

United States Environmental Protection Agency
EPA New England
One Congress Street, Suite 1100
Boston, MA 02114-2023

April 6, 2009

Mr. Andrew T. Silfer, P.E.
Corporate Environmental Programs
General Electric Company
159 Plastics Avenue
Pittsfield, Massachusetts 01201

**RE: Conditional Approval of GE's 2008 Annual Monitoring Report
Upper 1/2-Mile Reach of the Housatonic
GE-Pittsfield/Housatonic River Site**

Dear Mr. Silfer:

On January 22, 2009, GE submitted a document entitled *2008 Annual Monitoring Report, Upper 1/2-Mile Reach of the Housatonic River* (the "Report"). This Report is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 20, 2007.

Pursuant to Paragraph 73 of the Consent Decree, EPA, after consultation with the Massachusetts Department of Environmental Protection (MDEP) and the Natural Resource Trustees, approves the Report subject to the following conditions:

1. Section 2.4, Third Paragraph. GE states that in response to a request from the Trustees, several canopy specimens were re-installed. The re-installed planting were understory, not canopy specimens.
2. Sections 3.2 (Restored Bank Erosion Monitoring), 4.2 (Armor Stone Layer Monitoring) 6.2 (Restored Bank Erosion Monitoring), 6.3 (Monitoring of Aquatic Habitat Enhancement Structures and Armor Stone Layer) and Table 6-1 (Summary of Future Post-Construction Monitoring Activities). To be clear, at the end of the additional five year monitoring period (i.e., 2012), GE shall either continue with annual inspections for bank erosion and the Armor Stone Layer or GE shall propose an alternate long-term monitoring proposal.
3. Section 3.3. Page 10. The Report should have noted that during the 2008 restored bank erosion inspection, Weston (consultant to EPA) and Arcadis noted that previously identified bank erosion, identified as Area 7 in the 2007 Annual Report, remained un-repaired. This was a result of GE's inability to obtain an access agreement from the abutting property owner. GE shall continue to inspect this area on an annual basis and document the condition of the bank in inspection

- reports. If there is evidence of increased erosion, then GE shall attempt to gain access from the abutting property owner and repair the eroding bank.
4. Section 6.1. Restored Bank Vegetation monitoring. GE states that basic maintenance activities for wire tree cages and stem protectors and tree pruning will be ongoing in 2009. EPA concurs with this approach and recommends that these steps be performed on ongoing annual basis until such time that the cages and tree protectors are removed.
 5. Sections 6.2. and 6.3. Monitoring of Restored Bank Erosion, Aquatic Habitat Enhancement Structures and Armor Stone Layer. The Report states that the annual inspections will be performed in late April or May prior to development of heavy vegetation. EPA concurs that this is appropriate time to perform the inspections, subject to river flow conditions. In the event the river flows are elevated in April and May, a subsequent inspection in the summer when river flows are lower may be necessary to inspect the lower bank, riprap and aquatic enhancement structures.
 6. Section 6.4. The Report states that GE will continue to perform and include in the Upper ½-Mile Annual Reports the results of water column data collected as part of the ongoing monthly water column sampling. If GE discontinues its current monthly water column sampling, EPA reserves the right to require GE to perform water column monitoring as part of the Upper ½-Mile Post-Removal Site Control activities.
 7. The 2008 Annual Monitoring Report indicates that 2009 restored bank vegetation inspection will likely be performed in late summer but does not mention any additional inspections during the growing season. Note, the Trustee November 20, 2008, letter indicated "The monitoring schedule should include two visits during each year of the first 2 years after planting (one in late spring and one in the summer)". After further consideration, the Trustees agree that one visit per growing season for these re-plantings will likely be sufficient considering how well the vegetation in this area has already become established.

This letter does not preclude EPA from requiring additional investigations and response activities pursuant to the Consent Decree, the Upper 2-Mile Reach Removal Action Work Plan and/or the *Statement of Work for Removal Actions Outside the River* (Appendix E to the Consent Decree).

If you have any questions, please contact me at (413) 236-0969.

Sincerely,

A handwritten signature in black ink that reads "Dean Tagliaferro". The signature is written in a cursive, flowing style.

Dean Tagliaferro

cc: Holly Inglis, EPA
Chris Ferry, ASRC
Rose Howell, EPA
Tim Conway, EPA
Dale Young, MA EEOEA
Ken Munney, US F&W
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