



GE
159 Plastics Avenue
Pittsfield, MA 01201
USA

June 14, 2013

Superfund Records Center

SITE: GE-Henryville

BREAK: 2.1

OTHER: 538597

269 Newell Street, LLC
269 Newell Street
Pittsfield, MA 01201

Attn: Robert L. Gaylord, Manager

Re: Property at 247/249 Newell Street, Pittsfield - Tax Parcel Number J9-23-22

Dear Mr. Gaylord:

The General Electric Company (GE) has learned that 269 Newell Street, LLC purchased the above-referenced property (the "Property") from Grace G. Marchetto by deed dated May 7, 2013 and registered in the land court records of the Registry of Deeds on May 13, 2013. I am writing because the Property is subject to certain requirements under the Consent Decree that GE has executed with the U.S. Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (MassDEP), and other governmental entities, which was approved by the federal district court in Springfield in October 2000.

Under the terms of the Consent Decree, GE conducted soil sampling at the Property to determine whether it contained concentrations of polychlorinated biphenyls (PCBs) and other chemicals that would require cleanup under the standards in the Consent Decree. Based on evaluation of the sampling results, GE conducted soil remediation activities at the Property, with EPA approval, to meet the cleanup standards in the Consent Decree for commercial properties like this one. Those activities were conducted in 2004. Although these actions resulted in meeting the applicable cleanup standards for commercial properties, the remaining levels of PCBs and other chemicals would not meet the standards that would apply if the Property were ever used for residential or recreational purposes. In these circumstances, the Consent Decree requires that certain measures be implemented to address future uses and activities at the Property.

Specifically, the Consent Decree provides two options for addressing future use at such properties. The first involves the owner's execution of a legal deed restriction on the property, known as a "Grant of Environmental Restriction and Easement" (ERE), which would place restrictions on future changes to different types of use (e.g., residential) and on future excavations. If the owner does not elect to execute an ERE for the property, GE is required to implement what is called a "Conditional Solution." The prior owner of this Property (the Marchettos) advised GE through their son-in-law in 2001 that they had elected not to execute an ERE for the Property. Therefore, GE implemented a Conditional Solution at the Property. GE sent a letter to the Marchettos dated September 6, 2006, describing the Conditional Solution. A copy of that letter is enclosed.



The Consent Decree also requires that, in the event of a change in ownership of a property subject to a Conditional Solution, GE must provide the new owner with a letter explaining the terms of the Conditional Solution, including the requirements applicable to GE and the owner regarding future cleanup activities, and describing the levels of PCBs and other chemicals at the property subject to the Conditional Solution. This letter provides you with that information for the Property.

Background

Based on soil sampling at the Property, GE conducted soil remediation activities as necessary to meet the soil cleanup standards in the Consent Decree for PCBs at commercial properties. Those standards consist of average PCB concentrations of 25 parts per million (ppm) in the top foot and top three feet of soil, 200 ppm in the 1- to 6-foot depth interval, and 100 ppm in the top 15 feet of soil, as well as a requirement that no individual PCB concentration in the top foot of soil in unpaved areas may exceed 125 ppm. The remediation activities included removal and replacement of soil and installation of an engineered barrier in a portion of the Property, as described and illustrated on the figure attached to our enclosed September 6, 2006 letter to Mr. and Mrs. Marchetto. For other chemicals in the soil, GE's evaluation showed that the concentrations of those chemicals were already below the applicable standards for commercial properties, and thus no cleanup was necessary for those chemicals. EPA approved that conclusion. However, since the Property did not satisfy the standards that would apply to properties in residential or recreational use, and since the Marchettos elected not to execute an ERE, the Consent Decree required implementation of a Conditional Solution at the Property. The terms of that Conditional Solution are explained in the next section.

