REGION 1
BOSTON, MA 02109

Via Electronic Mail/Dated as of the date signed below

Kevin Mooney
Senior Project Manager
General Electric Company
1 Plastics Avenue
Pittsfield, MA 01201

Re: Conditional Approval of GE's January 25, 2024, *Updated Project Operations Plan*
GE-Pittsfield/Housatonic River Site, Rest of River

Dear Mr. Mooney:

On January 25, 2024, the General Electric Company (GE) submitted to the United States Environmental Protection Agency (EPA) its *Updated Project Operations Plan* (the "Plan"). The 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 Section XV of the Consent Decree governing the response action, EPA, after providing reasonable opportunity for review and comment by the Commonwealth of Massachusetts and the State of Connecticut, conditionally approves the Plan subject to the following conditions. GE shall submit a Revised Plan for EPA review and approval by November 22, 2024.

1. Section 2, seventh line, subparagraph (3): Delete "in compliance with applicable federal, state, and local requirements" and replace with "in compliance with state and federal Applicable or Relevant and Appropriate Requirements (ARARs)."

2. Section 2: The Revised Plan shall insert the following sentence at the end of the second and last paragraph: "In case of a conflict between this Revised Plan and an approved Site-wide work plan (such as the Quality-of-Life Plan) or an approved Remediation Unit Specific Work Plan, the Site-wide or RU specific work plan shall control."

3. Section 3: The Revised Plan shall include links to both the FSP/QAPP (https://semspub.epa.gov/src/document/01/680240) and the HASP (https://semspub.epa.gov/src/document/01/675517).

Attachment A – Waste Characterization Plan:

4. Section 2.1, 1st bullet: Using the example of "large trees" when describing organic matter is overly specific. EPA recommends "vegetation." In the Revised Plan, examples of non-organic materials shall include "metallic, fibrous, rubber, and/or plastic refuse" or "other inert excavated materials" as was the case in the previous POP. Additionally, in the Revised Plan, "large trees" shall be changed to "vegetation" when describing examples of organic materials.

5. Section 2.1, 1st bullet: The Revised Plan shall make a distinction between the stockpiled debris (concrete, brick, etc.) at the UDF site, which requires a determination of disposition, and soils from the UDF site to be excavated for construction. Additionally, the Revised Plan shall provide a clarifying description, such as: "If UDF soils are found to be unsuitable for on-site or off-site re-use due to chemical contamination, they will be subject to waste characterization to determine an appropriate off-site disposal option."

6. Section 2.1, 2nd bullet: In the Revised Plan, the third sentence shall be changed to, "Similar materials that are generated during ROR construction activities will be subject to off-site disposal or disposal at the UDF, as appropriate."

7. Section 2.2.1.2 and 2.2.2: The Revised Plan shall specify that the waste characterization sampling frequency for placement into the UDF will be presented in each RU-specific plan for EPA review and approval.

8. Section 3, 1st paragraph: The Revised Plan shall state that GE's evaluation of whether additional waste characterization sampling is needed for disposal in the UDF will be subject to EPA review and approval. For off-site waste shipments, the need for and type of waste characterization sampling will be based on the requirements of the off-site facility chosen by GE. However, GE shall share the results of this sampling data with EPA and inform EPA of its selection of a disposal facility and whether that facility accepts waste greater than 50 ppm PCBs (that is, a "TSCA-regulated" facility") or is a non-TSCA facility.

Attachment B – Soil Cover/Backfill Characterization Plan

9. Section 2.2: The Plan states that "if more than 20,000 cubic yards is obtained from an approved backfill source, then, following the initial chemical characterization sampling, additional periodic chemical characterization sampling will be performed at a frequency of one composite sample per 20,000 cubic yards…" One sample per 20,000 cubic yards is insufficient. In the Revised Plan, this frequency shall be changed to one composite sample per 7,500 cubic yards with an option for GE to request in the future, a decrease in sampling frequency of up to one sample per 20,000 CY.

