff Gardner,
 Berkshire Community College

 Michael Carroll, GE
 Andrew Silber, GE
 Rod McLaren, GE
 Jim Bieke, Goodwin Proctor LLP
 Laurence Kirsch, Goodwin Proctor
 John Wood, GE Plastics
 Steve Urschel, GE Plastics
 Scott LeBeau, General Dynamics
 Larry Dixon, CSX Transportation
 Cheryl Grosso, United States Navy
 Property Owner – Parcel K11-7-8
 Property Owner – Parcel L11-4-112
 Property Owner – Parcel L11-4-213
 Property Owner – Parcel L12-1-2
 Property Owner – Parcel L12-1-3
 Property Owner – Parcel L12-1-4
 Property Owner – Parcel L12-1-5
 Public Information Repositories