



REGION 1

BOSTON, MA 02109

Via Electronic Mail/Dated as of the date signed below

Matthew Calacone
Senior Project Manager
General Electric Company
1 Plastics Avenue
Pittsfield, MA 01201

Re: Conditional Approval of GE's October 15, 2024, *Revised On-Site and Off-Site Transportation and Disposal Plan*; GE-Pittsfield/Housatonic River Site, Rest of River

Dear Mr. Calacone:

On October 15, 2024, the General Electric Company (GE) submitted to the United States Environmental Protection Agency (EPA) its *Revised On-Site and Off-Site Transportation and Disposal Plan* (the "Revised Plan"). The Revised Plan is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000 and the Revised Final Permit dated December 16, 2020. EPA held a public input period regarding the Revised Plan from October 15, 2024 to January 15, 2025. GE also presented the Revised Plan in an open public meeting at the Taconic High School in Pittsfield, MA, on December 4, 2024.

Pursuant to Section XV of the Consent Decree, EPA, after providing reasonable opportunity for review and comment by the Commonwealth of Massachusetts and the State of Connecticut, conditionally approves the Revised Plan subject to the following conditions.

General Conditions:

1. EPA does not concur with all of the analyses and metrics presented in the Revised Plan. However, EPA does concur with GE's general approach and GE's recommendation to implement Scenario 4, which incorporates truck, rail, and hydraulic transport, subject to the conditions below. EPA notes that GE is required to address a number of conditions and issues in subsequent cleanup design documents that GE is required to submit for EPA review and approval.
2. EPA approves of the three proposed locations for rail spurs. These three are referred to as Utility Drive in Pittsfield, Woods Pond/Berkshire Scenic Railroad in Lenox, and Rising Pond in Great Barrington. GE shall submit, for EPA review and approval, a Pre-Design Investigation (PDI) Work Plan for the Utility Drive and the Woods Pond rail spurs no later than May 15, 2025. GE shall submit

a separate, later PDI Work Plan for the Rising Pond rail spur as a part of the design documents for Reach 7 and/or Reach 8. The PDI Work Plans shall include a description of the investigations, including the required surveys, geotechnical borings, cultural resource surveys, and baseline restoration assessment activities, to be conducted to inform the design of the rail spurs, along with a proposed schedule for those investigations. Based on the results from the PDIs and according to a schedule proposed in the PDI Work Plans, GE shall submit a conceptual design for the rail spurs (one for Utility Drive and the Woods Pond rail spurs and a later one for the Rising Pond rail spur). These conceptual design submittals shall include the following:

- a. Identification and evaluation of the attainment of ARARs relevant to the rail spurs, including those related to wetlands, cultural resources, and habitat and endangered species, including the substantive requirements of the Massachusetts Endangered Species Act (MESA). This evaluation shall include a thorough evaluation of impacts to federal and state-listed endangered, threatened, and species of special concern, such as direct, indirect, and both short- and long-term impacts to listed species and their habitats. As required by Attachment C to the Revised Final Permit Modification related to the MESA ARAR, to the extent that unavoidable impacts result in a take¹ of state-listed species, GE shall develop and implement a conservation and management plan that provides a long-term net benefit to the affected state-listed species. Any such plan may address impacts in more than one affected area if appropriate. EPA will approve the conservation and management plan, after providing reasonable opportunity for review and comment by the Commonwealth of Massachusetts and the State of Connecticut and in consultation with the Massachusetts Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) regarding the substantive requirements of the MESA ARAR.
- b. The preliminary layout of tracks, switches, staging areas, areas to be disturbed, and all infrastructure necessary to perform the required operations.
- c. The anticipated capacity in cubic yards per day of the rail spur/rail loading operation.
- d. The rail spur at Utility Drive will be removed post-remediation. Accordingly, GE shall include a restoration plan that details how the affected areas will be restored consistent with the Restoration Performance Standards in Final Permit Section II.B.1.c. GE shall consult with the property owner (DFW) when developing this plan.
- e. The rail spur enhancements can be made permanent at the Woods Pond Spur. GE shall include a restoration and reuse plan based on compliance with ARARs and in consultation with the property owner/Berkshire Scenic Railway Museum, the Housatonic Railroad Corporation, Inc. (HRRC), the Town of Lenox, and the Massachusetts Department of Transportation (MassDOT).
- f. Similarly, GE shall propose in the Reach 7 and Reach 8 design plans any potential reuse of the Rising Pond rail spur, in consultation with the Town of Great Barrington, HRRC, and MassDOT; or, alternately, propose removal of the spur and a restoration plan consistent with the Restoration Performance Standards in Final Permit Section II.B.1.c.

