

Public Input on General Electric's December 16, 2022  
Plan for Implementing Future Projects or Work

February 2023



**CITY OF PITTSFIELD**

DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201

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MEMORANDUM

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To: Dean Tagliaferro, EPA Project Manager Housatonic Site  
From: James McGrath, Park, Open Space, and Natural Resource Program Manager  
Date: February 21, 2023  
Subject: *Comments on GE-Pittsfield/Housatonic River Plan for Implementing Future Projects or Work,*

The City of Pittsfield has reviewed the document referenced above and - working with Skeo under a Technical Assistance Services for Communities (TASC) arrangement with EPA - we offer the following comments:

The City appreciates that the document repeatedly describes the need for future project work within the river corridor to be “protective and maintain the applicable Performance Standards for the Rest of River Remedial Action under the Revised Permit.” One omission noted is that the *Plan for Implementing Future Projects or Work* document does not define ‘protective.’ Several performance standards apply to potential future projects at the ROR site and it would be helpful for the document to clearly define ‘protective’ and summarize appropriate performance standards applicable to each document section.

With regards to “Legally Permissible Future Projects or Work,” the City recommends that there be a mechanism set up to proactively identify entities planning to conduct work in the river corridor, south of Pittsfield. The City has an internal system that flags properties affected by the cleanup so that any additional and required performance standards are met. At a minimum, EPA should consider a variety of avenues to increase awareness of future project requirements throughout the project extent. The City is willing to work with GE and EPA on ways to do this for river abutters in Pittsfield.

Finally, with regards to Exposure Area (EA) 27: this area was previously identified as an EA of interest to the City as it holds potential for recreation access to the river. The City welcomes the opportunity to speak to possible public access improvements to this and other sites along the river corridor in the City.

We appreciate the opportunity to provide comments on plans and studies associated with the Rest of River clean up and are grateful for the technical assistance provided by Skeo through EPA.



## TOWN OF LEE

32 Main Street, Lee, MA 01238

[www.lee.ma.us](http://www.lee.ma.us)

TO: [R1Housatonic@epa.gov](mailto:R1Housatonic@epa.gov)

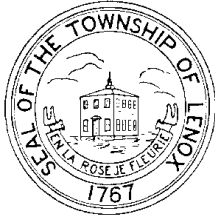
FROM: Town of Lee

DATE: February 22, 2023

RE: Plan for Implementing Future Projects or Work Comments

The Town of Lee would like to provide the following comments/public input on the "Plan for Implementing Future Projects or Work".

1. The town requests that baseline tests for PCB's be performed on the town's surface water supply on October Mountain. In addition, we request that the reservoir be tested during and after the removal of PCB's from the Housatonic River/construction of the UDF.
2. The town would like to see continued investigation of bio-remediation and bio-restoration opportunities for the proposed UDF as well as testing remediation technologies on materials dredged from the river.
3. The town suggests that further cleanup be performed in properties bordering the river, specifically locations that are maintained by the town such as the catch basin retention ponds at the intersections of Center/East Center St and Columbia/Greylock St.
4. In Section 3.1.2.d, it says, "If GE determines that it is not obligated to conduct response actions, GE will, within 30 days of receiving the notice from EPA, advise EPA of the reasons for that conclusion." Is there an opportunity for the EPA to approve or deny GE's decision or does GE simply make a decision? We request that the EPA have the option to deny these decisions.



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

February 22, 2023

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

Re: Comments on the *Plan for Implementing Future Projects or Work*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee (the Committee) respectfully submits the following comments on the *Plan for Implementing Future Projects or Work* (hereafter referred to as the Plan). The Plan summarizes the requirements described in the Revised Permit and the SOW in how “Legally Permissible Future Project or Work” is defined.

The Plan outlines requirements from the Revised Permit and SOW and the actions GE will take to ensure future projects and work in the ROR remedial action are protective with respect to PCB contamination. While the Plan generally fulfills the required elements defined in the Revised Permit and SOW, the Committee has concerns regarding tracking mechanisms for properties affected by the cleanup and property ownership and with regard to the definition of “protective”. It is unclear whether an instrument for resolution has been established if there is a disagreement with regard to how terminology, such as “protective” is applied. The Committee strongly encourages EPA to establish such an instrument, if not already in place, and that it be included within a list of future actions that the Committee has requested in prior comment letters.

The Committee’s comments on the *Plan for Implementing Future Projects or Work* 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 Plan for Implementing Future Projects or Work

Enclosure: Attachment B - Technical Assistance Services for Communities Comments Plan for Implementing Future Projects or Work, February 13, 2023

ATTACHMENT A  
HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE  
Comments on the *Plan for Implementing Future Projects or Work*  
GE/Housatonic River - Rest of River

While the *Plan for Implementing Future Projects or Work* (hereafter referred to as the Plan) generally fulfills the required elements defined in the Revised Permit and SOW, the Committee offers the following comments:

1. The Plan repeatedly describes the need for future project work to be “protective and maintain the applicable Performance Standards for the Rest of River Remedial Action under the Revised Permit.” According to footnote 4 on page 4, “GE interprets the quoted phrase ‘to be protective’ to mean that GE is to conduct response actions to ensure that the project or work is conducted in a protective manner and in a manner that maintains the applicable Performance Standards and/or the effectiveness of the ROR Remedial Action.” This interpretation/definition of protective is circular.

