



GE Corporate

159 Plastics Avenue
Pittsfield, MA 01201
USA

March 21, 2013

Ermino S. Barbalunga, Jr.
103 Elm Street
Pittsfield, MA 01201-6503

**Re: Retaining Wall on Your Property at 101-103 Elm Street in Pittsfield, MA
(Tax Parcel No. 18-23-6)**

Dear Mr. Barbalunga:

This letter relates to your above-referenced property in Pittsfield, which, as you know, is subject to the Consent Decree that the General Electric Company (GE) has executed with the U.S. Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (MassDEP), and other governmental entities and was approved by the federal district court in Springfield in October 2000. On December 20, 2010, EPA delivered to you a letter advising you that, as part of EPA's cleanup of the 1.5 Mile Reach of the Housatonic River under the Consent Decree, EPA had installed a retaining wall on the riverbank portion of your property to stabilize the existing riverbank, which was very steep and susceptible to erosion. As described in that letter, this retaining wall is constructed of steel sheet piling and is completely covered with riprap. EPA's letter included detailed drawings of this retaining wall.

Last summer you advised GE that you had conveyed certain of your properties, including the above-referenced parcel, to 103 Elm Street LLC, of which you are the manager and sole member. We subsequently sent you a letter dated July 18, 2012, notifying you that the Conditional Solution that had previously been implemented at your properties under the Consent Decree continues to apply to those properties, and that the requirements applicable to the owner now apply to 103 Elm Street LLC. At EPA's request, we are now providing you, as the manager and sole member of 103 Elm Street LLC, with an additional copy of EPA's December 20, 2010 letter regarding the retaining wall at Parcel 18-23-6. That letter now also applies to 103 Elm Street LLC as the current owner of this property.

As noted in the attached letter, GE is responsible for the long-term inspection, monitoring, and maintenance of the retaining wall and is required to conduct periodic inspections of this wall. However, as also stated in the letter, it is important that, before performing any activities adjacent to the retaining wall (such as excavations or utility work), you contact EPA and/or MassDEP to ensure that those activities do not affect the structural integrity of the wall. The relevant contact persons at those agencies are:

For EPA: Dean Tagliaferro
GE-Pittsfield Team Leader
U.S. Environmental Protection Agency
EPA New England
One Congress Street, Suite 1100 (Mail Code: HBO)
Boston, MA 02114
Boston - (617) 918-1282
Pittsfield - (413) 236-0969

For MassDEP: Michael J. Gorski
Project Coordinator, GE-Pittsfield/Housatonic River Site
Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, Massachusetts 01103
(413) 784-1100

If you have any questions about this matter, you may contact either of the above individuals, or you can call me at 413-448-5910.

Very truly yours,


Kevin G. Mooney
Project Manager

Attachment

cc: Dean Tagliaferro, EPA
John Kilborn, EPA
Holly Inglis, EPA
Michael Gorski, MassDEP
John Ziegler, MassDEP
Rod McLaren, GE
James Bieke, Sidley Austin



United States Environmental Protection Agency
EPA New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

December 20, 2010

HAND DELIVERED

Mr. Ermino S. Jr. Barbalunga
103 Elm Street
Pittsfield, MA 01201

**RE: Maintenance Requirements for Retaining Wall
Tax Parcel Number I8-23-6
GE-Pittsfield/Housatonic River Site, Pittsfield, Massachusetts**

Dear Mr. Barbalunga:

As you know, as part of EPA's 1.5 Mile Reach cleanup actions for the Housatonic River, EPA installed a retaining wall on your property at 103 Elm Street (Tax ID Parcel I8-23-6). The retaining wall was constructed to stabilize the existing riverbank that was very steep and susceptible to erosion. The retaining wall is a cantilevered retaining wall constructed of steel sheet piling and is completely covered with riprap. Attached are detailed drawings of the retaining wall for your records.

Under the terms of the Consent Decree for the site, GE is responsible for the long-term maintenance of EPA's cleanup actions. As such, GE is responsible for the inspection, monitoring, and maintenance of this retaining wall. GE will be conducting periodic inspections of the retaining wall. Attached are GE's inspection requirements for your property.

Prior to performing any activities adjacent to the wall (for example, excavations or utility work), it is very important that you contact EPA and/or Massachusetts DEP to ensure that the actions do not affect the structural integrity of the retaining wall. If you need to perform any activities that would impact the structural integrity of the retaining wall and if there are verifiable incremental costs associated with protecting the structural integrity of the retaining wall, GE may be responsible for reimbursing you for such incremental costs, provided you give EPA and/or Massachusetts DEP advance notice of your activities. Please be aware that EPA may hold you responsible if you damage the retaining wall.

