



GE
159 Plastics Avenue
Pittsfield, MA 01201
USA

Transmitted via Overnight Courier

December 18, 2008

Mr. Dean Tagliaferro
EPA Project Coordinator
United States Environmental Protection Agency
c/o Weston Solutions, Inc.
10 Lyman Street
Pittsfield, MA 01201

Ms. Susan Steenstrup
Program Supervisor, Special Projects
Bureau of Waste Site Cleanup
Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

**Re: GE-Pittsfield/Housatonic River Site
Newell Street Area I (GEC440)
Summary of Annual ERE Inspection for Parcels J9-23-24 and J9-23-26**

Dear Mr. Tagliaferro and Ms. Steenstrup:

On November 25, 2008, the General Electric Company (GE) performed an inspection of Parcels J9-23-24 and J9-23-26, located within Newell Street Area I Remedial Action Area (RAA) in Pittsfield, Massachusetts. GE completed remediation activities at Newell Street Area I in June 2006. A Grant of Environmental Restriction and Easement (ERE) executed by the owner of Parcel J9-23-24, along with a Notice of Completion executed by GE for that property, were registered in the Land Court records of the Berkshire Middle District Registry of Deeds on November 29, 2006; and an ERE executed by the owner of Parcel J9-23-26 (the City of Pittsfield) was registered in those Land Court records on January 14, 2008. Under Paragraph 57.0 of the Consent Decree (CD), GE is required to perform an annual inspection of non-GE-owned properties subject to an ERE to assess compliance with the ERE. This letter presents the results of the third ERE inspection conducted by GE at Parcel J9-23-24 and the first annual ERE inspection at Parcel J9-23-26. In order to simplify the annual ERE inspection schedule at Newell Street Area I, GE elected to perform a third ERE inspection at Parcel J9-23-24 in November 2008 (even though that property had already been inspected in May 2008). Future annual ERE inspections at both parcels will be performed in November of each year.

GE conducted these ERE inspections in accordance with the requirements of Appendix Q to the CD and GE's *Final Completion Report for the Newell Street Area I Removal Action* (Final Completion Report; July 2008), which was approved by EPA on August 27, 2008. Under those requirements, the annual ERE inspection is to consist of two components. The first component consists of a review of several documents – namely: (i) the ERE itself, (ii) the Plan of Restricted Area, (iii) GE's Final Completion Report, (iv) the as-built survey drawings and engineered barrier plan (and any alternative, more recent plan that GE proposes to use for evaluating surface grades changes), (v) any conditional exceptions approved under the ERE (if known), (vi) any recorded amendments to and/or releases from the ERE, (vii) the most recent topographic mapping, and (viii) any Post-Work Notification Forms (Exhibit E to the ERE) available to GE. The second component consists of a visual inspection of the property to determine whether there is visual evidence that any of the following have occurred since the last inspection:

- Activities at or uses of the property that are potentially contrary to the restrictions stated in the ERE;
- Utility work or any building construction, modification, addition, and/or demolition;
- Soil excavations that involved more than 10 cubic yards of soil;
- Significant soil erosion; and
- Significant pavement construction, disturbance, and/or removal/excavation.

Following the inspection, GE is required to submit to EPA and the Massachusetts Department of Environmental Protection a report that includes a summary of the findings of the inspection, a description and the basis for the identification (based on the visual inspection in conjunction with the document review) of any instances of potential non-compliance with the ERE, and a copy of a completed Annual Inspection Checklist for each property.

As noted above, GE conducted the third ERE inspection of Parcel J9-23-24 and the first annual ERE inspection of Parcel J9-23-26 in November 2008. Since no new ERE-related documentation has been generated since the EREs were registered, GE reviewed the existing documentation (e.g., ERE, Plan of Restricted Area, and topographic mapping). The visual inspections conducted on November 25, 2008, revealed no significant changes in the physical condition of the property and no evidence of any of the other above-listed conditions since the last inspection at Parcel J9-23-24 in May 2008 and since the time the ERE was registered for Parcel J9-23-26, as documented in the attached Annual Inspection Checklists for these properties.

Please call me if you have any comments or questions.

Sincerely,

Richard Gates, EGB

Richard Gates
Remediation Project Manager

Attachments

cc: Tim Conway, EPA
John Kilborn, EPA*
Holly Inglis, EPA
Rose Howell, EPA*
Michael Gorski, MDEP
Jane Rothchild, MDEP
Nancy E. Harper, MA AG*
Linda Palmieri, Weston
Mayor James Ruberto, City of Pittsfield
Jeffrey Bernstein, BCK Law

James McGrath, Director Parks and Recreation
– Parcel J9-23-26
Michael Carroll, GE*
Rod McLaren, GE*
Peter Wojcik, GE*
James Nuss, ARCADIS
James Bieke, Goodwin Procter
Property Owner – Parcel J9-23-24
GE Internal Repository

**cover letter only*

ERE ANNUAL INSPECTION CHECKLIST

NEWELL STREET AREA I - PARCEL J9-23-24

DOCUMENT REVIEW

Conducted By: Paolo Filippetti, ARCADIS Phone Number: (585) 770-4702
Representing: GE Review Start Date: 11/25/2008

- 1. [X] Check here to confirm that the Grant of Environmental Restriction and Easement has been reviewed.
2. [X] Check here to confirm that the Plan of Restricted Area (as revised if appropriate) has been reviewed.
3. [X] Check here to confirm that the description of this property in the Final Completion Report and the as-built survey drawings provided in Appendix E of the Final Completion Report (and any alternative plan proposed by GE for the comparison described in Item 7 on next page) have been reviewed.
4. Are there any recorded amendments to or releases from the ERE, and/or any known conditional exceptions under the ERE, and/or any Post-Work Notification Forms which have been submitted by the Grantor under the ERE and of which the reviewing party has a copy, and/or any other documents in GE's possession relevant to the ERE or the use of the property?
[X] No
[] Yes - If yes, review those items for background informational purposes and list them below (along with the book and page reference in the Registry of Deeds where applicable). (Note that the document reviewer has no obligation to verify the accuracy or completeness of any of these documents, either as of the time they were prepared or as compared to current conditions).