Requirements for Implementing Future Cleanup

Under the Consent Decree, the applicable conditions and requirements for a Conditional Solution are as follows:

If, in the future, you should decide to change the current use of the Property to residential or recreational use or to expand your business or to perform construction or excavation activities, and if that new or changed use is legally permissible, GE will conduct cleanup actions at the Property, if necessary, to be protective for such future use, provided that certain conditions specified in the Consent Decree are met. Specifically, those conditions require that you satisfy the following criteria:

- First, you must show that you have submitted a plan to the appropriate governmental authorities to authorize the future use (if such a plan or authorization is necessary for the use) and that such plan (if required) has been approved by the governmental authorities. Such governmental approvals may include zoning approval, Conservation Commission approval, building permits, and any other necessary approvals.
- In addition, you must provide to EPA and to GE (directly or through EPA) "other documented evidence of a commitment to such use," such as evidence of financing or other

financial assurance for the project, other plans for implementing the project (e.g., architectural plans, contracts for performance of the project, or other similar plans), or an affidavit that you intend to go forward with the project or other change in use if the necessary cleanup actions are taken.

If you provide this required documentation and EPA determines that you have satisfied the above criteria and that cleanup is necessary to allow such use, EPA will notify GE. GE will then be required to submit work plans for any necessary additional sampling and/or cleanup actions to allow such use and, upon EPA approval, to implement those plans. Such cleanup may include soil remediation if necessary to meet the applicable cleanup standards under the Consent Decree for the new use, or may include, for activities that involve excavation or off-property disposition of soils, actions to ensure the proper excavation, management, and disposition of such soils. While GE is required to conduct such actions in the event that the above conditions are met, GE also retains any rights it may have under the law to seek contribution from others for costs incurred by GE to address contaminants not related to GE.

In the event that you sell the Property, these same requirements will continue to apply, provided that the successor owner meets the criteria specified above.

In addition, you should be aware that the Consent Decree requires GE to conduct annual inspections of the Property to determine whether there have been any changes in activities or uses that would be inconsistent with current uses or would involve certain soil disturbance activities. These inspections may require us to contact you further in the future.

For purposes of providing the documentation described above or if you have any questions about this matter, the following are the relevant contact persons:

For GE: Richard W. Gates
 Remediation Manager
 General Electric Company
 159 Plastics Avenue
 Pittsfield, MA 01201
 (413) 448-5909

For EPA: Dean Tagliaferro
 GE-Pittsfield Team Leader
 U.S. Environmental Protection Agency
 EPA New England
 5 Post Office Square – Suite 100
 Boston, MA 02109
 Boston – (617) 918-1282
 Pittsfield – (413) 236-0969

For MassDEP: Michael J. Gorski
Regional Director, Western Regional Office
Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, Massachusetts 01103
(413) 784-1100

Existing Levels of PCBs and Other Chemicals

GE is also required to notify the owner of the levels of PCBs and other chemicals on a property where a Conditional Solution is implemented. For your Property, those levels are discussed in Section 2 of the enclosed letter to the Marchettos and are listed in Table 1 attached to that letter.

Although these levels, for all substances evaluated, satisfy the Consent Decree standards for properties in commercial use, you and any successor owners should take the existence of these substances into account in conducting any activities such as excavation or digging at the Property in the future. In this connection, EPA prepared a Fact Sheet relating to future uses and activities at the Property. A copy of that Fact Sheet is attached to the enclosed letter to the Marchettos and also applies to you as the current owner.

Notice to Encumbrance Holders

The Consent Decree also requires GE to notify other entities with an interest in the Property, such as holders of mortgages or easements, of the Conditional Solution at the Property. To meet this requirement, we are sending a copy of this letter to Mrs. Marchetto as the holder of a mortgage on the Property.

Access Request

In addition, given the change in ownership, we will need an access agreement from 269 Newell Street, LLC for the periodic inspections and (if necessary) maintenance activities that GE is required to perform at the Property under the Consent Decree. Enclosed is a Consent for Access Form (in the form required by the Consent Decree) that would allow GE access to the Property to conduct these activities. That form also grants access to the regulatory oversight agencies. We would appreciate it if you could sign the enclosed Consent for Access form and return it to me.

Please call me at 413-448-5909 if you have any questions about the information in this letter.

