

**External Comments on GE's Phase 1A Cultural
Resources Assessment Report for Upland Disposal
Facility dated July 8, 2022**

U.S. Environmental Protection Agency, Region 1

GE-Pittsfield/Housatonic River Site

Rest of River



HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

August 10, 2022

Dean Tagliaferro, EPA Project Manager
GE-Pittsfield/Housatonic River Site
Boston, MA
Submitted via email to R1Housatonic@epa.gov

Re: Comments on the *Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee (the Committee) respectfully submits the following comments on the *Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area* (hereafter referred to as the Report). The objective of the Work Plan is to identify river, riverbank and floodplain areas with known cultural resources or high potential to contain such resources and to identify upland areas with known or suspected historic structures.

The report appears to generally address the requirements outlined in the Revised Final Permit, the Statement of Work (SOW), the Massachusetts Historical Commission Act and Regulations, and EPA's "Conditional Approval of GE's November 24, 2021 submittal titled Rest of River, Pre-Design Investigation Work Plan for Upland Disposal Facility, GE-Pittsfield/Housatonic River Site" (February 24, 2022). However, additional steps to protect cultural resources during the construction phase and enhance cultural resources protection should be incorporated into this document. In addition, the Committee has identified other considerations regarding cultural resources protection that should be included in a subsequent draft of the report. The Committee's comments on the *Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area* are enclosed as Attachment A.

Sincerely,
The Housatonic Rest of River Municipal Committee

Enclosure: Attachment A - Housatonic Rest of River Municipal Committee Comments on the Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area

Enclosure: Attachment B - Technical Assistance Services for Communities Comments, July 22, 2022

ATTACHMENT A
HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE
Comments on the Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area
GE/Housatonic River - Rest of River

The *Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area* (hereafter referred to as the Report) defines the Archaeological Area of Potential Effect (Archaeological APE) as the entire GE Parcel since the approximate limits of the UDF support areas have yet to be identified. Results of the report identified three areas within the GE Parcel as potentially having cultural resources during the in-field study:

- Area A is in the northern portion of the GE Parcel and is considered to have high archaeological potential for pre-contact period sites.
 - Area B is located in a narrow strip of woods along the eastern edge of the parcel and is determined to be in an area of moderate archaeological potential for both pre-contact and historic period sites.
 - Area C occupies the southeastern corner of the parcel and is considered to have high archaeological potential for both pre-contact and historic period sites.
1. The Report presents the categories and criteria used to identify potentially suitable areas that could encompass archaeological sites. These criteria include proximity to a water source, topography, amount of disturbance, slopes, etc. However, areas that fit these criteria have likely changed over time in response to the Housatonic River meandering in its floodplain channel. There may be areas within the GE Parcel that historically were more closely located to a water source than they are now.

GE should review historic aerial photographs to determine if areas where these criteria would apply have changed over time. The review should identify any additional areas that may have historically met criteria standards that would define them as potentially important archaeological areas.

2. The Report acknowledges that the GE Parcel has been the location of active gravel removals for over 75 years. A potential resource to identify the presence of cultural resources would be to interview previous operator/owners of the gravel operation to determine if they ever encountered a cultural resource. Interviews with personnel familiar with the gravel operation may be able to lend qualitative confirmation describing the potential presence of artifacts.

GE should contact personnel familiar with the historic gravel operation to determine if any cultural resources or artifacts were observed in the GE Parcel during mining activities.

3. The Report identifies three relatively less disturbed areas of the GE Parcel that could potentially be used for support activities and that have the potential to contain archaeological resources. GE has proposed in-field activities to verify the presence or absence of cultural resources in these areas, which include excavation of 50-centimeter square shovel test pits spaced at 10-meter intervals across each of those areas.

EPA should require on-site construction monitoring to identify and preserve any encountered resource during construction. The requirement should include a standard set of protocols that are documented and followed during construction to address the treatment of resources and notification of appropriate authorities when an artifact is encountered.

4. Standard desktop literature-based reviews for the identification of historic properties do not always capture “community-valued” properties. The public can provide more unique insights into property use and history.

GE and EPA should provide opportunities for a thorough community review and identification of important properties to be incorporated into the historic property inventory. In addition, EPA should require GE to provide periodic updates regarding the progress of these inventories as they move forward.



