



GE
159 Plastics Avenue
Pittsfield, MA 01201
USA

Transmitted via Overnight Courier

December 16, 2011

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

Mr. Michael Gorski
Regional Director
Western Regional Office
Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

**Re: GE-Pittsfield/Housatonic River Site
Lyman Street Area (GEC430)
Summary of Annual ERE Inspection for Portion of the Lyman Street Sidewalk**

Dear Mr. Tagliaferro and Mr. Gorski:

On November 17, 2011, the General Electric Company (GE) performed an inspection of the narrow portion of the City-owned Lyman Street sidewalk where an engineered barrier was installed, located within the Lyman Street Area in Pittsfield, Massachusetts. GE completed remediation activities at the Lyman Street Area in November 2007. A Grant of Environmental Restriction and Easement (ERE) executed by the City of Pittsfield for the barrier portion of the Lyman Street sidewalk was recorded in the Berkshire Middle District Registry of Deeds on July 2, 2009. 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 annual ERE inspection conducted by GE at this portion of the City-owned Lyman Street sidewalk located within the Lyman Street Area.

GE conducted this ERE inspection in accordance with the requirements of Appendix Q to the CD and GE's *Final Completion Report for the Lyman Street Area Removal Action* (Final Completion Report; August 2009), which was approved by the United States Environmental Protection Agency (EPA) on September 14, 2009. Under those requirements, the annual ERE inspection consists of two components. The first component consists of a review of several documents – namely: (i) the ERE itself, (ii) the survey plan attached showing the property subject to the ERE (Exhibit B to the ERE), (iii) GE's Final Completion Report, (iv) the relevant as-built survey drawing and engineered barrier plan in that report (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, and (vii) any Post-Work Notification Forms (Exhibit E to the ERE) available to GE. The second component consists of a visual inspection of the area to determine whether there is visual evidence that any of the following have occurred since the last ERE 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; or
- 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 ERE Annual Inspection Checklist.

As noted above, GE conducted the third ERE inspection of the narrow portion of the City-owned Lyman Street sidewalk where an engineered barrier was installed in November 2011. Based on the document review, no new ERE-related documentation has been generated for this area since the last ERE inspection in November 2010. Thus, GE reviewed the existing documentation (i.e., ERE, survey plan, and the Final Completion Report, including the relevant as-built survey drawing and engineered barrier plan therein). The visual inspection conducted on November 17, 2011, revealed no significant changes in the physical condition of the area and no evidence of any of the other above-listed conditions at the area since the last ERE inspection, as documented in the attached ERE Annual Inspection Checklist.

Please call me if you have any comments or questions.

Sincerely,



Richard Gates
Remediation Project Manager

Attachments

cc: Tim Conway, EPA*
Holly Inglis, EPA
Rose Howell, EPA*
John Ziegler, MDEP (2 copies)
Eva Tor, MDEP*
Nancy E. Harper, MA AG*
Linda Palmieri, Weston (2 copies)
Mayor James Ruberto, City of Pittsfield

Barbara Landau, Noble & Wickersham
Michael Carroll, GE*
Rod McLaren, GE*
Peter Wojcik, GE*
James Nuss, ARCADIS
James Bieke, Sidley Austin
GE Internal Repository

**cover letter only*

ERE ANNUAL INSPECTION CHECKLIST
LYMAN STREET AREA REMOVAL ACTION
PORTION OF LYMAN STREET SIDEWALK

DOCUMENT REVIEW

Conducted By: Paolo Filippetti, ARCADIS
Representing: GE

Phone Number: 585-385-0090
Review Start Date: 10/28/2011

1. Check here to confirm that the Grant of Environmental Restriction and Easement, including the plan in Exhibit B thereto, has been reviewed.

2. Check here to confirm that the description of this area in the *Final Completion Report for the Lyman Street Area Removal Action* (Final Completion Report), the as-built survey drawing (Appendix D-2) and Engineered Barrier Plan (Figure 5) provided in that document (and any alternative plan proposed by GE for the comparison described in Item 7 on next page) have been reviewed.

3. 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 this property?
 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).

4. Review Completed Date: 10/28/2011

VISUAL ON-SITE INSPECTION

Conducted By: Gregg Rabasco, ARCADIS
Representing: GE

Phone Number: 413-822-1184
Inspection Start Date: 11/17/2011

1. List other individuals and their company/agency that were present during the visual on-site inspection.

Mike Argue (Weston/EPA)
Mike Backunas (MassDEP)

2. Is there any visual evidence of activities and uses of this area since the last inspection that are potentially contrary to the restrictions of the ERE?

No
 Yes - If yes, describe below.

ERE ANNUAL INSPECTION CHECKLIST
LYMAN STREET AREA REMOVAL ACTION
PORTION OF LYMAN STREET SIDEWALK

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 property compared to the surface grade shown on the as-built survey drawing (Appendix D-2) and Engineered Barrier Plan (Figure 5) 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: _____ 11/17/2011 _____