

## **EPA Housatonic River Citizens Coordinating Council (CCC)**

Berkshire Athenaeum  
1 Wendell Avenue  
Pittsfield, Massachusetts

June 22, 2011  
5:30 – 7:40 pm

### **Meeting Summary**

**Participants:** The list of participants is attached.

#### **Introduction**

Patrick Field, Facilitator, Consensus Building Institute (CBI), opened the meeting and reviewed the agenda. He noted that Susan Svirsky, EPA, could not attend, so Dean Tagliaferro would discuss the Rest of River process in her place. MassDEP could not attend due to addressing the recent tornado damage in the state.

Members of the public introduced themselves and their affiliations.

The Committee reviewed the March 2011 meeting summary. CCC members had the following corrections, comments and questions (responses are in italics):

- In the Dam Removal update on page 2, the last line should say: “...funding for the project would come from either NRD or the City of Pittsfield.”
- On page 2, the first bullet under East Street Area 2-South contains a typo – it should read “soil,” not “spoil.” The content of this bullet is also confusing with regard to whether or not PCBs are hazardous. *EPA explained that PCBs are not considered hazardous waste as defined in the federal RCRA regulation. PCBs are regulated under the federal TSCA regulation, not RCRA. If material contains PCBs above 50 ppm, they need to be disposed of in a TSCA-regulated hazardous waste facility. If they contain hazardous waste as defined by RCRA, they go to RCRA-regulated hazardous waste facility. Stating that PCB waste is not regulated as hazardous waste under RCRA does not imply that the material is not “hazardous”.*
- What was the “other material” found in the barrel remnants in the East Street area? *GE explained that this referred to solid pieces of debris, like trash and wood, and included some materials that could not be identified. All debris was tested for hazardous materials; some of it tested positive and some did not. Anything that tested positive was shipped away.*
- *Why did MassDEP determine that no additional work was required around homeowners’ drains in East Street Area? MassDEP would be asked to clarify this point at the next meeting, since they were not present.*
- *Is there any follow up on MA storm water regulations triggering as they relate to MassDOT’s proposed work? EPA said that this issue was under MassDEP’s jurisdiction, not EPA’s.*

- The summary refers to Remedy Selection Process comments – are these the same comments that Jim Murphy sent information about, with the June 30<sup>th</sup> deadline? *EPA confirmed that this was the same comment period. The limit is now 20 pages of comments, not 10.*
- Is the Vincent Farm/Brattlebrook Aquifer mentioned on page 6 of the summary part of the groundwater we cannot use due to contamination? *Dean clarified that the aquifer is outside of the boundaries consent decree.*

## **Update on Membership**

The facilitator gave an update on CCC membership. CBI's understanding was that if an organization wrote a letter formally expressing interest in joining the CCC, they could be considered for membership at the next meeting. After the last meeting, CBI reached out to the organizations that had expressed interest in joining the CCC, to request formal letters of interest and suggest that they attend the June meeting. These organizations were: Berkshire Chamber of Commerce, Hillcrest Educational Centers, Berkshire Bank, and the Norman Rockwell Museum. CBI received a reply from Berkshire Chamber of Commerce (BCC), but not the other organizations. CBI also received a letter from the Berkshire Regional Planning Commission (BRPC) requesting CCC membership. Since BCC had already been a CCC member, it was given a seat. CBI discussed BRPC's request with EPA, and thought their participation would be acceptable. [Note that BRPC was also previously a member of the CCC.] BCC and BRPC were seated at the table, and the letters they sent to CBI were provided to the CCC as handouts.

Jim Murphy, EPA, added that after the last meeting, he contacted all of the organizations that had expressed an interest in participating. He spoke with BCC and BRPC, ensured they understood the responsibilities of CCC members, and suggested they attend this meeting. Since they seemed to have a legitimate interest in joining the CCC, EPA thought it would be appropriate for them to join.