10. Section 2.2, 2nd paragraph: PID headspace screening by EPA Method 3815 differs from GE's PID headspace screening procedures outlined in Appendix A2 of the approved Revised FSP/QAPP as it requires use of organic-free reagent water and vials with modified septum caps with pre-

punched holes. The Revised Plan shall clarify whether GE intends to follow the procedures outlined in EPA Method 3815 or revise this Section to indicate that the methods of Appendix A2 of the FSP/QAPP will be used instead. Use of EPA Method 3815 will require an amendment to the Revised FSP/QAPP.

11. Section 2.2, 2nd bullet: The Revised Plan shall clarify that samples for VOC analysis and headspace screening will not be composited and will instead consist of a single grab sample from one of the 10 subsample locations. The remaining analytes can be determined from a composite soil sample. The Revised Plan shall also clarify whether all 10 subsample locations will include a discreet soil headspace screening test.

12. Section 2.4: The Revised Plan shall clarify which "sampling and analyses described in Section 2.2" will be utilized to verify that the characterization of the source material has not changed.

13. Section 3.1.1.2: The Revised Plan shall reference the specifications in the UDF Final Design Plan for the PCB criteria for soils to be used in construction of the UDF.

14. Section 3.1.2.2: In the Revised Plan, the criterion used for mercury in sediment shall be changed from the current value (0.3 mg/kg, MassDEP Soil Background Value) to the MassDEP Freshwater Sediment Screening Value of 0.18 mg/kg.[1] However, GE may propose for EPA approval a value up to the background value of 0.3 mg/kg if GE cannot find a source of sediment backfill that meets the 0.18 ppm level. The 0.3 mg/kg criterion will still be acceptable to use when considering soil backfill.

15. Section 3.1.2.2: Similar to PCB concentrations for soils to be used at the UDF, the Revised Plan shall reference the specifications in the UDF Final Design Plan for the non-PCB criteria for soils to be used in construction of the UDF.

Attachment C – Site Management Plan

16. Section 2.1: The Plan addresses key Quality of Life Parameters such as air quality and noise but fails to address odor and light. The Revised Plan shall be amended to add a bullet on potential actions to address potential odor and light impacts.

17. Section 3.3.1, 2nd paragraph: The Plan states that, "Task-specific requirements will be specified in the appropriate contractor-specific health and safety plans (HASPs) or other technical submittals for each response action." Contractor-specific HASPs are typically not subject to EPA or public review; therefore, it is not appropriate for GE to propose that additional site control measures will be included in the contractor-specific HASPs. The Revised Plan shall state that "task-specific requirements" will be "specified, as appropriate, in other technical submittals for each response action."

[1] 2006 MassDEP Freshwater Sediment Screening Values (MassDEP 2006) (https://www.mass.gov/doc/revised-sediment-screening-values/download)

18. Section 3.3.2: The Plan states that specifics regarding additional security measures will be included in the RD/RA Work Plans and/or SIPs for each of the ROR RUs. The Revised Plan shall state that the SIPs for each RU and for the UDF will include a section titled Site Management and Security dedicated to discussing site management and security measures which are developed in concert with GE's selected remediation contractor.

19. Section 3.3.2, last paragraph: For the construction-related activities specified, the Revised Plan shall also specify that these measures will be outlined in the Site Management and Security section of each SIP as required in Condition #18.

20. Section 3.3.3: GE shall not execute an access agreement with a landowner that limits Agency access without first engaging EPA to assist in obtaining such access.

21. Section 3.3.3, General Visitor Access: The Revised Plan shall specify that the content of this section will also be included in the Site Management and Security sections of the SIPs as required per Condition #18.

22. Section 3.4, 1st paragraph: The Final RD/RA Work Plans may be too early in the process for GE to accurately describe all specific procedures, travel modes, and travel routes for on-site and off-site transportation. The Revised Plan shall state that the Final RD/RA Work Plans for each ROR RU will include a discussion of these topics based on the best available information at that time, but that the SIP will include a specific section dedicated to the topic in accordance with the *Revised On-Site and Off-Site Transportation and Disposal Plan*, as approved or conditionally approved by EPA, and developed in concert with GE's selected remediation contractor.

