

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
New England Office – Region I
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023**

April 14, 2009

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

Sent via US Mail and Electronic Mail

**Re: GE-Pittsfield/Housatonic River Site: Rest of River Corrective Measures Study:
Submittal of an Addendum to the CMS Proposal**

Dear Mr. Silfer:

This letter is in response to GE's letter dated April 10, 2009 ("April 10th letter") from Roderic McLaren of GE to Tim Conway of EPA regarding an email from Tim Conway to Roderic McLaren dated March 17th and EPA's April 1, 2009 letter ("April 1st letter") to you. The April 1st letter addressed the requirements for the upcoming submittal by GE of an addendum to the Corrective Measures Study ("CMS") Proposal ("Work Plan") for the GE-Pittsfield/Housatonic River Site ("Site"), the subsequent submittal of a Revised CMS, and other related requirements. On January 16, 2009, GE had submitted a request to provide an evaluation of an additional set of alternatives for remediation of river sediment and river bank and floodplain soil in the Rest of River portion of the Site, necessitating development of a Work Plan.

In its April 10th letter, GE indicated that it would provide two separate work plans for different alternatives: a submittal by April 24th for the alternative referenced in GE's January 16, 2009 request, and a submittal by May 8, 2009, for a sediment alternative that utilizes wet excavation techniques in Reaches 5A and 5B.

It is clear in the April 1st letter that EPA's expectation is that all additional alternatives shall be addressed in a single draft Work Plan. Furthermore, in this draft Work Plan, GE shall propose

a method to analyze all additional alternative(s) on an equal footing with the existing sediment and floodplain alternatives (SED 1 through 8 and FP 1 through 7) in the Revised CMS. In addition, it is stated in the April 1st letter that, when analyzing the alternatives on an equal footing in the Revised CMS, GE shall perform all analyses using the criteria in the Revised RCRA Permit and addressing the concerns expressed in EPA's General Comments and Specific Comments of September 9, 2008, (e.g. General Comment 10 regarding the need for avoidance, minimization, and mitigation of the impact of remediation to environmental resources).

In the April 1st letter, EPA described its expectation that GE shall either evaluate each sediment and floodplain alternative separately and perform the comparative analyses across the sediment and floodplain alternatives as was done in the CMS submittal of March 2008, or evaluate all possible combinations of the sediment and floodplain alternatives and perform comparative analyses across all combinations, with the exception of the No Action alternatives. GE shall describe their proposed approach to this in the draft Work Plan.

Therefore, GE shall submit to EPA a single draft Work Plan by May 8, 2009, which will allow the governments and the public to review the evaluation of all alternatives on an equal footing.

GE made assertions related to the Work Plan submittal in its April 10th letter. Without accepting other assertions not addressed here, EPA clarifies the record as follows:

A. With respect to discussion of evaluation of wet excavation techniques in Reaches 5A and 5B, at the March 12, 2009 meeting with GE and the government parties (EPA, MassDEP, Massachusetts Fish and Game, CT DEP, the Connecticut Attorney General's Office, U.S. Fish and Wildlife, and the National Oceanic and Atmospheric Administration) to discuss the additional set of alternatives that GE was proposing for evaluation, EPA on more than one occasion stated to GE that the government parties might request additional information which would likely include an additional alternative or set of alternatives which must be included in the draft Work Plan submittal. GE responded at the meeting that not knowing the extent of such a request, GE might need additional time to prepare the draft Work Plan. Subsequently, EPA notified GE of the nature of the additional information to be submitted, including the

alternative(s), verbally on March 25, 2009, and formally in the April 1st letter. As noted above, EPA has agreed to an extension of the due date for the submittal of the draft Work Plan to May 8, 2009.

B. With respect to the discussion of Specific Comment 42 from EPA's September 9, 2008 letter, when GE indicated in previous correspondence it would not be responding to all of EPA's comments, EPA did not know what comments GE was not planning to respond to in the March 9, 2009 Response to EPA's Interim Comments on the CMS ("March 9th submittal"). Therefore the governments had nothing specific for which to express concern. EPA does not, at this time, approve the submittal date of the response to Specific Comment 42 as proposed in the April 10th letter. EPA will provide a due date for submittal of GE's response to Specific Comment 42 at a later time after discussion with the governments.

As you know, GE's March 9th submittal is currently undergoing an informal public input period until May 11th. EPA reserves all of its rights with respect to GE's March 9th submittal. EPA also reserves its rights to require additional information in the final Work Plan. Please be advised that by not identifying in this letter or previous correspondence particular concerns with GE's March 9, 2009 submittal or other correspondence from GE including the April 10, 2009 letter, EPA is not agreeing with or accepting GE analyses, proposals or arguments in this regard.

If you have any questions, please contact me at 617.918.1434.

Sincerely,

A handwritten signature in cursive script that reads "Susan C. Svirsky". The signature is written in black ink on a light pink rectangular background.

Susan C. Svirsky, Project Manager
Rest of River

cc: Mike Carroll, GE
Rod McLaren, GE
Thomas Hill, GE
Jeff Porter, Mintz Levin
James Bieke, Goodwin Procter
Mike Gorski, MADEP
Susan Steenstrup, MADEP
Eva Tor, MADEP
Jane Rothchild, MADEP
Rich Lehan, Mass F & G
Dale Young, MAEOEEA
Jack Looney, CT AG
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Kenneth Munney, USFWS
Ken Finkelstein, NOAA
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James Owens, III, EPA
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