Several CCC members expressed concerns:

- The full CCC was not involved in the decision to admit these two new members. Rather, they were just seated at the table.
- Some members said this lack of consultation reflected the CCC's diminished influence and degree of input.
- Several CCC members highlighted that they had been very committed to the CCC for many years, and said they resented having new members join – or rejoin – so late in the process; they emphasized that new members must be committed to the CCC.
- A CCC member said it was important for all members to understand clearly that they must represent constituents, present their views, and share information with them.
- Another CCC member said that the new members should disclose whether they, or umbrella organizations they are part of, have received any funds from General Electric, and if so how much.
- A CCC member said that the CCC was designed to represent a cross-section of the community, and that the new members would provide business perspectives that had

been missing from the discussions. The member added that some sections of the community did not feel comfortable expressing their points of view through the CCC because their opinions differed from those on the group.

- A few members replied that the CCC has always welcomed a variety of perspectives.
- One member noted that the many CCC facilitators through the years had made efforts to ensure the CCC represented the whole community by reaching out to organizations to participate in the CCC.
- Several members recalled personal experiences in which different perspectives about the cleanup had led to contentious exchanges among interests within the community, and some called for the group to work together constructively to improve the cleanup effort.

The facilitator summarized criteria for membership that the group had named. Members must:

- Have a constituency they represent and report back to
- Have an independent view that reflects their constituency's perspective, not someone else's
- Have a commitment to on-going participation
- Help represent a cross-section of the community

The facilitator asked the BRPC and BCC if they would like to comment on their interest in joining the CCC and on the criteria he described.

Nat Karns, BRPC, introduced his organization. BRPC is a public agency, and has not received any money from GE. The organization used to be a CCC member, but left because it lacked the resources to send someone to each meeting (although it continued to monitor the process). In recent months, member municipalities requested that the BRPC rejoin the CCC to represent and report back to them. BRPC agreed to do so. Nat expressed regret that BRPC had not been able to participate in the CCC as consistently as other members.

Mike Supranowicz, BCC, introduced his organization. He noted that GE is a member of the BCC, and they pay annual dues of \$255 per year. BCC is part of OneBerkshire, but is not privy to their finances and could not say whether GE has funded them. BCC aims to help local businesses survive and to attract new businesses to the county, to improve the economy, avoid population losses, and ensure the county is a nice place to live. BCC sees the Housatonic River as important for the county's ability to attract businesses and talent, so being involved in the cleanup is the main reason for its interest in re-joining the CCC.

A CCC member thanked BCC for noting that it was part of OneBerkshire, and requested that disclosure of GE's financing of OneBerkshire be added to the next meeting agenda. BCC replied that its financial information is a matter of public record, and said that it could provide a recent BCC budget or audit to the CCC. It could not provide financial information for OneBerkshire, however, because it was just one member of that organization.

### **Update on Remediation Projects in Pittsfield**

Dean Tagliaferro, EPA, provided updates on several remediation projects underway:

#### East Street Area 2-South

The overall scope for this two-year project is waste removal, installation of a barrier, abandonment of storm drain lines, and removal of concrete and asphalt within a 200 feet buffer from the river toward East Street. The project is about 75% complete. GE is scheduled to complete the remediation and restoration, including the replanting of trees and shrubs, by October 2011.

CCC members had the following questions and comments (replies are in italics):

- What has happened with the abandoned culverts? *The culverts are basically storm drains that discharge storm water into the river. If they were parallel to the river, or within 30 feet of it, they were abandoned and filled with grout or cement to eliminate potential pathways.*

#### Silver Lake

Dave Dickerson, EPA project manager, provided the update on Silver Lake. Dave explained that EPA and GE had tentatively reached agreement on how to proceed, and that GE had until late July to submit its final project design and final work plan. If the work plan meets EPA expectations, GE will then hire a contractor to carry out the work and provide a firmer work schedule. Depending on how quickly this moves over the summer, some minor tasks may happen in the fall. The hope is for the project to begin in earnest by spring 2012 and to be complete by the end of 2013. The project will remove contaminated bank soil and also cap the lake itself. The order in which this is done depends on the contractor. There will also be a walking path and native tree and shrub plantings.

