



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

January 20, 2009

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 General Electric's October 16, 2008 submittal titled Newell Street Area II, *Second Addendum to Final Removal Design/Removal Action Work Plan*, GE-Pittsfield/Housatonic River Site

Dear Mr. Gates:

This letter contains the Environmental Protection Agency's (EPA) conditional approval of the above-referenced *Second Addendum to Final Removal Design/Removal Action Work Plan* (the Second Addendum). The Second Addendum 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 Second Addendum subject to the following conditions.

1. GE shall evaluate the four new averaging areas described in the Second Addendum for contamination by Appendix IX constituents at each depth interval as required by the SOW. This evaluation may consider the existence of pre-existing Appendix IX analytical data, depending on the proximity within and around the relevant averaging areas and shall include additional sampling and analysis if GE cannot demonstrate with pre-existing data that the Performance Standards are satisfied. This sampling and analysis shall be done as described in the email sent by GE (R. Gates) to EPA (R. Fisher, D. Tagliaferro) on January 8, 2009 (see attached).

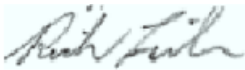
GE shall submit a supplement that summarizes the evaluation necessary to adequately characterize the four new averaging areas within 30 days of receipt of final Appendix IX+3 soil sample data, but no later than 90 days of receipt of this letter. If the evaluation indicates the need for additional remedial action to meet the Performance Standards, GE shall include a proposal for such a remedial action.

2. EPA recommends that GE excavate the surficial soil (0 to 1 foot) on Parcel J9-23-11 that is associated with polygon 162. The report indicates a surface soil concentration of 44 ppm in this area. This area is located adjacent to a one-foot excavation area.

EPA reserves all of its rights under the Decree, including but not limited to, the 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 Second Addendum 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 me at (617) 918-1721.

Sincerely,

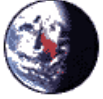


Richard Fisher
GE Facility Project Manager

cc:

Dean Tagliaferro, US EPA
Tim Conway, US EPA
Holly Inglis, USEPA
Linda Palmieri, Weston Solutions
Rose Howell, US EPA
Mike Backunas, MDEP
M. Gorski, MDEP
Susan Steenstrup, MDEP
Jane Rothchild, MDEP
Dale Young, MA EOEEA
Public Information Repositories


N. Harper, MA AG
Mike Carroll, GE
Rod McLaren, GE
James Bieke, Goodwin Procter
James Nuss, ARCADIS
J. Ciampa, SPECTRA
Chris Ferry, ASRC
K.C. Mitkevicius, USACE
Tom Hickey, Director, PEDA
Mayor James Ruberto, City of Pittsfield
Pittsfield Commissioner of Public Health



"Gates, Richard (GE,
Corporate)"
<richard.gates@ge.com>
01/08/2009 03:47 PM

To Dean Tagliaferro/R1/USEPA/US@EPA, Richard
Fisher/R1/USEPA/US@EPA
cc "Corey Averill" <CRA@BBL-INC.COM>, "Jim Bieke"
<jbieke@sheagardner.com>
bcc

Subject Revised Plan - Vermont Street

History:  This message has been forwarded.

Dean and Rich:

As you know, during the development of the ERE for Parcel J9-23-12 (which is part of the Newell Street Area II RAA), GE determined that the southern half of undeveloped Vermont Street and the eastern half of undeveloped Ontario Street (which were evaluated as part of the "wooded area" of that parcel) could not be covered by the ERE since GE does not own those areas. As agreed upon with EPA, GE prepared revised evaluations of the need for and scope of soil removal activities to achieve the PCB Performance Standards agreed upon by GE and EPA to apply to the following averaging areas:

- Parcel J9-23-12 (Wooded Area – Revised) (revised to exclude the southern half of Vermont Street and the eastern half of Ontario Street);
- Southern half of Vermont Street adjacent to Parcel J9-23-10;
- Southern half of Vermont Street adjacent to Parcel J9-23-11;
- Southwest corner of Vermont Street and Ontario Street intersection; and
- Eastern half of Ontario Street from Parcel J9-23-12 through the Vermont Street intersection.

GE submitted those evaluations in the *Second Addendum to the Final RD/RA Work Plan for the Newell Street Area II RAA* (Second Addendum) on October 16, 2008. Those evaluations indicated that limited soil removal (i.e., less than 3 cubic yards) is required to achieve the applicable PCB Performance Standards for the averaging area consisting of the southwest corner of the Vermont and Ontario Streets intersection, and that no further remediation is necessary to achieve the PCB Performance Standards in any of the other areas.

In response to this submittal, EPA requested that GE evaluate the potential presence of non-PCB Appendix IX+3 constituents within the four new averaging areas comprising the southern half of undeveloped Vermont Street and the eastern half of undeveloped Ontario Street to determine the need for additional sampling and/or remedial actions to address such constituents in soil. GE has completed the requested evaluation and is proposing the following activities for the three residential averaging areas comprising the southern half of undeveloped Vermont Street:

- As discussed with EPA, GE is proposing to collect samples at the five locations shown on the attached figure. Since the 0- to 1-foot depth interval at these three averaging areas was almost entirely remediated previously under the State ACO program, no sampling is proposed for that interval. Instead, such sampling will involve the collection of samples from the 1- to 3-foot and 3- to 6-foot depth increments at five sampling locations within the southern half of Vermont Street, including: two locations adjacent to Parcel J9-23-10; two locations adjacent to Parcel J9-23-11; and one location in the southwest corner of the Vermont Street and Ontario Street intersection.
- For each sampling location, the samples from the 1- to 3-foot depth increment will

be analyzed for Appendix IX+3 constituents (excluding pesticides and herbicides), with the samples from the 3- to 6-foot depth increment held for potential future analysis.

