LEARN MORE AT: epa.gov/ge-housatonic

EPA, Stakeholders Reach Landmark Settlement Agreement to Enhance and Accelerate Cleanup of the Housatonic River

THE RIVER The Housatonic River is contaminated with polychlorinated biphenyls (PCBs) released from the General Electric Company (GE) facility in Pittsfield, MA. The entire site consists of the 254-acre GE facility; the Housatonic River and its banks and floodplains from Pittsfield, MA, to Long Island Sound; and other contaminated areas. Under a federal Consent Decree, GE is required to address contamination throughout the site, including in the River.

MEETING INFORMATION:

Local officials, with support from EPA, will hold public information sessions to outline the Settlement Agreement and answer questions from the public.

Communities to Host Public Informational Meetings:

6:00 pm • Wednesday February 19, 2020
Lee High School
300 Greylock Street
Lee, MA

6:00 pm • Thursday February 20, 2020
Monument Mountain High School
600 Stockbridge Road
Great Barrington, MA

6:00 pm • Thursday March 5, 2020
Herberg Middle School, Auditorium
501 Pomeroy Avenue
Pittsfield, MA

KEY CONTACT:

Kelsey Dumville
EPA Community Involvement
(617) 918-1003
dumville.kelsey@epa.gov

EPA New England
5 Post Office Sq.
Boston, MA 02109-3912
(617) 918-1111

INTRODUCTION:

The plan for cleanup of PCBs released to the Housatonic River from the GE-Pittsfield/Housatonic River site has taken a significant step forward. After a mediated negotiation among a variety of stakeholders, a Settlement Agreement has been reached to enhance and accelerate EPA's original 2016 cleanup plan.

In short, the Settlement Agreement includes the following major components:

- Hybrid disposal approach, with the most contaminated material transported out of state and the remainder consolidated safely on-site in a lined Upland Disposal Facility.
- Immediate start to cleanup investigation and design work.
- Significant cleanup enhancements to the remedy.
- Substantial economic development package to municipalities of $63 million, along with land transfers, and other community benefits.
- Reduced impact to the community and enhanced coordination with stakeholders.
- Commitment to further research on innovative technologies, demonstration efforts and pilot studies.

The overall Housatonic "Rest of River" cleanup plan outlined in the 2016 Permit, as modified by the agreement outlined in this document will result in a remedy that protects human health and the environment and ensures that the Housatonic River and its

continued >

floodplain are restored and preserved as an asset to the community and wildlife.

EPA will issue a revised Permit incorporating proposed changes to the cleanup plan for public comment later this year, after which a final Permit will be issued.

BACKGROUND:

In October 2016, EPA issued a final Resource Conservation and Recovery Act (RCRA) Permit which documented EPA's decision on how best to clean up the Housatonic River and its floodplains. The Permit was appealed by five parties. The EPA Environmental Appeals Board (EAB) listened to the arguments by all of the parties and made a ruling in January 2018. In its decision, the EAB agreed with EPA on most cleanup issues, but raised questions for EPA to consider on EPA's decision to dispose of the sediment and floodplain soils outside of Massachusetts. The EAB's decision and the challengers' comments on the 2016 Permit gave EPA insight on the various stakeholders' views regarding potential improvements to EPA's original decision.

Local communities wanted to be assured that no new hazardous waste landfills would be built in the Berkshires as part of the remedy, while GE believed that a local landfill would be fully protective while avoiding the risks and costs associated with the long distance transport of large volumes of sediment and soil. Residents were concerned about impacts of remediation and truck traffic on their day-to-day lives. Local environmental groups wanted EPA to explore innovative treatment technologies and continue the search for solutions that render the PCBs inert. Local governments were interested in compensation for impacts of "hosting" the cleanup, especially if land was to be used for temporary or permanent storage or processing.

EPA also heard loud and clear the opinion that the cleanup leaves too many PCB-contaminated sediments and soils in place, relying too much on capping the contamination in the river. Furthermore, stakeholders wanted to be involved in crafting a solution and be consulted during the implementation of the cleanup. Finally, EPA learned that stakeholders wanted to put an end to any litigation and get the cleanup started soon.