CCC members had the following questions and comments (replies are in italics):

- It is important to make sure that contaminated water is not flowing from Silver Lake into the cleaned section of the river. Will there be monitoring of outflow, sedimentation and water quality? *EPA anticipates outflow monitoring to happen, but it does not know exactly when because inspection and maintenance plans are not finalized yet. EPA has looked at current PCB loading from the lake, and from the data it looks like about half a pound of PCBs per year is flowing out of the lake.* A few CCC members replied that contamination should be captured before it gets into the river, and that more data should be gathered.
- What were the difficult issues EPA and GE needed to reach agreement on? *The main issue was dovetailing the cap into the lake banks without losing a lot of the aerial footprint of the lake. This is really a question of types of sediments and soils, and how much consolidation happens when the capping materials go on. EPA and GE spent a day in May on the lake performing hand borings of sediments, and getting a sense of how much consolidation to expect. GE had originally assumed 100% consolidation everywhere – EPA*

*thought this might not be quite right, which is why the additional review and fieldwork was performed.*

- *How does installing the cap work? Do the methods need to reflect the testing work that was done? There are a few ways to approach this, so it won't be entirely clear until the contractor is hired and defines their methods. Regardless of the exact method used, there are performance standards that GE and the contractors will have to adhere to. The contractor will be given the data from testing, but will not be bound by what EPA has suggested in terms of approaches. It is most prudent to see what the contractor proposes before reacting, instead of limiting their options from the outset.*
- *How will the trees be handled, given the neighboring Western Massachusetts Electric Company (WMECO) facility that cannot have tall trees near it? The issue with the WMECO facility means we need to modify the consent decree to change the types of trees to be planted around Silver Lake. EPA is working with PEDAs and WMECO on this issue, but nothing has been presented to the court to modify the consent decree yet.*
- *How will installing the cap affect the release of sediment into the river? EPA hopes to keep the amount of cap material released into the lake and river to a minimum, but there is no avoiding having some clean cap material released when the cap goes on.*
- *It seems like there is nutrient loading in the lake, and that PEDAs is not complying with rules on this. CCC members should pursue that issue with EPA and other agencies that regulate nutrients in lakes.*
- *For people using boats on the lake, would putting down anchors affect the cap? It depends on the type of anchor and design of the cap, but it probably wouldn't be a problem. EPA anticipates having a 14-inch cap consisting of: 2 inches at the bottom (which would mix with sediment), 6 inches in the middle to provide the chemical isolation, and 6 inches at the top for bioturbation and other disturbances. The anchor would most likely go into the bioturbation layer of the cap, but would probably not penetrate the layer used for chemical isolation.*
- *Has an RFP gone out for the cap work? The RFP has not gone out yet. First GE will file its project documents with EPA. Then they will hire a contractor. The RFP will not be public, and EPA will not have approval over who is hired. Once the contractor is hired, additional documents will be filed with EPA. These documents get combined into the Supplemental Information Plan, which describes how the contractor proposes to do the work and includes a health and safety plan; this information will be public, but things like what GE pays the contractor will not be public. EPA must approve the Supplemental Information Plan.*
- *Can EPA provide a map of the Silver Lake area at the next meeting, to clarify who owns what? EPA can't provide information on private property. Massachusetts owns the lake itself. There is no one responsible for the discharge from the lake into the river, and there is only one permitted outfall into the lake, and that is PEDAs's new outfall.*
- *Will GE at any point be held harmless or given a liability release for Silver Lake? Silver Lake is one of the removal actions in the consent decree for which GE could get a covenant not to sue. For this to happen, GE would need to complete the cleanup and meet performance standards. Then EPA would certify that they completed the response action in the right way. After receiving a certificate of completion, GE would still have ongoing*

*responsibilities, such as monitoring. In certain instances, it is possible to reopen the covenant.*

### Unkamet Brook

Dean explained that GE's conceptual work plans for Unkamet Brook had been approved, and that they were now working on their final work plans. GE has had technical discussions with EPA on those plans, and is in the process of eliminating concerns EPA had raised. Depending on how quickly these concerns can be resolved, they should submit the final work plan in 2012. Getting the Silver Lake remediation approved and underway has been the priority.

