



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733



January 10, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #7001 0360 0001 1267 1720

Edward Jamison
EHS Project Manager - Remediation
GE Power Systems
1 River Road, Building 43-237
Schenectady, NY 12345

Dear Mr. Jamison:

The United States Environmental Protection Agency ("EPA") and the New Mexico Environment Department ("NMED") performed a review of the "Revised Closure Plan, Final Corrective Measure Study Report, and Preliminary Corrective Measure Implementation Work Plan", dated August 16, 2002 ("Report"), for the General Electric Apparatus Service Shop located in Albuquerque, New Mexico. The Report was submitted to satisfy the requirements of Section VII of the Consent Decree (Civil Action Number 87-1073-jb) between the United States and General Electric ("GE") Company ("Consent Decree").

EPA and NMED reviewed the Report to determine if it fulfills the requirements of the Consent Decree. NMED's conditional approval of the Report is provided in the enclosed letter from NMED to EPA, dated September 23, 2002. EPA also conditionally approves the Report as meeting the requirements of the Resource Conservation and Recovery Act ("RCRA") Closure Plan, CMS Report, and Corrective Measure Implementation Work Plan as described in the Consent Decree. However, EPA's approval is contingent upon the following conditions:

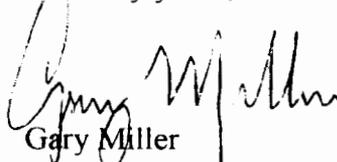
1. Satisfaction of the conditions described in the September 23, 2002, letter from NMED to EPA, enclosed.
2. The Toxic Substances Control Act ("TSCA") codified at 40 CFR Part 761 does not provide for the issuance of a "TSCA closure certification" (page 10 of the Report) or of a "No Further Action with respect to TSCA" declaration (page 16 of the Report). EPA will provide the termination notification in accordance with Section XXX of the Consent Decree following satisfactory fulfillment of the terms of the Consent Decree.
3. The TSCA regulations do not allow for sampling of stockpiled excavated soils to determine PCB concentrations for disposal purposes. Therefore, excavated soils shall be sent for disposal based on PCB concentrations identified during site characterization. Hazardous waste characterization sampling shall be performed in accordance with the Report (page 44).

4. The Report shall provide for compliance with relevant TSCA regulations, including the following:
 - (a) Roll-off containers used to store bulk PCB remediation waste shall be dated in accordance with 40 CFR §761.65(c)(8);
 - (b) Liquid wastes shall be stored in accordance with the applicable requirements of 40 CFR §761.65;
 - (c) PCB items and PCB waste shall be marked in accordance with 40 CFR §761.40;
 - (d) Record keeping for PCB wastes sent for disposal shall be in accordance with 40 CFR §761.180;
 - (e) Transporters of PCB wastes shall provide notification of PCB waste activity (EPA Form 7710-53) in accordance with 40 CFR §761.205; and
 - (f) Manifest requirements contained in 40 CFR §761.207 for PCB wastes sent for disposal shall be observed.
5. The volatile organic compound (VOC) concentrations in soil shown in Table 2.1 and Table 5.1 (Appendix A) are not consistent with the soil concentrations reported in Table 1 in the main body of the Report. Tables 2.1 and 5.1 shall be corrected to accurately report the maximum detected values for the referenced depth ranges, and the Johnson and Ettinger Model results shall be revised based on the appropriate soil concentration values.
6. A building indoor air sampling program shall be performed to support the results of the Johnson and Ettinger Model (Appendix A, Section 3.3). The sample shall be analyzed for, at a minimum, tetrachloroethylene and trichloroethylene, in accordance with either EPA Method TO-15 (canister sample) or T-17 (sorber tube sample).
7. Duplicate samples shall be collected at a frequency of one in ten of all field samples (page 22, Appendix G, Quality Assurance Project Plan).

General Electric shall submit to NMED and EPA page changes (both strike out and final page changes) to the Report that appropriately reflect the above conditions. The page changes shall be submitted within 30 days of receipt of this conditional approval letter, in accordance with Section XV of the Consent Decree.

