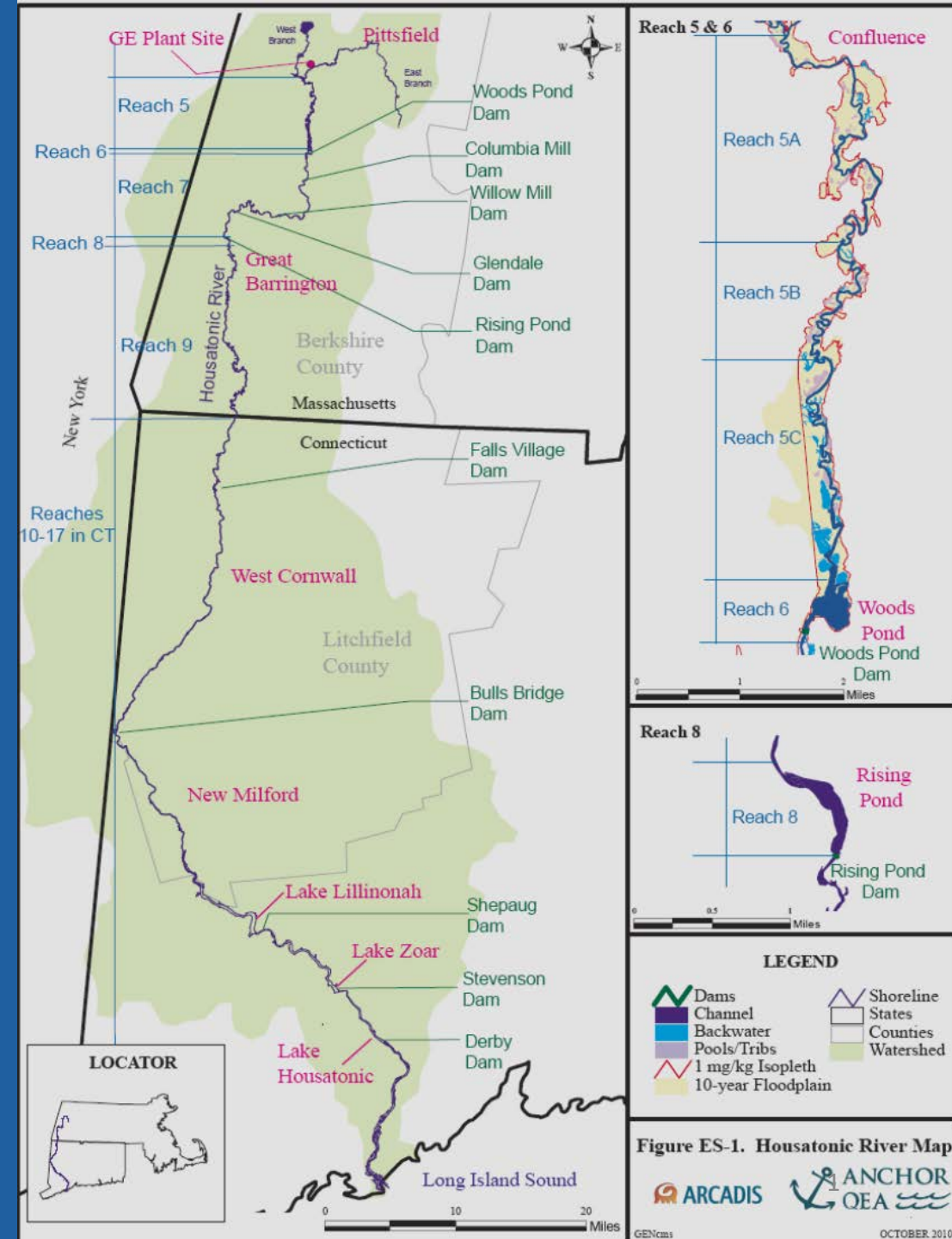


Settlement Agreement Rest of River Cleanup

Public Information Sessions
sponsored by ROR Towns

Great Barrington February 20, 2020



Ground Rules & Format

- Please silence cell phones
- Representatives from the Towns, EPA, BEAT, and Mass Audubon will present
- Q&A will follow presentations
 - written questions will be included in the Q&A
- Please be respectful and allow people to speak

Purpose of Tonight's Session

- Explanation of mediation approach
- Who we are: Rest of River Committee and Selectboards
- Background of this Mediation
- Explanation of this Settlement Agreement
- Opportunities for public involvement
- Q & A
- Open speak time (3 minute rule)

Mediation

- Explanation of mediation and why it is a confidential process

How We Got Here...