CCC members had the following questions and comments:

- It's important to highlight that Unkamet Brook comes into the river even higher up than Silver Lake.
- When do you think the Unkamet Brook work will be done? *Probably 2013 or 2014. It is unclear whether this can be expedited.*

### Inspection and Maintenance Program

Dean explained that GE is required to carry out inspection and maintenance for all remediation areas in which they have completed work – projects don't end when GE contractors leave. Once GE finishes fieldwork, they must submit a long-term inspection and monitoring plan. Typically, there are inspections of erosion, barriers, vegetation, trees and shrubs. Some areas have unique inspections – for example, in vernal pools, particular species need to be monitored. In general, GE needs to inspect new plantings and maintain an 80% or 100% performance standard, which means replanting if necessary. In some areas it has been hard to reestablish growth, so in some cases GE has had to replant the areas and sometimes substitute different plant species.

CCC members had the following questions and comments (replies are in italics):

- What has the experience been with invasive species? How long will efforts to control them last? *Some areas, especially the 1½ Mile area, have required invasive species control and inspections. The GE contractor routinely sprays the area to control invasives; they have a list of invasive species to spray for. Once the canopy is reestablished, invasives will come in to a much lesser degree. Each area has its own guidelines in terms of how long this work must continue; the 1½ Mile area is five years, other areas are two years. EPA still needs to determine what to do if invasives are still a problem after GE's required monitoring and control period is over.*

CCC members had the following questions and comments about the remediation process generally (replies are in italics):

- Is EPA notified about events elsewhere on the river? For example, recently there was a drawdown in the Derby Dam area, which is part of the consent decree – this would have

been a great chance to do sampling. There are also projects around a bridge in Connecticut and at the river mouth at Long Island Sound. EPA should take advantage of these projects to do work related to the cleanup in this area. *EPA wasn't notified of all of those projects. We'll have to look into it.*

### **Rest of River Process Going Forward**

Dean gave an update on the Rest of River process. The EPA Region 1 project team will be talking with the National Remedy Review Board in late July. Anyone can provide comments to the Board. Information about the National Remedy Review Board and the comment process was included in the 5/23/2011 e-mail that Jim Murphy sent to the CCC membership (*The e-mail was re-sent to CCC members and others on 6/23/2011, following the CCC meeting*). Dean encouraged CCC members to submit comments by June 30<sup>th</sup> to Bob Cianciarulo, so that he could submit them to the Review Board. Comments could be up to 20 pages. After the Review Board, EPA will issue a Proposed Plan for Remedy that will go out for public comment; the goal is to release the plan for comment in the fall. The formal public comment period will last at least 45 days.

CCC members had the following questions and comments (replies are in italics):

- If we submitted a letter months ago on this topic, is that sufficient? *No, previous comments do not get submitted automatically. If CCC members would like their January letters passed on to the board, they should let EPA know. They can also re-submit their letters to Bob.*

### **Update on Round 2 Restoration Plan: Sackett Brook Restoration Project**

Karen Pelto, MassDEP, gave an update on Round 2 of the Restoration Plan/Environmental Assessment. The RP/EA has received approval from the Trustees at FWS (Regional Director) and the Commonwealth (EEA Secretary) and now the Round 2 restoration projects can move forward to implementation. One of the projects that had received a favorable ranking was the restoration of Sackett Brook through the removal of the Gravesleigh Pond Dam, which is owned by Mass Audubon. The language in the RP/EA about this is conditional, however, because the Trustees will not fund projects that are "otherwise required" by another legal obligation, and MassDEP Wetlands and Waterways required this same project as mitigation as part of a variance issued for the Pittsfield Airport expansion. So, Round 2 settlement funds cannot be applied to it unless it does not proceed as a mitigation project.

