

EPA Housatonic River Citizens Coordinating Council (CCC)

The Lenox Library
Sedgwick Reading Room
18 Main Street
Lenox, MA 01240

September 18, 2013
5:30 to 7:30 PM

Meeting Summary – Final Version, Approved by CCC on January 22, 2014

Participants: The list of participants is attached.

Introduction

Mr. Patrick Field, facilitator from the Consensus Building Institute, opened the meeting and reviewed the agenda. CCC members introduced themselves.

The facilitator asked whether CCC members had additions to the agenda or suggested corrections for the May 2013 meeting summary. After making revisions, the May meeting summary was approved.

Rest of River Update

Mr. Jim Murphy, US Environmental Protection Agency (EPA), provided an update on the Rest of River process and the ongoing discussions between the EPA, agencies from Massachusetts and Connecticut, and General Electric (GE). Mr. Murphy opened by noting that a settlement had just been entered for EPA's New Bedford remediation site, which is also contaminated with PCBs, thereby freeing up money with which to move the remediation process forward more quickly than EPA has been able to do with Superfund money.

Mr. Murphy reported that talks between EPA and GE are continuing. He explained that the Status Report, which was put out in 2012 by EPA, Massachusetts, and Connecticut, provides a general outline of a remediation plan and that the parties have been working since then to fill in the details. After the creation of the Status Report, GE approached EPA to discuss the document and options for the remediation. EPA entered into these discussions with GE, and Massachusetts and Connecticut, in the hope that, if GE were to adopt the general approach that was agreed-on by the governments, the remediation process would move forward more quickly in the long run if GE agreed not to challenge EPA. The discussions are almost completed and the parties are currently trying to finalize an agreement, which takes time. Once a basic framework for an agreement is agreed upon, technical teams from each of the parties would still need to continue meeting to fill out details. EPA will report to the public on the framework

and agreement once that process has concluded and members of the public will be able to compare the framework agreement with the original proposal from EPA to the Remedy Review Board as well as the Status Report. The agreement will be translated into a proposed remedy, which will be subject to public comment. Finally, after EPA makes a final decision on a remediation plan with which to move forward, members of the public and others do have the chance to appeal EPA's decision, both to EPA's Environmental Appeals Board and eventually to a federal court.

CCC members' questions and comments are as follows (*replies are in italics and are from EPA personnel unless otherwise noted*):

- Will EPA ever bite the bullet and acknowledge that GE is just stalling and end the negotiations? *EPA's thinking is that these discussions will eventually speed up the remediation process.*
- Mr. Murphy, did I hear you say that, when you come out from behind the closed doors with GE, then the Corrective Measures Study (CMS) will have to be changed as a result of the negotiations? *EPA has not made a final decision on whether to approve or conditionally approve the CMS. The agency expects that it will not approve the CMS exactly as it was presented. The agency expects that it will not approve the CMS exactly as it was presented and still needs to determine how the CMS will be dealt with.*
- I cannot imagine that GE is pushing for a stronger remediation plan. It is hard for me to believe that what is coming out from the closed-door meetings is anything that would be good for the community. It will be a weaker remediation plan. *Members of the public will have all of the previous documents (such as the documents that EPA sent to the Remedy Review Board, the Status Report, etc.) and can compare those documents to the framework that comes out from the discussions with GE. EPA will be clear about what changes have been made. In the discussions, EPA has been clear that the PCBs need to be moved out of the Berkshires and that many members of the public want more of the PCBs to be dug up.*
- We need to be clear about what point the public calls for EPA to take the site over as a full-blown Superfund site as opposed to a hybrid site and charge GE triple damages. I think that we're getting to that point.
- Could GE speak to all of the property that it is buying up? *Response from GE representative: GE purchased some parcels of property in the past but has not bought any property in the last few years.*
- Is GE pushing for landfills in Berkshire County? *Response from GE representative: We prefer not to respond to that.*

Silver Lake Remediation Activities

Mr. Dave Dickerson, US Environmental Protection Agency (EPA), provided an update on the remediation of Silver Lake. Mr. Dickerson showed a map of the areas of bank soil and sediment

that have been removed, a process which was recently completed. The point marked MON-2 marks the area where a discharge pipe drains into the Housatonic River. On Slide #2, Mr. Dickerson showed a diagram of the 14-inch sand/topsoil cap which is being placed over the entire lake bed. The cap consists of a 6-inch bioturbation layer, a 6-inch isolation layer, and a 2-inch mixing layer. Slide #3 shows a spreader barge spreading capping slurry over the lakebed. The cap is measured in-place at 33 monitoring locations both in the lake and on the shore to ensure that it has greater than 0.5% organic content. Recent testing that has been conducted at the 8-inch stage of cap-placement found that 3 of the 21 monitoring sites were not meeting the required 0.5% level of organic carbon. In response, EPA required GE and its contractor to take corrective action to increase the amount of organic carbon being laid down.