The following are the relevant contact persons:

For EPA: Dean Tagliaferro
 EPA Project Manager
 GE Pittsfield/Housatonic River Site
 U.S. Environmental Protection Agency
 EPA New England
 5 Post Office Square, Suite 100
 Boston, MA 02109-3912
 (617) 918-1282 (Boston)
 (413) 236-0969 (Pittsfield)

For MassDEP: John Ziegler
 Audits Section Chief
 Bureau of Waste Site Cleanup
 Massachusetts Department of Environmental Protection
 436 Dwight Street
 Springfield, MA 01103
 (413) 755-2228

Please retain this letter with your records for the property. Additionally, it is very important that you inform any buyer of your property of the existence of the retaining wall and give such buyer a copy of this letter. Also, please give a copy of this letter to any tenant of your property that has rights to excavate in the area of the retaining wall.

Please call me if you have any questions about any information in this letter.

Sincerely,



Dean Tagliaferro
EPA Project Manager
GE Pittsfield/Housatonic River Site

Attachments

cc: John Ziegler, MassDEP
 Kevin Mooney, GE
 John Kilborn, EPA
 Holly Inglis, EPA



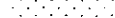
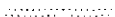


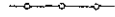





Inspection Requirements for the Retaining Wall Located at Parcel 18-23-6

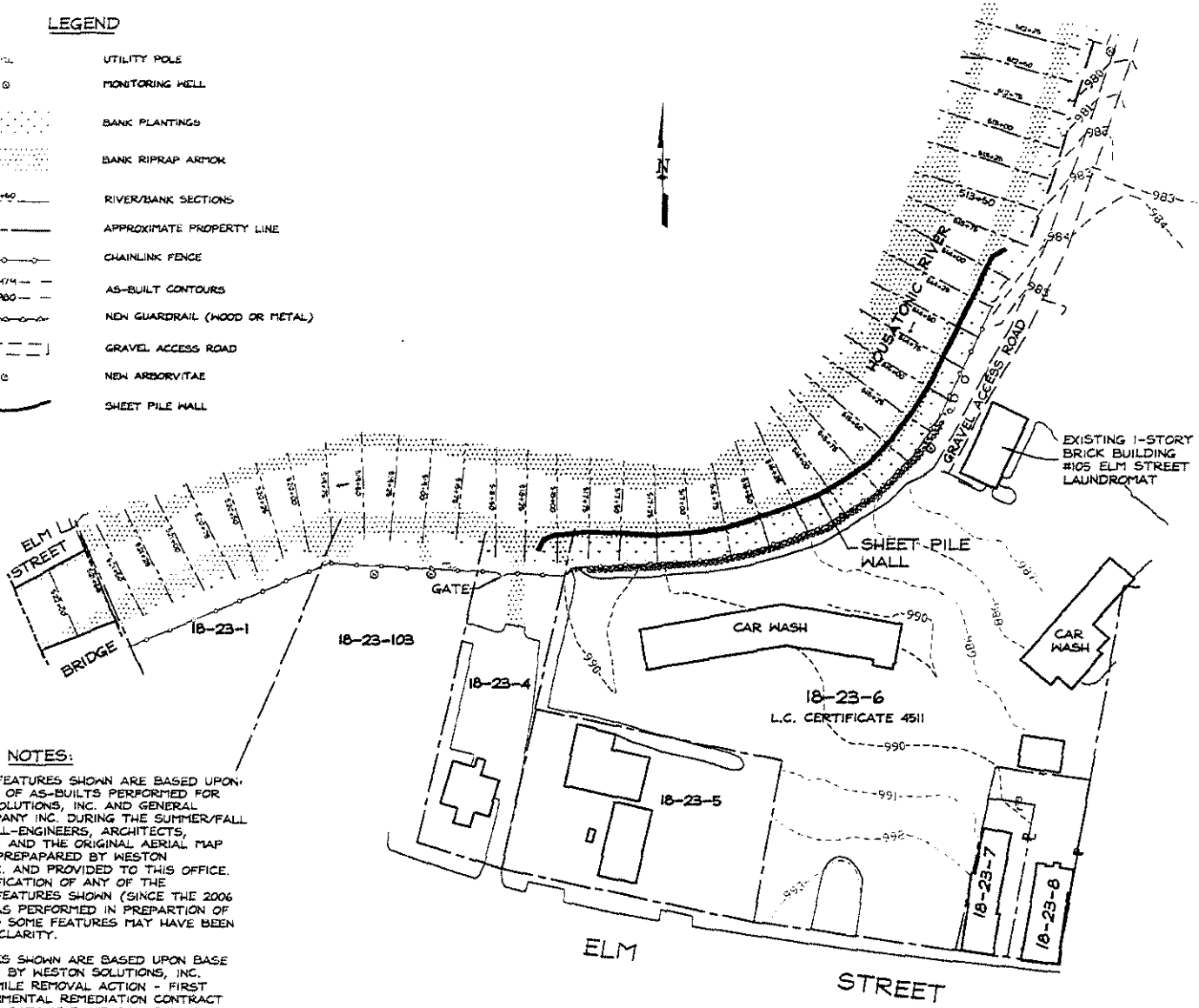
The retaining wall located at Parcel 18-23-6 is a cantilevered retaining wall constructed of steel sheet piling and is completely covered with riprap. Since this wall is not exposed, visual inspection of the wall is not feasible. Therefore, the inspection shall focus on the riverbank and the area beyond the top of the riverbank to determine if there has been any movement of the riverbank and potentially the wall. The observations shall extend from the toe of the riverbank to a distance of approximately 20 feet beyond the top of the riverbank. Cracks in the vegetated areas or in the asphalt pavement running more-or-less parallel to the top of the riverbank may indicate potential movement of the slope and therefore the wall. Likewise, a pronounced drop in the ground surface elevation within this zone may also indicate slope and wall deflection. If defects are observed in the flat area beyond the top of the riverbank, it is likely this will result in a visible bulge on the riverbank above the top of the sheet pile riprap cover indicating potential wall deflection. Excessively leaning trees, utility poles or fence posts may also be a predictor of slope or wall deflection. However, it should be noted that some cracking of the asphalt may occur as a result of normal wear and should be distinguished from those cracks that would indicate potential wall or slope deflection.