As a general rule of thumb, “protective” should relate to protective of human health and the environment. However, when referencing specific performance standards, GE should include a footnote that references where requirements for performance standards are located in other documents.

2. Section 1 Page 1 – The Plan defines “Legally Permissible Future Project or Work,” which can include and is not limited to “construction and repair of structures; utility work; flood management activities; road and infrastructure projects; dam removal, maintenance, repair, upgrades, and enhancement activities; and activities such as the installation of canoe/boat launches and docks.” The Plan later states that on an annual basis, in December, GE will send letters to the municipalities along the ROR in Massachusetts and to the Massachusetts Department of Transportation (MassDOT) notifying them of the potential for PCB contamination. It is unclear how potential future projects along the entire length of the ROR corridor will be tracked. GE should provide a variety of public input opportunities to ensure the public and adjacent landowners are aware of future project requirements (e.g., mailings, newspaper announcements, announcement on the EPA Site web page etc.). GE could also track construction permits (through local/county planning and zoning departments), Clean Water Act (CWA) Section 404 preconstruction notice applications, and CWA section 401 certification requests to identify river corridor projects. The City of Pittsfield currently has a flagging system so that properties affected by the cleanup are easy to identify when applying for permits or other activities. However, it is unclear whether other communities along the corridor have similar capacity to flag properties. It appears that there is a registry of properties in Pittsfield subject to the Consent Decree and it does not appear that a similar registry exists for the communities south of Pittsfield.

GE should develop a plan to proactively reach entities planning to conduct work in the river corridor. GE should work with EPA to ensure that other municipalities affected by the cleanup have a similar system to the City of Pittsfield’s that flags properties affected by the cleanup.

3. The Plan indicates that ownership of dams that are not owned by GE will be reviewed every five years. To ensure work at non-GE-owned dams is protective, ownership should be tracked more frequently (i.e., annually). Since GE will address PCB-contaminated sediments associated with these dams (three in Massachusetts and six in Connecticut), it would be beneficial to communicate the possible contamination to prospective purchasers. An environmental covenant or the equivalent of a 'Grant for Environmental Restriction and Easement (ERE)' (the instrument relied on for floodplain exposure areas in Reaches 5-8) may be appropriate to provide this information to potential purchasers.

EPA should consider whether properties with privately-owned dams should have an environmental covenant or ERE instrument to inform future dam owners of PCB contamination and the environmental commitment held by GE. At a minimum, a similar flagging system as discussed in Comment #2 should be adopted.

4. With its exposure area (EA)/reach-specific remedy actions, ERE instruments, and designated applicable use/exposure scenarios, the ROR project area has a lot of information to track. This information needs to be tracked in a public format so that changes in property use that meet the conditions for a Legally Permissible Future Use as defined in the Revised Permit can be identified. An ROR 'property parcel Geospatial tracking database' could be developed to track ownership and applicable use/exposure scenarios. It may also be appropriate to share this database with municipalities/county planning officials, to ensure local governments are aware of exposure/use requirements.

GE should develop a publicly accessible mechanism to track reach-specific remedy actions, ERE instruments, etc. that can be cross-referenced by parcel and dam ownership, to ensure landowners are aware of and will adhere to applicable use/exposure scenarios.

5. The Plan identifies several regulatory agencies that will be notified of ownership changes, such as EPA, Massachusetts Department of Environmental Protection (MassDEP), Connecticut Department of Energy & Environmental Protection (CTDEEP) and other applicable regulatory agencies (pdf page 9). The U.S. Army Corps of Engineers (USACE) tracks current status, use and features of dams across the United States and should also be notified of ownership changes.

6. The Plan summarizes dams and owners within the ROR site. It is important to track use of these dams, as they may include potable water supply. According to online records of the U.S. Army Corps of Engineer's inventory of Dams (US ACOE, 2023), the Columbia Mill and Lake Housatonic dams have a water supply use. If these impoundments provide a potable supply intake, the associated municipality should be part of the notification process when dam ownership and GE activities occur.

GE should clarify whether these impoundments provide a source of potable water, and whether associated water suppliers are part of the GE activity notification process.

7. GE and EPA should work closely with the impacted communities to discuss potential future municipal projects and objectives along the river to establish steps necessary to ensure the success of such projects while maintaining protectiveness of human health and the environment.



