United States Environmental Protection Agency
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August 8, 2012

Andrew Silfer, P.E.
General Electric Company
319 Great Oaks Boulevard
Albany, NY 12203

Sent via electronic and U.S. First Class Mail

Re: Conditional Approval of General Electric's February 2002 *Pre-Design Investigation Work Plan for Floodplain Residential Properties Downstream of the Confluence*

Dear Mr. Silfer:

EPA has completed its review of GE's report titled *Pre-Design Investigation Work Plan for Floodplain Residential Properties Downstream of the Confluence* dated February 2002 (Work Plan). The Work Plan is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000.

Pursuant to Paragraph 73 of the Consent, EPA, after consultation with the Massachusetts Department of Environmental Protection (MassDEP), approves the Work Plan subject to the following conditions:

1. **General.** GE shall review their existing data base and determine if there are additional analytical data for the 36 properties included in the Work Plan and for any property adjacent to any of the 36 properties. EPA's initial review identified several potential inconsistencies in the data, such as mapped points missing from data tables and vice versa. EPA also identified additional samples collected in 2002 that were not included in the Work Plan. These findings are summarized in the attached Table 1.

2. **General.** GE shall update and revise the Work Plan based upon the conditions contained in this letter and upon new information and activities that have occurred since February 2002.

3. **Section 1.1 Page 1-2.** GE shall provide EPA with seven business days advance notice prior to performing any proposed reconnaissance to refine the extent of Actual/Potential Lawns. EPA intends to accompany GE on these field visits. In the revised Work Plan (see below), GE shall provide a rationale for any proposed changes in the Actual/Potential Lawn delineation compared to the delineation provided in the February 2002 Work Plan. In the revised Work Plan GE shall also document whether residential exposure is equally likely throughout each Actual/Potential Lawn area as necessary to determine whether such area

constitutes a single averaging area in accordance with the Statement of Work for Removal Actions Outside the River (SOW). For each property, GE shall clearly depict on a Figure the Actual/Potential Lawn and non-Actual Potential Lawn Areas.

4. **Section 2.2 Description of Downstream Floodplain Properties. Page 2-2 and Section 4.3. Pre-Design Soil Sampling Activities for PCBs, Page 4-4 Sampling at Actual/Potential Lawns (page 4-5, second paragraph).** The Work Plan states that the 2001 Phase 1 Human Health Risk Assessment identified five other residential properties between Woods Pond and Rising Pond that have not been sampled but will be "transferred to GE" for additional evaluation if the sampling on adjacent properties indicates PCB concentrations greater than 2 ppm. In the revised Work Plan, GE shall identify these five properties in the text and on appropriate Figures and shall determine if additional analytical data is available on these properties.

5. **Section 2.2 Description of Downstream Floodplain Properties.** GE shall revise this section to clarify that based on data collected pursuant to the revised Work Plan, additional abutting residential properties may be identified and added to this RAA.

6. **Section 4.3. Pre-Design Soil Sampling Activities for PCBs, Page 4-4, Sampling at Actual/Potential Lawns.** Although the SOW does not establish specific sampling requirements for Actual/Potential Lawns at the downstream floodplain residential properties, it states (in Section 2.5.3): "Grid sampling techniques consistent with those utilized at the GE Plant Area and Former Oxbow Area RAAs will be evaluated and utilized as appropriate." Those grid sampling techniques call for a 50-foot grid for the surface and a 100-foot grid for the subsurface for non-industrial areas at the GE Plant Area and generally for the Former Oxbow Areas, but also include a 25-foot grid for the top foot and a 50-foot grid for the subsurface for the residential properties within the Former Oxbow Areas. In Section 4.3.1, page 4-4, *Sampling at Actual/Potential Lawns*, GE states that the sampling grid patterns "generally [range] from approximately 50 feet between surface soil samples at smaller properties to approximately 100 feet between surface soil samples at large properties, with regular, but more widely spaced boring locations for subsurface soil sampling." GE has not provided adequate rationale for not using a 25-foot grid for the top foot and a 50-foot grid for the subsurface at these areas. GE shall either: (a) revise the proposed sampling to incorporate such grids, at least within the 100-year floodplain; or (b) provide a further rationale, for EPA review and approval, for use of a less dense grid in some or all of the Actual/Potential Lawns. GE may use a less dense grid for areas outside the 100-year floodplain, but with a weighted focus on areas abutting or near the 100-year floodplain boundary. In addition, sampling shall be conducted (unless there is existing sampling data in the same general area) within 10 feet of the line demarcating Actual/Potential Lawn and non-Actual/Potential Lawn areas and/or edge of water.