Mr. Dickerson said that the near-shore cap consists of a sandy loam cap that is placed over existing sediment, with armor-stone placed along the shoreline. The stone extends above the waterline and is covered by soil and is seeded for vegetation. In addition, sand and gravel are placed for fish habitat on the deeper portions of the armor-stone. Mr. Dickerson also showed diagrams and images of the restoration activities that are underway along the lake's edge, including the planting of trees, shrubs, and native wildflowers and grasses; and the construction of a walking path along the periphery of the lake. Slide #9 shows the current status of various tasks:

- Soil and sediment removal: 100% complete
- Near-shore cap and armor stone: 100% complete
- Wetland peninsula capping: 100% complete
- In-lake capping: ~90% complete
- Walking path: ~50% complete
- Tree and shrub planting: 0% complete
- Fallen-trees-in-water replacement: 0% complete

Mr. Dickerson explained that trees that had fallen into the lake performed an ecological function that EPA would like to replicate since all woody debris was removed from the lake as part of the remediation process.

Mr. Dickerson also explained the turbidity monitoring system for Silver Lake and recent readings and noted that most of the recorded exceedences have been detected by Mon-1 (a monitor that is within the lake and upstream of the temporary sheetpile dam between the lake and the river). Some of the recorded exceedences have been detected by Mon-2, which is in the discharge channel. When the Action Level of 50 turbidity units at Mon-2 is triggered, EPA immediately directs GE to either a) place stop logs in the temporary sheetpile dam to halt the discharge from the lake or b) stop work.

Slide #11 shows preliminary post-capping water column PCB data for Silver Lake. Mr. Dickerson stated that detected PCB levels are dropping with the onset of in-lake capping.

Lastly, Mr. Dickerson presented information about the monitoring of airborne PCB data at Silver Lake. Mr. Dickerson stated that detected airborne PCB levels have decreased significantly since debris removal from the lake was completed.

For additional information, please see the presentation titled "Silver Lake Cleanup Presentation" under the September 18, 2013 heading on the Public Meetings page of EPA's website for the GE-Pittsfield/Housatonic River Site.

CCC members' questions and comments are as follows (*replies are in italics and are from EPA personnel unless otherwise noted*):

- Are the different layers of lakebed cap composed of different types and sizes of sediment? *The cap is all the same type of soil; the layers have been shaded in the diagram on Slide #2 for illustration purposes.*
- Where does the soil for the lakebed cap come from? *It comes from Massachusetts, Vermont, and other nearby states.*
- It does not make sense to me, if it is all the same type of soil, that 6 inches would be for bioturbation and 6 inches for isolation. *The basic idea is that the different depths of the soil in the cap serve different purposes.*
- Did the original design for the Silver Lake capping involve putting down sheeting? *That was an option in the original design, and the option was to either put down geotextile across the entire lake or to have two extra inches of capping. After testing was done in a pilot project, it was decided that the 14-inch thickness of the cap was more appropriate than laying down geotextile.*
- How is the testing for organic carbon conducted? *A circular tube is pushed down through the 14 inches of sediment (the cap) that has been overlaid to remove a small amount of the capping material. This material is tested to determine whether it has an adequate level of organic carbon.*
- Is testing necessary because the amount of organic carbon decreases over time? *The amount or concentration of organic carbon does not decrease over time. Testing is performed as the cap is being laid to confirm that the capping operation is on target to achieve the requisite 14 inch thickness as well as the requisite 0.5% organic carbon content.*
- For how long is GE required to monitor the cap after capping is concluded? *The reason that I ask is, going back to the Allendale School remediation, a cap was placed, and ongoing testing showed that capping did not work there because, years later, under the Consent Decree, they had to excavate the school yard because they found that the capping was inadequate. GE is required to monitor the cap for at least 5 years. If problems are found, then those will have to be addressed.*