# Technical Assistance Services *for* Communities GE-Pittsfield/Housatonic River Site Comments on Plan for Implementing Future Projects or Work February 13, 2023

**Contract No.:** 68HERH21A0018

**Call Order Number:** 68HERH22F0082 (14.0.0 OSRTI – Regional & Headquarters  
TASC/CI Support)

**Technical Direction:** R1 2.7.14 GE Pittsfield

**Technical Assistance Services for Communities (TASC)  
Comments on GE-Pittsfield/Housatonic River Site –  
Plan for Implementing Future Projects or Work,  
December 2022**

## **Introduction**

This document provides TASC comments on the GE-Pittsfield/Housatonic River Site – Plan for Implementing Future Projects or Work. 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 2000 Consent Decree for the GE-Pittsfield/Housatonic River Site, EPA issued a final revised modification of GE’s Resource Conservation and Recovery Act (RCRA) Corrective Action Permit (Revised Permit). The Revised Permit required GE to develop and submit a Statement of Work (SOW) specifying the deliverables and activities that GE will conduct to design and implement the Rest of River (ROR) Remedial Action. In accordance with Section II.H.20 of the Revised Permit and Section 4.5.1 of the Final Revised Rest of River Statement of Work, GE prepared the Plan for Implementing Future Projects or Work.

## Summary

The December 2022 Plan for Implementing Future Projects or Work has four sections:

- Introduction.
- Plan Relating to Future Projects or Work in the Housatonic River.
- Plan Relating to Future Projects or Work in the Housatonic River Floodplain.
- Schedule.

The Plan for Implementing Future Projects or Work summarizes the requirements described in the Revised Permit and the SOW in how “Legally Permissible Future Project or Work” is defined. The Plan for Implementing Future Projects or Work also describes the ROR reaches and subreaches that are subject to the ROR remedial action. The document outlines requirements from the Revised Permit and SOW and the actions GE will take to ensure future projects and work in the ROR remedial action are protective with respect to PCB contamination.

## TASC Comments

TASC compared the Plan for Implementing Future Projects or Work to the Revised Permit and the SOW. The document generally fulfills the required elements defined in the Revised Permit and SOW. TASC comments for the community to consider include: suggested documentation of future projects and property ownership to help track compliance; more clear definition of ‘protective’ criteria that apply to proposed future projects and work; having the city of Pittsfield review their future land use plans for Exposure Area 27 (EA 27) in context of the proposed requirements described in this document; and having the United States Army Corps of Engineers review applicable future projects and work associated with the dams.

Specific TASC comments are:

1. The document repeatedly describes the need for future project work to be “protective and maintain the applicable Performance Standards for the Rest of River Remedial Action under the Revised Permit.” As stated in footnote #4 (pdf page 8) “GE interprets the quoted phrase “to be protective” to mean that GE is to conduct response actions to ensure that the project or work is conducted in a protective manner and in a manner that maintains the applicable Performance Standards and/or the effectiveness of the ROR Remedial Action.” The Plan for Implementing Future Projects or Work document does not define ‘protective.’ Several performance standards apply to potential future projects at the ROR site. It would be helpful for the document to clearly define ‘protective’ and summarize appropriate performance standards applicable to each document section (e.g., 2.1 Dams and Impoundments in Massachusetts; 2.2 Other River-Related Projects in Massachusetts, through to Section 3.2).

*The community may want to ask EPA to have GE consistently define ‘protective.’ In addition, the community may want to ask EPA to have GE include a footnote that references where requirements for performance standards are located in other documents.*



2. Section 1 defines “Legally Permissible Future Project or Work,” which can include and is not limited to “construction and repair of structures; utility work; flood management activities; road and infrastructure projects; dam removal, maintenance, repair, upgrades, and enhancement activities; and activities such as the installation of canoe/boat launches and docks.” (pdf page 5). GE states that they will send letters to the ‘Conservation Commissions and Departments of Public Works (DPWs) for the municipalities along the ROR in Massachusetts and to the Massachusetts Department of Transportation (MassDOT) notifying them of the potential for polychlorinated biphenyl contamination...etc.” (pdf page 13). It is unclear how GE will track potential future projects along the entire length of the ROR corridor. GE could provide a variety of public input opportunities to ensure the public and adjacent landowners are aware of future project requirements (e.g., mailings, newspaper announcements, announcement on the EPA Site web page etc.). GE could also track construction permits (through local/county planning and zoning departments), Clean Water Act (CWA) Section 404 preconstruction notice applications, and CWA section 401 certification requests to identify river corridor projects. The City of Pittsfield currently has a flagging system so that properties affected by the cleanup are easy to identify when applying for permits or other activities.

*The community may want to ask EPA how GE plans to proactively identify entities planning to conduct work in the river corridor, and to consider a variety of public notices to increase awareness of future project requirements. The community may want EPA to ensure that other municipalities affected by the cleanup have a similar system to the City of Pittsfield's that flags properties affected by the cleanup.*

3. The Plan for Implementing Future Projects or Work describes the plan for projects at Massachusetts dams that are not owned by GE. The Plan indicates that ownership of these dams will be reviewed every five years. To ensure work at non-GE-owned dams is protective, it could be helpful to track ownership more frequently (i.e., annually). Because GE will address PCB-contaminated sediments associated with these dams (three in Massachusetts and six in Connecticut, as summarized in Table 1, pdf page 27), it would be beneficial to communicate the possible contamination to prospective purchasers. An environmental covenant or the equivalent of a ‘Grant for Environmental Restriction and Easement (ERE)’ (the instrument relied on for floodplain exposure areas in Reaches 5-8) may be appropriate to provide this information to potential purchasers.