23. Section 3.4, 6th bullet: The Revised Plan shall delete the parenthetical "(i.e., that they do not contain free liquids)" as the transport of liquids is being discussed in this Section. In addition, bullets 7 through 11 shall be revised to reflect liquids transport, not just solids.

24. Section 3.5: The Revised Plan shall provide additional details and discuss examples of measures that will be employed to minimize contact with impacted media (such as designated clean access roads and appropriately sized construction equipment), general practices or metrics that will be implemented (not "may" be implemented) when moving impacted equipment to subsequent remediation areas over clean access roads or public roadways (such as visual verification of removal of impacted soil/sediment from construction equipment prior to transport), and that wipe sampling will be implemented for equipment leaving the site. Additional details can be provided in RU-specific SIPs.

Attachment D – Ambient Air Monitoring Plan

25. Section 2.1, 2nd paragraph: Many of the activities that could fall under the definition of "site preparation," such as construction of access roads or staging areas, have the potential to

generate non-impacted airborne particulate matter (nuisance dust). As a result, the Revised Plan shall include details for dust monitoring when these types of activities are near residential areas.

26. Section 2.2, 1st paragraph: The Revised Plan shall state that any exceedance of a Notification or Action Level, regardless of whether the monitoring location is near the closest receptor or between the active work areas and the closest receptors, shall trigger the actions specified for such an exceedance in the Revised Plan, Revised QOL Plan, and pertinent RU-specific documents.

27. Section 2.2, footnote 5: In the Revised Plan, this footnote shall be amended to clarify that PM10 particulate monitoring will be conducted during all sediment removal activities, including wet excavation or hydraulic dredging, with an option that if such monitoring during the initial two weeks of a particular sediment removal activity conducted under wet conditions indicates that PM10 levels are acceptable (that is, below the Notification Level), GE may request that the PM10 monitoring frequency be reduced during the remainder of that activity. This will ensure congruency with the changes required per Condition #14 in the Conditional Approval Letter for the Quality of Life Compliance Plan.

28. Section 2.3: The Revised Plan shall revise the phrase "the primary constituent subject to ambient air monitoring will be PM10" to "the primary constituents subject to ambient air monitoring will be PM10 and PCBs."

29. Section 2.4, 1st paragraph: The Plan states that baseline sampling will be conducted "once within a few weeks prior to active use of the UDF" and "prior to the start of remediation in each RU." The Revised Plan shall state that a minimum of two baseline sampling rounds will be conducted prior to work in RUs and at the UDF. When feasible, baseline sampling will occur in warmer months. Monitoring locations shall be proposed that focus on areas with the highest density and sensitivity of receptors, such as residential neighborhoods or heavily used recreational areas, provided that such areas are located within or are representative of the area(s) where remediation will be conducted.

30. Section 4: The Plan states that PM10 monitoring "will be conducted daily for approximately 10 hours during construction-related activities…" However, Appendix G, Section IV of the Revised Field Sampling Plan/Quality Assurance Plan states that "real-time particulate [PM10] monitoring will be conducted during the entire duration of intrusive activities (for example, excavation) or other soil or sediment handling activities performed as part of remediation or supporting activities at a given area …" Most of the Rest of River Remedial Action work will occur between the hours of 7:00 a.m. and 9:00 p.m., as stated in Section 4.4 of the Quality of Life Compliance Plan, which is a 14-hour window. The Revised Plan shall clarify that PM10 monitoring will be "conducted daily for a minimum of 10 hours when construction is ongoing and throughout the duration of construction activities."

31. Section 4, 1st paragraph, last sentence: Similar to Condition #27, the Revised Plan shall be amended to clarify that PM10 particulate monitoring will be conducted during all sediment removal activities, including wet excavation or hydraulic dredging, with the option described in Condition #27 above. This will ensure congruency with the changes required per Condition #14 in the Conditional Approval Letter for the Quality of Life Compliance Plan.