Very truly yours,

Richard W. Gates /jrb

Richard W. Gates
Remediation Project Manager

269 Newell Street, LLC

June 14, 2013

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Enclosures

cc: Grace G. Marchetto
Dean Tagliaferro, EPA
Richard Fisher, EPA
Timothy Conway, EPA
John Kilborn, EPA
Holly Inglis, EPA
Michael Gorski, MassDEP
Jane Rothchild, MassDEP
Rod McLaren, GE
James Bieke, Sidley Austin



GE
159 Plastics Avenue
Pittsfield, MA 01201
USA

September 6, 2006

Anthony J. and Grace Marchetto
247/249 Newell Street
Pittsfield, Massachusetts 01201

Re: Your Property at 247/249 Newell Street (Tax Parcel No. J9-23-22)

Dear Mr. and Mrs. Marchetto:

On behalf of the General Electric Company (GE), I am providing this letter to you as a follow-up to the soil cleanup activities that GE performed on your above-referenced property in 2004. As you know, those cleanup activities, as well as the preceding soil sampling activities, were performed by GE under its Consent Decree with the U.S. Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (MassDEP), and other governmental bodies. The Consent Decree requires that, following cleanup at commercial properties like yours, which are subject to what the Consent Decree calls a "Conditional Solution," GE must provide you with a letter explaining your rights under the Conditional Solution, as well as describing the remaining levels of chemicals in soil at your property.

You will recall that GE conducted extensive sampling of the soil at your property to determine whether it contained concentrations of polychlorinated biphenyls (PCBs) and other chemicals that would require cleanup under the standards in the Consent Decree. During this process, GE submitted to EPA a number of work plans and reports relating to that sampling and GE's evaluations of the sampling results, and has provided copies to you. All of these submittals were approved by EPA.

In addition, GE sent you a letter dated February 28, 2001, explaining the options that the Consent Decree provides for the owners of commercial properties like yours. To review briefly, the Consent Decree provides that, for such properties, the owner has two options relating to the cleanup and future use of the property (assuming that the property does not already meet the Consent Decree standards for residential properties). One of those options would involve the owner's execution of a legal deed restriction on the property, known as a "Grant of Environmental Restriction and Easement" (or "ERE" for short), which would allow continuation of the current commercial use of the property, but would place restrictions on future changes to different types of use (e.g., residential or recreational use) and on future excavations. Alternatively, if the owner elects not to execute an ERE for the property, GE would implement what is called a Conditional Solution. Under a Conditional Solution, GE would clean up the property to standards protective of its current commercial use and would agree to conduct additional cleanup (if necessary) in the future if the owner meets certain conditions demonstrating a commitment to implement a future use for which additional cleanup is necessary.

Our letter to you of February 28, 2001 explained these options in more detail. Following your receipt of that letter, Dick Gates of GE discussed this matter with your son-in-law, Richard Lohr, on March 30, 2001. In that conversation, Mr. Lohr advised GE that you had decided not to execute an ERE on your property. GE confirmed that understanding in a letter to you dated April 12, 2001, and again in letter dated May 15, 2001. Accordingly, GE thereafter informed EPA that GE would implement a Conditional Solution at your property.

In 2003, GE submitted work plans to EPA describing the cleanup work at your property. These included the *Conceptual RD/RA Work Plan Addendum for Newell Street Area I* (Conceptual Work Plan Addendum), submitted in April 2003, and the *Final RD/RA Work Plan for Newell Street Area I* (Final Work Plan), submitted in August 2003. Copies of these reports were sent to you. Those work plans provided for the implementation of a Conditional Solution at your property and were subsequently approved by EPA.