In response to questions at the last meeting about sediment sampling done for the project, Karen and René Laubach, Mass Audubon, said that there were four rounds of sampling done on sediment. Only one location in the first round had any detection of PCBs; the other rounds had non-detection. As a result, it was decided by MassDEP that this project was a feasible mitigation project. This information was provided to CT DEP, and is public information that can be made available to the CCC upon request

CCC members had the following questions and comments (replies are in italics):

- In the sample that did detect PCBs, what was the finding and what was the cause? *René: The finding was 2 ppm. The cause is not clear. Testing was performed in different depths and different areas, and we also re-tested the same areas. Some people think it was just lab contamination, but we really don't know. 2 ppm is much less than we would have anticipated.*
- If the dam is removed, will you let Connecticut know? *René: Yes, everyone will be informed. Because of the hydrocarbons detected at the dam, the sediment will need to be handled specially – they can't just be allowed to move downstream. So this issue will be handled very carefully.*
- How did this project become part of the airport expansion? *René: The Sackett Brook restoration was originally proposed independently, though the restoration planning process, before the permitting for the airport. Karen and René were not sure how it became a mitigation project for the airport. [Note that Karen was not involved with the Housatonic as a Trustee Representative at that time, so she was not party to any discussions.] Once it became a variance for the airport permitting, it was taken out of their hands.*
- Did Mass Audubon support the project becoming part of the airport expansion? *René: Mass Audubon was in favor of the project moving forward, one way or another.*
- Is there a deadline for the announcement of the Round 2 grant proposals? *Karen: It should be very soon. MassDEP just needs to make sure that all procedural requirements are met.*

### **General Updates and Issues from CCC Members**

Jim Murphy gave an update on future Connecticut Meetings on the Housatonic River. EPA's intent is to release the proposed remedy in the fall, and then hold a series of public informational meetings on the proposed remedy. EPA plans to hold one of these meetings in the Pittsfield area and one in Connecticut, and it might hold others as well.

CCC members had the following questions and comments (replies are in italics):

- Connecticut is not adequately notified about what is happening. For example, they have not been notified of the public comment period for the Remedy Review Board. *EPA sent letters to towns along the river, including in Connecticut, about the RRB comment opportunity. EPA also sent letters or emails to organizations that have expressed interest in this cleanup in the past, to notify them of the RRB process. The letters went to towns and organizations in the Rest of River area, but not all the way down the river. EPA did not issue a press release about the comment period because it is inviting comments from established stakeholders, not the general public.*
- As noted many times before, EPA should hold regular meetings in Connecticut, as they used to do, beyond just a forum on the review board documents.

### **Planning for Future CCC meetings**

The facilitator said that the next CCC meeting would be held in mid-September, and that CBI would circulate the exact date to the group soon after the meeting. He added that the NAPL monitoring and recovery program would be on the agenda for that meeting.

### **Public Comment and Adjournment**

The following public comments were made.

- A member of the public asked whether the four prospective new members who did not attend the meeting would be considered uninterested in participating. He added that two of those organizations are affiliated with the BCC, which would mean that the BCC was overrepresented on the CCC.
- A CCC member recalled a fund that was set up years ago to deal with decreases in property values resulting from the contamination of Lakewood Properties. It was also designed to help residents who had trouble securing loans because of contamination. Berkshire Bank, one of the organizations that had expressed interest in joining the CCC but had not formally requested membership, was involved in the fund. The member asked whether the fund still existed, how much of it was used, and what the end result of the program was. *Tim Conway, EPA, recalled that some local banks announced they would take contamination into account when considering loan applications, but said he did not remember the details of the plan. The facilitator suggested including learning about the program on the agenda for the next meeting.*

The meeting adjourned at 7:40 after the public comment.