- 2014 attempt at mediation
- 2016 EPA-issued RCRA permit
- Permit appealed to the Environmental Appeals Board (EAB)
- Towns supported EPA's requirement for out-of-state disposal
- Towns hired an environmental attorney and entered the appeals process
- EAB backed up EPA on everything except out state disposal
- EAB decision regarding disposal was not in our favor and, without mediation, we were assured future litigation

Our Perspective regarding the EAB

- If win at EAB - GE will appeal to federal court
- If lose at EAB - we have to appeal to court
 - uphill battle to overturn EAB decision
- Both of these options lead to federal court
 - all or nothing result
 - long, protracted, expensive legal battle
 - delayed cleanup

RISK

**Landfills with
100%
of the PCB
contamination**

Why Mediate

- Needed to be at the table – already 20+ years with no power to influence cleanup or disposal
- Opportunity for Towns to speak and negotiate
 - With expertise for legal and technical considerations
- Get a better cleanup that was more protective of human health and the environment

Town Demands

- Protect human health and the environment
 - Worst stuff goes out of state
 - 1 landfill (not 3)
 - Low levels
 - Design input with independent consultants
- More cleanup
 - More PCBs out of the River and properties

Eliminate the Risk of 3 Toxic Waste Disposal Sites

- Agreement guarantees 1 disposal site
 - Within 3 miles of 40% of the cleanup
 - Opportunity for hydraulic dredging resulting in reduced impacts
- The highest level contamination disposed of out of state
- Low-level double lined disposal site with leak detection

Other Points of the Settlement

- Guarantee local input into/during cleanup
- Protect public infrastructure
- Enhance public access to the River
- Receive compensation for the impacts of the contamination and clean-up
- Release GE owned or controlled properties

Your Involvement

- Comment on draft EPA permit
- Quality of Life Compliance Plan
 - Must address noise, air, odor, and light; road use/impacts; coordination with impacted residents/landowners; and health and safety
- Scopes of work
 - Work activities; schedules; traffic routes
- Community Oversight and Technical Assistance



BEAT

Berkshire Environmental
ACTION TEAM





Canoe Meadows Wildlife Sanctuary
Pittsfield



EPA's Perspective

- Protect human health and environment
- Worst stuff out
- More cleanup
 - More PCBs out of the River and properties
- Start cleanup ASAP

Permit Improvements

Less PCBs in Natural Environment

- **Remove more contaminated sediment in 6 sub-reaches = reduced risk of release of residual PCBs back into environment**
- Additional cleanup on specific residential lands to eliminate need for use restrictions
- Additional cleanup at Canoe Meadows



- Riverbanks in Reach 5: review PCB concentrations & erodibility; consider more removal
- More options for cleanup of vernal pools

Permit Improvements

Less PCBs in Natural Environment

- Cleaner river eliminates ~100 acres of capping in total
- Reduces by 1/3 caps required in Permit
- Reach 5C (Roaring Brook to Woods Pond): excavate PCB-contaminated sediment to 1 ppm rather than capping contamination in-place (57 acres less caps)



Permit Improvements

Dams and Impoundments

- Remove the Columbia Mill Dam and remnant of Eagle Mill Dam
 - Clean river to 1 ppm PCB cleanup level (eliminates ~18 acres cap)
- GE commits to more excavation and less capping at these 3 dams (together ~20.5 acres less capping)
 - Willow Mill
 - Glendale
 - Rising Pond



Permit Improvements

Treatment Technology Research

- EPA commits to a continuing effort to identify opportunities to apply existing and potential future PCB treatment technologies
- EPA will solicit research opportunities for research institutions and/or small businesses to target relevant technologies
- GE and EPA will explore current and future technology developments and, where appropriate, will collaborate on on-site technology demonstration efforts and pilot studies

Lane Disposal Site Location

- > 1,000 Ft. from Housatonic River
- > 1,500 Ft. from Woods Pond
- Down gradient and more than 1 mile from Lee Water Supply Reservoirs