Based on that, EPA and a number of stakeholders explored using mediated discussions to see if there was one solution that all the parties could agree with, and that made for a faster and better cleanup. Over the past year, the parties have worked to come up with such a solution. During those discussions, all the parties listened and agreed to reasonable compromises for the good of the River and communities. The following parties (EPA, GE, the Towns of Lee, Lenox, Stockbridge, Great Barrington, and Sheffield, the City of Pittsfield, the State of Connecticut, the Massachusetts Audubon Society, the Berkshire Environmental Action Team, and C. Jeffrey Cook) have reached a Settlement Agreement.

SETTLEMENT AGREEMENT

Key Elements of the Settlement Agreement are shown in Figures 1 and 2, and outlined below:

A. "Hybrid" Disposal Approach

Rather than a single solution to dispose of contamination either on-site or off-site, the agreement calls for a two-pronged solution. Specifically, the most contaminated soils and sediments (those soils/sediments regulated as hazardous waste under the federal Resources Conservation and Recovery Act (RCRA) or as PCB wastes requiring disposal in a chemical waste landfill under the Toxic Substances Control Act (TSCA)) will be shipped out of state for disposal, while the remaining excavated soils and sediments will be consolidated into a local Upland Disposal Facility as shown in Figure 3 and described below.

- For these lower level contaminated materials, a single disposal location called the Upland Disposal Facility will be sited at a portion of the Lane Gravel Pit property at the Lee/Lenox line, over 1000 feet from the river, and over 15 feet above the water table. (The other two landfill locations previously proposed by GE will not be used for disposal of PCB material.)
- The average concentrations of PCBs to be placed in the Upland Disposal Facility are estimated to be 20 to 25 milligrams per kilogram (or parts-per-million (ppm)), well below the 50 ppm federal criterion for commercial PCB landfills. Segregation of the material will be based on sampling protocols that are also outlined in the Settlement Agreement.
- Despite the Upland Disposal Facility at the Lane Site only accepting lower-level material, GE will design it as a state-of-the-art facility for added protection, with a double liner under the landfill, leachate collection, a groundwater monitoring network, and a multi-layer low permeability engineered cap/cover on top of the landfill. The Settlement Agreement is clear that no one can use the Upland Disposal Facility for taking any materials beyond those that are part of the Rest of River cleanup.

B. Immediate Start to Work

- Reduce litigation and its cleanup delays through all parties committing to forego litigation challenges if EPA's revised cleanup plan is consistent with the Settlement Agreement.
- GE agrees to start now to implement the investigation and design components of the cleanup plan to accelerate the commencement of the Rest of River cleanup rather than wait for EPA to finalize the Permit.

C. Cleanup Enhancements

The Settlement Agreement requires GE to complete a number of improvements to the cleanup plan to remove additional contamination from the river system, lessen the burden on adjacent property owners, and improve the overall performance of the cleanup, including the following:

- Eliminate almost 100 acres of capping, 1/3 of all capping in original plan, by removing more contaminated sediments in six different reaches of the River.
- Remove two dams downstream of Woods Pond (Columbia Mill Dam and Eagle Mill Dam).
- Broaden the approach to remediation of vernal pools by testing methods for excavation and restoration of vernal pools as well as the use of innovative non-invasive methods.
- Mitigate discharges from GE-owned stormwater pipes at the GE Plant in Pittsfield.
- Conduct additional floodplain remediation on over 20 residential properties to eliminate the need for use restrictions called for in the original plan.
- Following sampling, conduct a review of riverbank concentrations and erodibility in upper reaches, to consider whether additional bank removal is appropriate.
- Conduct additional cleanup for heavily used areas of Mass Audubon's Canoe Meadows property.
- All other cleanup requirements in the 2016 Permit are still in force.

