

**Citizens Coordinating Council for EPA-GE Housatonic Project  
Lee Middle and High School  
Lee, MA**

**September 17, 2008**

**Meeting Highlights**

**Participants:** The list of participants is included in Attachment 1.

**Introduction:** Suzanne Orenstein, Facilitator for the meeting, opened the meeting with a round of introductions of those attending and an overview of the agenda. She noted that the agenda would cover several updates and topics, including:

- EPA's response to GE on the Rest of River Corrective Measures Study
- Modifications to the Consent Decree
- Updates on Silver Lake, the NPDES permit, and the West Branch

**EPA's Response to GE on the Rest of River (ROR) Corrective Measures Study**

Susan Svirsky provided an overview of the status of the ROR Corrective Measures Study (CMS). She noted that EPA and its technical consultants reviewed the GE CMS proposal and all of the many public comments that were submitted. EPA provided a 30+ page detailed response to GE, and developed a fact sheet for the public that summarizes the EPA response and EPA's requested improvements to the CMS. (The fact sheet is available at: <http://www.epa.gov/region1/ge/thesite/restofriver/reports/gereportsndocs/293438.pdf>.)

CCC members commented that they appreciated EPA's reflecting the public comments in the EPA response to GE. In answer to questions, Ms. Svirsky noted that EPA is open to GE proposing new alternatives, and to public comment on future proposals.

**Modifications to the Consent Decree (CD)**

The CCC had requested information on three issues related to modifications of the CD:

- The role of the CCC in the CD modification process,
- Modification 8, regarding habitat restoration at Silver Lake, and
- A proposed modification regarding reuse of construction debris on the PEDDA property.

*The role of the CCC in the CD modification process:* Tim Conway, EPA's attorney on the Consent Decree, noted that EPA's practice is to provide notice to the CCC of proposed modifications to the CD whenever possible. In some cases in the past, notice was not provided. One involved a private real estate transaction, and another involved action by the Dept. of Justice and the Natural Resource Trustees where EPA was not the lead in the case. CCC members asked if the CD required EPA to notify the CCC of proposed modifications, and the response was that the CD requires EPA to seek the approval of the parties to the CD. Several CCC members stated their view that consultation with the CCC about proposed modifications should be required and is highly desirable. Mr. Conway responded that EPA would make every effort to consult on future modifications.

Discussion of Modification 8 for Silver Lake: Dale Young, from the state Executive Office of Energy and Environmental Affairs and lead for the Natural Resource Trustees, described the process used to modify the CD relative to restoration funds for habitat restoration at Silver Lake. Ms. Young explained that the Silver Lake modification was handled in accordance with the requirements of the CD, which specified certain parties be notified and provide their approval. She apologized, though, for not bringing the modification to the CCC for comment, and agreed to do so for future modifications proposed by the Trustees where feasible. She explained the modification for the Silver Lake habitat restoration was necessary to fund the partial removal of contaminated fish in Silver Lake in preparation for the remediation project that will begin there in 2009. In response to questions from CCC members who were concerned that habitat restoration could be reduced because of the funding changes in the modification, she noted that the CD still requires some restoration as part of the remediation. The restoration will include the planting of trees and an understory community of shrubs along the eastern and northern banks, herbaceous species on certain banks, the construction of a shallow-water shelf along the shoreline to provide habitat for aquatic species, and plantings on the island/peninsula, and will be funded by GE, not the Natural Resource Damages Trustees. In addition, she noted that the Trustees expect the aquatic vegetative community will re-colonize and recover on its own without active enhancement via in-water plantings by the Trustees. She also noted that the primary reason for fish removal is to reduce the presence of the largest fish and the high PCB concentrations in those fish. A secondary goal is to remove non-native fish species.

CCC members commented that GE should consider near-shore sediment removal approach instead of a cap for Silver Lake, and that restoration and remediation could be in conflict in this situation. They further noted that the remedy for Silver Lake is very disappointing, and provides none of the public use benefits that were promised to the community.

*Proposed Modification for reuse of crushed demolition debris on the PEDDA property:* Dean Tagliaferro provided information about a CD modification that is currently being proposed to allow beneficial reuse of contaminated construction debris at the Pittsfield Economic Development Authority (PEDDA) property. He explained that the proposed modification is for PEDDA to reuse crushed debris as fill on the development site. GE, PEDDA, and the city of Pittsfield need to agree to this modification, along with EPA.

The modification calls for on-site debris to be sorted into 3 categories and disposed of as appropriate for each category:

- Debris with PCB concentrations of less than 2 ppm will be unrestricted and reused on site.
- Debris with greater than 2ppm but less than 50 ppm will be crushed and sent to the Hill 78 OPCA
- Debris with greater than 50 ppm will be transported off-site to a licensed hazardous waste landfill.

