



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

February 23, 2006

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

Via Electronic and U.S. Mail

Re: Conditional Approval of General Electric's submittal titled *Final Removal Design/Removal Action Work Plan for Former Oxbow Areas J & K*, GE - Pittsfield/Housatonic River Site, Pittsfield, Massachusetts.

Dear Mr. Silfer:

This letter provides the Environmental Protection Agency's (EPA's) conditional approval of the above referenced *Final Removal Design/Removal Action Work Plan for Former Oxbow Areas J & K* (Work Plan) dated September 2005. The Work Plan 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 Work Plan subject to the following conditions.

1. Sheet 3 of the Technical Drawings in Attachment A does not specify an excavation elevation for the 3-foot removal area that is located on the eastern side of the intermittent stream channel and in the southwestern corner of Parcel K10-11-2 (i.e., in recreational area R2). Because there is a 10-foot change in elevation across the area covered by this 3-foot removal, GE shall ensure that the excavation limits for this removal area are consistent with the removal depths shown on Figure 4-1 of the Conceptual RD/RA Work Plan. Similarly, GE shall ensure that the excavation limits being proposed for the northern end of Parcel K10-11-3 are also consistent with the removal depths shown on Figure 4-1 of the Conceptual RD/RA Work Plan.
2. GE shall revise Section 5.6 to include the following language after the table: "In addition to the requirements specified above, if any historic or prehistoric artifacts or sites or any threatened or endangered species or species of special concern are identified by GE during the course of field activities, or identified by EPA or the MDEP and communicated to GE, GE shall notify EPA and discuss with EPA the need for and scope of additional actions, if any, needed to protect such resources."

3. The Contingency Plan presented in Section 7.3 of the Work Plan does not address activities that may be taken in response to any discovery of drums, capacitors, or other vessels during soil removal activities. GE shall revise Section 7.3 to 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.
4. The annual inspections described in Section 8.4 do not address shallow excavations that have the potential to generate significant quantities of potentially contaminated soil. Because of the possibility that this material could be disposed of off-site or moved on-site, GE shall consider modifying Number 3(c) of Section 8.4 to read as follows: "any excavations or other activities that might involve the disturbance of ten (10) cubic yards of soil, or greater, regardless of depth." At a minimum, EPA expects that GE's Conditional Solution inspections will note for EPA's information evidence, based on visual observation, of significant excavations, that is, excavations involving the disturbance of ten (10) cubic yards of soil, or greater, regardless of depth, during the annual Conditional Solution inspections described in Number 3(c).
5. The pink shading shown on Figure 1-2 does not cover the full extent of recreational areas R1, R2, R3A and R3B. In the Addendum to the Final RD/RA Work Plan, GE shall revise Figure 1-2, accordingly.
6. GE shall revise the truck traffic routes shown on Figure 7-1 based on recent modifications to the operating procedures for the On-Plant Consolidation Areas (OPCAs).
7. Section 10.0 of Attachment D of the Work Plan does not describe the response actions that GE shall take should the PCB concentrations in ambient air exceed the 0.05 ug/m<sup>3</sup> notification level. If the 0.05 ug/m<sup>3</sup> notification level is exceeded, GE shall notify EPA promptly, but no later than 24 hours after receipt of the data showing such an exceedance, and shall implement additional response actions. The actions to be considered shall include those previously implemented by GE at other areas at the CD Site (e.g., increased frequency of monitoring, additional monitoring locations, increased use of dust suppression measures, modifications to dust-producing activities). If the action level of 0.1 ug/m<sup>3</sup> is exceeded, GE shall notify EPA immediately upon receipt of the data showing such an exceedance, and shall temporarily shut down excavation activities and discuss with EPA the need for and type of short-term actions to address the exceedance. In addition, GE shall evaluate the need for additional engineering controls, discuss that evaluation with EPA, and if warranted, propose such controls. EPA approval of appropriate response actions and engineering controls, if proposed, shall be required prior to GE resuming excavation activities.

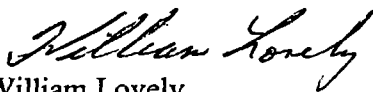
8. Attachment E of the Work Plan does not discuss inspections after severe storms. To make the Work Plan consistent with the CD (Section 2.2 of Attachment J to the Statement of Work), GE shall revise Attachment E to include inspections after severe storm events. EPA's position is that a storm event that records a 15 minute instantaneous peak of 3,500 cubic feet per second (cfs) or greater, as measured at the USGS Coltsville gauge, would be a severe storm event.
9. Section 9.0 of the Work Plan does not include a schedule for the selection of a remediation contractor. GE shall include an anticipated schedule for the selection of a remediation contractor in the forthcoming Addendum to the Final RD/RA Work Plan as described below.

EPA notes that GE has proposed to perform supplemental sampling of Oxbows J & K in a Supplemental Sampling Plan dated November 2, 2005. Pursuant to EPA's conditional approval letter dated January 17, 2006, GE will be submitting an Addendum to the Final RD/RA Work Plan by April 17, 2006. The above comments shall be addressed in that Addendum.

If there is any conflict between the Performance Standards as described in the Work Plan and as set forth in the Consent Decree and/or Statement of Work for Removal Actions Outside the River (Appendix E to the Consent Decree), the Consent Decree and Statement of Work shall control. EPA reserves its right to perform additional sampling and/or require additional sampling or Response Actions, if necessary, to meet the requirements of the Consent Decree.

Please contact me at (617) 918-1240 if you have any questions regarding this approval.

Sincerely,



William Lovely  
GE Facility Project Manager

cc:

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Property Owner- Parcels K10-10-3  
Property Owner- Parcel K10-10-4  
Property Owner- Parcel K10-10-5/6  
Property Owner- Parcel K10-10-33  
Property Owner- Parcel K10-11-1  
Property Owner- Parcel K10-11-2

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Property Owner- Parcel K10-11-3  
Property Owner- Parcel K10-11-5  
Property Owner- Parcel K10-12-1  
Property Owner- Parcel K10-13-1  
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