- The Appendix IX+3 sample data for the three residential averaging areas will be evaluated using the same evaluation intervals utilized for the PCB evaluations within these averaging areas (i.e., the 0- to 1-foot and greater than 1 foot depth increments). The data for each averaging area will be evaluated using the same Appendix IX+3 evaluation procedures applicable to residential properties under the Consent Decree. In summary, those evaluation procedures involve the following steps for each averaging area: an initial screening step comparing the maximum constituent concentrations to the EPA Region 9 residential PRGs or surrogate PRGs approved by EPA; comparison of maximum dioxin/furan TEQ concentrations or the 95% UCL on the mean of the dioxin/furan sample data to the TEQ PRG applicable to residential properties; for those constituents retained after the initial screening step, comparison of average constituent concentrations to the applicable MCP Method 1 soil standards for such constituents; and if necessary, for averaging areas where there are exceedances of the MCP Method 1 soil standards, an area-specific risk evaluation for the retained constituents based on residential exposure assumptions and in accordance with the procedures specified in the SOW for such evaluations.
- If the results of the evaluations for the samples collected from the 1- to 3-foot depth increment achieve the applicable Performance Standards for non-PCB constituents, no further actions will be proposed. However, if any of the residential averaging areas do not achieve those standards, the sample(s) from the 3- to 6-foot depth increment underlying the sample(s) causing the exceedance(s) of the comparison criteria at the averaging area(s) in question will be released for analysis. Upon receipt of those data, the Appendix IX+3 evaluations will be repeated.
- If, after completion of all sampling, analysis, and evaluation activities, exceedances of the above-listed criteria remain, GE will either: (1) propose additional remedial actions, consisting of soil removal to the depth of the sample(s) causing the exceedances(s), extending outward to the boundaries of the averaging area or the line separating the sampling areas; or (2) propose additional delineation soil sampling activities, likely consisting of the collection of one sample located to the east and/or west of the sample(s) causing the exceedances(s), for analysis of the constituent(s) for which exceedances were noted.

Regarding the eastern half of undeveloped Ontario Street, GE has evaluated whether additional Appendix IX+3 soil sampling activities would have been required for this area if it had originally been included in the Newell Street Area I RAA as part of Parcel J9-23-13. (As EPA is aware, the owner of Parcel J9-23-13 will be notified that this portion of the eastern half of undeveloped Ontario Street will be subject to the Conditional Solution already implemented for that property.) As part of this evaluation, GE first reviewed the PCB sampling grid used at Parcel J9-23-13 during the previous RD/RA evaluations. That review indicated that a minimum of 63 PCB soil samples were required to satisfy the grid-based sampling requirements specified in the SOW for the property. The Appendix IX+3 sampling requirements in the SOW require the collection of approximately 1/3 the number of grid-based PCB samples, split approximately evenly between surface and subsurface soil samples. Based on these requirements, GE was required to collect approximately 21 Appendix IX+3 soil samples from Parcel J9-23-13, split approximately evenly between surface and subsurface increments. A review of the existing Appendix IX+3 data set

for Parcel J9-23-13 indicates that 23 non-delineation soil samples were previously collected at that property, of which 10 samples were collected from the 0- to 1-foot depth increment. Next, GE extended the PCB sampling grid used at Parcel J9-23-13 to see if any grid nodes would fall within the eastern half of Ontario Street adjacent to Parcel J9-23-13. As shown in the second attached pdf, it appears that three grid nodes (i.e., E-0, F-0, and G-0) would fall within or on the border of the eastern half of Ontario Street. Inclusion of these grid nodes would add seven required PCB soil samples, bringing the total number of required grid-based PCB soil samples to 70. Under this scenario, 23 Appendix IX+3 soil samples would be required at this property to satisfy the SOW requirements. As previously indicated, the existing Appendix IX+3 soil sample data set for Parcel J9-23-13 already includes 23 non-delineation soil samples. Therefore, the addition of the eastern half of undeveloped Ontario Street to Parcel J9-23-12 would not require the performance of additional soil sampling activities to satisfy the characterization requirements of the SOW. As a result, no further Appendix IX+3 soil sampling activities are proposed for the eastern half of Ontario Street.



Dick G. Vermont-Ontario AIX Sampling Proposal.pdf

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SAMPLES TO BE COLLECTED FROM
 1-3' AND 3-6' INTERVALS. 1-3'
 SAMPLES TO BE SUBMITTED FOR
 AIX+3 ANALYSES. 3-6' SAMPLES
 TO BE HELD FOR POTENTIAL
 FUTURE ANALYSES.

- NOTES:
1. BASE MAP MODIFIED FROM SURVEY BY HILL ENGINEERS, ARCHITECTS & PLANNERS, DATED 12/9/03 AND FROM NEWELL STREET AREA 2 AS-BUILT SITE PLAN, DATED 2/7/07. LIMITS OF HOUSATONIC RIVER ARE APPROXIMATE.
 2. UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND ALL UTILITIES MAY NOT BE SHOWN.

GENERAL ELECTRIC COMPANY
 PITTSFIELD, MASSACHUSETTS
 SECOND APPENDUM TO THE FINAL RD/RA WORK PLAN
 NEWELL STREET AREA II RAA

SITE PLAN