## Action Items

<b>Action</b>	<b>Who</b>
Finalize and re-circulate March CCC meeting summary	CBI
Email MA DEP to ensure they can clarify why no additional work was required around homeowners' drains in the East Street Area 1-South at the next meeting	CBI
Provide map of Silver Lake area, to clarify who owns what; private property owners will not be identified.	EPA
Look into current and recent projects around the Derby Dam area, the bridge in Connecticut, and Long Island Sound	EPA
Circulate date and location for September CCC meeting	CBI
Look into past program to provide loans and help manage decreases in property values due to contamination, and provide information at the next CCC meeting	EPA

**EPA Housatonic Project Citizens Coordinating Council  
Attendance June 22, 2011**

<b>Name</b>	<b>Organization</b>	<b>Attended</b>
Valerie Andersen	Housatonic Clean River Coalition	X
Thelma Barzottini	Citizens for PCB Removal	X
Michael Carroll	General Electric	X
Gene Chague	Trout Unlimited; Berkshire League of Sportsmen	X
Barbara Cianfarini	Citizens for PCB Removal	X
Jeff Cook	Downtown Pittsfield	X
Shep Evans	Housatonic Valley Association	X
Sara Flynn	Housatonic Clean River Coalition	
Lynn Fowler	Housatonic River Commission	X
Benno Friedman	Sheffield	
Tim Gray	Housatonic River Initiative	X
Judy Herkimer	Housatonic Environmental Action League	X
Cory Thurston	PEDA-City of Pittsfield	
Nat Karns	Berkshire Regional Planning Commission	X
Charles Kilson	Schaghticoke Tribal Nation	
René Laubach	Mass Audubon	X
Andrew Madden	MA Dept. for Fish & Wildlife	X
Caleb Mitchell	City of Pittsfield	X
Dan McGuinness	NW CT Council of Govts.	
Karen Pelto	MA Natural Res. Trustees	X
Susan Peterson	CT Department of Environmental Protection	X
Dennis Regan	Housatonic Valley Association	X
Andy Silfer	General Electric	X
Mike Supranowicz	Berkshire Chamber of Commerce	X
Susan Svirsky	U.S. EPA	
Eleanor Tillinghast	Green Berkshire	
Eva Tor	MA Department of Environmental Protection	
Dean Tagliaferro	U.S. EPA	X
Jane Winn	Berkshire Environmental Action Team	X
John Ziegler	MA Department of Environmental Protection	
<b>Alternates</b>		
Audrey Cole	Heal	
Jennifer Connell	S. Berkshire Chamber of Commerce	
Tim Conway	U.S. EPA	X
Alison Dixon	HVA	
Joanne Flescher	Mass DEP	
Lauren Gaherty	Berkshire Regional Planning Commission	X
Richard Gates	General Electric	X
Dave Gibbs	Citizens for PCB Removal	X

Jim Murphy	U.S. EPA	X
Samantha Lefenfeld	Housatonic Valley Association	
Gayle Tardif-Raser	Mass Audubon	
George S. Wislocki	Green Berkshire	

***Additional Attendees***

Mike Argue	Weston Solutions
Stuart Chase	One Berkshire
Bob Cianciarulo	U.S. EPA
Charlie Cianfarini	Citizens for PCB CPR Removal
Dave Dickerson	U.S. EPA
Patrick Field	Consensus Building Institute
Elizabeth Fierman	Consensus Building Institute
Rich Fisher	U.S. EPA
Michael Hudak	HVA
Harold Nelson	Civil Engineer
Bruce Winn	Berkshire Environmental Action Team (filmed the meeting for Pittsfield Community Television)