*The community may want to ask EPA to consider whether properties with privately-owned dams should have an environmental covenant or ERE instrument to inform future dam owners of PCB contamination and the environmental commitment held by GE.*

4. With its exposure area (EA)/reach-specific remedy actions, ERE instruments, and designated applicable use/exposure scenarios, the ROR project area has a lot of information to track. This information needs to be tracked in a public format so that changes in property use that meet the conditions for a Legally Permissible Future Use as defined in the Revised Permit can be identified. An ROR ‘property parcel Geospatial

tracking database' could be developed to track ownership and applicable use/exposure scenarios. It may also be appropriate to share this database with municipalities/county planning officials, to ensure local governments are aware of exposure/use requirements.

*The community may want to ask EPA if GE has a database to track parcel and dam ownership, to ensure landowners are aware of and will adhere to applicable use/exposure scenarios.*

5. Section 2.1.1 describes applicable requirements for projects associated with non-GE-owned dams and impoundments. This section identifies several regulatory agencies that will be notified of ownership changes, such as EPA, Massachusetts Department of Environmental Protection (MassDEP), Connecticut Department of Energy & Environmental Protection (CTDEEP) and other applicable regulatory agencies (pdf page 9). Since the U.S. Army Corps of Engineers (USACE) tracks current status, use and features of dams across the United States, it may be beneficial for USACE to also be notified of ownership changes (USACE, 2023).

*The community may want to ask EPA if the USACE can receive notices about impoundment and dam ownership changes.*

6. Table 1 (pdf page 27) summarizes dams and owners within the ROR site. It seems important to track use of these dams, as they may include potable water supply. TASC identified inventory web pages for five of the dams in Table 1 (USACE, 2023). Two of those dams have a water supply use (Columbia Mill and Lake Housatonic Dam). If these impoundments provide a potable supply intake, the associated municipality could be part of the notification process when dam ownership and GE activities occur.

*The community may want to ask EPA if the impoundment and/or dam water uses are thoroughly understood, whether these impoundments provide a source of potable water, and whether associated water suppliers are part of the GE activity notification process.*

7. EA 27 was previously identified as an EA of interest to the city of Pittsfield. It may be appropriate to identify future projects associated with the ROR remedial action area that the City and/or BRPC would like to pursue (e.g., recreational access) and ensure the City and/or BRPC understand the requirements described in this document.

*The community may want to ensure GE and EPA know about future potential planned projects along the river to establish steps needed for the protectiveness of human health and the environment.*

## References Cited

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

Anchor QEA, 2022. Water Withdrawal and Uses Plan. GE-Pittsfield/Housatonic River Site. September 2022. <https://semspub.epa.gov/work/01/668288.pdf>.

GE, Plan for Implementing Future Projects or Work, Housatonic River – Rest of River, December 16, 2022. <https://semspub.epa.gov/work/01/671737.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>.

U.S. Army Corps of Engineers (USACE), Dams of the Nation, National Inventory of Dams. January 2023. <https://nid.usace.army.mil/#/>.

U.S. Army Corps of Engineers (USACE), Dams of the Nation, National Inventory of Dams, Bleachery Dam, January 2023. <https://nid.usace.army.mil/#/dams/system/CT00229/summary>.

U.S. Army Corps of Engineers (USACE), Dams of the Nation, National Inventory of Dams, Bulls Bridge Dam, January 2023. <https://nid.usace.army.mil/#/dams/system/CT00548/summary>.

U.S. Army Corps of Engineers (USACE), Dams of the Nation, National Inventory of Dams, Columbia Mill Dam, January 2023. <https://nid.usace.army.mil/#/dams/system/MA00260/summary>

U.S. Army Corps of Engineers (USACE), Dams of the Nation, National Inventory of Dams, Falls Village Dam, January 2023. <https://nid.usace.army.mil/#/dams/system/CT00514/summary>.

U.S. Army Corps of Engineers (US ACE), Dams of the Nation, National Inventory of Dams, Lake Housatonic Dam, January 2023. <https://nid.usace.army.mil/#/dams/system/CT00026/summary>.

## **TASC Contact Information**

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From Gail Ceresia

[REDACTED]

[REDACTED]

Date 2-13-2023

RE: Additional Comments & New comments on docs...

671716 Upland Disposal Facility Conceptual Design Plan &  
30150026 Interim Pre-Design Investigation Data Summary Report for Upland Disposal Facility  
Area (PDF)  
671737 Plans for Implementing Future Work

Regarding the Technical Assistance Services for Communities (TASC) comments Doc dated Jan 20, 2023 for the UDF Conceptual Design Plant etc.

**Please require GE to provide all information outline in the document comments.** Please require GE to include all ACEC habitat and wetland baseline studies done by Woodlot in 2002 or others consultants studies. Please point out similarities and changes between the different studies.