D. Mitigation of Impacts to Towns and Residents and Enhanced Coordination

The Settlement Agreement calls for substantial steps to address potential adverse impacts of the cleanup on the community and provide assistance to local stakeholders in reviewing cleanup plans as they are developed, including the following:

- Hydraulically pump via pipe rather than truck, if feasible, sediments from Woods Pond and some areas north of the pond, eliminating 50,000 truck trips from the roads of Lee and Lenox.
- Impose limitations on the transport of waste material on small residential streets.
- Engage with property owners, Native American tribes, local governments, communities, affected property owners and other stakeholders to ensure that their input is included in the design process.
- Inventory the condition of all roads to be used during the remediation and commit to repair any significant damage attributable to the remediation work.
- Ensure that schedules for submissions and reviews take into account any necessary local government and stakeholder reviews.
- Coordinate with municipal officials and affected landowners regarding the work activities, schedule and traffic routes, and incorporate this information into work plans submitted to EPA prior to the work.
- Provide contractor support to provide technical assistance to the City of Pittsfield and the Towns of Lenox, Lee, Stockbridge, Great Barrington, and Sheffield. The contractor will be funded by EPA and can provide support for the communities' oversight of the work and providing information back to the community on that work.
- Work cooperatively with the State and affected municipalities to enhance recreational activities such as canoeing, other water activities, hiking, and bike trails in the Rest of River corridor.
- Coordinate with municipalities regarding the upgrade of stormwater outfalls in the river as the work is progressing.

E. Economic Incentives

- GE will pay $55 million to a group of municipalities: Lee, Lenox, Stockbridge, Great Barrington and Sheffield.
- GE will pay $8 million to the City of Pittsfield.
- GE will donate the parking lot and building on Woodlawn Avenue to the City of Pittsfield or its designee; GE will also remove fencing and pavement from additional former parking lots on Tyler Street, landscaping these properties, and potentially turning ownership over to the City.
- GE will work cooperatively with the City of Pittsfield to secure and enhance the appearance of remaining GE plant area buildings near Tyler Street.
- GE will donate its property adjacent to Rising Pond to the town of Great Barrington or its designee.
- GE will release use limitations currently in place on the Hazen Paper Mill (adjacent to Rising Pond in Great Barrington) to facilitate potential development.

F. PCB Treatment Technologies Research Commitment

- EPA has committed to a continuing effort towards the identification of opportunities to apply existing and potential future research resources to PCB treatment technologies and will solicit research opportunities for research institutions and/or small businesses to target relevant technologies.
- GE and EPA will continue to explore current and future technology developments and, where appropriate, will collaborate on on-site technology demonstration efforts and pilot studies, and, consistent with the adaptive management requirements in the Final Permit, will consider the applicability of promising research at the Housatonic Rest of River site.

Additional details for each of these items are outlined in the Settlement Agreement. This document is available on EPA's website at: www.epa.gov/ge-housatonic

NEXT STEPS

There are several additional steps that need to be completed before most of the agreements outlined in this Settlement Agreement are effective and enforceable. First, in the coming weeks, local officials, with EPA support, will hold public informational sessions to explain the Settlement Agreement. Those dates and locations are outlined on the front page of this fact sheet. Second, the Settlement Agreement includes a number of modifications to EPA's 2016 Permit. EPA will modify the Permit to incorporate these modifications and will present these modifications to the public during a comment period of at least 45 days. EPA also anticipates holding public meetings and a hearing as part of that public comment period. Third, after considering and responding to comments, EPA will finalize a new revised Permit. EPA hopes to complete these revisions, solicit public comment and finalize a Revised Permit during 2020.

