



**United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
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May 29, 2013

Mr. Kevin Mooney  
Corporate Environmental Programs  
General Electric Company  
159 Plastics Avenue  
Pittsfield, Massachusetts 01201

*Sent via electronic and U.S. First Class Mail*

**Re: Conditional Approval of General Electric's March 2013 Revised Pre-Design Investigation Work Plan for Floodplain Residential Properties Downstream of the Confluence**

Dear Mr. Mooney:

EPA has completed its review of the General Electric Company's (GE) report titled *Revised Pre-Design Investigation Work Plan for Floodplain Residential Properties Downstream of the Confluence* dated March 2013 (Work Plan). 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 (MassDEP), approves the Work Plan subject to the following conditions:

1. General.

Any portion of a property located in the floodplain downstream of confluence that is not included as an Actual/Potential Lawn as part of this Removal Action Area (RAA), including, without limitation, the inlet in the Group 18 properties, shall be addressed separately as part of Rest of River to the extent required by EPA's Rest of River Remedial Action.

Based on the sampling results along property lines and/or other relevant information, EPA may require GE to sample residential properties abutting the properties proposed for sampling in this Work Plan and expand the RAA to incorporate such abutting properties.

2. Section 2.4 Site Reconnaissance.

Note that a representative of Massachusetts DEP participated in the property-specific reconnaissance activities.

### 3. Section 3.2.2 Performance Standards for Non-PCB Constituents and Section 4.4 Proposed Approach to Evaluating the Need for Sampling for Non-PCB Constituents

GE's non-PCB sampling plan shall comply with the provisions of Condition 8 of EPA's August 8, 2012 conditional approval letter. This conditional approval letter shall not be deemed to be an approval that the factors that GE lists in the second paragraph of Section 4.4 of the Work Plan are the only factors GE shall consider in evaluating the need for and scope of sampling for non-PCB constituents.

### 4. Section 3.4 Non-Actual/Potential Lawns Portion of Residential Properties, 3<sup>rd</sup> paragraph

EPA has comments on GE's description of non-Actual/Potential (A/P) Lawns as described in the third paragraph of Section 3.4. To clarify, there are three parcels where GE delineates non-riverbank areas as non-A/P Lawn (that is, areas that do not meet the definition of an A/P Lawn). These parcels are further described below:

- Parcel I6-3-13. GE designates a portion of this property within the 100-year floodplain as non-A/P Lawn. EPA concurs with the proposed delineation on the basis that the proposed non-A/P Lawn area, except for the riverbanks, is too wet and thus inconsistent with residential use. Furthermore, the majority of this non-A/P Lawn area is included in a Human Health Exposure Area (HHEA) for Rest of River, and, after surveying is completed, the HHEA will need to be revised to extend to the A/P Lawn boundary. The appropriate use scenario for this portion of the property is described in EPA's 2005 Human Health Risk Assessment for Rest of River. Nonetheless, EPA concurs that no further evaluation for Short-Term Measures is required in the non-A/P Lawn Area for this Parcel.
- Parcel J5-2-11. GE designates a portion of this property within the 100-year floodplain as a non-A/P Lawn area; however, GE does not provide a rationale. EPA concurs with this delineation due to the area being too wet and thus inconsistent with residential use. In addition, this non A/P Lawn area is included in two separate HHEAs for Rest of River (although HHEA 16 needs to be expanded northwesterly to meet the boundary of HHEA 12). EPA further concurs that an evaluation for Short-Term Measures is not required in the non-A/P Lawn area for this Parcel.
- Parcel 223-116. GE designates a portion of this property outside the 100-year floodplain, but within the boundaries of the A/P Lawn area as a non-A/P Lawn area because the area is too wet for residential use. EPA does not necessarily concur with this rationale. EPA will defer a decision on this issue pending the proposed sampling results.

### 5. Section 4.3.1 General Guidelines

In the event that after surveying activities are completed and the samples locations staked out, the proposed sample locations fall within the riverbank or otherwise outside the RAA boundaries, EPA and GE will determine the appropriate revised location for these samples. It is likely that these sample locations will be relocated, as opposed to being eliminated. In addition, GE shall provide EPA a reasonable opportunity to review all proposed sample locations in the

field prior to collecting samples. EPA may require that proposed sampling relocations be re-located based upon relevant factors, such as the surveying of the proposed sample location, actual topography, delineated property lines, and A/P Lawn Area boundaries.