- Monitoring is only going to take place for 5 years? I do not think that is enough. What kinds of testing are being conducted? *During capping, periodic monitoring of 21 in-lake locations for thickness and TOC as well as 12 near-shore locations prior to the shoreline armor stone placement.*¹
- How frequent is “periodic”? *It is becoming more frequent as the capping operation gets closer to completion.*
- Is air quality monitoring also being conducted? *Yes, and we have not seen many issues recently with air quality.*
- It seems that all of the citizens would agree that, since GE did not have to pay to remove all of the PCBs, the company saved a bunch of money, so GE owes it to the citizens of Pittsfield to monitor in perpetuity. *Once GE completes construction, the company will submit a long-term monitoring plan, as they do at all areas of the site. EPA expects that the monitoring will go on for much longer than 5 years. Generally speaking, with a solvent PRP, oversight of monitoring will be conducted by either EPA or MA DEP, with monitoring conducted by GE.*
- Does not the fact that some of the monitoring locations failed indicate that the cap is failing? *No. Monitoring helps to ensure that the cap is laid correctly and that corrective actions can be implemented as necessary prior to cap completion.*
- GE recently decommissioned many of their monitoring wells, indicating that they have fulfilled their commitments under the Consent Decree. It seems like monitoring only happens for a few years and then GE walks away. *I would not conclude that the requisite monitoring period will be short. For example, the ½-mile stretch of the river has been monitored since 1998.*
- We have seen an increase in extreme weather in this community, whether or not that is attributed to climate change. How will 14 inches of sand (in the cap) deal with hurricanes, tornados, major storms, earthquake etc.?
 - *Response from EPA representative: Since that sand is underwater, it will not bear the full impact of major storms. The areas near the shore are secured by armor stone. The plasticity of the sand should be able to deal with an earthquake.*
 - *Response from GE representative: Modeling and testing of the cap that was performed during the design stage did include the effects of extreme weather events, such as high winds.*
- With regards to placing fallen trees back into Silver Lake, has EPA tested how woody debris interacts with the cap and whether animals would burrow under the cap? Is the agency’s concept that animals do not burrow any deeper than 6 inches into the lakebed

¹ Editor’s note: GE will propose a long-term monitoring plan to the agencies for review and approval when GE submits its draft Final Completion Report. This Draft Report is expected to be submitted for review in 2014.

sediment? *It would be fine to have animals burrow into the soil. EPA is operating on a concept that animals do not burrow any deeper than 6 inches.*

- Are there any statistics available about the quantity of PCBs that will be removed from the lake, where it's all stored, and whether it fits into the storage unit?
 - *Response from EPA representative: About 13,000 cubic yards of soil and sediment have been removed from Silver Lake. All of that material is shipped to out-of-state licensed landfills.*
 - *Response from GE representative: One of those landfills is the Environmental Quality landfill in Michigan and another is a non-Toxic Substances Control Act (TSCA) landfill in Pennsylvania.*
- How much more land would have to be removed to remove all of the PCBs? *All of the sediment that is a source of risk has been removed. I cannot speak to how much soil would have to be removed to remove all of the PCBs.*
- What are the large hoses or pipes on the PEDDA property?
 - *Response from EPA representative: Those hoses pass water back and forth from the lake for hydraulic capping.*
 - *Response from GE representative: Those hoses are in place within the PEDDA box culvert so that the hoses do not have to be run over the road. The pipes run from the PEDDA property, through the stormwater basin and under the road through the box culvert into the lake.*
- So that means that there are still PCBs flowing from the storm water basin into the lake? And clean fill is being placed in the lake correct? *Yes, that is correct.*
- Last night a number of us went down to Barrington and heard a presentation given by Tim Gray and Peter DeFur about whether to have more toxic dumps created or whether to clean things up properly. Everyone should know by now that a company called BioTech has been approved by MA DEP to clean up the Log Home site that is contaminated with dioxins, which are much harder to clean up than are PCBs. Also, in another example, Boeing was given a choice by the State of Washington about whether to properly clean up a site in Spokane, Washington or whether to monitor in perpetuity. Boeing's bean counters determined that it would be cheaper for the company to clean up the site comprehensively and properly the first time rather than to partially clean the site, place down capping materials, and monitor in perpetuity. The cap is going to fail and, when it does, these sites will have to be dug up all over again to clean up properly. It seems like we are completely ignoring logic here. There is a company that wants to clean up the site properly, and has already been approved to work in this state, and all that we are asking for is that they be given a chance to do a pilot study along the Housatonic River. We have been harping on this point for years and I just do not understand what it will take to give them that chance.
 - *Response from MA DEP representative: It is important to clarify that DEP has not approved BioTech to clean up the New England Log Home site. Rather, DEP has*

approved BioTech to conduct a pilot study at that site. The conditions at that site are also very different than the conditions for the Housatonic remediation. Dioxins are very different from PCBs. Also, that site is different because the contaminants are at the surface whereas in the Rest of River there are many different types of soils, sediments, etc. that are contaminated in a variety of different environments.

