



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

March 4, 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 22, 2008 submittal titled *Revised Conceptual Removal Design/Removal Action Work Plan for Soils Adjacent to Silver Lake*, GE-Pittsfield/Housatonic River Site

Dear Mr. Gates:

This letter contains the Environmental Protection Agency's (EPA) conditional approval of the above-referenced *Revised Conceptual Removal Design/Removal Action Work Plan for Soils Adjacent to Silver Lake* (the Revised Work Plan). The Revised 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 Revised Work Plan subject to the following conditions.

1. Section 1.2.2.1 and elsewhere. When GE discusses the ownership for averaging areas RA-1 through RA-5, the term "City-owned road easements" is used. It appears this term is in reference to the area between the property line of the privately owned bank (GE, WMECO or PIDC) and the edge of pavement. Please clarify, to the extent possible based on available information, if this area is an easement or is owned in fee by the City of Pittsfield or by some other entity. In addition, the "roadway easement boundaries" referenced in Subsection 1.2.2.2 shall be shown in appropriate site plans and figures in the Final RD/RA Work Plan and any other future documentation which refers to these boundaries.
2. Section 1.2.2.2 and Figure 1-4. GE identifies the ownership of a parcel in Figure 1-4 as belonging to the defunct Pittsfield Industrial Development Corporation. GE shall provide any additional information it has regarding this property.
3. GE identifies two samples in the top foot of recreational areas on page 18 with PCB concentrations greater than 50 ppm in Recreational Areas RA-3 and RA-4 that are not being addressed by the proposed removals. EPA notes that, in addition, the utility

corridor evaluations along East Street (presented in Table D-113) include a polygon that is associated with a sample location with greater than 50 ppm (RA-5-SB-4) and is not being addressed by a proposed removal.

4. GE shall consider removing soil associated with PCB contamination greater than or equal to 50 ppm at any depth at a residential parcel. Therefore, GE shall consider extending the removal depth in Parcel I9-10-8 from six to eight feet at sample location RA3B475 (50 ppm) to remove polygons 250A and 232A. GE shall also consider removing the soil on Parcel I9-10-8 from 1 to 2 feet for soil associated with sample R83E264 (110 ppm) to remove polygon 364A.
5. GE shall consider removal of any soil associated with PCB concentrations of 50 ppm or greater in the 0 to 1 foot depth increment in recreational averaging areas. Therefore, GE shall consider expanding the excavations in RA-3 to encompass the soil in the top 1-ft depth interval associated with sample locations RA-3-SB-3 (84 ppm) and SL-BH001467 (50 ppm).

Additionally, GE shall consider removing the soil in the top 1-ft depth interval associated with sample location SLB-4BB (75 ppm) in RA-4.

GE shall also consider removing the soil in the top 1-ft depth interval associated with sample location RA-5-SB-4 (112 ppm) in RA-5 and in the utility corridor along East St.

6. Section 4.24. Summary of Utility Corridor Assessment.
 - a. Please note that EPA does not necessarily concur with GE's statements that storm water outlets are not likely to be subject to emergency repairs or that the corridor associated with the water line does not extend appreciably into the RAA, and hence any repair workers on that line would not be exposed to any appreciable extent to the soils within this RAA. However, based on existing data and circumstances, EPA is not requiring modification to the assessment summary.
 - b. GE shall include a provision in the proposed post-removal site control plan that in the event that a new subgrade utility is installed or an existing subgrade utility is repaired or replaced, GE shall ensure that the spatial average PCB concentration in the backfill materials used is at or below 10 ppm in the top three feet, and 25 ppm for soils at greater depths within recreational areas, and at or below 25 ppm for all depths within commercial/industrial areas.
7. Section 4.24. Summary of Utility Corridor Assessment and Figure 1.3. The outfall locations specified on Figure 1-3 are given as approximate. Outfalls shall be identified as active or proposed for abandonment and their locations surveyed for, and identified on, the Final RD/RA Work Plan. Inactive outfalls located below the water line shall be considered debris and shall be removed to below grade and abandoned. In addition, GE shall determine the source of each pipe/outfall/structure that leads, or may lead, from GE property or former GE property, and propose for EPA approval to either abandon the outfall, or provide appropriate measures to protect the integrity of the sediment cap. For

outfalls currently or proposed to be abandoned, GE shall submit a proposal in the Final RD/RA Work Plan to remove the visible portion of the outfall and ensure that outfalls are properly abandoned.

EPA notes that stained materials and petroleum odors were encountered in the vicinity of the location where PEDDA has proposed to install a box culvert and rip rap swale on the east side of the lake. GE presented analytical results for this soil in a December 3, 2007 letter to EPA, along with a statement that future RD/RA documents shall include contingency plans related to potentially encountering similarly stained materials and/or NAPL. GE shall coordinate with PEDDA to appropriately manage and dispose such material prior to or during the installation by PEDDA of the box culvert and swale.

8. Section 5.3. Natural Resource Restoration/Enhancement Activities. GE shall provide a revised submittal for the walking path, the picnic areas, and the tree and shrub plantings that address the Trustee comments in the letter (dated 12/23/08 from D. Young to A. Silfer) attached to the Silver Lake Sediment CRD/RA Conditional Approval Letter. GE shall provide the submittal prior to GE's submittal of the combined Final RD/RA Work Plan for Sediments and Soils, and on a schedule to be determined based on further discussions between GE and EPA.