6. Sections 4.3.2 through 4.3.24 Property-Specific Comments

- Section 4.3.2/Group 1. Relocate the most upland row of samples from locations I10, I11, I12, I14 to locations I9, I11, I13 and I15 for better lateral coverage.
- Section 4.3.4/Group 3.
  - a. Relocate sample location FG8 to F8 and sample location GH8 to G8. In addition, add a sample at E4 and F2/3. Sampling is sparse in this area, and existing sample location J6-3-1-SS-9 near grid node G3 has a PCB detection of 2-10 ppm. For these two new sample locations, GE shall sample at the depth increments specified for sample location F4.
  - b. EPA notes that Figure 5 shows two symbols each for sample locations FL001282 and FO489602. GE shall review these sample locations and make the necessary corrections or clarifications in subsequent figures provided in documents associated with this RAA.
- Section 4.3.10/Group 9. Relocate sample location F5 to G4 for better lateral coverage.
- Section 4.3.11/Group 10. Add one sample at location I16 to even out sample spacing and add one sample at location E17/18. For these two new sample locations, GE shall sample at the depth increments specified for sample location E19.
- Section 4.3.12/Group 11: Relocate sample location F2 to F3 to move the location off of the driveway. Add a sample at location H/I 3, within 10 feet of top of bank. For this new sample location, GE shall sample at the depth increments specified for sample location I2.
- Section 4.3.13/Group 12: Relocate sample location G7 to I5 to get better coverage in southwest corner of Parcel 29-78. Also, relocate sample location F8 to I/J3 to get additional coverage in the southwest corner.
- Section 4.3.16/Group 15: Since the existing data for the 0.5-1 foot depth interval at location FL001761 is greater than 50% of the 2 ppm standard, GE shall submit the 1-2 foot interval collected for analysis in the first round and not hold the sample for analysis pending further data. Also, relocate sample location R16 to S16.
- Section 4.3.17/Group 16: If upon survey of the top of bank, previous sample locations FL001200 and FL001815 are found to be within the extent of the A/P Lawn, samples from 1-2 and 2-3 feet shall be collected with the 1-2 foot interval submitted for analysis in the first round and the 2-3 foot interval held for further analysis. Therefore, GE's field crew shall have the ability to navigate to the previous sample locations.

- Section 4.3.22/Group 20a: Add samples at locations N3 and L7. For these new sample locations, GE shall sample at the depth increments specified for sample location N4.

#### 7. Section 4.5 Surveying and Site Mapping Activities

- In addition to the activities proposed, prior to sampling, GE shall survey all property lines and RAA boundaries located within 50 feet of proposed sampling locations. This is necessary to ensure the sample locations are collected on the proposed properties and are in locations that meet the objectives of the sampling. GE shall survey the property lines based on deeds and recorded plans, as opposed to tax parcel ID maps.
- On page 50, include a delineation of the top of bank (where relevant) in addition to the referenced features for inclusion on site maps.

#### 8. Section 6 Summary of Anticipated Post-Removal Site Control Activities

By this letter, EPA is neither approving nor disapproving the details of GE's Post-Removal Site Control Activities as described in the second paragraph of Section 6. EPA may require that Post-Removal Site Control Activities in addition to those described in Section 6 be included in the RD/RA Work Plan and/or the Final Completion Report.

#### 9. Section 5 Schedule

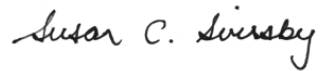
GE shall use "best efforts" (as defined in the CD) to obtain any Access Agreement (as defined in the CD) needed to perform the work described in the Work Plan as conditionally approved by this letter. GE shall request Access Agreements from all affected property owners promptly after its receipt of this letter and engage in discussions with those owners, as necessary, in an effort to obtain such agreements. Within 45 days of the date of this letter, GE shall advise EPA of the status of its efforts, including any properties for which it has not received access agreements, whether it has completed best efforts to obtain access to such properties, and, if not yet completed, the status of its efforts. If, after using best efforts, GE is unable to obtain access for a property or properties, GE shall notify EPA, as described in CD Paragraph 60.e, within 14 days after failing to obtain such an Access Agreement(s).

GE shall not delay sampling on the properties where GE has obtained the necessary access permission while GE is in the process of obtaining access from the remainder of the properties (if any). EPA may require that GE submit separate addenda to the Work Plan depending upon the resolution of any access issues.

EPA reserves all of its rights under the Consent 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 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 617.918.1434.

Sincerely,



Susan Svirsky  
Project Manager

cc: Richard Gates, GE  
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