The Conceptual Work Plan Addendum included a detailed evaluation showing that, after performance of the cleanup proposed in that plan, the concentrations of PCBs in soil at your property would be below the applicable cleanup standards set forth in the Consent Decree for PCBs at commercial properties, which were determined by EPA and MassDEP in the Consent Decree to be fully protective of human health and the environment at such properties. Those standards require that: (a) the average PCB concentrations must not exceed 25 parts per million (ppm) in the top foot of soil or the top three feet of soil or 200 ppm in the 1- to 6-foot depth interval; (b) no individual PCB concentration in the top foot of soil in unpaved areas may exceed 125 ppm; and (c) if the remaining average PCB concentration in the top 15 feet of soil exceeds 100 ppm, an "engineered barrier" must be installed over the area causing the average concentration to exceed that level. (An engineered barrier is a permanent cover designed to isolate and contain the underlying soils and materials.) GE's Conceptual Work Plan Addendum also showed that the then-existing concentrations of other chemicals in the soil at your property were already below the applicable Consent Decree standards for those chemicals at commercial properties, and that thus no cleanup was necessary for those chemicals. EPA approved the Conceptual Work Plan Addendum, including the above-stated conclusions.

Following submittal of the Final Work Plan, GE submitted supplemental letters to EPA, dated May 28 and June 22, 2004, explaining certain relatively minor modifications to the cleanup and final surface covers at your property. Those modifications did not change the fact that the cleanup would achieve the applicable standards, described above.

As you know, GE performed the cleanup work at your property in 2004. These actions included the removal and replacement of approximately 2,500 cubic yards of soil to meet the above-referenced PCB cleanup standards for the top foot, top three feet and 1- to 6-foot depth interval of soil. In addition, an engineered barrier was installed in the rear of your property, consisting of compacted gravel and, along a portion of the restored drainage swale, asphalt pavement. The location and types of the engineered barrier at your property are shown on the

attached Figure 1. At the conclusion of the cleanup actions, your property was restored in accordance with the agreement between you and GE.

Now that the cleanup at your property has been completed, GE is providing this letter, as required by the Consent Decree, to explain: (1) the terms of the Conditional Solution, including the requirements applicable to GE and you regarding future cleanup activities at the property; and (2) the levels of PCBs and other chemicals remaining at the property.

1. Requirements for Implementing Future Cleanup

As noted above and shown in the Conceptual Work Plan Addendum, the soil cleanup actions that GE performed at your property have resulted in a condition in which the current concentrations of PCBs and other chemicals in the soil at your property satisfy the applicable cleanup standards for commercial properties. As a result, no further actions are required at your property at this time. However, the levels of certain chemicals at your property would not satisfy the standards that would apply if the property were ever used for residential or recreational purposes. Accordingly, a Conditional Solution will be implemented for your property, effective immediately, to address future uses and activities at the property. Under the Consent Decree requirements for Conditional Solutions, this means the following:

If, in the future, you should decide to change the current use of your property to residential or recreational use or to expand your business or to perform construction or excavation activities, and if that new or changed use is legally permissible, GE will conduct additional cleanup actions at your property, if necessary, to be protective for such future use, provided that certain conditions specified in the Consent Decree are met. Specifically, those conditions require that you satisfy the following criteria:

- First, you must show that you have submitted a plan to the appropriate governmental authorities to authorize the future use (if such a plan or authorization is necessary for the use) and that such plan (if required) has been approved by the governmental authorities. Such governmental approvals may include zoning approval, Conservation Commission approval, building permits, and any other necessary approvals.
- In addition, you must provide to EPA and to GE (directly or through EPA) "other documented evidence of a commitment to such use," such as, for example, evidence of financing or other financial assurance for the project, other plans for implementing the project (such as architectural plans, contracts for performance of the project, or other similar plans), or an affidavit that you intend to go forward with the project or other change in use if the necessary cleanup actions are taken.

If you provide this required documentation and EPA determines that you have satisfied the above criteria and that cleanup is necessary to allow such use, EPA will notify GE. GE will then be required to submit work plans for any necessary additional sampling and/or cleanup actions to allow such use and, upon EPA approval, to implement those plans. Such cleanup

may include soil removal or other remediation as necessary to meet the applicable cleanup standards under the Consent Decree for the new use, or may include, for activities that involve excavation or off-property disposition of soils, actions to ensure the proper excavation, management, and disposition of such soils. While GE is required to conduct such additional cleanup actions in the event that the above conditions are met, GE also retains any rights it may have under the law to seek contribution from others for costs incurred by GE to clean up contaminants not related to GE.