¹ In this context "take," shall be as defined in the MESA statute and its regulations. For public information, the term "take" generally means harm to state-listed species or the degradation or destruction of the habitat for such species.

3. Although EPA concurs with the proposed use of rail, GE shall develop a backup plan for the transportation of material via trucks. This is necessary because of potential capacity limitations, potential coordination issues with the sole operator of the railroad, staffing issues, equipment limitations, conflicts with freight shipments, accidents, and other issues that may prevent the use of rail needed to maintain the remediation schedule. See attached comments from the United States Army Corps of Engineers. EPA concurs with these comments. Accordingly, in the applicable Reach-specific design documents (e.g., Final RD/RA Work Plans for the relevant Remediation Units), GE shall include the final transportation routes and methods that are consistent with Scenario 4. GE shall also include contingencies and alternate modes of transportation, where applicable, in those Reach-specific design documents.
4. GE shall submit, for EPA review and approval, a plan to reconstruct Roaring Brook Road in the Final RD/RA Work Plan for Reach 5A. Such plan shall include the proposed upgrades and the identification and evaluation of the attainment of ARARs. The plan shall also include details, where appropriate, for the installation of properly sized culverts, such as for Mill Brook, that address Massachusetts River and Stream Crossing Standards and the Massachusetts Stream Crossing Handbook to allow coldwater fish to move up and downstream. Two-way truck traffic on Roaring Brook Road may not be possible throughout the remediation due to some of the space constraints along its route; thus, GE shall consider using a portion of the road for one way traffic to the Upland Disposal Facility (UDF) with empty trucks returning via a different route. The proposed use of Roaring Brook Road shall be provided in Reach-specific design documents (that is, the Final RD/RA Work Plans and/or Supplemental Information Plans (SIPs) for Reach 5A and Reach 6).

Specific Conditions:

1. **Section 1.1, Purpose and Scope:** Note that there is a typo in the 6th bullet. The text should read “Massachusetts solid waste [emphasis added] and hazardous waste facility...”. The text says *solid water*.
2. **Section 2.1, Determination of On-Site Vs. Off-Site Disposal, Table 2-1:** The quantities of waste material for on-site and off-site disposal presented in this Revised Plan are preliminary and subject to change during the Reach-specific final design process. GE shall present the final estimated waste material quantities and disposal methods in the Reach-specific design documents (for example, the Final RD/RA Work Plans for Reach 5A and Reach 6). Similarly, GE shall include the quantities and proposed transportation methods and routes for backfill in the Reach-specific SIPs.
3. **Section 2.2, Material Handling and Staging:** The locations identified for staging/dewatering areas and associated truck routes are preliminary and will likely need to be revised and finalized in the Reach-specific design documents. The conditions on Section 4.4 — Scenario 4 will also require revisions to these proposed locations.
4. **Section 3.3.1.1, Preliminary Screening Evaluation of Potential Rail Loading and/or Off-Loading Locations, page 22, 2nd paragraph:** EPA does not concur with the assertion that there is no benefit to the use of existing, improvement to existing, and/or construction of additional temporary access

roads within the floodplain to move soil/sediment to the Utility Drive rail location. See the conditions on Section 4.4 below.