The riprap covering the retaining wall is primarily for aesthetics. If the sheet pile wall becomes exposed as a result of shifting or movement of the riprap, the riprap may need to be repositioned and/or replaced as needed to provide complete coverage of the wall.

If any of the any of the above described indicators of potential wall deflection have been observed, GE shall propose a more rigorous, detailed follow-up evaluation of the structural stability of the retaining wall and riverbank to EPA for approval. Based on the outcome of this evaluation, corrective actions may be required.

LEGEND

-  UTILITY POLE
-  MONITORING WELL
-  BANK PLANTINGS
-  BANK RIPRAP ARMOR
-  RIVER/BANK SECTIONS
-  APPROXIMATE PROPERTY LINE
-  CHAINLINK FENCE
-  AS-BUILT CONTOURS
-  NEW GUARDRAIL (WOOD OR METAL)
-  GRAVEL ACCESS ROAD
-  NEW ARBORVITAE
-  SHEET PILE WALL



NOTES:

1. TOPOGRAPHIC FEATURES SHOWN ARE BASED UPON A COMPILATION OF AS-BUILTS PERFORMED FOR WESTON SOLUTIONS, INC. AND GENERAL ELECTRIC COMPANY INC. DURING THE SUMMER/FALL OF 2006 BY HILL-ENGINEERS, ARCHITECTS, PLANNERS, INC. AND THE ORIGINAL AERIAL MAP TOPOGRAPHIC PREPARED BY WESTON SOLUTIONS, INC. AND PROVIDED TO THIS OFFICE. NO FIELD VERIFICATION OF ANY OF THE TOPOGRAPHIC FEATURES SHOWN (SINCE THE 2006 AS-BUILTS) WAS PERFORMED IN PREPARATION OF THIS PLAN AND SOME FEATURES MAY HAVE BEEN REMOVED FOR CLARITY.
2. PROPERTY LINES SHOWN ARE BASED UPON BASE MAP PREPARED BY WESTON SOLUTIONS, INC. ENTITLED "1.5 MILE REMOVAL ACTION - FIRST REACH ENVIRONMENTAL REMEDIATION CONTRACT (SSERC) GE/HOUSATONIC RIVER SITE PITTSFIELD, MA" 100% SUBMITTAL REVISION C DATED 11-30-01 AND ARE NOT THE RESULT OF A BOUNDARY LINE SURVEY BY HILL-ENGINEERS, ARCHITECTS, PLANNERS INC.