In the event that you sell your property, these same requirements will continue to apply, provided that the successor owner meets the criteria specified above.

In addition, you should be aware that the Consent Decree requires GE to conduct annual inspections of your property to determine whether there has been any changes in activities and uses that would be inconsistent with current uses or would involve exposure to soils greater than three feet in depth. These inspections may require us to contact you further in the future.

For purposes of providing the documentation described above or if you have any question about this matter, the following are the relevant contact persons:

For GE: Richard W. Gates
Remediation Manager
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201
(413) 448-5909

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
(617) 918-1282

For MassDEP: Susan Steenstrup
Project Coordinator, Special Projects
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, Massachusetts 01103
(413) 755-2264

2. Existing Levels of PCBs and Other Chemicals

GE is also required to notify the owner of the remaining levels of PCBs and other chemicals on a property where a Conditional Solution is implemented. For your property, the results of GE's soil sampling were described in prior reports submitted to EPA, copies of which were sent to you. These include *GE's Pre-Design Investigation Report for Newell Street Area I Removal Action*, submitted in May 2001, with a supplemental report in July 2001, as well as the above-mentioned Conceptual Work Plan Addendum, submitted in April 2003.

Under the Consent Decree, GE was required to evaluate the concentrations of various constituents at your property for certain specified depth intervals, both before and after the cleanup. For your convenience, the attached Table 1 summarizes, for each of the relevant depth intervals evaluated, the average post-cleanup concentrations of PCBs, as well as the average pre-cleanup concentrations of the other chemicals that were retained for evaluation (after an initial screening step), since cleanup was not necessary to address those other chemicals. (Although the cleanup conducted by GE also undoubtedly removed other constituents besides PCBs, GE conservatively did not consider such removal in evaluating residual concentrations of non-PCB constituents.) The attached table also shows that, for PCBs, the post-cleanup concentrations in each relevant depth interval are less than the cleanup standards in the Consent Decree for PCBs at commercial properties. It further shows that, for another set of constituents, known as polychlorinated dibenzo-*p*-dioxin and polychlorinated dibenzofuran toxicity equivalency quotients (PCDD/PCDF TEQs), the current concentrations are likewise below the Consent Decree cleanup standards for such compounds at commercial properties. Finally, for the remaining chemicals that were retained for evaluation, the table notes that a risk assessment performed by GE, as set forth in the approved Conceptual Work Plan Addendum, demonstrated that, for a commercial property, those constituents pose no risk above the risk benchmarks set forth in the Consent Decree.

Therefore, for all of the substances evaluated, your property currently satisfies the Consent Decree standards for properties in commercial use. You and any successor owners should, however, take into account the existence of these substances on your property in conducting any activities such as excavation or digging in the future. In this connection, EPA has prepared a Fact Sheet relating to future uses and activities at this property. A copy of that Fact Sheet is also attached to this letter.

Finally, you should be aware that since the City of Pittsfield holds an easement on your property, GE is also required to notify the City of the Conditional Solution implemented at the property. GE will provide that notification in the near future, with a copy to you.

Anthony J. and Grace Marchetto
September 6, 2006
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Please call Dick Gates at 413-448-5909 if you have any questions about the information in this letter.

Very truly yours,



Michael T. Carroll
Manager, Pittsfield Remediation Programs

Attachments

cc: Richard Lohr
Dean Tagliaferro, EPA
William Lovely, Jr., EPA
John Kilborn, EPA
Holly Inglis, EPA
Anna Symington, MassDEP
Susan Steenstrup, MassDEP
Jane Rothchild, MassDEP
Richard Gates, GE
Roderic McLaren, GE
James Bieke, Goodwin Procter LLP