5. **Section 3.3.2, Preliminary Screening Evaluation of Rail/Truck Transport, 4th Paragraph and Figure 4-6:** EPA concurs that the debris to be removed from Columbia Mill Dam, as well as the remnants of Eagle Mill Dam, can be trucked the short distance directly to the UDF using Center Street (for Eagle Mill Dam only) to Columbia Street to Mill Street to Willow Hill Road. GE shall include this transportation method and route in the relevant Reach-specific design documents (that is, the applicable Conceptual RD/RA Work Plan(s), Final RD/RA Work Plan(s), and/or SIP(s) for Reach 7).
6. **Section 4.4, Scenario 4 – Mostly Rail/Truck Transport for On-Site Disposal; All Rail/Truck Transport for Off-Site Disposal, Figure 4-6:** The proposed transportation routes for Reach 5A include a truck route from the east side of the river to the west side of the river along public roads to get to the Utility Drive rail spur, which is on the west side of the river. GE shall consider options to minimize traffic impacts, including removing as much material as possible directly to the west side of the river, using temporary river crossings, and constructing on-site roads parallel to both sides of the river down to New Lenox Road. GE shall not include the use of East Street in Lenox or Chapman Road in Pittsfield as a potential truck route for moving Reach 5A material from the east side of the river to the Utility Drive rail loading area on the west side of the river. After evaluating these options, GE shall consider using Roaring Brook Road to transport the remaining material directly to the UDF via truck. GE shall propose final transportation routes in the Reach 5A final design documents.
7. **Section 4.4, Scenario 4 – Mostly Rail/Truck Transport for On-Site Disposal; All Rail/Truck Transport for Off-Site Disposal, Figure 4-6:** For Reach 5B, it appears that the truck route to the UDF for floodplain and bank soil generated on the west side of the river includes the northern portion of East Street, New Lenox Road, and Roaring Brook Road. Like options to be considered for Reach 5A, GE shall consider revisions to this route to minimize traffic impacts, including the use of temporary access roads parallel to the river, including one that could go north to the Utility Driver Rail Spur. GE shall not include the use of Chapman Road in Pittsfield as a potential truck route and shall consider not using East Street in Lenox as a potential truck route for Reach 5B. GE shall propose final transportation routes in the Reach 5B final design documents.
8. **Section 4.4, Scenario 4 – Mostly Rail/Truck Transport for On-Site Disposal; All Rail/Truck Transport for Off-Site Disposal, Figure 4-6:** The quantities of material to be transported to Rising Pond from Reach 7G (Stockbridge) do not differentiate between sediment to be hydraulically transported and the floodplain soil to be transported by truck. Based on discussions with GE, the 14,500 cubic yards estimated to be removed from Reach 7G shown in Table 2-1 consist of 10,500 cubic yards of sediment and 4,000 cubic yards of floodplain soil. The 4,000 cubic yards of floodplain soils is an initial estimate of the amount of floodplain soil that needs to be removed from the five floodplain Exposure Areas to meet the Permit requirements. This quantity, and the estimated quantity of sediment to be removed, is subject to change based on pre-design sampling data collection. Based on the estimate of 4,000 cubic yards coming from Exposure Area 87, an estimated 290 truckloads of floodplain material will be transported to the Rising Pond rail spur along Route

183, beginning at Glendale Middle Road. GE shall include final estimates and proposed transportation routes in the Reach 7 design documents.

9. **Section 4.4, Scenario 4 – Mostly Rail/Truck Transport for On-Site Disposal; All Rail/Truck Transport for Off-Site Disposal, Figure 4-6:** For clarification, the Revised Plan is only proposing to transport material to the Rising Pond Rail Spur/staging areas for materials generated in Stockbridge and from or adjacent to Rising Pond. No material generated from Pittsfield, Lee, or Lenox will be transported to the Rising Pond Rail Spur/staging areas.
10. **Section 5.4.6, Impacts on Recreation During Construction and Operation:** The reconstruction and use of Roaring Brook Road, the construction and operation of rail spurs, and hydraulic pumping may have adverse impacts on current recreational activities. For example, increased truck travel along Roaring Brook/Woodland Road may limit access to the eastern side of the Darey Wildlife Management Area (WMA) where roadside parking is common. Similarly, Utility Drive is a public access point for more than 170 acres of the Darey WMA, and the rail siding construction, truck traffic, and prolonged use as a staging site may also limit public access. Additionally, ATVs, walking, biking, and access to October Mountain hiking trails and Schermerhorn Road may also be impacted. As detailed in Section 5.1 of the Quality-of-Life Plan, GE shall identify areas of potential recreational impacts in the relevant final design documents or other submittals and shall describe the anticipated measures to address and (if warranted) mitigate such impacts. GE shall consult with the property owners, including DFW, when developing such final design documents and other submittals.
11. **Section 5.4.7, Impact on Infrastructure/Recreation After Construction:** As stated in Section 5.2 of the Quality-of-Life Plan, GE shall work cooperatively with the local municipalities and the Commonwealth of Massachusetts to facilitate their enhancement of recreational activities in areas where remediation will occur and/or where temporary access roads are constructed and then removed. GE will consult with the relevant landowners, municipalities, and the Commonwealth of Massachusetts regarding such enhanced recreational activities, which may include canoe launches and other water activities, hiking, bike trails, and other actions.
12. **Section 6.1, On-Site transportation Requirements, Page 52, 5th Bullet:** As GE states, GE's November 2024 Revised Project Operations Plan (POP) provides additional information on how GE's contractor(s) shall respond to and coordinate with officials in the event of a transportation accident. See Attachment F to the POP. Communication with local agencies is also referenced in Section 7 of GE's November 2024 Revised Quality-of-Life Plan. However, additional detail is needed on how GE will establish a communications plan for connecting community first responders to ongoing remedial action activities to better prepare for and respond to any potential emergency situations. Details shall include, at a minimum, advance coordination with first responders from police and fire departments of each municipality where remediation activities will be occurring and representatives from Berkshire Health Systems and with railroad representatives where applicable. GE shall consult with each affected municipality to determine who exactly will be included in the communications plan. GE shall provide this additional information in the SIP for a given Remediation Unit (RU) or in another RU-specific document if agreed to by EPA and GE.