Blank lines for listing amendments or releases from the ERE.

5. Review Completed: 12/10/2008

VISUAL ON-SITE INSPECTION

Conducted By: Robert Papallo Representing: General Electric
Inspection Start Date: 11/25/2008

- 1. List other individuals and their company/agency that were present during the visual on-site inspection.
Susan Steenstrup (MDEP)
Mike Argue (Weston Solutions, Inc.)
2. Is there any visual evidence of activities and uses of the property since the last inspection that are potentially contrary to the restrictions of the ERE?
[X] No
[] Yes - If yes, describe below.

Blank lines for describing visual evidence of activities and uses of the property.

ERE ANNUAL INSPECTION CHECKLIST

NEWELL STREET AREA I - PARCEL J9-23-24

3. Is there any visual evidence of utility work or building construction, modification, addition, or demolition since the last inspection?

No

Yes - If yes, describe below and show the location(s) of such activity on a plan.

4. Is there any visual evidence of soil excavation that generated more than 10 cubic yards of soil since the last inspection?

No

Yes - If yes, describe below and show the location(s) of such activity on a plan.

5. Is there any visual evidence of significant soil erosion since the last inspection?

No

Yes - If yes, describe below and show the location(s) of such erosion on a plan.

6. Is there any visual evidence of significant pavement construction, disturbance, or excavations since the last inspection?

No

Yes - If yes, describe below and show the location(s) of such activity on a plan.

7. If any of the conditions listed in the responses to Questions 3 through 6 appears to have altered the surface grade of the the property compared to the surface grade shown on the as-built survey drawings included in Appendix E of the Final Completion Report (or an alternative, more recent plan proposed by GE), identify the approximate area/location(s) of such grade change on a plan and compare the new surface grade in such area(s) to the surface grade on the above-listed drawings and/or plan. (If GE proposes use of an alternative plan for this comparison, include a copy of that plan and describe the rationale for its proposed use.)

8. Inspection Completed: _____ 11/25/2008 _____

ERE ANNUAL INSPECTION CHECKLIST

NEWELL STREET AREA I - PARCEL J9-23-26

DOCUMENT REVIEW

Conducted By: Paolo Filippetti, ARCADIS Phone Number: (585) 770-4702
Representing: GE Review Start Date: 11/25/2008

- 1. [X] Check here to confirm that the Grant of Environmental Restriction and Easement has been reviewed.
2. [X] Check here to confirm that the Plan of Restricted Area (as revised if appropriate) has been reviewed.
3. [X] Check here to confirm that the description of this property in the Final Completion Report and the as-built survey drawings provided in Appendix E of the Final Completion Report (and any alternative plan proposed by GE for the comparison described in Item 7 on next page) have been reviewed.
4. Are there any recorded amendments to or releases from the ERE, and/or any known conditional exceptions under the ERE, and/or any Post-Work Notification Forms which have been submitted by the Grantor under the ERE and of which the reviewing party has a copy, and/or any other documents in GE's possession relevant to the ERE or the use of the property?
[X] No
[] Yes - If yes, review those items for background informational purposes and list them below (along with the book and page reference in the Registry of Deeds where applicable). (Note that the document reviewer has no obligation to verify the accuracy or completeness of any of these documents, either as of the time they were prepared or as compared to current conditions).

Blank lines for listing amendments or releases from the ERE.

5. Review Completed: 12/10/2008

VISUAL ON-SITE INSPECTION

Conducted By: Robert Papallo Representing: General Electric
Inspection Start Date: 11/25/2008

- 1. List other individuals and their company/agency that were present during the visual on-site inspection.
Susan Steenstrup (MDEP)
Mike Argue (Weston Solutions, Inc.)
2. Is there any visual evidence of activities and uses of the property since the last inspection that are potentially contrary to the restrictions of the ERE?
[X] No
[] Yes - If yes, describe below.

Blank lines for describing visual evidence of activities and uses of the property.

ERE ANNUAL INSPECTION CHECKLIST

NEWELL STREET AREA I - PARCEL J9-23-26

3. Is there any visual evidence of utility work or building construction, modification, addition, or demolition since the last inspection?

- No
- Yes - If yes, describe below and show the location(s) of such activity on a plan.

4. Is there any visual evidence of soil excavation that generated more than 10 cubic yards of soil since the last inspection?

- No
- Yes - If yes, describe below and show the location(s) of such activity on a plan.

5. Is there any visual evidence of significant soil erosion since the last inspection?

- No
- Yes - If yes, describe below and show the location(s) of such erosion on a plan.

6. Is there any visual evidence of significant pavement construction, disturbance, or excavations since the last inspection?

- No
- Yes - If yes, describe below and show the location(s) of such activity on a plan.

7. If any of the conditions listed in the responses to Questions 3 through 6 appears to have altered the surface grade of the the property compared to the surface grade shown on the as-built survey drawings included in Appendix E of the Final Completion Report (or an alternative, more recent plan proposed by GE), identify the approximate area/location(s) of such grade change on a plan and compare the new surface grade in such area(s) to the surface grade on the above-listed drawings and/or plan. (If GE proposes use of an alternative plan for this comparison, include a copy of that plan and describe the rationale for its proposed use.)

8. Inspection Completed: _____ 11/25/2008 _____