TABLE 1
RESIDUAL CONCENTRATIONS IN SOIL AT PARCEL J9-23-22¹

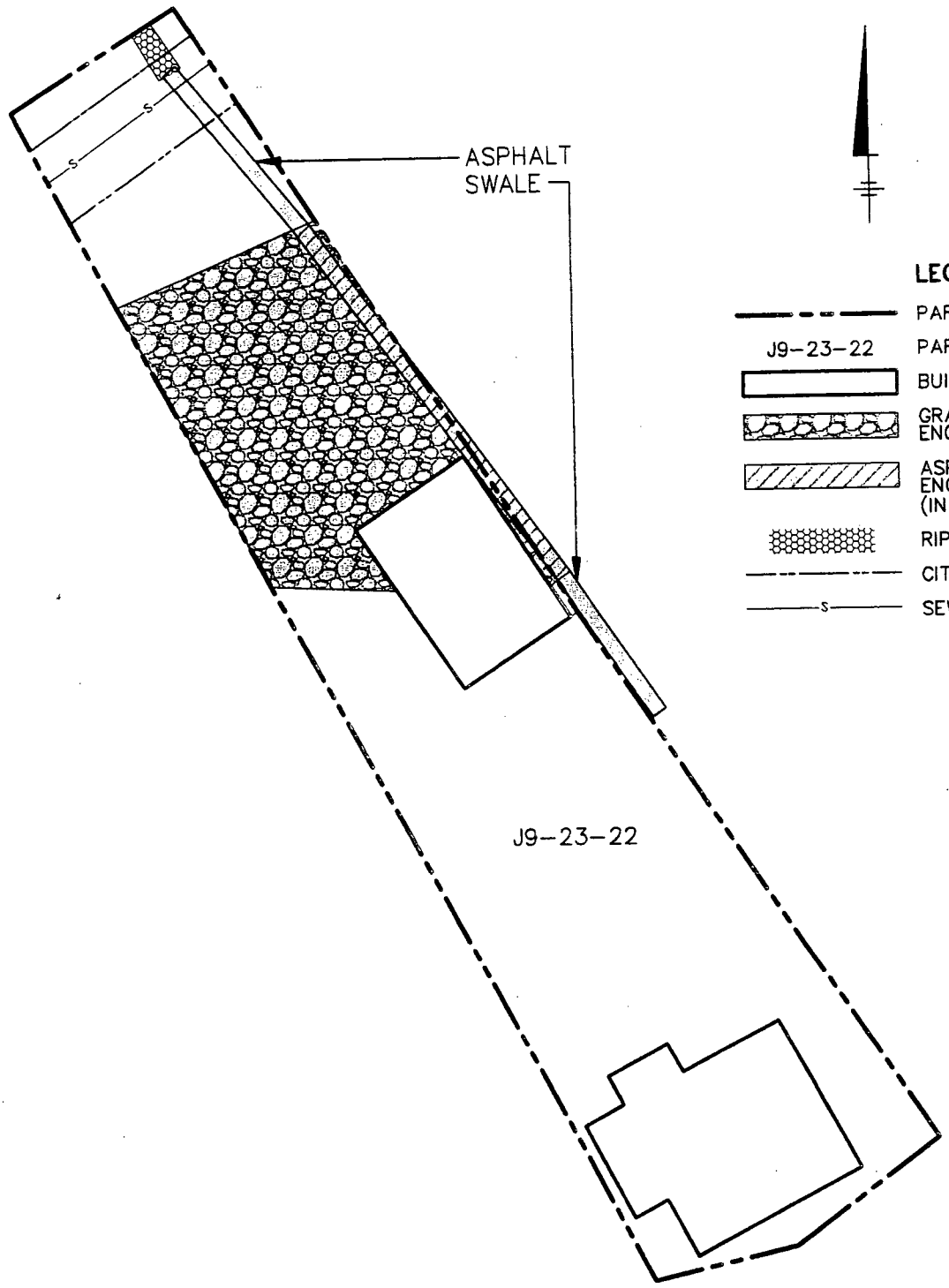
Depth Interval (feet below ground)	Constituent Concentration (in parts per million - ppm) ¹							
	PCBs ²	PCDD/PCDF TEQs ³	Benzo(a)-anthracene ⁴	Benzo(a)-pyrene ⁴	Benzo(b)-fluoranthene ⁴	Dibenzo(a,h)-anthracene ⁴	Arsenic ⁴	Lead ⁴
0- to 1-foot depth	2.9	0.0009	0.2	0.2	0.2	0.1	5.5	136
0- to 3-foot depth	17	0.0032	1.7	1.1	1.6	0.3	5.8	179
1- to 6-foot depth	160	N/A	2.0	1.2	1.9	0.4	9.9	1119
0- to 15-foot depth	70	0.0111 (for 1-15 ft depth)	1.1	0.7	1.1	0.3	7.4	524