Technical Assistance Services *for* Communities Comments on Phase 1A Cultural Resources Assessment Report for Upland Disposal Facility Area July 22, 2022

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Technical Direction: R1 2.4.14 GE Pittsfield

**Technical Assistance Services for Communities (TASC)
Comments on GE-Pittsfield/Housatonic River Site – Upland Disposal Facility
Phase IA Cultural Resources Assessment Report for Upland Disposal Facility Area,
July 2022**

Introduction

This document provides TASC comments on the GE-Pittsfield/Housatonic River – Upland Disposal Facility, Phase 1A Cultural Resources Assessment Report for Upland Disposal Facility Area (CRA UDF). This document is for the Berkshire Regional Planning Commission (BRPC) and municipalities to use as they develop comments to share with the U.S. Environmental Protection Agency (EPA). TASC does not make comments directly to EPA on behalf of communities. This document is funded by EPA’s TASC program. The contents do not necessarily reflect the policies, actions or positions of EPA.

Pursuant to the Revised Resource Conservation and Recovery Act (RCRA) Permit Modification (Revised Final Permit) issued by EPA to the General Electric Company (GE) on December 16, 2020, for the Rest of River (ROR) portion of the GE-Pittsfield/Housatonic River site, GE is required to conduct an initial Phase 1A CRA of the UDF area. The CRA UDF report describes the process and activities that GE conducted to identify areas within the UDF that may contain cultural resources or that have a high potential to contain such resources. This work also identified areas with known or suspected historic structures that might be affected indirectly by project activities (such as impacts attributable to future traffic associated with UDF construction).

Summary

The July 2022 CRA UDF report has seven sections:

- Introduction and Background
- Environmental Setting
- Cultural and Historical Setting
- Results of Background Research
- Results of Field Inspections
- Plan for Supplemental CRA Investigations
- References

The objective of the CRA UDF report is to document the results of the initial cultural resources data collection as part of the pre-design investigation for the UDF. The CRA UDF report identifies the presence or absence of cultural resources within the Archaeological Area of Potential Effect (Archaeological APE) using both standard literature-based background research resources and field inspections. Because the approximate limits of the UDF (and support areas to assist with materials management at the UDF) have yet to be identified, the exact layout of the UDF has not been developed.¹ Therefore, for purposes of the CRA UDF report, the Archaeological APE was defined as the entire GE Parcel.² Results of the report identified three areas within the GE Parcel as potentially having cultural resources during the in-field study:

- Area A is in the northern portion of the GE Parcel and is considered to have high archaeological potential for pre-contact period sites.
- Area B is located in a narrow strip of woods along the eastern edge of the parcel and is determined to be in an area of moderate archaeological potential for both pre-contact and historic period sites.
- Area C occupies the southeastern corner of the parcel and is considered to have high archaeological potential for both pre-contact and historic period sites.

These areas are shown in Figure 14, pdf page 34. The report describes the methods to be applied for the additional in-field study of these areas. All work will be performed by or under the direct supervision of individuals meeting the Secretary of the Interior’s professional qualifications standards for archaeologists (36 Code of Federal Regulations (CFR) 61 “Procedures for State, Tribal, and Local Government Historic Preservation Programs”).

¹ Support areas are areas of the disposal facility that will help transport, contain and house the sediment being removed and stored at the UDF.

² The GE Parcel is comprised of a 75 acre property in the town of Lee, Massachusetts. The GE parcel and UDF area are outside the 500-year floodplain as mapped by the Federal Emergency Management Agency.

TASC Comments

TASC reviewed the report to determine if the described methods for the determination of the presence or absence of cultural resources within the UDF using both literature-based and in-field methods had adhered to the requirements of the Revised Final Permit, the Statement of Work (SOW), the Massachusetts Historical Commission Act and Regulations, and EPA's "Conditional Approval of GE's November 24, 2021 submittal titled Rest of River, Pre-Design Investigation Work Plan for Upland Disposal Facility, GE-Pittsfield/Housatonic River Site" (February 24, 2022). The Conditional Approval letter explicitly requires the entire GE Parcel, which contains the UDF and associated support areas, to be evaluated. It includes 37 conditions. One of the conditions is that the evaluation include a site reconnaissance by a qualified archaeological and/or cultural resources professional.