13. **Section 7.2, On-Site Transportation of Generated Liquids:** The specific details of the hydraulic transport, dewatering, and leachate management shall be described in Reach-specific design plans, in the UDF design addenda, and in the Reach 7/8 design documents, where appropriate.
14. **Section 7.2, On-Site Transportation of Generated Liquids:** The Revised Plan assumes that the on-site wastewater treatment facility to be built at the UDF will be operational in time for the start of hydraulic transport in Reach 6. GE shall include in the relevant UDF design addenda a backup plan for water treatment activities from hydraulic transport if the treatment facility needs to undergo maintenance, repairs, or shut down.

EPA reserves all of its rights under the Consent Decree and GE's Revised Final Permit (December 2020), including but not limited to, the right to perform and/or require additional sampling or response actions. If there is any conflict between the Performance Standards as stated in the submittal and the Performance Standards as stated in the Consent Decree or the Revised Final Permit, the Consent Decree and/or the Revised Final Permit shall control.

Please do not hesitate to contact me at (617) 918-1282 or Tagliaferro.Dean@epa.gov, or Alex Carli-Dorsey at (617) 918-1049 or at CarliDorsey.Alexander@epa.gov, should you have any questions on this letter.

Sincerely,

DEAN
TAGLIAFERRO
Dean Tagliaferro
Project Manager

Digitally signed by DEAN
TAGLIAFERRO
Date: 2025.04.29 08:17:57
-04'00'

Attachment: U.S. Army Corps of Engineers, Transportation Systems Center, Memo on the Revised On-Site and Off-site Transportation and Disposal Plan, January 14, 2025

cc: (via electronic mail only)
Lance Hauer, GE
Kevin Mooney, GE
Rachel Leary, GE
Andrew Inglis, GE
James Bieke, Counsel for GE
Richard Fisher, EPA
Josh Fontaine, EPA
Christopher Smith, EPA
Alexander Carli-Dorsey, EPA
Jeffrey Dewey, EPA
John Kilborn, EPA
Christopher Ferry, ASRC
Thomas Czelusniak, HDR Inc.