The surrounding properties have had a considerable amount of alteration therefore the 2022 habitat study is compromised due to the lack of regulatory action which was sanctioned by EPA. EPA would not allow the Lee Conservation Commission and Massachusetts Department of Environmental Protection to regulate GE land or the adjacent areas.

In a letter of acceptance for comments, Kelsey Dumbfill wrote this in the last paragraph. *"Please note that GE's document was a conceptual design of the UDF. GE is next required to submit a "Final" design document that will have many more details regarding the UDF and must respond to EPA's response letter on the conceptual design document. Even though this next document will be titled a "Final" design, the public will be able to provide input on the document before the EPA responds to the document. That is, the public and EPA will have the ability to respond to the "final" design before it becomes a final document that forms the basis for construction of the UDF."*

The current conceptual design document is lacking too much information. **Please provide a public hearing, and require all the information recommended by TASC, in an interim design plan.**

The Upland Disposal Conceptual Design Facility Table 2.1-page 6 ACEC last column states “ ***To the extent that material to be disposed of at the UDF is deemed to be a Massachusetts hazardous waste solely because of presence of PCBs at concentrations greater than 50mg/kg, EPA has determined that the requirements of these regulations are not appropriate for the UDF, but that if a provision of these regulations is deemed an ARAR, EPA has waived such provision under Section 121 (d)(4) (b) of CERCLA on the ground that compliance would pose a greater risk to human health and the environment than use of the UDF. See Attachment C of the Revised Permit at p. C-13. This waiver would apply to the provision of these regulations prohibiting location of hazardous waste facility in an ACEC.***”

This is contrary to the 2020 Consent Degree and should not be allowed. I am concerned that EPA is setting this TASCAs landfill site up for dumping from other parts of the state or world. **EPA, please remove this waiver from the Conceptual Design Document and anywhere else this waiver has been posted. EPA does have alternatives which should be explored. Please require GE to find a solution to breaking PCBs down. You are putting the citizens at risk by creating this dump, and I am concerned EPA intends to dump PCBs from other parts of the world.**

#### **671737 Plans for Implementing Future Work**

With this proposal, GE has been given a pass on PCB removal, and public health remains in jeopardy. Tests should be done on all the properties within the 10- and 100-year flood plain. The property owner should not be responsible for performing and paying for PCB test, nor should they be required to prove to EPA or GE that PCBs concentration is greater than 1 ppm.

The Lee Conservation Commission regulates the flood plain when wetland resources are present, otherwise the Lee Planning Board reviews documentation. The boards consist of volunteers. This proposal places an undue burden on the town volunteers and subjects the town to lawsuits. GE polluted the environment, therefore they should be required to investigate the floodplains and oxbows for PCB contaminants, not the towns or its citizens.

**From:** [REDACTED]  
**To:** [R1Housatonic](#)  
**Subject:** Plans for implementing future projects of work Lee, Ma  
**Date:** Tuesday, February 21, 2023 1:01:11 PM

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Hi,

My name is Anne Langlais. I am not only a long-time resident, I am also a homeowner and business owner of more than 20 years.

As there was a vast amount ***insufficient information*** provided in this document, I will do my best to comment on the proposed PCB UDF design set for Lee, Massachusetts, in The Beautiful Berkshires.

Most of this document is general information and knowledge, repeated from past documents.

Many times through this document is repeated, **Estimated** slope, **Estimated** elevation, **Estimated** habitat, **Estimated** material properties, **Estimated** net volume, **Estimated** storm flow, **Estimated** Bed rock offset. There doesn't seem to be much concrete for certain information, or numbers. I also see throughout the entire document, these repeated phrases below...

- 1.) " elevation data are still being collected."
- 2.) " which is currently undefined and not shown."
- 3.) "and will be expanded upon in the Final Design Plan."
- 4.) "will be presented in a Final Pre-Design Investigation Summary Report."
- 5.) " will be presented in the Final UDF PDI Summary Report."
- 6.) " have/has not been completed."
- 7.) " designs and the results provided in the Final Design Plan."
- 8.) "components and activities are identified as such in a number of sections of this Conceptual Design Plan and will be described in the final Design Plan for the UDF"

This site was originally passed over by you, the EPA as it was deemed ***NOT SUITABLE*** in the original agreement. Can you explain to me how it is now, what has changed at this location?

This proposed site is in a residential neighborhood with many day care centers and several schools all within a 2-mile radius. The time frame of 13 to 15 years of trucks transporting this carcinogens material, airborne through our neighborhoods, putting people's health at risk is NOT acceptable. The polycarbonate biphenyls need to be properly remediated and removed by rail to a preexisting superfund site.

The means at which you reached Your human risk assessment is shameful and downright inhumane!!! Shame on all of you !!!

You, the EPA states how you were going to look into alternative technologies, and you have NOT ! There are so many newer technologies out here today that can be implemented to the poison that General Electric should be held accountable for

unleashing into the public. It was supposed to be your job, the EPA to protect us from harm... the EPA has allowed this big corporate monster to continue to poison and kill residents with their cancer-causing PCBs that they released into our community years ago.