- *Response from EPA representative: EPA has been in communication with BioTech and requested a Quality Assurance Project Plan (QAPP) from them over a year ago. Submitting a QAPP, and having that approved by EPA, would be the first step before they can conduct any pilots. There is nothing that EPA would rather see than alternative technologies that are effective but the agency needs to see cooperation from the company.*
- California has much more stringent standards than Massachusetts and the State of California approved BioTech to work there. There is a large site – the de-watering site – that would be appropriate for a pilot study.
- I know that EPA is likely exhausted hearing about bioremediation. One can only wonder why we have not had a reasonable set of answers as to why BioTech, or another remedial company, has not been allowed to conduct a pilot study. We have another agency within the same state, MA DEP, that is willing to give them a chance to succeed or fail. The company has offered to conduct a test at their own expense. It is hard to understand why EPA has given one reason or another as to why a pilot study cannot proceed. Perhaps this would be an ideal time for an EPA representative to explain in layperson terms as to why this test has not been allowed to proceed. *EPA is waiting for a Work Plan and a Quality Assurance Project Plan (QAPP) from BioTech so that the company can conduct a pilot test and so that EPA can evaluate their work once they conduct a pilot project. EPA had a meeting with Chris Young from BioTech in 2011 and also attended a public meeting with BioTech last year. The company has told EPA that it would submit a QAPP but has not yet done so.*
- It is possible that the company is coming up short, but it is notable that other agencies and other sites around the country have given them an accommodation that has allowed them to proceed. I wonder whether EPA is creating more hoops, or more expensive hoops, than other agencies. It seems, having sat through this for 15 years, that there has been more foot-dragging and more unwillingness on the part of EPA to try to problem-solve. It has been anything but a welcome exploration for alternative approaches.
- I understand that EPA wants a QAPP from BioTech, but I do not think that EPA ever required GE to submit documents of that sort. The quality of GE's work has been so shoddy, and there have been so many problems with the Silver Lake remediation, that I do not think that GE would ever be able to pass the kind of standard that EPA is setting for the remedial technologies. *GE has produced three or four versions of their Quality*

Assurance Project Plan over the life of the project and EPA just finished reviewing their last one. Each of these is four or five 3-inch ringed binders, plus compact disks, and all of this material is available on EPA's website. While there may be an aspect of the remediation process that slipped notice and was not included in the QAPP, EPA reviewed GE's submission comprehensively.

- I want to say to the EPA people in the room that I do not have a question as to your good faith, as some of the questions are implying. Maybe EPA could explain to us what a QAPP involves so that we can better understand. *A QAPP is something that is used throughout EPA nationally and basically outlines what any party working on an EPA project is intending to do and how they are going to assess whether they have done what they said they were going to do. It includes Data Quality Objectives that articulate the questions that are being asked. The idea is to specify how the party will test and monitor what he or she is talking about doing so that EPA can be sure that his or her methodology is sound. A QAPP is basically: what are you going to do, what are the questions you are asking, and how are you going to evaluate whether or not you answered those questions. A QAPP is submitted before a party takes any action. The idea is not to explain an answer that has been reached, but rather that there is a plan and how that plan will be implemented. There are multiple laws and regulations, such as the Information Data Quality Act, that require that EPA identify what data will be collected before someone takes an action.*
- I want to address the whole process that has been going on over the past 15 years. After many alternative technology conferences, and not getting any response from EPA or DEP, we felt that the agencies were not helping us. After many years of this, we brought BioTech to Berkshire County and felt good about bringing them in, but one of the first things that we heard was that BioTech had not done their job properly in California in that they had cleaned up the site but had not properly informed EPA in California about their work. But it should also be noted that the Housatonic remediation is not a paid project and BioTech is focusing on their paid projects. I spoke with Chris [from BioTech] last week and he said that they intend to submit a QAPP, but we have not been getting any support or help from EPA or DEP in doing things like getting samples for the QAPP. I am looking at the past 30 years, when I took samples from the river in 1976. We have been seeing a bureaucratic approach from EPA for 30 years. A more cooperative approach from EPA would really help this move along. I have seen a number of companies go out of business that had pretty good bench-scale data but did not get cooperation from EPA and other government agencies. If the attitude were to change to one in which everyone were to work together, it would resolve a lot of the frustration that everyone is feeling.

