



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/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