32. Section 5, 1st paragraph: In the Revised Plan, this Section shall refer to Sections 8.1 and 8.2 of the Ambient Air Monitoring Plan for the actions to be taken should either of the two initial PCB sampling events exceed Notification or Action Levels. Additionally, the final sentence shall include "backfilling of open excavations."

33. Section 6, 1st sentence: In the Revised Plan, this sentence shall be amended to omit the phrase "unless otherwise stated in the project-specific work plan."

34. Section 6, last sentence: The Revised Plan shall include a qualitative standard to address observations of visible dust leaving the immediate work area and caused by the remediation.

35. Section 8: The Revised Plan shall state that EPA has set the Notification and Action Levels for PCBs in air and that the rationale for these health-based levels are described in the EPA Fact Sheet entitled *Rest of River Cleanup and the Upland Disposal Facility Will Not Pose a Health Threat from Airborne PCBs*, which will be provided as an attachment to the Revised Quality of Life Compliance Plan.

36. Section 8.1, 2nd paragraph: The Revised Plan shall clarify that EPA will be notified as soon as practicable, but no later than 24 hours after receipt of data from a downwind monitor showing an exceedance of the PM10 Notification or Action Levels, regardless of the comparison of upwind and downwind monitoring locations. GE can include a discussion of upwind sources in this notification.

37. Section 8.2: The Revised Plan shall add a stop-work requirement that will be triggered when the PM10 Action Level is exceeded on two consecutive days or whenever the PCB Action Level is exceeded. In such cases, immediately upon receipt of the data showing the exceedance, GE shall temporarily stop dust-generating or PCB-generating work (as applicable) in the vicinity of the location at which the exceedance was observed and shall notify EPA of this stop-work event. This stop-work requirement shall continue until potential additional operational and engineering controls, such as those listed in Section 9 of the Ambient Air Monitoring Plan, have been discussed with EPA (or EPA's oversight representative) and implemented to prevent another exceedance of the Action Level from occurring. In such cases, EPA approval of appropriate response actions shall be required before GE can restart operations in the subject area. If an immediate stoppage of work will result in a safety hazard, then GE shall take actions to discontinue work activities as soon as possible in a safe manner.

Attachment E – Construction Quality Assurance Plan

38. Section 4.3.1, Verification of Removal Depths and Excavations: The Revised Plan shall state that EPA may request the ability to review and approve post-removal excavation grades prior to backfill.

39. Section 4.3.1: The Plan provides minimal discussion of the Construction Quality Assurance (CQA) requirements needed to support in-water removal activities. In particular, subaqueous survey requirements will differ from those used on land, including verification of achieving target removal elevations. The Revised Plan shall provide a discussion regarding the actions that will be performed to survey in-water removal operations.

40. Section 4.3.2, 1st paragraph: There seems to be text omitted at the end of the first paragraph. The Revised Plan shall complete the paragraph.

41. Section 4.3.2: The Revised Plan shall include a section for the backfill/restoration of slopes and/or riverbanks that discusses correction factors such that designed vertical survey elevations can be representative of backfill thicknesses parallel to the slope's grade.

42. Section 4.3.2, Survey During Cover Construction Operations: As written, the Plan states that all surveying during backfill and/or cover construction (intermediate layers) is to be conducted by the contractor with the licensed surveyor only conducting a final survey once all materials are placed. The Revised Plan shall state that EPA may request licensed surveyor or Registered Hydrographic Surveyor verification of intermediate layers including, but not limited to, cap isolation layers.

43. Section 4.4: The Revised Plan shall include additional examples of CQA activities for material removals, including, but not limited to, possible additional characterization for disposal or re-use and proper segregation based on disposal characterization. Examples of backfilling CQA activities shall include the potential need for compaction testing depending on the restoration requirements.