The assessment as described in the CRA UDF report appears to generally address the requirements outlined in the documents above. Additional steps to protect cultural resources during the construction phase could be incorporated into this document that would enhance cultural resources protection. These are discussed below. TASC also identified other concerns regarding cultural resources protection that may be important to the community, which could be considered in a subsequent draft of the report. These are also described below.

1. The CRA UDF report presents the categories and criteria used to identify potentially suitable areas that could encompass archaeological sites (pdf page 11). These criteria include proximity to a water source, topography, amount of disturbance, slopes, etc. Areas that fit these criteria have likely changed over time in response to the Housatonic River meandering in its floodplain channel. It may be important to review historic aerial photographs to determine if areas where these criteria would apply have changed over time. There may be areas within the GE Parcel that historically were more closely located to a water source than they are now.

The community may want to ask EPA if review of historic aerial photographs would be useful to identify additional areas that may have historically met criteria standards that would define them as important archaeological areas.

2. The report acknowledges that the GE Parcel has been the location of active gravel removals for over 75 years. A potential resource to identify the presence of cultural resources would be to interview previous operator/owners of the gravel operation to determine if they ever encountered a cultural resource. Interviews with personnel familiar with the gravel operation may be able to lend qualitative confirmation describing the potential presence of artifacts.

The community may want to ask if GE could pursue contacting personnel familiar with the historic gravel operation to determine if any cultural resources or artifacts were observed in the GE Parcel during mining activities.

3. The document identifies three relatively less disturbed areas of the GE Parcel that could potentially be used for UDF support activities and that have the potential to contain archaeological resources. GE goes on to describe their proposed in-field activities (Section 6.2 Field Investigations, pdf page 38) to verify the presence or absence of cultural resources in these areas, which include excavation of 50-centimeter square shovel test pits spaced at 10-meter intervals across each of those areas. While this is a very thorough sampling method for surface materials, it should be acknowledged that there is the potential for resources to be buried at depths beyond 50 centimeters. If the eventual UDF support areas are planned to be built in any of these three areas, there should be on-site construction monitoring to identify and preserve any encountered resource during construction. It is also important that a standard set of protocols are documented and followed during construction that address the treatment and notification of appropriate authorities when an artifact is encountered.

The community may want to ask EPA how cultural resources encountered during UDF construction will be treated and request that this be clearly documented.

4. Standard desktop literature-based reviews for the identification of historic properties do not always capture “community-valued” properties. It is TASC’s experience that a thorough community review and identification of important properties that are part of the UDF and future UDF support area should be conducted as part of the proposed historic property inventory because the public can provide more unique insights into property use and history.

The community may want to ask EPA if or when the public will be allowed to provide input in the identification of properties of potential historic value. In addition, the community may want to request updates on the progress of these inventories as they move forward. The project schedule currently only allows for public involvement when the UDF Conceptual Design Plan is produced.

As part of this review, TASC also reviewed the state’s historic preservation regulations and compared them with the national regulations. The TASC review did not identify any state regulations that appeared more stringent than federal standards and would thus require additional steps for the identification and protection of cultural resources.

References Cited

Anchor QEA (Anchor QEA, LLC), AECOM, and Arcadis. Final Revised Rest of River Statement of Work. Prepared for the General Electric Company. September 2021. <https://semspub.epa.gov/src/document/01/659938.pdf>

EPA. Conditional Approval of GE’s November 24, 2021 submittal titled Rest of River, Pre-Design Investigation Work Plan for Upland Disposal Facility, GE-Pittsfield/Housatonic River Site. Letter. February 25, 2022. <https://semspub.epa.gov/work/01/663452.pdf>

EPA. Revised Final Permit Modification to the 2016 Reissued RCRA Permit and Selection of CERCLA Remedial Action and Operation & Maintenance for Rest of River. December 2020. <https://semspub.epa.gov/src/document/01/650440.pdf>

Massachusetts Historical Commission Act and Regulations. 950 Code of Massachusetts Regulations 71.07. <https://www.mass.gov/regulations/950-CMR-70-massachusetts-historical-commission>

36 CFR Part 800. Protection of Historic Properties. <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

36 CFR Part 61. Procedures for State, Tribal, and Local Government Historic Preservation Programs. <https://www.ecfr.gov/current/title-36/chapter-I/part-61>

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