7. **Section 4.3.2 through 4.3.23 and associated Figures and Tables. Group-Specific Comments.**

- General.

  i. GE shall compare the 36 parcels proposed for evaluation in the Work Plan to the 2005 Human Health Risk Assessment for Rest of River (2005 HHRA) and identify for each such parcel any areas of overlap and/or gaps between Actual/Potential Lawn areas and a Human Health Exposure Area (HHEA) identified in the 2005 HHRA.

  ii. GE shall propose sampling on riverbank portion of properties, unless there is currently sufficient data or unless the Actual/Potential Lawn areas extend to the edge of water. Riverbanks are part of the non-Actual/Potential Lawn areas, and riverbank sampling is required as part of the evaluation for short-term measures.

- Group 1/Figure 4-1. The northern portion of the non-Actual/Potential Lawn area of this parcel (south of the sewer easement) is not included in any HHEA in the 2005 HHRA. This area appears to be located between EA5 and EA7. Depending upon the outcome of the field reconnaissance, the Actual/Potential Lawn area will need to extend to the boundary of the existing HHEAs or this area will need to be evaluated as part of a HHEA as part of Rest of River.

- Group 2/Figure 4-2. The southern extent of the Actual/Potential Lawn area shall be determined in the field based on the topographical top of bank, not the presence of an existing fence line or vegetation. Also, for Parcel J6-2-2, it appears that there is a defined riverbank and that the Actual/Potential Lawn does not extend to the edge of water. However, there are sufficient existing samples collected at or near the bank, and no additional riverbank samples are needed.

- Group 3/Figure 4-3. GE shall identify the property owner for J6-3-2 and the strip of land east of Parcel J6-3-2. It appears that the extent of Actual/Potential Lawn may need to be expanded in the northwest portion of the property. The current delineation does not appear to extend to the riverbank.

- Group 5/Figure 4-5. There appears to be a small gap between the depicted Actual/Potential Lawn and HHEA 16 as depicted in the 2005 HHRA. GE shall extend the limit of the Actual/Potential Lawn to meet the boundary of HHEA 16.

- Group 7/Figure 4-7. GE shall evaluate whether it is appropriate to include any portion of Parcel 4-73 in this Work Plan since the current Town of Lenox Assessor's records indicate Parcel 2-33 and Parcel 4-73 are separately owned, and Parcel 4-73 is generally a commercial property. To the extent that Parcel 4-73 is excluded from this Work Plan, it will be addressed as appropriate as part of Rest of River.

- Group 8/Figure 4-8. GE shall exclude the upland portion of the property from the floodplain

portion of the Actual/Potential Lawn averaging area. Residential exposure is not equally likely throughout the upland and floodplain components of the Actual/Potential Lawn areas. In addition, the non-riverbank portion of the non-Actual/Potential Lawn area of this parcel within the floodplain was not included in any HHEA in the 2005 HHRA. Depending upon the outcome of the field reconnaissance, this area will need to be included as part of the Actual/Potential Lawn or will need to be evaluated as a HHEA as part of Rest of River.

- Group 19/Figure-18. The non-riverbank portion of the non-Actual/Potential Lawn area of this parcel within the floodplain was not included in any HHEA in the 2005 HHRA. Depending upon the outcome of the field reconnaissance, this area will need to be included as part of the Actual/Potential Lawn or will need to be evaluated as a HHEA as part of Rest of River.

- Group 20/Figure 4-19. GE shall determine the ownership of the strip of land located between these two parcels and provide a rationale why this strip should not be considered an Actual/Potential Lawn.

8. **Section 4.4. Proposed Approach to Evaluating Need for Sampling for Non-PCB Constituents**.