You, the EPA to this day have NOT ADDRESSED the Kimberly Clark Dump that's leaking near that area currently, in residents' yards. Its been leaking dioxane and Naphthalene for way too long. Many people have already lost loved family members to cancer, and now their beloved pets too. You aren't able to hold Kimber Clark, (Sweitzer) accountable, we certainly DON'T trust that you will or can hold General Electric accountable either !

the EPA is now becoming now as the Environmental Poison Agency. The EPA has NO integrity, we want you and need you to hold those at fault accountable to the people.

There is a family Dairy farm less than 1/2 mile from that proposed UDF site. They have been there for generations. For generations of working hard to invest for their families' futures. You the EPA knows Dam Well how the milk from those cows can contain PBCs through the grain and corn-fed animals. Just like it did in Lenox dale some years ago and was caught in the milk in Connecticut!!!!!! This particular family of dairy Farmers has graciously granted access of their personal property of the reservoir on their land, for the towns people of Lee. Instead of being appreciated and thanked, You the EPA are disregarding all of the people's health risks and future loses to their property values.

The EPA came in SUPPORTING General Electric's divide and conquer tactics of getting the individual towns pitted against one another, along with creating divisiveness within towns people of Lee. The EPA full knowing, ALLOWED General Electric to prey upon a poor neighborhood, with residents who have no knowledge about the poisonous cancer-causing effects of Polychlorinated biphenyls.

The Current EPA is Disgraceful !!!!!

Anne Langlais

[Sent from the all new AOL app for Android](#)



**From:** [Clare Lahey](#)  
**To:** [R1Housatonic](#)  
**Subject:** Comments on Plan for Implementing Future Projects or Work  
**Date:** Wednesday, February 22, 2023 11:16:12 PM

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We live next to the river at the confluence of Washington Mountain Brook and the Housatonic River. Our property is adjacent to and in the floodplain of the river. According to GE's own words in the recent notice sent to town Conservation Commissions and DPWs, our property "**may contain PCB contamination**," and should be reported to GE, DEP, & EPA when projects are planned.

One of the highest concentrations of PCBs along the river lies directly across from our home. There lies a measurement of 12.6 mg/kg PCB concentration (2001). We know that this measurement is way above allowable performance standards for frequently used or residential sites. We do not know if this level of contamination has increased or decreased since the last testing 22 years ago. We do not know if the groundwater that flows into our dirt cellar during high water is contaminated with PCBs. We do not know if a PCB contaminated plume reaches into our yard. There are too many unknowns! Is it safe for us to continue gardening? Is our health threatened if we continue living here?

The *Plan for Implementing Future Projects or Works* leaves homeowners hanging as to whether or not their property is contaminated and at what level. Sending an annual *Notice Regarding Properties Adjacent to or in Floodplain of Housatonic River* to town Conservation Commissions and DPWs is not a reliable means of insuring that contaminated properties will be managed in a protective manner.

If our property "may contain PCB contamination," GE should notify us DIRECTLY, providing us with steps to take if we wish to have our home tested for PCBs and/or measures to take to protect our health. It is only right that this should be done for all potentially contaminated property owners. We have to be sure that everything possible is being done to protect the health of our residents. You, the EPA, should carefully review the GE list of potentially contaminated properties along with MA DEP and other appropriate parties to be sure that all potential toxic sites are identified and notified.

Once notified, it's up to the property owner to decide if they want a protective cleanup. If they decide against a protective cleanup, they should be instructed on daily living best practices to protect their health (air purifiers, improved ventilation, etc.). They should be advised that actions they take may adversely affect their neighbors, such as projects which disrupt the soil, releasing toxic particles into the air.

The EPA should help RoR communities by providing public health advisories. They should assist Boards of Health in educating their residents on the toxicology of PCBs and suggest protective measures that the town may wish to institute, such as air quality monitors, etc.

Please consider a system of FREE periodic PCB testing, such as is done for Radon, so that property owners can provide appropriate documentation during a real estate transaction.

During public projects in PCB contaminated floodplains, such as road and bridge work, nearby residents should receive advisories about the protective protocols being followed by the contractor. There may be other precautionary measures that could be suggested to protect vulnerable populations, such as young children, babies, child-bearing mothers, the elderly, and those with compromising ailments.

We believe that GE should be responsible for warning those they have put at risk by their violation of the Clean Rivers Act. This is a grave threat to public health. The threatened communities have a right to know what these chemicals are, why they are receiving information about these chemicals, how and where exposures can occur, and how these exposures can be avoided or reduced. Any actions homeowners decide to take to reduce their exposure to PCBs is then a matter of personal choice.

Please be sure that GE does the right thing.

Clare & Ed Lahey

**From:** [Joshua Bloom](#)  
**To:** [R1Housatonic](#)  
**Subject:** response to GE's Plan for Implementing Future Projects or Work Housatonic River – Rest of River  
**Date:** Tuesday, February 21, 2023 12:32:30 PM

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Dear EPA,

I live in Lee, Massachusetts with my wife and our two young children. I do not want a PCB disposal facility in or near our town for I understand the grave potential risks the project poses to my family's and neighbors' health and cause irreparable harm to our community's environment, wildlife, and property values.