After the Hill 78 capacity is achieved, building debris with PCB concentrations between 2 ppm but less than 50ppm will go to an appropriate off-site facility. The debris reuse eliminates transportation of approximately 22,000 cubic yards of new fill material to the PEDDA site, and therefore avoids about 2000 truckload trips through Pittsfield. The intention is to close the Hill 78 OPCA as soon as possible, not save additional capacity.

In response to CCC questions, Dean noted that the debris has been characterized already, and that this type of fill was used in other sections of the former GE complex. GE will provide dust control and the state DEP and EPA have monitoring authority. Dean clarified that the modification was distributed to the CCC on August 26, 2008 for informal comment. A CCC member questioned why

PEDA would use any contaminated fill on the site if it is trying to market the area for economic development. Dean noted that the benefit to the community of this plan is that six contaminated buildings are remediated and the OPCA at Hill 78 will be closed soon and that EPA does not consider building debris with PCBs concentrations less than 2 ppm to pose a risk.

## **Updates on Pittsfield Repository, Silver Lake, GE NPDES Permit, and West Branch Remediation**

*Repository:* Dean Tagliaferro noted that the document repository at the Pittsfield Library has been difficult to keep current because the library often does not have the resources to maintain the repository. Rose Howell of EPA visited recently to make sure the full set of documents are there and in order. Dean recommended that the public and the CCC use the EPA web site, which was recently updated, because the web site is always current.

In response to a request, Dean noted that EPA will provide CDs of the response to GE on the CMS on request. Also in response to a request, EPA agreed to list the repository updates in the body of the email and as an attachment.

*Silver Lake:* Andy Silfer from GE updated the CCC about the progress of the remediation of Silver Lake. He noted the Conceptual Work Plan for bank soil remediation is undergoing EPA review, and GE expects to submit a revised Conceptual Work Plan this fall. Regarding the sediment capping project, GE has submitted the Conceptual Work Plan for that project and expects EPA comments this fall. GE anticipates that the capping activities will begin in 2009 and finish in 2010. GE will provide a public presentation about the capping project before it goes forward.

*NPDES Permit:* EPA's NPDES office has been reviewing the public comments on the GE permit and working to update the permit to address several ownership changes and numerous outfall closures. The draft permit is expected before the end of 2008. (The permit was issued shortly after this meeting, on September 30, 2008. A public meeting to review the permit provisions occurred in Pittsfield for October 27 at 6:30 PM at the EPA/Weston Solutions offices.)

CCC members commented that it would be a big improvement if EPA required GE to use new stormwater control technologies that remove oils and contaminants from wastewater. They asked whether the CD or the permit could be modified to require these storm drains and reduce PCB contamination to the river. A CCC member requested a formal public comment period for the permit, and a guide to the appeal process for the permit, which was provided.

*West Branch:* Susan Steenstrup of MA DEP updated the CCC about remediation of the West Branch that is being conducted by GE under DEP authorities. DEP and GE presented an overview of the clean up process to the public in August, and work is going forward this fall.

## **Comments on CCC Effectiveness in Past Year and Suggestions for Improvements**

CCC members were asked to comment on the CCC's effectiveness over the past year and to suggest improvements for the coming year. They noted the following positive aspects of the CCC meetings:

- EPA listened to the comments on the CMS and reflected them in the response to GE.
- The web site continues to be a very useful resource.
- The quarterly schedule seems to be working.

The following improvements were suggested:

- The table set up at the large venues (cafeterias) is not conducive to discussion.
- There need to be more informal meetings between the citizen groups and EPA.
- Reaching out to the new Clean River Coalition would be a good idea.

Other comments about the CCC included:

- An acknowledgement that EPA is challenged in its communication with the CCC by the flow of the CD process and the need to allow GE and EPA to work things through as the process requires, and an appreciation to EPA for communicating as much as is possible during the process.
- An acknowledgement of Regional Administrator Bob Varney's presence at the meeting, and a request that he help address community concerns about the Hill 78 landfill.
- An acknowledgement of the work of Susan Svirsky in reflecting the public comments in the response to GE on the Corrective Measures Study.

### **Topics for Future Meetings**

The following topics were suggested for future meeting agendas.

- A presentation on the Unkamet Brook area and the interior landfill.
- Updates on:
  - King St. Dump
  - Fish repopulation of the two-mile completed remediation
  - Commercial St. properties
  - West Branch remediation
  - Storm drain requirements in the NPDES permit
- The implications of the closing of Hill 78 for other remediation projects

## EPA-GE Housatonic Project Citizens Coordinating Council

### Attendance September 17, 2008

Name	Organization	Email Address	Attended
<b>Members</b>			
Valerie Anderson	Hous. Clean River Coalition	<a href="mailto:Vander4@verizon.net">Vander4@verizon.net</a>	X
Thelma Barzottini	Citizens for PCB Removal		X
Barbara Cianfarini	Citizens for PCB Removal	<a href="mailto:bcianfar@hotmail.com">bcianfar@hotmail.com</a>	X
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<b>Alternates</b>			
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#### **Additional Attendees**

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