Scott Campbell, Taconic Ridge Environmental
Izabela Zapisek, Taconic Ridge Environmental
Whitney Behr, U.S. Fish and Wildlife Service
Sarah Shattuck, U.S. Department of the Interior
Genette Gaffney, U.S. Department of the Interior
Benjamin Erikson, Massachusetts DEP
Christine LeBel, Massachusetts DEP
Tamara Cardona-Marek, Massachusetts DEP
Ben Guidi, Massachusetts DEP
Jason Perry, Massachusetts DEP
Michael Gorski, Massachusetts DEP
Michelle Craddock, Massachusetts DEP, Lead Administrative Trustee
Betsy Harper, Massachusetts Attorney General's Office
Traci Iott, Connecticut DEEP
Susan Peterson, Connecticut DEEP
Carol Papp, Connecticut DEEP
Graham Stevens, Connecticut DEEP
Lori DiBella, Connecticut Attorney General's Office
James Turek, National Oceanic and Atmospheric Administration
Danielle Perry, National Oceanic and Atmospheric Administration
Mayor Peter Marchetti, City of Pittsfield
Jim McGrath, City of Pittsfield
Andy Cambi, Pittsfield Health Director
Michael Coakley, Pittsfield Economic Development Authority
Nate Joyner, City of Pittsfield, Community Development & Housing Program
Mark Tisa, Massachusetts DFG
Eve Schluter, Massachusetts DFW
Massachusetts DFW
Melissa Provencher, Berkshire Regional Planning Commission
Jay Green, Chief Administrative Officer, Lenox
Town Administrator, Lee
Town Manager, Great Barrington
Town Administrator, Stockbridge
Town Administrator, Sheffield
Jim Wilusz, Health Agent for Tri Town Health Department
Bettina Washington, THPO, Wampanoag Tribe of Gay Head (Aquinnah)
Mark Andrews, Deputy THPO, Narragansett Tribe
Bonnie Hartley, SMC
Chuck Kilson, STN
Chairman Russell, SIT
Jeffery Bendremer, THPO, Stockbridge-Munsee
Brona Simon, Massachusetts Historical Commission
Edward Bell, Massachusetts Historical Commission
Repository, David M. Hunt Library in Falls Village, CT



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA, NE 68102-4901

CENWO-EDT-ES

14 January 2025

MEMORANDUM FOR Chief, Operations Branch, USEPA Region 1

SUBJECT: General Electric Housatonic River Revised On-Site and Off-Site
Transportation and Disposal Plan

1. Reference. General Electric (GE) Housatonic River, Rest of River in Pittsfield, Massachusetts, Revised On-Site and Off-Site Transportation and Disposal Plan for the dated October 2024.
2. Review of On-Site and Off-Site Transportation and Disposal Plan by United States Army Corps of Engineers (USACE) Transportation Systems Center (TSC). The TSC agrees with technical rail assessments and conclusions. Some minor subjective assessments are not agreed with; however, the difference of opinion on the subjective assessments do not alter the overall assessment or conclusions.
3. The TSC reviewed the plan for an assessment of GE's technical design, assumptions, conclusions, and application of railroad infrastructure in support of the proposed project efforts and was not directly asked whether rail is appropriate or recommended for this site.
4. The TSC agrees with the design analysis for railcar capacity, viability for railhead sites, design limitations, and transportation processes. For the analysis to develop a rail facility at the UDF location, the TSC agrees with the assessment that the location is not practicably feasible. The Department of Defense does not construct track with a horizontal curve greater than ten-degrees on main running tracks.
5. The Upland Disposal Facility location would require significant infrastructure construction, relocation of utilities, and additional rail crossings. The introduction of additional rail crossings adds public safety concerns on top of the technical challenges.
6. Rail transportation is most efficient when there is a point-to-point transportation need. This application of rail transportation involves a distributed collection and multiple sites for onload and offload. This is not a typical application for rail transportation because of increased effort to develop multiple sites, operate at multiple locations, and the extra handling of material. It would be more typical for transportation of off-site disposal of material if the final disposal was a significant distance away and the removal was at a single source.
7. A detailed review for logistical or economic considerations for implementation was not conducted. The TSC has similar concerns that were noted in the report about

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SUBJECT: General Electric Housatonic River Revised On-Site and Off-Site
Transportation and Disposal Plan

availability and reliability of the local operator to meet production demands. However, the TSC does not have the expertise on thruput and local rail service provider information to properly evaluate it.

8. The TSC recommends seeking out information from the local operator for a capabilities assessment, information regarding size and number of locomotives, production rate ability, and any competing customer needs.

9. The TSC recommends having alternative modes of transportation available if rail service is not able to maintain reasonable and competitive production relative to alternative transportation methods.

10. For execution, this application of rail transportation requires a significant up front capital investment. The TSC recommends obtaining contractual rates and commitments from the servicing railroad prior to proceeding with a rail transportation alternative.

11. Based on the information provided in the report, the TSC has full confidence in the rail design analysis completed as part of this report. The point of contact is Joshua Boeckmann, P.E., Senior Expert - Railroads, at (314) 795-4513 if you have any questions.

ANDREW P. FANCIULLO
Chief, USACE Engineering Systems
Section

CF:
Project Manager (Marie Esten)
USACE New England District