44. Section 4.5.2: The Revised Plan shall give some examples of CQA activities for geosynthetics such as HDPE seam weld field/destructive testing and field verification that delivered materials comply with approved specifications.

45. Section 4.6.3: The Revised Plan shall provide additional details on how verification methods for the placement of the isolation layer will be performed. Additionally, the Revised Plan shall discuss the possible need for post-placement verification of amended cap layer content for cap materials placed through a water column.

46. Section 4.8: The Revised Plan shall add a discussion of on-going inspections to be conducted during the performance of the work.

Attachment F – Contingency and Emergency Procedures Plan

47. Section 2.1, 2nd paragraph: The Revised Plan shall add the following as information that the GE Project Manager must be familiar with: Available specialty emergency response capabilities (e.g., hazardous materials spills, confined space rescue) of local municipal first responders.

48. Section 3.1: The Revised Plan shall require that GE will conduct an evaluation of cell phone signal strength at each remedial area or ROR RU to determine if other communication methods need to be available for emergency notifications.

49. Section 3.4: The Plan discusses the PPE to be used for routine site remediation activities. However, Attachment F to the Plan pertains specifically to emergency situations. The Revised Plan shall be revised to discuss how and what types of PPE will be available for use in emergency situations.

50. Section 4.1, 3rd sentence: In the Revised Plan, this sentence shall be rewritten as follows: "Additionally, GE and its contractors will coordinate and plan emergency response drills and/or mock situations to be conducted during the implementation of the remediation/construction activity, if requested by local municipalities."

51. Section 5.1.2: The Revised Plan shall include the notification of the appropriate EPA Project Manager explicitly in this discussion for any emergency occurrence, regardless of the limitation to spill notifications discussed in the following section.

52. Section 5.2, 5th paragraph: The Revised Plan shall describe GE's role in managing spills during transportation of material to the UDF and to off-site facilities and specify the chain of command/notifications. This paragraph shall better describe the chain of notifications and events related specifically to a spill that occurs during the transportation of PCB impacted materials from the Site.

Attachment G – Construction Monitoring Plan

53. Section 3: In the Revised Plan, the following sentence shall be inserted at the end of the paragraph: "The description below is a general guide to activities to be conducted during remediation activities. The UDF and RU-specific plans may contain modifications, additions, and revised monitoring frequencies."

54. Section 3.1, last paragraph: The Revised Plan shall also include "to protect active work areas and minimize the potential for the spread of contamination" as a reason for the daily monitoring of weather conditions.

55. Section 3.2: The Revised Plan shall clarify that river flow conditions and future stage height predictions will be monitored daily during active remediation activities, not just during in-river construction, as flooding events can also impact floodplain remediation areas and transportation routes.

56. Section 3.2: In the Revised Plan, this Section shall be amended to clarify that one of the reasons river flow monitoring is being conducted is "to protect active work areas and minimize the potential for the spread of contamination."

57. Section 3.4: The Revised Plan shall discuss the possible need for vibration monitoring for work conducted near infrastructure (e.g., roads, bridges, culverts).

58. Section 3.7: In the Revised Plan, several of the steps outlining field reconnaissance and initial noise monitoring shall be amended to include clarifying details. Specifically, step #10 shall clarify whether a second calibration (in addition to step #6) will be conducted during daily operations or at the end of daily operations; and step #11 shall clarify whether data retrieval will occur at the conclusion of the daily monitoring period or at a different time.

59. Section 3.8: The Revised Plan shall state that during intrusive remediation activities in backwaters or any other water body with a hydraulic connection to the Housatonic River, GE will conduct turbidity and surface water monitoring in the main river channel. In addition, the Revised Plan shall state that GE will conduct turbidity monitoring in the main river channel during restoration activities in backwaters or any other waterbody with a hydraulic connection to the Housatonic River.