Residential Floodplain Properties Downstream of the Confluence

Mr. Kevin Mooney, General Electric Company (GE), made a presentation about the sampling and future remediation of residential properties located on the Housatonic floodplain downstream of the Confluence. He noted that, with data collection ongoing, the company does not currently have complete data, but that he would provide an overview of what is currently known. He explained that the Consent Decree identifies a GE-lead Removal Action Area (RAA) to address contaminated floodplain areas of current residential properties below the confluence of the East and West Branches with PCB concentrations over 2 parts-per-million (ppm). The RAA is limited to the portion of the property that is defined as “actual or potential lawn” in the Consent Decree. “Actual or potential lawn” is an area that is currently lawn or could be converted to a lawn, excluding river banks, wetland areas, and steep slopes where potential exposures are inconsistent with residential use.

Mr. Mooney explained that GE submitted a document titled *Revised Pre-Design Work Plan for the Floodplain Residential Properties Downstream of the Confluence* in March 2013, which identified 41 parcels with actual or potential lawn areas potentially greater than 2 ppm in PCB concentration. The parcels were combined into 22 property groups located between the Confluence and Rising Pond, and group 20 was then further divided into Group 20 and 20a. The property groups are located in the municipalities of Pittsfield, Lenox, Lee, and Stockbridge (*please see maps on slides #4, 5, and 6*).

Mr. Mooney stated that GE began collecting samples from identified properties in the summer of 2013 and that the company would continue collecting samples into the fall. On 39 of the identified parcels, sampling is conducted to a depth of 3 feet of soil, while for the remaining 2 identified properties, sampling is conducted to a depth of 6 feet (*please see images on slide #7*). Sampling is conducted to a greater depth on these two properties because previous data showed that contamination extends up to six feet deep in these locations.

As of September 18, 2013, GE had secured access permission for 34 of the 41 properties in the Program, meaning that 7 of the properties had not yet granted access. 27 properties have been surveyed to confirm property boundaries, and 14 properties have been sampled for PCBs. Survey work began on July 16th and will continue to late-October, with post-sampling surveying to determine the locations of property features such as houses, driveways, etc. Sampling work began on July 29th and will continue until mid-October.

Mr. Mooney explained that the next steps for this effort are to continue survey and sampling work through the end of October 2013 and to submit a data report to EPA summarizing the data and identifying any additional data needs. He stated that additional sampling may be required if PCB concentrations are elevated at the property boundary, in which case the abutting property may be sampled; and if an area with elevated PCB concentrations is not bounded by samples with low concentrations, additional samples will be collected.

For additional information, please see the presentation titled “Downstream Residential Floodplain Properties” under the September 18, 2013 heading on the Public Meetings page of EPA’s website for the GE-Pittsfield/Housatonic River Site.

CCC members’ questions and comments are as follows (*replies are in italics and are from EPA personnel unless otherwise noted*):

- How often does EPA spot-check GE’s sampling and work, without notice? *EPA conducts random spot-checks just about every day.*
- I found that, when GE and its contractors were sampling on my property, they did not sample in the locations where they were supposed to. So I really appreciate that EPA is conducting these checks. The survey on my property was also skewed, so I appreciate what EPA is doing.
- On the two properties where you are sampling to 6-feet deep, are either of these so-called “core-fill properties” where the contamination was so bad that GE ended up buying up these properties? *Response from GE representative: No, these are not core-fill properties. The contamination on these properties is generally from a build-up of river sediment over time due to flooding.*
- Mr. Mooney said that the sampling to six-foot depth on two of the properties is “based on historical data from EPA and GE.” Could you explain what the historical data is? *Response from GE representative: Historical data is data from approximately 10 years ago that was either collected by EPA or by GE under EPA’s guidance. Generally, higher levels of PCBs are correlated with areas that are immediately adjacent to the river. These properties may have been immediately adjacent to the river and concentrations here may be due to a shift in the channel of the river.*
- Since these properties have elevated concentrations of PCBs, would it be fair to call them hotspots? Why is GE sampling twice as deep on these properties compared to the other properties?
 - *Response from GE representative: I do not think that I would call them hotspots. Generally, GE is trying to determine the extent of PCB contamination and concentration so that the correct remediation protocol can be applied. The 3-foot and 6-foot sampling protocols are estimates based on existing data, but GE will go as deep as is needed to sample correctly and determine the nature of the contamination.*
 - *Response from EPA representative: When GE and EPA get the data back from the sampling, we will assess whether more sampling is needed. Generally, these properties do not have the magnitude of contamination that “hotspots” in the Pittsfield area were found to have.*
- How will wetlands and vernal pools and steep slopes be addressed? *Response from GE representative: There was only one property that was found to be part of a river oxbow,*

and that was transferred to the Rest of River program. All areas will be addressed either by this Residential Floodplain program or by the Rest of River program.