Notes:

1. This table includes those chemical constituents that were retained for evaluation at this property after an initial conservative screening step. All concentrations listed are averages except for PCDD/PCDF TEQs, for which the maximum concentration (or, in some cases, a statistically calculated "upper confidence limit") is given. For PCBs, the concentrations shown are those calculated to be present after the soil cleanup. For the other constituents, the concentrations shown are pre-cleanup concentrations. Although the soil removal did in fact remove other constituents present in the same areas as the PCBs being removed, GE conservatively has not considered that removal in evaluating the remaining concentrations of the other constituents.
2. For comparison, the cleanup standards in the Consent Decree for PCBs at commercial properties are 25 ppm for the 0-1 foot and 0-3 foot depths, 200 ppm for the 1-6 foot depth, and 100 ppm for the 0-15 foot depth.
3. For comparison, the cleanup standards under the Consent Decree for PCDD/PCDF TEQs at commercial properties are 0.005 ppm for the 0-1 foot and 0-3 foot depths and 0.02 ppm for the 1-15 foot depth (there are no separate standards for the 1-6 foot or 0-15 foot depth intervals).
4. For substances other than PCBs and PCDD/PCDF TEQs, the Consent Decree allows a property-specific risk assessment to be performed. The property-specific risk assessment performed for these constituents in soils at Parcel J9-23-22, as presented in GE's Conceptual Work Plan Addendum and approved by EPA, shows that these constituents do not pose risks above the risk benchmarks set forth in the Consent Decree.

SYR-85-LJP.DWG PGL LAYER: ON=* OFF=REF. SITE-BOUNDARY, XCONT=-*, XEOP2, XFXCL2, XMISC2, XPL
 G:\GE_ACTIVE\C\20919005\20919B05.DWG SAVED: 8/4/2006 11:40 AM LAYOUT: 1 PAGES: 1 PAGES: 1 PAGES: 1
 PENTABLE: PL: TULL.CTB PRINTED: 9/1/2006 4:20 PM BY: POSTROWSKI

PROJECTNAME: ---
 IMAGES:
 XREFS: 20919X00
 20919X01



ASPHALT
 SWALE

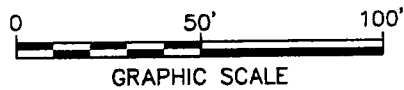
LEGEND:

- PARCEL BOUNDARY
- J9-23-22 PARCEL ID
- [Solid Outline] BUILDING
- [Stone Pattern] GRAVEL-COVERED ENGINEERED BARRIER
- [Diagonal Lines] ASPHALT-COVERED ENGINEERED BARRIER (IN SWALE)
- [Grid Pattern] RIPRAP
- CITY EASEMENT
- S----- SEWER LINE

J9-23-22

NOTE:

EXTENT OF ENGINEERED BARRIERS IS APPROXIMATE.



GENERAL ELECTRIC COMPANY PITTSFIELD, MASSACHUSETTS NEWELL SREET AREA I	
FINAL CONDITIONS AT PARCEL J9-23-22	
 BBL an ARCADIS company	FIGURE 1

FACT SHEET RELATING TO FUTURE PROPERTY USES AND ACTIVITIES

Prepared by:
United States Environmental Protection Agency

This Fact Sheet is an attachment to a letter that the General Electric Company (GE) is sending to you as a follow-up to the soil cleanup activities that GE performed on your property. The federal Environmental Protection Agency (EPA) has prepared this Fact Sheet to inform you and successor owners of future uses and activities that you should not conduct on your property due to the levels of remaining contamination.