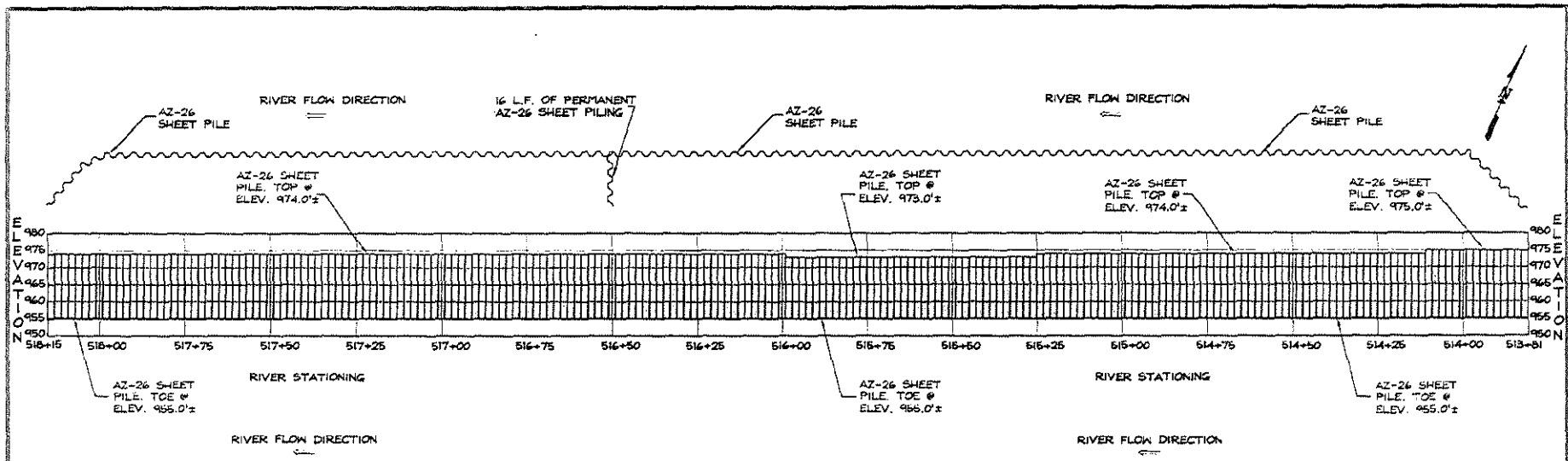
HILL
ENGINEERS, ARCHITECTS, PLANNERS
30 Chapel Street
Salem, MA 01970
(413) 884-0025
41 Park Street
Salem, MA 01970
(413) 742-0013
www.hill-engineers.com

NO.	DATE	DESCRIPTION
1	11/15/07	AS-BUILT PLAN
2	11/15/07	AS-BUILT PLAN
3	11/15/07	AS-BUILT PLAN
4	11/15/07	AS-BUILT PLAN
5	11/15/07	AS-BUILT PLAN
6	11/15/07	AS-BUILT PLAN
7	11/15/07	AS-BUILT PLAN
8	11/15/07	AS-BUILT PLAN
9	11/15/07	AS-BUILT PLAN
10	11/15/07	AS-BUILT PLAN

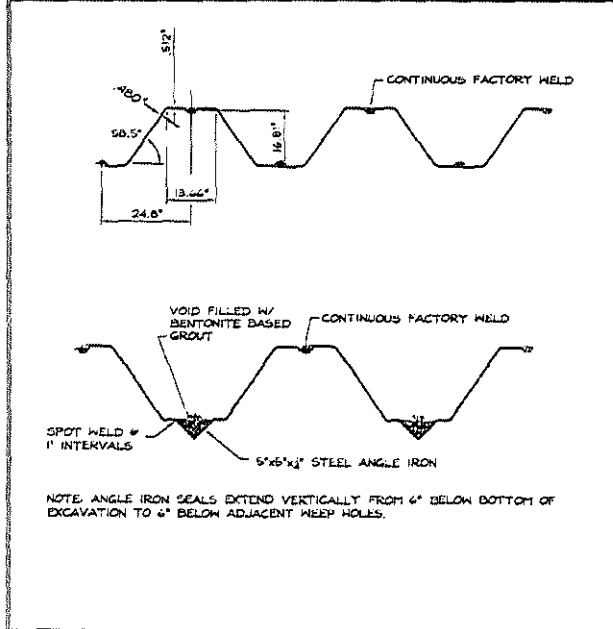
WESTON SOLUTIONS, INC.
EAST BRANCH/ROUSSEAU RIVER PHASE 1 & TRANSITION PHASE 1-3
PROJECT NO. 07-001
PROJECT LOCATION
PROJECT NO. 07-001
AS-BUILT RETAINING WALL
LOCATION PLAN VIEW