- Are you experiencing resistance from some of the property owners? *Response from GE representative: There's a range of resistance out there. Some are willing to cooperate right away and some are more resistant.*
- Are property owners mandated to allow sampling and participate in the Residential Floodplain remediation program? *Ultimately, GE could transfer a property to EPA's jurisdiction and the agency could secure a court order to compel the owner to allow sampling, but obviously GE and EPA would prefer to pursue other methods first. Some of these property owners may be second homeowners and cannot be immediately located, which is a challenge.*
- How do you make sure that you are covering a wide scope of the property to make sure that you are not missing an area of PCB concentration? *Response from GE representative: Properties are sampled on a 25-foot grid and so sampling is relatively thorough. If contamination is found at the edge of one of those 25-foot grid cells, then sampling is expanded into the adjacent cell(s).*
- Will the data from different grid cells be averaged across a given property? *Response from GE representative: The performance standard that is set up involves a spatial average of 2 parts per million (ppm). This is averaged across two layers: the top foot of soil and the soil below the top foot of soil. Both of those layers have to meet a spatial average of 2 ppm. The other criteria that could trigger removal is if there is an area in the top foot that is above 10 ppm. So an area in the top foot of soil that is 8 ppm, but if the overall property averages to 2 ppm or below, remediation would not be required.*
- When will the monitoring data be made available to the public? *Response from GE representative: Yes, eventually this data will be publicly accessible, but we cannot say when at this time. It will be published in a public report to EPA.*

10c Oil Pipeline Removal and Abandonment Activities

Mr. Dick Gates, General Electric Company (GE), made a presentation about the 10c oil pipeline removal project. He showed a map of the 10c oil pipeline (*see Slide #1*) and explained that, after receiving approval for the final work plan from EPA in June 2012, GE identified the pipe, removed oil from the pipe and verified its removal, and either removed or filled-in the pipe. GE also monitored air emissions for both PCBs and particulate. GE will submit a final report to EPA about this project on December 1, 2013.

Mr. Gates proceeded to describe the following steps in the project:

- Locate the underground pipe segments
- Uncover and access piping at 14 locations
- Vacuum removal of any residual pipe contents
- Air-flow test and/or video inspect pipes to verify removal

- Fill pipes using bentonite/cement slurry
- Cap pipe ends
- Backfill excavations and restore surfaces
- Remove aboveground pipe segments.

Finally, Mr. Gates highlighted the following results from the project:

- Approximately 1,850 gallons of oil removed
- Pipes successfully filled with bentonite/cement slurry
- No exceedances of PCB air monitoring notification or action levels (total of 7 monitoring events).

For additional information, please see the presentation titled “10c Oil Pipeline Project” under the September 18, 2013 heading on the Public Meetings page of EPA’s website for the GE-Pittsfield/Housatonic River Site.

CCC members’ questions and comments are as follows (*replies are in italics and are from EPA personnel unless otherwise noted*):

- How often did GE perform air monitoring? *Response from GE representative: The work plan specified weekly monitoring during the removal of material but did not specify air monitoring during other project activities, such as backfilling and restoring the surface. Any intrusive work, such as digging up soil or removing pipes, was accompanied by monitoring. GE monitored 7 times, with each monitoring period lasting 24 hours. Each monitoring was in multiple locations. The whole project took about 2.5 months and monitoring took place once a week during the intrusive portions of the project.*
- Did the pipes leak at all? Did you see any leaks when conducting the video review? *Response from GE representative: We did not see any leaks when conducting sampling and testing or when conducting video review.*
- What was the original purpose of the pipeline? *Response from GE representative: The pipeline was used to convey oil from the building where it was stored to Building 51, where it was used in the manufacture of transformers.*
- Was this the oil that they mixed with PCBs to put into the transformers? *Response from GE representative: 10c oil is a light oil and it was not mixed with PCBs. For reasons that we do not understand, however, it has been found to have PCBs in sub-100 parts per million.*
- How long has this oil been underground in this pipe? *Response from GE representative: This facility was decommissioned in 1964 and this pipeline has not been used since then.*
- Could you please orient me better to nearby residential areas? Were there any rail lines crossing over the pipeline or this property? *Response from GE representative: [Mr. Gates pointed to residential properties and a school that are adjacent to the property]. There was a GE rail line that was on this property but not the main CSX rail line.*