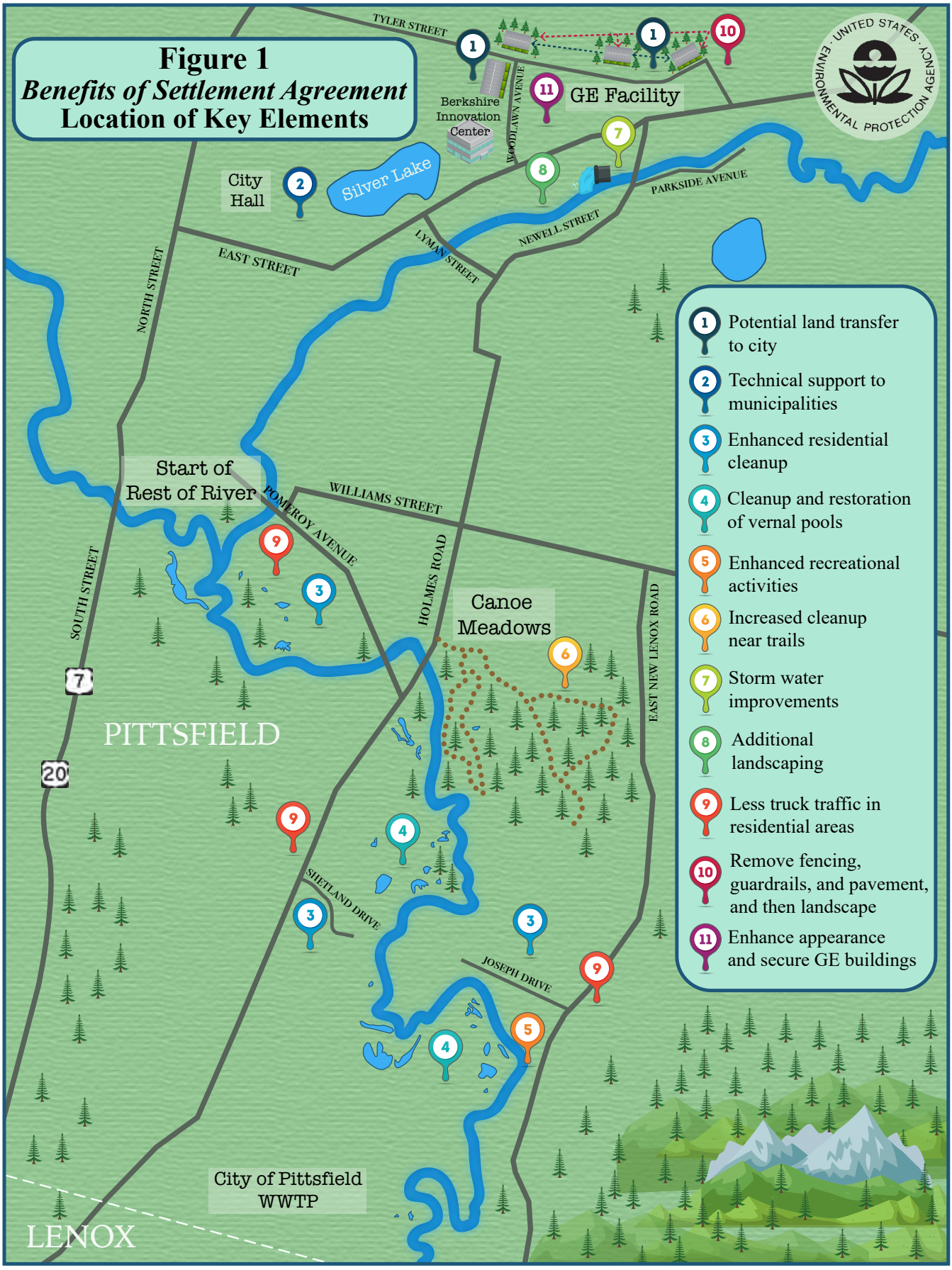
Figure 1
Benefits of Settlement Agreement
Location of Key Elements
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TYLER STREET
Berkshire Innovation Center
WOODLAWN AVENUE
GE Facility
City Hall
Silver Lake
PARKSIDE AVENUE
NEWELL STREET
LYMAN STREET
EAST STREET
NORTH STREET
Start of Rest of River
POMEROY AVENUE
WILLIAMS STREET
SOUTH STREET
HOLMES ROAD
Canoe Meadows
EAST NEW LENOX ROAD
PITTSFIELD
SHETLAND DRIVE
JOSEPH DRIVE
City of Pittsfield WWTP
LENOX
1 Potential land transfer to city
2 Technical support to municipalities
3 Enhanced residential cleanup
4 Cleanup and restoration of vernal pools
5 Enhanced recreational activities
6 Increased cleanup near trails
7 Storm water improvements
8 Additional landscaping
9 Less truck traffic in residential areas
10 Remove fencing, guardrails, and pavement, and then landscape
11 Enhance appearance and secure GE buildings