Please note the concern that has been expressed that the walking path and picnic areas be ADA compliant.

9. With respect to Section 5.5.2, Impacts on Flood Storage Capacity, please note that the Consent Decree definition of Flood Storage Compensation includes that

“...for activities which will cause or contribute incrementally to a loss of flood storage capacity, GE will provide a volume of flood storage capacity that is equal to the volume of flood storage capacity that would be displaced by the activities, to the maximum extent practicable. Unless otherwise provided in this Consent Decree, the SOW, Upper ½ Mile Reach Removal Action Work Plan, or the Rest of River SOW, Flood Storage Compensation shall 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, but need not be in the specific locations of those activities.”

That being the case, EPA does not necessarily agree with, and it is premature to concur with, the following GE statements in Section 5.5.2: (1) in the first paragraph of 5.5.2, “[n]onetheless, as a conceptual matter, GE will endeavor to perform these activities such that, to the extent practicable, there will be no significant net loss of flood storage capacity,” and (2) in the final paragraph of 5.5.2, the first sentence.

10. Section 5.5.1, third paragraph. In the event that GE discovers any abandoned concrete, structures, or debris in proposed excavation, walkway, or restoration areas, GE shall remove such materials to below grade that would extend above or interfere with the proposed finished grade surfaces.

11. GE shall document the existing vegetation in the banks and potential support areas that are not subject to plantings as specified in Attachment I. In addition, GE shall propose to revegetate the banks/support areas with species similar to those present pre-remediation, with the exception of non-native and/or invasive species. Documentation of the existing vegetation, the proposed revegetation plan and a proposed inspection and maintenance plan for these areas shall be included in the Final RD/RA Work Plan.
12. In the Final RD/RA Work Plan, GE shall describe GE's plans for obtaining and testing backfill material (including test methods and frequencies). GE shall also provide a list of all permanent features and material which require material submittals such as guard rails, walking path material, picnic tables, etc. In addition, following approval of the Final RD/RA Work Plan and selection of a remediation contractor, GE shall submit a Supplemental Information Package that identifies all backfill material sources to be used, includes a summary of appropriate testing and analytical results or other documentation for all proposed backfill and materials prior to placement, and demonstrates that all materials meet the proposed specifications or applicable requirements.
13. GE shall include in the Final RD/RA Work Plan detailed cross-sections at 100-foot intervals, that show the existing grades, proposed excavation grades, and proposed final grades from the edge of pavement (or similar distance to the lake for areas that do not abut Silver Lake Boulevard) extending 25 feet into the Lake. Additional cross-sections shall be submitted as necessary where the 100-foot cross-sections do not provide sufficient detail. The cross-sections shall account for isolation material placement and anticipated sediment consolidation, the placement of the armor stone and anchor trench, bank excavation, bank stability and recontouring, bank replantings (in the NRR/EA areas) and construction of the walking path. In areas where the bank contours are modified from existing conditions, GE shall demonstrate how soil performance standards are met for the post-construction grades.
14. GE shall include in the Final RD/RA Work Plan or in a separate addendum, procedures that specify how GE will confirm that required excavation depths, maximum slopes, and backfill elevations are met. For example, three foot excavations along a slope require vertical excavation depths from a fixed survey point to be greater than three feet, with the actual depth determined by the slope of the bank. See Figure 5-1. The proposed procedures shall include a general description of the surveying, procedures to account for bank slopes, density/spacing of survey points, and approval procedures.
15. There is an apparent inconsistency between GE's July 2008 Sediment Conceptual RD/RA Work Plan and the Revised Bank Work Plan in the lower bank in the vicinity of the shrub-scrub island/peninsula. Page 17 of the Revised Bank Work Plan states that the "in the area of the scrub-shrub peninsula . . . the [Sediment/Bank] boundary is at an elevation of approximately 978 feet above mean sea level (AMSL)." However, in section 3.4.3.1 of the Sediment Work Plan, GE states that the peninsula will be excavated to elevation 975.1 and backfilled to elevation 976.9 (one foot above the mean water elevation). This would potentially leave a gap at the lower bank between elevation 976.9

and 978. GE shall clarify how the final grade of the island, the cap placement in the vicinity of the island, and the bank soil removal will be performed and tie in together and eliminate the apparent discrepancy. In addition, GE shall submit detailed cross-sections at a spacing of 50 feet (or less as necessary) for this area in the Final RD/RA Work Plan.

Typographical corrections to be made in subsequent submittals:

1. In section 1.2.2.1 on page 5, GE refers to an undeveloped parcel located on “Front Street” This should be “Fourth Street”.
2. The legend in Figures 1-2 and 1-3 defines the use of a black line for property boundaries, yet uses black lines to designate averaging area boundaries.
3. Figure 1-4 does not show the property line between the GE, WMECO, and PIDC property and the City/State-owned property (or easements) associated with Silver Lake Boulevard and East Street. This property/easement line shall be clearly delineated in subsequent submittals.

Unless otherwise noted, GE shall address these conditions in the combined Silver Lake Sediment and Soils Adjacent to Silver Lake Final RD/RA Work Plan. 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 Revised 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 me at (617) 918-1721.

Sincerely,



Richard Fisher
GE Facility Project Manager

cc:

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