- Were you perplexed why the samples showed the presence of PCBs? How could that possibly have happened? *Response from GE representative: We just do not know why this oil has been found to have PCBs in it. We are about to sample the oil that has been removed.*
- What will happen with the oil? *Response from GE representative: It is currently being stored in a storage area that is a state-licensed hazardous waste storage area on New York Avenue. It will be sent off-site for incineration.*
- With regards to the hazardous waste area, there was an Activity and Use Limitation (AUL) published in the Berkshire Eagle. Is this the area that had the AUL placed on it? *Response from GE representative: I think that there was a parcel off of Merrill Road that had an Environmental Restriction and Easement (ERE) placed on it, but not an AUL.*

General Updates and Issues from CCC Members

CCC members made the following comments and asked the following questions (replies are in italics and are from EPA personnel unless otherwise noted):

- There was an article in the Berkshire Eagle about someone using a hydroelectric dam in Glendale more frequently. How will this impact the cleanup? *The Glendale dam recently was relicensed by the Federal Electricity Regulatory Commission (FERC) and the owners realized that they could generate additional electricity. I do not know what stage they are at in changing their design and procedures for the dam, but it will not impact the cleanup.*
- Was Connecticut notified about the relicensing of the dam and the work in the river? Did Connecticut comment on it? A major concern of CT DEEP was these dams being worked on and being notified so that it could perform tests and sampling.
 - *Response from CT DEEP representative: I am not sure whether someone else from CT DEEP commented on the dam relicensing process or the work on the dam, but I can look into this and report back to the CCC.*
 - *Comment by CCC citizen member, Nat Karns, Berkshire Regional Planning Commission: I spoke with the owners of the dam. In their original design, they would have had to perform additional remediation but when they discovered the extent of the PCBs behind the dam, they took 2 years to redesign their plan. It basically cost them two years of power generation. The presence of those PCBs also illustrates why some of the CCC members are so concerned about the remediation and what is happening with the dams, specifically.*
- Could you bring us up to date on the meetings between the municipalities? *Response from CCC citizen member, Nat Karns, Berkshire Regional Planning Commission: Six Massachusetts cities and towns started meeting informally and now they are moving towards formalization. They are looking at what is basically a massive construction project that could last up to several decades. They requested from EPA, and EPA lined up and provided a consultant at the agency's expense, who performed a preliminary*

economic impact assessment that showed that any of the cleanup scenarios would have a significant economic impact on the 6 communities. The six municipalities have been working to hammer out their own internal decision-making process as there could be various possibilities in the future, including litigation. They have requested that the Berkshire Regional Planning Commission become involved, but the 6 municipalities are trying to figure out the appropriate course of action and the Regional Planning Commission is basically facilitating the 6 municipalities. The meetings are not focused on the extent of remediation. The different communities are impacted very differently from one another. The municipalities and the Regional Planning Commission will be sending to EPA's Dean Tagliaferro a written document about how the local road impacts will be addressed (in terms of expense).

- *Would the municipalities have standing in any litigation? Response from CCC citizen member, Nat Karns, Berkshire Regional Planning Commission: Our understanding is that the municipalities would have standing over the remedy or over other issues, such as a landfill.*

Public Comments

Members of the general public made the following comments and asked the following questions (*replies are in italics and are from EPA personnel unless otherwise noted*):

- *Were there more than 41 residential properties identified along the river downstream of the confluence? How did you pick these 41 for sampling in the program to remediate residential properties downstream of the confluence? Response from GE representative: We used data that EPA and GE had collected and included those properties where PCBs were detected. Any properties where PCBs were not detected in previous sampling were not included in the program.*
- *At this time, could the owner of a residential property where PCBs were not detected request that further sampling be conducted on his or her property? The property owner could certainly make such a request, but EPA would need to consult with its lawyers as to how such a request would be handled.*
- *What happens if contamination of the cap is found in Silver Lake? I want to reiterate that the last 3 water samples have been non-detect. If PCBs are detected at some point in the future, there are protocols as to how to handle such a situation, but basically we would need to find the source of the contamination and respond appropriately.*
- *In submitting a Quality Assurance Project Plan (QAPP) to EPA, would BioTech have to disclose their trade secrets to EPA? Would they be able to say to EPA: you can watch what we are doing, but we will not reveal our business secrets to you? EPA has a process that is called "confidential business information" that is shielded and is not accessible to the general public. Other companies are currently covered under this provision and it is used to make sure that companies that submit a QAPP to EPA are not at a competitive disadvantage. The larger issue, here, however, is that a company*