Figure 2
Benefits of Settlement Agreement
Location of Key Elements

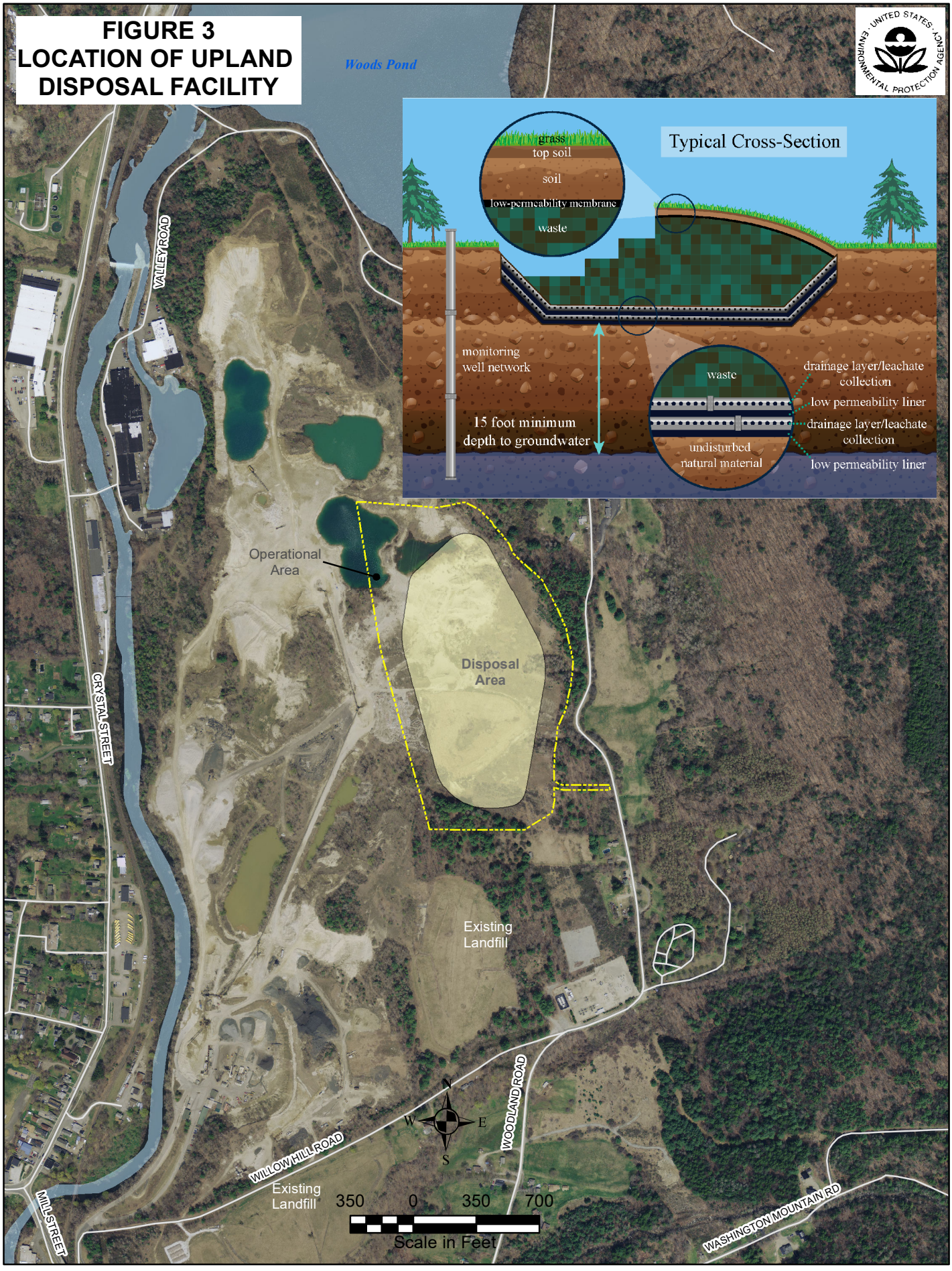
FIGURE 3
LOCATION OF UPLAND DISPOSAL FACILITY
Woods Pond
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Typical Cross-Section
grass
top soil
soil
low-permeability membrane
waste
monitoring well network
15 foot minimum depth to groundwater
waste
drainage layer/leachate collection
low permeability liner
drainage layer/leachate collection
low permeability liner
undisturbed natural material
VALLEY ROAD
Operational Area
Disposal Area
CRYSTAL STREET
Existing Landfill
WOODLAND ROAD
WILLOW HILL ROAD
Existing Landfill
MILL STREET
WASHINGTON MOUNTAIN RD
N
W
E
S
350 0 350 700
Scale in Feet