60. Section 3.8: In addition to water monitoring near active work areas, the Revised Plan shall include a farther downstream water monitoring location for turbidity, TSS, and PCB sampling. The locations shall coincide with the current sampling being conducted either at Woods Pond or Rising Pond Dams at the same locations used in the Baseline Monitoring Plans, but only when those locations are not serving as the immediate downstream monitoring locations for real-time turbidity monitoring. At these locations, PCB and TSS sampling, along with turbidity monitoring, shall be conducted monthly during active river remediation activities.

61. Section 3.8: The Revised Plan shall include details pertaining to the monitoring/reporting of additional water quality parameters, specifically temperature, pH, and conductivity.

62. Section 3.8.1: The Revised Plan shall state that monitoring locations will be chosen based on channel morphology and accessibility so as to produce durable and reliable monitoring across a variety of potential flow conditions.

63. Section 3.8.2, 2nd paragraph: The Revised Plan shall cite in this section the surface water sampling SOP found in the FSP/QAPP.

64. Section 3.11: The Revised Plan shall include the following as a bullet: "Post-placement to verify that in-place amendment content in the isolation layer material meets the associated design requirements."

65. Section 3.12: The Revised Plan shall discuss how the ROR project-specific website will be used for reporting construction monitoring information.

EPA reserves all of its rights under the Consent Decree and GE's Revised Final Permit (December 2020), including but not limited to, the right to perform and/or require additional sampling or response actions. If there is any conflict between the Performance Standards as stated in the submittal and the Performance Standards as stated in the Consent Decree or the Revised Final Permit, the Consent Decree and/or the Revised Final Permit shall control.

Please do not hesitate to contact me at (617) 918-1049 or at CarliDorsey.Alexander@epa.gov should you have any questions on this letter.

Sincerely,

ALEXANDER CARLI-DORSEY

Digitally signed by ALEXANDER CARLI-DORSEY
Date: 2024.07.22 08:11:11 -04'00'

Alexander Carli-Dorsey
Project Manager

cc: (via electronic mail only)
Andrew Silfer, GE
Matt Calacone, GE
Andrew Thomas, GE
James Bieke, Counsel for GE
Dean Tagliaferro, EPA
Anni Loughlin, EPA
Josh Fontaine, EPA
Christopher Smith, EPA
Rich Fisher, EPA
John Kilborn, EPA
Christopher Ferry, ASRC
Thomas Czelusniak, HDR Inc.
Scott Campbell, Taconic Ridge Environmental
Izabela Zapisek, Taconic Ridge Environmental
Cathrine Skiba, Massachusetts DEP
Ben Guidi, Massachusetts DEP
Michael Gorski, Massachusetts DEP
Jeff Mickelson, Massachusetts DEP
Michelle Craddock, Massachusetts DEP, Lead Administrative Trustee
Mark Tisa, Massachusetts DFG
Eve Schluter, Massachusetts DFG
Andrew Madden, Massachusetts DFW
Betsy Harper, Massachusetts Attorney General's Office
Traci Iott, Connecticut DEEP

Susan Peterson, Connecticut DEEP
Carol Papp, Connecticut DEEP
Graham Stevens, Connecticut DEEP
Lori DiBella, Connecticut Attorney General's Office
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Jim McGrath, City of Pittsfield
Andy Cambi, Pittsfield Health Director
Michael Coakley, Pittsfield Economic Development Authority
Nate Joyner, City of Pittsfield, Community Development & Housing Program
Melissa Provencher, Berkshire Regional Planning Commission
Smitty Pignatelli, Town Manager, Lenox
Christopher Brittain, Town Administrator, Lee
Mark Pruhenski, Town Manager, Great Barrington
Michael Canales, Town Administrator, Stockbridge
Rhonda LaBombard, Town Administrator, Sheffield
Jim Wilusz, Health Agent for Tri Town Health Department
Bettina Washington, THPO, Wampanoag Tribe of Gay head (Aquinnah)
Mark Andrews, TCRM Wampanoag Tribe of Gay head (Aquinnah)
Bonnie Hartley, SMC
Chuck Kilson, STN
Chairman Russell, SIT
Jeffery Bendremer, THPO, Stockbridge-Munsee Community
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