



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

March 6, 2006

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 submittal titled *Final Removal Design/Removal Action Work Plan for Lyman Street Area*, 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 Lyman Street Area* (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. As described in Section 5.7 of the Work Plan, GE is required to implement a number of natural resource restoration/ enhancement activities at the GE Lyman Street parking lot area. EPA understands that the natural resource trustees will provide comments on these activities to GE under separate cover. GE shall review these comments upon receipt and respond to the trustees, as appropriate.
2. Section 5.8 of the Work Plan states that GE will send a letter to the agencies describing how it proposes to compensate for losses in flood storage capacity. GE shall ensure that this letter, when submitted, will comply with Applicable or Relevant and Appropriate Requirements.
3. GE shall revise Section 5.9 to include the following language after the ARARs 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.”

4. GE shall select a remediation contractor to address the properties west of Lyman Street (i.e., parcels I9-4-14, I9-4-19, I9-4-25, I9-4-201, I9-4-202, I9-4-203) within 60 days from the date of this letter. GE shall also select a remediation contractor to address the properties east of Lyman Street (i.e., I9-8-1, and I9-8-2) within 30 days from EPA’s notification to GE that EPA has completed its use of the Lyman Street Parking lot Area.
5. 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.
6. The restoration plan described in Section 7.5.10 of the Work Plan does not address the properties west of parcel I9-4-201. GE shall submit a detailed restoration plan that addresses the recreational portions of Parcels I9-4-19 and I9-4-14 including the portion of the drainage swale that requires excavation to its original grade. The swale shall be backfilled with riprap that extends to the river.
7. 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).
8. 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/m³ notification level. If the 0.05 ug/m³ 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/m³ 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.

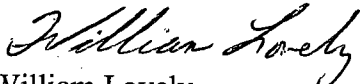
9. The excavation limit shown along the northern edge of the Lyman Street parking lot on Sheet 3 of the Technical Drawings does not appear to be consistent with the 3-foot excavation shown on Figure 4-1 of the Conceptual RD/RA Work Plan. GE shall review the 985-foot removal elevation shown on Sheet 3 and revise, as appropriate.
10. 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).
11. Attachment F 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 F 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.
12. Regarding the ERE for GE-Owned Parcel I9-8-1, GE shall show on the ERE Plan, without limitation, the Engineered Barrier and groundwater response components such as monitoring wells, piping, and underground sheetpile walls.

GE shall respond to the conditions described above by submitting an Addendum to the Final RD/RA Work Plan within 30 days from the date of this letter. This Addendum shall include a schedule for submitting the Supplemental Information Package and a schedule for submitting the letter proposal described in condition two of this letter.

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:

John Kilborn, EPA
Rose Howell, EPA
Dean Tagliaferro, EPA
Holly Inglis, EPA
Dale Young, MA EOEA
Sue Steenstrup, MDEP
Anna Symington, MDEP
Thomas Angus, MDEP
Robert Bell, MDEP
Linda Palmieri, Weston Solutions
Nancy E. Harper, MA AG
K.C. Mitkevicius, USACE
Mayor James Ruberto, City of Pittsfield
Michael Carroll, GE
Dick Gates, GE
Jeffery Bernstein, Bernstein, Cushner &
Kimmell

Rod McLaren, Esq., GE
James Bieke, Goodwin Procter LLP
Richard Nasman, Berkshire Gas
Dorothy Mara, Esq., Hashim & Spinola
Dr. Ishwar Murarka, Ish. Inc.
Kevin Hylton, KHES, LLC
David Mauro, META
Michael McHugh, Rich May
Charles J. Dooley, Western Mass. Electric
Property Owner- Parcel I9-4-14 & -19
Property Owner- Parcel I9-4-25, -202, &
-203
Property Owner- Parcel I9-4-201
Property Owner- Parcel K10-13-1
Jim Nuss, BBL
John Martin, Esq., Martin & Oliveira
Public Information Repositories