“Hybrid” Disposal Approach

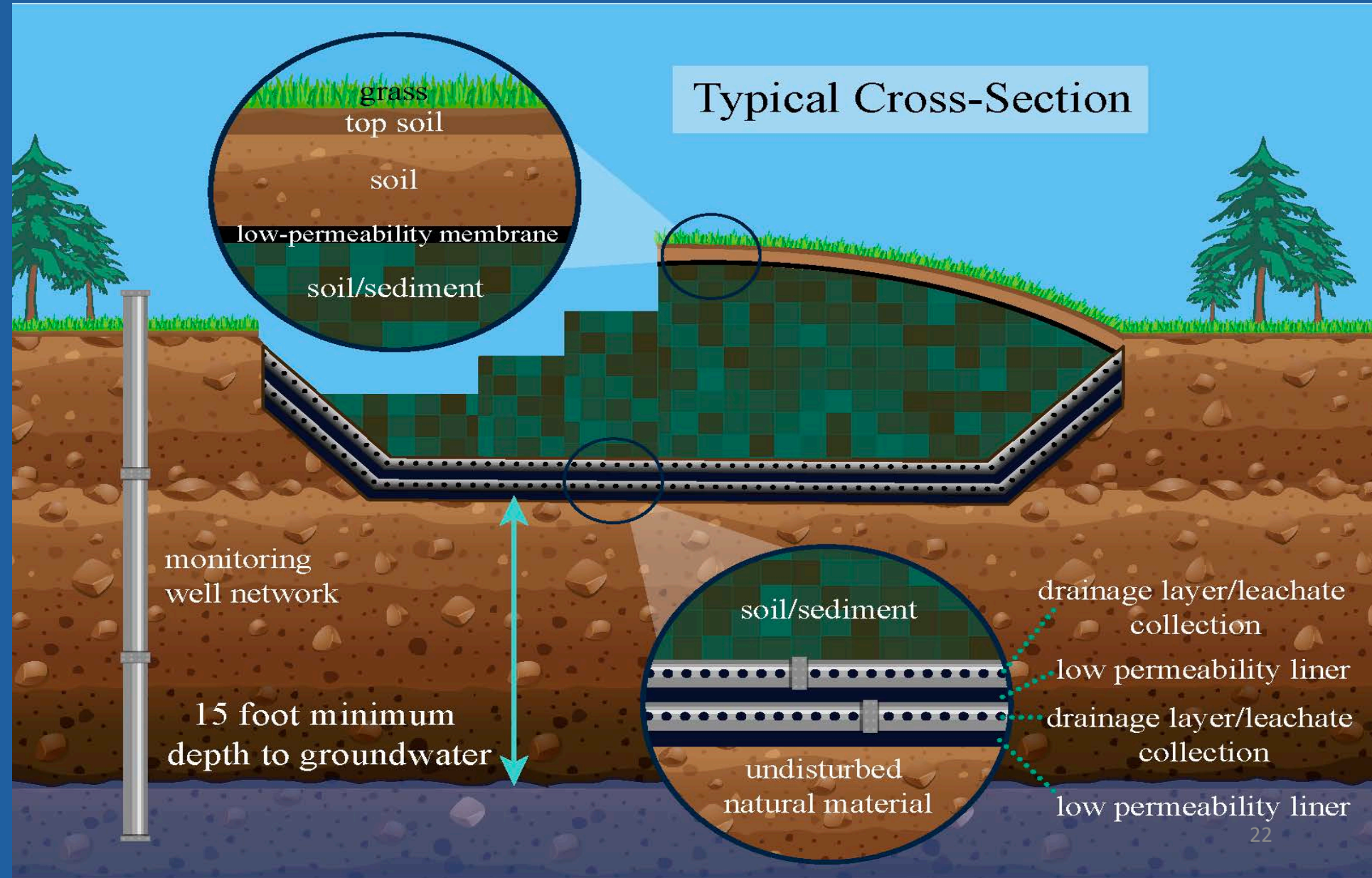
- Two-pronged solution
- Highest concentrations of PCBs in soils & sediments will be shipped out of state for disposal
 - Federal criterion for commercial PCB landfills greater than 50 ppm
 - minimum 100,000 cubic yards (cy)

“Hybrid” Disposal Approach

- Remaining excavated soils & sediments will be consolidated into a local Upland Disposal Facility at Lane Site
- Only Rest of River materials disposed of at Lane Site; no outside materials allowed
- No material classified as federal RCRA hazardous waste, or free liquids, free product, or any intact drums, capacitors or containers
- Segregation of material will be based on sampling protocols outlined in the Settlement Agreement
- Overall average estimated concentration at Lane Site to be 20-25 ppm

Upland Disposal Facility Design

- Double liner and leachate detection
- Minimum 15 ft. from groundwater
- Engineered cap



Upland Disposal Facility

- GE is responsible for operations, maintenance, and monitoring pursuant to EPA oversight
 - Engineering, air and particulate, groundwater
- Max. capacity = 1.3 million cy
- Max. 20-acre footprint and max. height 1,099 ft. above sea level (max. height of Lane is now ~1,050 ft)
- Phased development; only 1 cell to be open at a time

Monitoring & Protections w/EPA Oversight

- Background Monitoring (pre-construction)
 - Air, Particulate, Groundwater
- Landfill Monitoring (construction phase)
 - Air Sampling for PCB volatiles and dust
 - Particulate/Dust monitoring
 - Groundwater
- Landfill Monitoring (post closure)
 - Closure (cap, stormwater, etc.)
 - Groundwater



Next Steps

- Settlement Agreement requires modification of EPA's 2016 Permit
- EPA to incorporate Agreement modifications and present Draft Revised Permit for public comment
 - Min. 45-day comment period, to include public meetings and public hearing
- After considering and responding to comments, EPA issues new Revised Permit
- EPA goal: complete modifications, solicit public comment and issue Revised Permit during 2020
- Settlement and fact sheet found at [epa.gov/ge-housatonic](https://www.epa.gov/ge-housatonic)

Contacts and More Information

Great Barrington: Chris Rembold; crembold@townofgb.org

Lee: Patricia Carlino; persbank12@roadrunner.com

Lenox: Channing Gibson; channing.gibson@mc.com

Sheffield: Rene Wood; renecwood@aol.com

Stockbridge: Steve Shatz; stephenshatz@gmail

<http://berkshireplanning.org/initiatives/housatonic-rest-of-river-municipal-committee>

Written comments can be submitted to:

restofriver@berkshireplanning.org