cannot simply say “we will get rid of the PCBs and you do not need to worry about how we do it.” EPA needs to know that they are actually getting rid of the PCBs and how they are doing it. For example, someone could till up a foot of soil that only has PCB contamination in the top inch and say “Look, the concentration level went down.” It comes down to scientific integrity: can you demonstrate what you say that you are doing. The company has to articulate for EPA what it is planning to do before it does it. The public is going to ask EPA: “How do you know that really happened?” In fact, members of the CCC have asked EPA that question many times in tonight’s meeting. EPA is asking of BioTech the same thing that is required of everyone working at this site and all of our other sites around the country. The public is going to ask EPA to make a decision and the agency has to have data of known quality. In terms of the burden that this imposes on a company, I have seen QAPPs that are 3 pages long and some that are 2000 pages. EPA needs higher quality tests for bigger decisions. EPA had extensive conversations with Chris Young, of BioTech, in February of 2011 explaining what EPA needs in terms of a QAPP. EPA also has extensive webpages dedicated to providing companies with guidance on fulfilling the requirements of submitting a QAPP.

- Will the monitoring of Silver Lake involve tissue sampling or visual inspection of the cap? *It will involve visual inspection of the cap, not tissue sampling.*
- There will not be a substantive update about an agreement between EPA and GE announced about the Rest of River before the end of the year [before December 31, 2013], correct? *Yes, that is correct.*

Action Items:

- CT DEEP: Report back to the CCC regarding whether anyone at CT DEEP commented on the relicensing process of Glendale Dam or other work on the dam.

Next Meeting

The next meeting will tentatively be planned for January 2014.

EPA Housatonic Remediation, Citizens Coordinating Council
September 18, 2013

Name	Organization	Present
Valerie Andersen	Housatonic Clean River Coalition	X
Jocelyn Ayer	NW CT Council of Governments	
Thelma Barzottini	Citizens for PCB Removal	X
Gene Chague	Berkshire League of Sportsmen	
Barbara Cianfarini	Citizens for PCB Removal	X
Jeff Cook	Downtown Pittsfield	X
Dave Dickerson	EPA	X
Shep Evans	Housatonic Valley Association	X
Sarah Flynn	Housatonic Clean River Coalition	
Lynn Fowler	Housatonic River Commission	X
Benno Friedman	Sheffield	X
Dave Gibbs	Citizens for PCB Removal	
Tim Gray	Housatonic River Initiative	X
Judy Herkimer	Housatonic Environmental Action League	X
Nat Karns	Berkshire Regional Planning Commission	X
Charles Kilson	Schaghticoke Tribal Nation	
René Laubach	MA Audubon	X
Andrew Madden	MA Dept. for Fish & Wildlife	
James McGrath	City of Pittsfield	
Rod McLaren	General Electric	X
Karen Pelto	MA Natural Resources Trustees	X
Susan Peterson	CT Department of Energy and Environmental Protection	X
Dennis Regan	Housatonic Valley Association	X
Andy Silfer	General Electric	X
Mike Supranowicz	Berkshire Chamber of Commerce	
Susan Svirsky	U.S. EPA	X
Dean Tagliaferro	U.S. EPA	X
Cory Thurston	Pittsfield Economic Development Agency (PEDA)	
Eleanor Tillinghast	Green Berkshire	
Eva Tor	MA Department of Environmental Protection	X
Sherry White	Mohican Nation	
Jane Winn	Berkshire Environmental Action Team	X
John Ziegler	MA Department of Environmental Protection	X
<i>Alternates</i>		
Jerry Burke	Berkshire Chamber of Commerce	
Audrey Cole	HEAL	
Tim Conway	U.S. EPA	
Alison Dixon	HVA	X

Lauren L. Gaherty	Berkshire Regional Planning Commission	
Richard Gates	General Electric	X
Mark Jester	Berkshire County League of Sportsmen	
Dave Martindale	HRI	
Kevin Mooney	General Electric	X
Jim Murphy	U.S. EPA	X
Tom Potter	MA Natural Resources Trustees	
Gayle Tardif-Raser	Mass Audubon	
Bruce Winn	Berkshire Environmental Action Team	X
George S. Wislocki	Green Berkshire	X

Additional Attendees

Name	Organization / Affiliation
Mike Argue	Weston Solutions
Matt Calacone	General Electric
Charlie Cainfarini	Citizens for PCB Removal
Judith Cook	
Tom Czekśniak	Weston Solutions
Amy Lafave	Lenox Library