As GE has described in its letter, for all of the substances evaluated, your property currently satisfies the Consent Decree standards for properties in commercial use. Because the evaluation and cleanup of your property currently does not allow for unlimited uses, however, you and any successor owners should observe the following regarding your property:

- The property should only be used for commercial uses. It should not be used for residential or recreational uses.
- Except for emergency excavations, you should not excavate or dig below three feet of the surface of the ground. You may perform limited excavation and work in the top three feet of the surface of the ground. Please contact EPA and the Massachusetts Department of Environmental Protection (MassDEP) before excavating or moving any amount of soil below three feet and/or before excavating or moving more than ten (10) cubic yards of soil in the top three feet of the surface of the ground. Ten (10) cubic yards is approximately one-half of a standard dump truck of soil. Also, please contact EPA and MassDEP after any emergency excavations.
- An engineered barrier is located on your property that isolates contamination. This barrier, which is shown on the plan attached to GE's letter, should not be disturbed in any manner, such as through digging or excavation work. To our knowledge, there are no utilities located beneath the engineered barrier.
- Please contact GE, EPA, and the MassDEP before disposing of any soil off of the property. Governmental regulations may restrict the off-site disposal of soil from your property.
- Please contact GE before any subsurface utility excavations for any new or existing utilities. Under the Consent Decree, GE is required to ensure that the spatial average PCB concentration of any utility backfill material is at or below 25 parts per million of PCBs.

As stated in GE's letter and as required by the Consent Decree, if, in the future, you decide to change the current use of your property to residential or recreational use or to expand your business or to perform construction or excavation activities, and if that new or changed use is legally permissible, GE will conduct additional cleanup actions at your property, if necessary, to be protective of such future use, provided that certain conditions specified in the Consent Decree are met. Please refer to the letter from GE for more information.

If you have any questions about this Fact Sheet, please call Dean Tagliaferro, of EPA, at 617-918-1282, or Susan Steenstrup, Special Projects Coordinator, MassDEP, at 413-784-1100.

**CONSENT FOR ACCESS TO PROPERTY
FOR INSPECTION AND MAINTENANCE ACTIVITIES**

NAME OF OWNER: 209 Newell Street, LLC

PROPERTY ADDRESS: 247/249 Newell Street, Pittsfield, MA

TAX PARCEL NO.: J9-23-22

On behalf of 209 Newell Street, LLC, I consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the General Electric Company (GE), the United States, and the Commonwealth of Massachusetts entering and having continued access to the above-referenced property for the following purposes, pursuant to a Consent Decree executed by those parties and entered by the United States District Court for the District of Massachusetts on October 27, 2000, in *United States et al. v. General Electric Company* (Civil Action Nos. 99-30225-MAP *et seq.*):

- Conducting periodic inspections of this property;
- Conducting maintenance and/or repair activities deemed necessary by GE and/or the United States Environmental Protection Agency (EPA) to maintain the response actions performed at the property;
- Overseeing the above activities being performed by GE; and
- Taking any other response actions or evaluating the need to take other response actions.

209 Newell Street, LLC realizes that these actions are undertaken pursuant to the United States' response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, and the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, and the Commonwealth's response and enforcement authorities under M.G.L. ch. 21E, as amended.

By granting access for these activities, 209 Newell Street, LLC is not waiving any rights that it otherwise has under the law against GE or any other person. Similarly, 209 Newell Street, LLC understands that, by doing the work described, GE is not making any admission of any kind.

209 Newell Street, LLC gives this written permission voluntarily with knowledge of its right to refuse and without threats of any kind. My signature below confirms that I have

authority to grant access to this property on behalf of 209 Newell Street, LLC and that no other party needs to be consulted.

Date

209 NEWELL STREET, LLC

By: _____
Signature

Name: _____

Title: _____

Address: _____

Telephone : _____