



**United States Environmental Protection Agency
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Boston, MA 02109-3912**

August 25, 2011

Andrew Silfer, P.E.
General Electric Company
319 Great Oaks Boulevard
Albany, NY 12203

Sent via electronic and U.S. First Class Mail

Re: Conditional Approval of GE's August 2011 Revised Final Removal Design/Removal Action Work Plan for Silver Lake Area

Dear Mr. Silfer,

EPA has completed its review of GE's report entitled *Revised Final Removal Design/Removal Action Work Plan for Silver Lake Area* dated August 2011 (the Work Plan).

Pursuant to Paragraph 73 of the Consent Decree governing the response action, EPA, after consultation with the Massachusetts Department of Environmental Protection (MassDEP) and the Natural Resource Trustees (the Trustees), approves the Work Plan subject to the following conditions.

1. GE shall evaluate the PEDDA outfall apron design per the methods used in Appendix O for all other lake outfalls. This evaluation shall be included in the Supplemental Information Plan (SIP), or alternatively submitted separately to EPA for review and approval in advance of it. If required by the evaluation, GE shall also include revised cross-sections, details and specifications for the PEDDA apron design in the SIP.
2. Within the pilot cap area, if GE's selected remediation contractor elects to measure the thickness of the pilot cap and add additional cap material accordingly (rather than recap the entire pilot cap area with 14 inches of new cap material), a minimum of nine sample locations - three equally spaced locations within each of the three subsections of the pilot - shall be used for such measurements. GE shall clarify in the SIP which of these two approaches will be used.
3. By issuing this Conditional Approval Letter, EPA is not necessarily approving the revised specifications for the guardrail (previously proposed as wooden) or the specification for the fence. As previously noted, additional discussion with the Trustees, PEDDA and the City are needed, as well as a safety-related evaluation prior to reaching a final decision in this regard. This evaluation and any changes to the proposed guardrail or fence specifications shall be included in the SIP, or alternatively submitted separately to EPA for review and approval in

advance of it.

4. Silt Curtain (Section 6.2.5.3, Technical Drawing #24): per Section 6.2.5.3 of the Work Plan, GE shall submit the details and specifications of the silt curtain in coordination with the remediation contractor in the forthcoming SIP. Consistent with conditions #16 and #17 of EPA's 08/11/09 CAL for Silver Lake, the SIP shall contain the rationale for use of the proposed silt curtain (AGR-FLO TOUGH-GUY, Type 2) including why it is expected to perform better than other alternatives.

5. EPA notes a slight discrepancy in the Work Plan involving the total volume of soil and sediment to be excavated and the waste characterization thereof. Sections 6.5 and 6.6 list a total of 11,830 cy (10,200 + 80 + 400 + 1,150 cy), while Section 7.4.1 Waste Characterization lists a total of 11,700 cy (6,650 + 1,500 = 8,150 cy TSCA + 3,550 cy non-TSCA/non-RCRA). GE shall resolve this discrepancy in the SIP.

6. Technical Drawing #17:

a. As part of the SIP, GE shall submit a revised version of Technical Drawing #17 that is consistent with the approved approach for the PEDDA outfall (i.e., no hatched pattern for the PEDDA rip-rap and no "peninsula" of armor stone extending into the lake).

b. To avoid the potential for confusion regarding the extent of the "sediment cap area" as shown on this drawing, this revised Technical Drawing #17 shall include a note stating that the cap shall extend to elevation 975.9 ft. Alternatively, the gray-shaded area depicting the cap area could be overlaid on top of the armor stone hatch pattern up to elevation 975.9 ft.

7. Technical Drawing #26: Due to the change in the "west" shore armor thickness from 12 to 6 inches, the text in the "PLACEMENT" column for general fill is incorrect. It should read "Place to within 6-inches of surrounding grade in non-armor stone areas and within "west" armor areas and to within 12-inches of finished grades in "east" armor areas." GE shall clarify this in the SIP.

8. The as-built construction drawings shall, at a minimum, document the post-construction grades of the banks, armor stone and gravel habitat layer at the 70 cross-section locations in the Work Plan, with such drawings showing both pre- and post-construction topography/bathymetry and pre- and post-construction edge of water to allow for comparison.

In addition, in the event that actual consolidation of lake sediments underlying the cap and armor stone is less than assumed, based on a subsequent evaluation to be conducted by EPA approximately three years after remediation, if there is a significant loss of aquatic habitat, EPA reserves the right to require that GE provide mitigation to offset this loss of aquatic habitat by creating new aquatic habitat elsewhere as approved by EPA.

9. Section 6.9 of the Work Plan discusses Applicable or Relevant and Appropriate Requirements ("ARARs"). To clarify the language in Section 6.9:

a. the remediation and restoration activities for Silver Lake RAA soils and sediments will be subject to the ARARs provided by GE in Section 6.9 (SOW Attachment B, Table 2, subsections B, E, G, and potentially K, and Table 3, subsections A and B), and also to the ARARs in Table 2, subsection F (Capping/Restoration of Inundated Wetlands near Unkamet Brook and Capping of Silver Lake Sediments);

b. the remediation and restoration activities will be subject to ARARs to the extent pertinent to the remediation, restoration, and associated activities to be conducted not only for Silver Lake area soils, but also for Silver Lake sediment.

10. Section 6.2.4: GE shall restore staging areas and other support areas within and adjacent to the Silver Lake RAA that are disturbed and not subject to future excavation to conditions equal to or better than current conditions. For disturbed areas along the bank, restoration shall include top soil and seed mix, with the appropriate seed mix for the given area (e.g., N.E. Conservation Seed Mix in NRR/E Areas) required by the Technical Specifications in Attachment E to the Work Plan. GE shall document this in the forthcoming SIP.

11. Section 6.8.3: Note that seed rate for the “wetlands mixture” specified in this section is less than the seed rate specified in the Technical Specifications in Attachment E to the Work Plan for New England Wetmix. GE shall apply the New England Wetmix at a seed rate of 30 pounds per acre (i.e., 1.7 pounds per 2,500 square feet) as specified in the Technical Specifications in Attachment E.

12. Section 10, p.105, 5th bullet: In the SIP, GE shall also propose the source of the woody debris. In addition, the Trustees and EPA recommend that the proposed woody debris installation be discussed prior to the submission of the SIP.

13. EPA reserves the right to modify or require additional PRSC activities during EPA's review of GE's draft Final Completion Report; EPA further reserves the right to modify or require additional PRSC activities at other points in the future to the extent consistent with the Consent Decree or the Statement of Work for Removal Actions Outside the River.

14. GE shall submit the SIP to EPA for review and approval no later than December 30, 2011.

With respect to any reservations of rights or legal positions expressed by GE in its Revised Final Removal Design/Removal Action Plan, including but not limited to those provided in footnote 24 or Appendix M, EPA reserves its right to contest any challenge by GE, and to disagree with any legal position of GE.

With respect to any other work plans or submittals related to the Silver Lake Area, nothing in this conditional approval shall be interpreted to supersede the approval, the conditions in a conditional approval, or the disapproval of such GE submittals, unless expressly stated as such by EPA. EPA reserves all of its review and compliance rights under the Consent Decree regarding all submittals, including other submittals related to the Silver Lake Area, 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 Work Plan and the Performance Standards as stated in the Consent Decree and SOW, the Consent Decree and SOW shall control.

Please do not hesitate to contact me at 617 918 1329 or at dickerson.dave@epa.gov should you have any questions in this regard.

Sincerely,



David Dickerson
Project Manager

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