If you have any questions, please contact me at (214) 665-8318.

Sincerely yours,



Gary Miller
Project Coordinator
U.S. Environmental Protection Agency

Enclosure

CC: Rich Kilbury
NMED



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



JOHN R. D'ANTONIO JR.
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 23, 2002

Mr. Gary G. Miller
Technical Section (6EN-HX)
Hazardous Waste Enforcement Branch
U.S. EPA Compliance Assurance & Enforcement Division
1445 Ross Avenue
Dallas, TX 75202-2733

**RE: REVISED CLOSURE PLAN, FINAL CORRECTIVE MEASURE STUDY
REPORT, AND PRELIMINARY CORRECTIVE MEASURE
IMPLEMENTATION WORKPLAN
FORMER APPARATUS SERVICE CENTER
GENERAL ELECTRIC POWER SYSTEMS NMD047140256
HWB-GE-02-001**

Dear Mr. Miller:

The New Mexico Environment Department (NMED) has reviewed the Revised Closure Plan and Final Corrective Measures Study (CMS) Report for the General Electric Power Systems (GEPS) Apparatus Service Shop located on 4420 McLeod Road, Albuquerque, New Mexico, dated August 15, 2002. NMED has determined that previous comments to the draft CMS Report that were submitted by NMED on May 10, 2002, have been addressed in a satisfactory manner. NMED hereby conditionally approves the subject report as meeting the requirements of the Resource Conservation and Recovery Act (RCRA) Closure Plan, CMS Report, and Corrective Measure Implementation Work Plan, as described in the Consent Decree (Civil Action Number 87-1073-jb) issued by the U.S. Environmental Protection Agency (EPA). NMED also has determined that the subject document satisfies the requirements for the RCRA Closure Plan as given in 20.4.1.600 NMAC incorporating 40 CFR 265.112(a) and (b). However, NMED's approval is contingent upon satisfaction of the following conditions:

Gary G. Miller
September 23, 2002
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1. NMED's approval applies only to RCRA constituents and does not apply to the management or remediation of polychlorinated biphenyls (PCBs) at the site. Therefore, NMED's approval of the planned corrective measure activities under RCRA is contingent upon EPA providing Toxic Substances Control Act (TSCA) approval.
2. Completion of the corrective measure activities is required to satisfy conditions of the Consent Decree and comply with 20.4.1.600 NMAC incorporating 40 CFR Part 265. To obtain a RCRA clean closure for this site, GEPS must submit a clean closure equivalency demonstration meeting the requirements of 20.4.1.900 NMAC incorporating 40 CFR 270.1(c)(5) and (c)(6).
3. If verification soil sample results collected at the bottom of the dry well excavations indicate that there is significantly more RCRA-constituent contamination than the low part-per-billion concentrations measured previously during past investigations, NMED may require groundwater sampling or additional remedial actions. Therefore, the four groundwater monitoring wells shall not be abandoned until it is confirmed by NMED that no threat to groundwater exists.
4. 20.4.1.600 NMAC incorporating 40 CFR 265.112(b)(6) requires that the closure plan include a schedule that will allow tracking of closure progress. Within 30 days of the receipt of this letter, GEPS shall provide NMED and EPA with a corrective measure implementation schedule that contains all remedial activities proposed in the CMS Report, submittal of the Corrective Measure Implementation Report, submittal of closure certification, and all other primary activities leading to final closure.
5. Within 30 days of the receipt of the EPA/NMED letter of conditional approval, NMED requires that GEPS submit page changes (both strike-out and final page changes) to the subject document that appropriately reflects the required conditions.

Please incorporate these conditions in the final approval letter for the subject document. If you have questions, please call Richard Kilbury at (505) 846-0053.

Sincerely,



John E. Kielling
Manager
Permits Management Program

Gary G. Miller
September 23, 2002
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JEK:rkk

cc: J. Bearzi, NMED HWB
[REDACTED]
W. Moats, NMED HWB
Laurie King, EPA Region 6

File: GE, 2002