DATE: 11-15-07
SCALE: 1"=50'
DRAWN BY: JRM
CHECKED BY: JRM
PROJECT NO.: 07-001
SRV-758-71
C-102

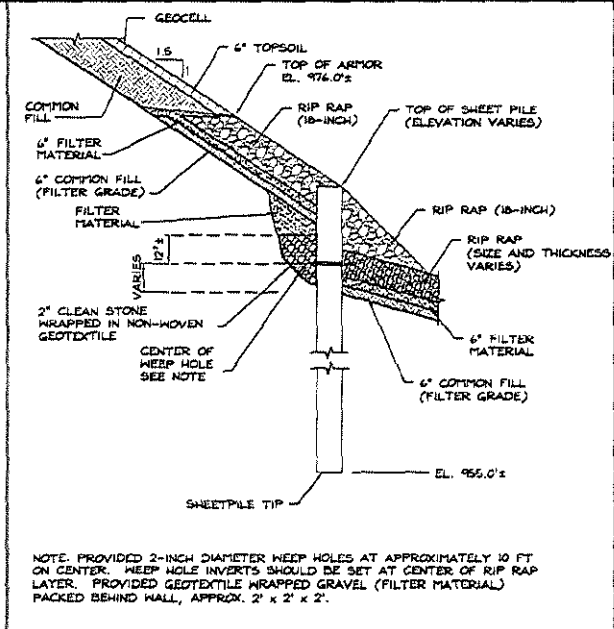
Hill
 ENGINEERS
 20 Depot Street
 Dalton, MA 01928
 (413) 686-0620
 41 Park Street
 Acorn, MA 01920
 (413) 742-0913
 www.hillengineers.com



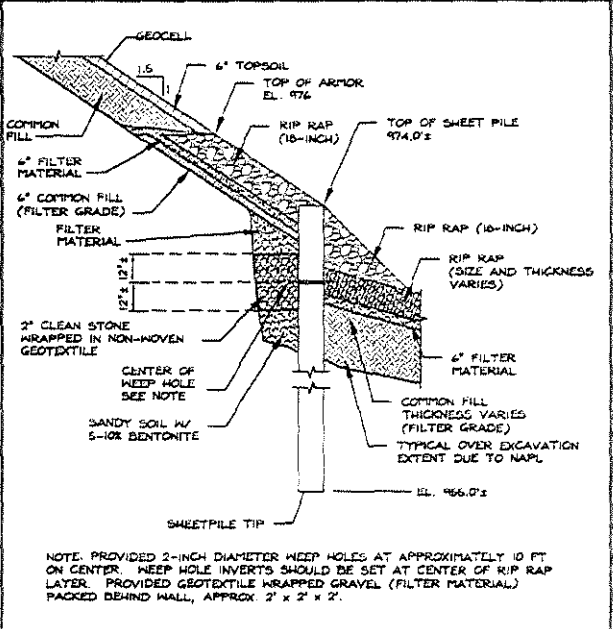
1 ERMINDO S. BARBALUNGA JR (18-23-6) WALL INSTALLATION STATIONS 513+01± TO 518+15±
 C-502 SCALE 1"=80'



2 BENTONITE SEALED AZ-26 SHEET PILE WALL
 C-502 N.T.S.



3 TYPICAL BACKFILL SEQUENCE FOR EAST RIVERBANK 513+01± TO 516+50±
 C-502 N.T.S.



4 TYPICAL BACKFILL SEQUENCE FOR EAST RIVERBANK 516+50± TO 518+15±
 C-502 N.T.S.

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	12-11-18	MM	MM
2	REVISED			
3	REVISED			
4	REVISED			
5	REVISED			
6	REVISED			
7	REVISED			
8	REVISED			
9	REVISED			
10	REVISED			

WESTON SOLUTIONS, INC.
 EAST BRANTFORD STATION RD RIVER PHASE 1 & TRANSITION PHASE 1-2
 100 W. COLLETT STREET S.W. DALTON, MA 01928
 PROJECT NO. 18-23-6

ERMINDO S. BARBALUNGA JR
 PARCEL 18-23-1

SRV-758-71

CHECKED: [Signature] DATE: [Date]
 DRAWN: [Signature] DATE: [Date]
 SCALE: AS SHOWN
 APPR'D: [Signature] DATE: [Date]

PROJECT NUMBER: SRV-758-71
 DRAWING NUMBER: [Blank]
 SHEET NO.: C-502
 TOTAL SHEETS: A