I recognize that the EPA's decision to allow GE to dump toxic materials in our town was made under different administrative leadership at your agency, as we were all heading into a worldwide shutdown. It is my sincere hope that those of you who read this letter at the EPA will recognize the plans for a PCB dump in the town of Lee is not in lines with your professional values and your service to our country. Please, rectify this injustice this GE dumps any PCB materials in our town. I implore you to help my family, our town, and our neighboring communities.

I have reviewed GE's *Plan for Implementing Future Projects or Work Housatonic River – Rest of River* from December 16, 2022. The following are my comments, questions, and concerns as a lay concerned affected person:

It is difficult to assess this report properly without the additional information about catastrophic failure or material breach of any of the dams mentioned in the report. Will you honor my request to keep the response period on *Plan for Implementing Future Projects or Work Housatonic River – Rest of River* open until such time as that second GE report on these dams is released by GE?

In footnote 4, GE wrote: "The Revised Permit requires in numerous provisions that GE conduct response actions 'to be protective' of a Legally Permissible Project or Work. GE interprets the quoted phrase to mean that GE is to conduct response actions to ensure that the project or work is conducted in a protective manner and in a manner that maintains the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action."

Does the EPA agreement with GE's interpretation of "to be protective"?

What happens if/when GE determines it is not "obligated to implement response actions in connection with the project or work under the applicable provisions of the Revised Permit" that the EPA determined to be in justified on a private dam or in a contaminated floodplain?

In footnote 6, GE explained: “In this case and in other portions this Plan stating that GE will evaluate whether it is obligated to implement response actions under the applicable provisions of the Revised Permit, that evaluation will include an assessment of whether the Revised Permit conditions for a Legally Permissible Project or Work have been met and whether response actions: (i) are necessary for the project or work to be conducted in a protective manner and/or to maintain the applicable Performance Standards and/or the effectiveness of the RoR Remedial Action; (ii) are in accordance with the CD, including, but not limited to, Paragraph 39.a of the CD; (iii) are consistent with the scope of the response actions already selected and specified in the Revised Permit (including Monitored Natural Recovery where applicable); and (iv) relate (or may, after sampling, relate) to the presence of PCBs.”

GE asserted unilateral authority to just say no to the government with no accountability or oversight in this report. How can that be possible?

Can you better explain, in plain language, what are the impacts to town and private property owners within the river floodplain in Lee? In section 3.1.2, is it possible to make it clearer which properties in Lee are affected and how they are affected?

The report did not include any details about additional testing of PCB levels in the floodplains of the Housatonic River or in any nearby properties, including those in Lee and other towns located further south. Consequently, we remain unaware of the existence of contaminated groundwater plumes that may have spread beyond the locations previously tested by GE/EPA 22 years ago.

Property owners situated near the river or in floodplains can only determine if their properties contain hazardous levels of carcinogenic PCBs if they undertake construction work that requires a building permit. In such instances, local authorities must notify GE, DEP, and EPA, and if GE's 22-year-old records indicate a problem, they will initiate a cleanup. However, property owners who desire complete assurance that digging will not release toxic PCBs must finance the necessary testing and documentation. That is an unfair onus on the already greatly impacted property owner. Can you rectify that?

Sincerely,  
Josh Bloom

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**From:** [Jennifer Nugent](#)  
**To:** [R1Housatonic](#)  
**Subject:** Rest of River Permit public response Submittal  
**Date:** Tuesday, February 21, 2023 3:06:36 PM

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Dear EPA,

As a resident of Lee MA living approximately 400 yards from the PCB contaminated river, one of my biggest concerns with this ROR plan is that it is up to GE to determine whether they will be responsible for future found contamination. It will be the residents responsibility to fight the behemoth of this company which is a very expensive proposition for the residents of our hard working community.

Not only are we facing the imminent placement of a toxic waste dump in our lovely New England town, we have had to live with the effects of the dumping of PCBs ruining our beautiful Housatonic river for all these years. The fight for the appropriate act of GE cleaning the river now results in this poisonous dump placed in our town.

In a future with unknown, but not unexpected, severe weather patterns from climate change, we now will live with the effects of this dump with GE again determining what they are accountable for.

Please help to protect the health of our air and groundwater! Shame on GE.

Thank you for your attention,  
Jennifer Nugent APRN, RN





April 28, 2023

Mr. Alex Carli-Dorsey  
Remedial Project Manager  
U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

*Transmitted via email*

Dear Mr. Carli-Dorsey;

Thank you for the opportunity to comment on the “Plan for Implementing Future Projects or Work Housatonic River – Rest of River” (the “work plan”) dated December 16, 2022. The provisions within the permit to address impacts on authorized projects, work or use changes from PCBs released by the General Electric Company (GE) is an important aspect of restoring water quality and uses within the Connecticut portion of the Housatonic River watershed. As written, the work plan is insufficient to adequately determine the framework under which GE will be required to mitigate the financial and logistical impacts of PCBs within the Housatonic River watershed on future projects within Connecticut.