   After GE's receipt of the results from the initial round of sampling, GE shall propose pre-design soil sampling activities to address non-PCB Appendix IX+3 constituents. In this proposal, GE shall provide a detailed rationale for excluding any non-PCB constituents from sampling. To the extent that GE relies on the SOW provision that floodplain properties (or portions of such properties) where response actions are not necessary to address PCBs may be excluded from non-PCB sampling if there are intervening potential sources of non-PCB constituents, GE shall provide the basis for such exclusion. Further, to the extent that GE relies on EPA's screening of particular non-PCB constituents from evaluation in the HHRA for the Rest of River, GE shall describe the basis for such screening, with appropriate references to the HHRA screening, and discuss its applicability to this RAA, including, but not limited to, whether such screening applies to the residential exposure scenarios of this RAA. This conditional approval letter shall not be deemed to be an agreement with any of the factors that GE describes in Section 4.4. GE shall propose a schedule for submitting this non-PCB sampling plan in the revised Work Plan. This non-PCB sampling plan shall include sampling for dioxins and furans as necessary. In addition, a new reference dose (RfD) for evaluating non-cancer risks from dioxin has recently been approved by EPA. Accordingly, the analytical detection limits for such dioxin and furan sampling shall be sufficient to conduct an evaluation of the dioxin/furan data to a residential evaluation criterion of 120 parts per trillion.

9. **Section 4.5. Other Proposed Pre-Design Activities**.

- GE shall clarify that all proposed site mapping activities will be conducted by a licensed surveyor and will be conducted with traditional survey equipment or survey-grade GPS equipment. Furthermore, GE shall confirm that final sampling locations will be similarly

surveyed. GE shall delineate property lines based on property deeds and recorded plans, as opposed to tax parcel ID maps.

- GE shall update base maps with updated aerial photography or recent satellite imagery.

- GE shall confirm that the latest tax assessor parcel IDs are cited, and revise, as appropriate.

10. **Section 6. Summary of Anticipated Post-Removal Site Control Activities**. In addition to the activities listed, GE's post-removal site control activities shall include, but shall not be limited to, inspection and maintenance requirements related to remediation conducted in wetlands, if any. Also, EPA may require additional Post-Removal Site Control Activities be included in the Final Completion Report.

11. **Figures 4-1 through 4-24.** For Figures 4-1 through 4-6, revise to show the 1 ppm isopleth and the 100-year floodplain limit consistent with how these limits were depicted for Rest of River. For Figures 4-7 through 4-21, show the 100-year floodplain limit consistent with how this limit was depicted by EPA for Rest of River. GE shall specify how the 100-year floodplain limits were generated.

GE shall complete the reconnaissance proposed in this Work Plan within 45 days of the date of this letter (subject to obtaining the necessary access permission) and shall submit a revised Pre-Design Investigation Work Plan for EPA review and approval within 90 days of the date of this letter.

EPA reserves all of its rights under the Consent Decree, including but not limited to, the right to perform and/or require additional sampling or response actions, if necessary, to meet the requirements of the Consent Decree. If there is any conflict between the Performance Standards as stated in the Work Plan and the Performance Standards as stated in the Consent Decree and SOW, the Consent Decree and SOW shall control.

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

Sincerely,

Susan C. Svirsky

Susan Svirsky
Project Manager

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Public Information Repositories

Table 1
Data Presentation Issues

Group	Sample Location	Comments
1	FL001831	Not included in Work Plan. Adjacent to FL000909. New sample from 2002.
2	BS00086 BS00087	Not included in Work Plan. Located on river bank.
3	BS000146	Not included in Work Plan. Located near F0489607.
	BS000227	Not included in Work Plan. Located on Parcel J6-3-2.
	BS000228	Not included in Work Plan. Located east of Parcel J6-3-2.
	FL001834	Not included in Work Plan. Located on Parcel J6-3-2. New sample from 2002.
	FL001835 FL001836 FL001837	Not included in Work Plan. Located east of Parcel J6-3-2. New samples from 2002.
4	J5-2-6A	Included on Table 4-4 but not shown on Figure 4-4.
	BS000050 BS000051 BS000052	Included on Figure 4-4 but not on Table 4-4.
	FL001838 FL001839 FL001840 FL001841	Not included in Work Plan. New samples from 2002.
5	FL001843 FL001844	Not included in Work Plan. New samples from 2002.
12 & 13	FL001409	Not included in Work Plan. Located in parcel between groups 12 and 13 where other samples are included.
19	F2883004	Include on Table 4-19 but not shown on Figure 4-19.
	F2681004 F2681005	Not included in Work Plan. Located adjacent to F2681006.