



GE  
159 Plastics Avenue  
Pittsfield, MA 01201  
USA

*Transmitted via Overnight Courier*

December 13, 2011

Mr. Richard Fisher  
Office of Site Remediation and Restoration  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square – Suite 100 (OSRR07-1)  
Boston, MA 02019-3912

Mr. Michael Gorski  
Regional Director, Western Regional Office  
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. Fisher and Mr. Gorski:

On November 14, 2011, the General Electric Company (GE) performed an inspection of Parcels J9-23-24 and J9-23-26, located within Newell Street Area I in Pittsfield, Massachusetts. GE completed remediation activities at Newell Street Area I in June 2006. A Grant of Environmental Restriction and Easement (ERE) executed and subsequently amended 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.o 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 sixth ERE inspection conducted by GE at Parcel J9-23-24 and the fourth annual ERE inspection at Parcel J9-23-26.

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 the United States Environmental Protection Agency (EPA) on August 27, 2008. The inspection of Parcel J9-23-26 focused on the Restricted Area of the property under the ERE (including the riverbank, which is part of Upper ½-Mile Reach of the Housatonic River). The inspection of Parcel J9-23-24 focused on the entire property, which constitutes the Restricted Area under the ERE.

Under the above-mentioned requirements, the annual ERE inspections 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 relevant as-built survey drawings (and any alternative, more recent plan that GE proposes to use for evaluating surface grade 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 Parcel J9-23-24 ERE and Exhibit F to the Parcel J9-23-26 ERE) available to GE. The second component consists of a visual inspection of each property to determine whether there is visual evidence that any of the following have occurred at the property 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 for each property.

GE conducted the sixth ERE inspection of Parcel J9-23-24 and the fourth annual ERE inspection of Parcel J9-23-26 in November 2011. Based on the document review, no new ERE-related documentation has been generated for Parcel J9-23-26 since the last ERE inspection in November 2010. However, one document was found relevant to Parcel J9-23-24. Specifically, GE found that a Death Certificate for Robert Bernard Stomsky, who was the owner of Parcel J9-23-24 and Grantor of the ERE, was filed with the Land Court records of the Berkshire Middle District Registry of Deeds on September 30, 2011 in Book 37, Page 83 (although that Death Certificate actually related to a different property). That Certificate indicated that Mr. Stomsky died on August 21, 2011. As of October 28, 2011, no documents were located indicating or relating to the transfer of title to Parcel J9-23-24. Thus, GE reviewed the existing ERE-related documentation for each property (i.e., ERE, Plan of Restricted Area, and Final Completion Report, including the relevant as-built survey drawings therein).

The visual inspections conducted on November 14, 2011, revealed no significant changes in the physical condition of these properties and no evidence of any of the other above-listed conditions at either property since the last ERE inspection, as documented in the attached ERE 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: Dean Tagliaferro, EPA  
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  
James McGrath, Director of Parks and Recreation – Parcel J9-23-26  
Michael Carroll, GE\*  
Rod McLaren, GE\*  
Peter Wojcik, GE\*  
James Nuss, ARCADIS  
James Bieke, Sidley Austin  
Property Owner – Parcel J9-23-24 (Heirs of Robert Stomsky)  
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) 385-0090  
Representing: GE Review Start Date: 10/28/11

- 1.  Check here to confirm that the Grant of Environmental Restriction and Easement has been reviewed.
- 2.  Check here to confirm that the Plan of Restricted Area (as revised if appropriate) has been reviewed.
- 3.  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?

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).

- Death Certificate for Robert Bernard Stomsky (property owner), filed in the Land Court records of the Berkshire Middle District Registry of Deeds on September 30, 2011 in Book 37, Page 83.

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5. Review Completed: 10/28/2011

**VISUAL ON-SITE INSPECTION**

Conducted By: Gregg Rabasco, ARCADIS Representing: GE  
Inspection Start Date: 11/14/2011

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

Mike Argue (Weston/EPA)

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- 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?

No

Yes - If yes, describe below.

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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.

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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.

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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.

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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.

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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: \_\_\_\_\_ 11/14/2011 \_\_\_\_\_

ERE ANNUAL INSPECTION CHECKLIST

NEWELL STREET AREA I - PARCEL J9-23-26

**DOCUMENT REVIEW**

Conducted By: Paolo Filippetti, ARCADIS Phone Number: (585) 385-0090  
Representing: GE Review Start Date: 10/28/11

- 1.  Check here to confirm that the Grant of Environmental Restriction and Easement has been reviewed.
- 2.  Check here to confirm that the Plan of Restricted Area (as revised if appropriate) has been reviewed.
- 3.  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?  
 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).

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5. Review Completed: 10/28/2011

**VISUAL ON-SITE INSPECTION**

Conducted By: Gregg Rabasco, ARCADIS Representing: GE  
Inspection Start Date: 11/14/2011

- 1. List other individuals and their company/agency that were present during the visual on-site inspection.  
Mike Argue (Weston/EPA)  
\_\_\_\_\_  
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- 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?  
 No  
 Yes - If yes, describe below.

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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.

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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.

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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.

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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.

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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: \_\_\_\_\_ 11/14/2011 \_\_\_\_\_