During the development of the Rest of River permit, decisions were made to not include implementation details for many of the activities and responsibilities identified within the permit. Instead, the permit included requirements for GE to submit work plans that will address the details of the various requirements. This draft work plan does not accomplish that objective. Instead, it restates the definition of “Legally Permissible Future Project or Work” (Future Projects) from the permit and identifies that those involved in Future Projects should provide general documentation to GE regarding their plan. The work plan fails to provide any additional specificity on the implementation of these permit provisions. After reading the work plan, it is not possible to determine how the permit will be implemented to address these future conditions. As it stands, the work plan essentially indicates that parties should submit information to GE and that GE will let EPA know if implementation of this permit provision is appropriate or not to address the future work in each case. This approach is unacceptable, and the work plan should be revised to present sufficient information to allow for a clear and easily understandable procedure to implement this permit condition for GE, EPA, CT DEEP, and those that will understand Future Projects. This is especially important given that businesses, agencies, and members of the general public who may initiate Future Work or use changes

need to clearly understand the relationship between these provisions within the Rest of River permit and the activities or uses that these parties wish to undertake.

The following specific comments are provided to identify revisions needed to the work plan to address these issues:

- The permit provides that for EPA to make the determination that the threshold for Future Projects has been met. The current draft work plan should be revised to indicate that parties conducting Future Projects or establishing Future Uses should submit documentation to EPA so that EPA can make a determination that these provisions of the permit have been triggered. EPA would then provide notice to GE. The work plan would then need to be revised focusing on GE implementation activities assuming an affirmative determination from EPA has been made.
- Additionally, the work plan does not address the provisions of the permit related to a “Legally Permissible Future Use” (Future Use) which are incorporated into the Performance Standards and implementation requirements along with Future Work provisions. The definition of Future Use should be added to the work plan and implementation activities necessary should that provision of the permit be triggered, as determined by EPA.
- The work plan identifies sections of the permit where requirements for Future Projects are discussed. Several of these references should be revised as follows:
  - Sections II.B.2.j(1)(c) and 2(e) apply to all dams within Massachusetts, not just non-GE-owned dams
  - Section II.B.2.l applies to dams, impoundments, sediment, riverbanks and backwaters in the Connecticut portion of the ROR. The restriction to river sediments and omission of backwaters should be corrected to match the permit.
  - The reference to Sections II.B.7.b(1)(b) and (2)(b) should be revised to II.B.7.b to be inclusion of multiple sections within this portion of the permit that apply to future work provisions. Additionally, this section of the permit pertains to Floodplain Soils (inclusive of Vernal Pools and Backwaters) in Reaches 5-8, not floodplain exposure areas
  - Section II.B.7.c pertains to Floodplain soils outside exposure areas in reaches 5-16
- First paragraph should also include future work in floodplains under Section 2: Plan Relating to Future Projects or Work in the Housatonic River
- The permit uses the phrase that GE “shall conduct response actions to be protective of any Legally Permissible Future Project or Work”. In footnote 4 on page 4 of the Scope of Work, GE indicates that they interpret this to mean that “GE is to conduct response actions to ensure that the project or work is conducted in a protective manner and in a manner that maintains the applicable Performance Standards and/or the effectiveness of the Rest of River Remedial Action.” What does this mean? The scope of work should identify the various performance standards and remedy components established within the permit and provide details on how those would be addressed through this permit provision. Examples of potential Future Work or Future Uses should be provided to enhance understanding of the implementation for these permit provisions.
- The plan should include a process that would provide periodic notice to anyone within the watershed who may consider Future Work or Future Uses so that they know about the permit requirements and opportunity to work through EPA to have PCB-related issues addressed, as

appropriate. This could include a fact sheet developed by EPA and GE to be given to permitting or other authorities to provide during the authorization or other processes supporting Future Work or Future Use applications or use changes.

- Assuming that this work plan will be revised, GE or EPA should conduct outreach to current permit holders or dam owners in Connecticut and Massachusetts to make sure they have the opportunity to review and comment on this work plan.
- EPA should remain the point of contact throughout the entire process for any parties with a Future Work or Future Use activities that is approved for action under permit.

PCBs have had a long-term impact on the environmental within the Housatonic River within Connecticut. While there are processes in place to reduce that impact, PCBs will continue to be present and potentially impact projects, work and uses within the watershed in Connecticut. It is important for public safety and to reduce the impact of PCBs on Connecticut citizens that the provisions of the permit regarding Future Work or Future Uses are effectively and appropriately implemented consistent with the permit and associated consent decree.

We appreciate the opportunity to provide comments on this work plan. Please reach out to Traci Iott ([traci.iott@ct.gov](mailto:traci.iott@ct.gov)) of my staff to continue discussion on this issue. Thank you for considering our comments on this important issue.

Sincerely,



Graham J. Stevens, Chief  
Bureau of Water Protection and Land Reuse