

**Public Input on General Electric's  
Pre-Design Investigation Work Plan for Rail Transload  
Areas in Reaches 5 and 6, dated May 15, 2025**

**May – June 2025**

Public Input ended on June 18, 2025



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](http://MASS.GOV/MASSWILDLIFE)

June 18, 2025

Dean Tagliaferro

EPA New England, Region I

5 Post Office Square

Boston, MA 02109-3912

Submitted via email to: [Tagliaferro.Dean@epa.gov](mailto:Tagliaferro.Dean@epa.gov) and [R1Housatonic@epa.gov](mailto:R1Housatonic@epa.gov)

Re: **GE-Pittsfield/Housatonic River Site**  
**Rest of River (GECD850)**  
**Pre-Design Investigation Work Plan for Rail Transload Areas in Reaches 5 and 6**

To Whom it May Concern:

The Massachusetts Division of Fisheries and Wildlife (Division) is responsible for the conservation of freshwater fish and wildlife in the Commonwealth, including but not limited to plants and animals state-listed as endangered, threatened or of special concern pursuant to the Massachusetts Endangered Species Act (MGL c. 131A) and its implementing regulations (321 CMR 10.00) (MESA). In fulfilling this role, the Division, through its Natural Heritage and Endangered Species Program, is responsible for administering the MESA as well as the certification of Vernal Pools pursuant to the Wetlands Protection Act Regulations (310 CMR 10.00) (WPA). The purpose of the MESA is to conserve and protect state-listed rare species and their habitats, and to provide a framework for review of projects or activities proposed within mapped Priority Habitat. The Division notes that MESA has been identified as an Applicable and Relevant or Appropriate Requirement (ARAR) by the EPA with respect to Rest of River (ROR) Remediation.

In order to conserve and manage freshwater fish and wildlife resources for the benefit of the citizens of the Commonwealth, the Division also owns and manages over 240,000 acres of conservation land in Massachusetts. The Division manages and provides wildlife-dependent recreational opportunities for the public on Wildlife Management Areas (WMAs), including hunting, fishing and trapping.

The Division has received and reviewed the Pre-Design Investigation Work Plan for Rail Transload Areas in Reaches 5 and 6 (PIWP) and appreciates the opportunity to provide the following comments regarding impacts to species, their habitats, WMAs, and the public's ability to enjoy the resources under the Division's stewardship.

MASSWILDLIFE

## **Massachusetts Endangered Species Act (MESA)**

### ***1. Utility Drive Temporary Rail Transload Area***

The Division appreciates that GE has largely integrated and addressed the Division's previous comments regarding the need for appropriate surveys for state-listed species and their habitats; evaluating potential impacts to said species and habitats; and compliance with the substantive requirements of MESA, including development of a conservation and management plan providing a long-term net benefit to affected species for any unavoidable impacts resulting in a Take. The Division requests that GE also evaluate potential *long-term* impacts to state-listed species and their habitats, in addition to the "direct, indirect, and short-term impacts" referenced in the PIWP. In addition, we request that GE submit any observations of state-listed species to us through our Heritage Hub, and proactively consult with the Division to help streamline this evaluation and develop an appropriate conservation and management plan for affected species.

In addition, the Division appreciates that GE will be conducting surveys for invasive species. The Division notes that construction and future use of the site has the potential to introduce and or contribute to further spread of invasive species. Therefore, we request that GE develop a plan for (a) avoiding and minimizing introduction and further spread of invasive species within and outside of the project area, and (b) monitoring and control of any introduction or spread that does occur during construction and project implementation.

### ***2. Woods Pond Spur Rail Transload Area***

The Division agrees that, given existing conditions and the long-term use of this site, this portion of the project is unlikely to result in direct impacts to the habitat of state-listed species. However, construction upgrades and or increased use of the site during project implementation may result in direct impacts to state-listed species through disruption of key behaviors (e.g. nesting, breeding, foraging) within known habitats directly adjacent to the site. This is of particular concern for state-listed marsh birds, which can be highly sensitive to noise. Therefore, we request that GE conduct appropriate surveys for certain state-listed species (identified in consultation with the Division) within adjacent habitats; evaluate potential impacts to said species associated with construction and use of the site during project implementation; and develop a conservation and management plan providing a long-term net benefit to affected species for any unavoidable impacts resulting in a Take. As noted above, we request that GE submit any observations of state-listed species to us through our Heritage Hub and proactively consult with the Division to help streamline this evaluation and develop an appropriate conservation and management plan for affected species.

In addition, the Division appreciates that GE will be conducting surveys for invasive species. As noted above, construction upgrades and increased use of the site during project implementation has the potential to introduce and or contribute to further spread of invasive species. Therefore, GE should develop a plan for (a) avoiding and minimizing introduction and further spread of invasive species within

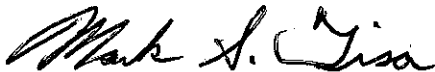
and outside of the project area, and (b) monitoring and control of any introduction or spread that does occur during construction and project implementation.

**George Darey Housatonic Valley Wildlife Management Area**

The Division has previously described the importance of the Darey Wildlife Management Area (WMA) for public recreation, a primary purpose for which the land was conserved. Construction and use of the Transload Area at Utility Drive will functionally eliminate access to approximately 170 acres of WMA for several years. This is a loss for hunters, birders, naturalists, outdoor enthusiasts, and neighbors who frequently visit the WMA. The PIWP does not include a method for analyzing or accounting for this loss. We recognize that for GE to effectively quantify recreational use of the WMA would require monitoring extending beyond the current project timeline due to seasonal variation. Therefore, we request that GE continue consultation with the Division on this topic, and both develop and implement an appropriate mitigation plan to offset this loss of public use and access.

If you have any questions about the Division's comments, please contact Dr. Eve Schlüter, Deputy Director, at [eve.schluter@mass.gov](mailto:eve.schluter@mass.gov). The Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Tisa". The signature is fluid and cursive, with the first name "Mark" and last name "Tisa" being the most prominent parts.

**Mark S. Tisa, Ph.D., M.B.A.**

Director

Massachusetts Division of Fisheries & Wildlife



**TOWN OF LEE**  
32 Main Street, Lee, MA 01238  
www.lee.ma.us

R. Christopher Brittain,  
Town Administrator

June 17, 2025

Mr. Josh Fontaine  
EPA New England  
10 Lyman Street, Suite 2  
Pittsfield, MA 01201

Dear Mr. Fontaine:

PREFACE: In submitting the comments below, we remind the Environmental Protection Agency, the General Electric Corporation (GE), and the courts, both state and federal, that the Town of Lee is extremely dissatisfied with the proposed “remedy” for restoration of the Housatonic River. While EPA embraces “risk assessment” to justify moving forward with this plan, it is, in fact, no remedy at all. No PCBs are being neutralized or destroyed. The PCBs are simply to be redistributed or buried. They remain a danger to the health and safety of the residents of the river corridor, the environment, and to future generations. Reduction of risk is really reduction of cost to GE, penalizing this and future generations for GE’s reckless policies over decades. The use of the term “environmental” and “economic justice” ring hollow and will haunt all of us for years to come.

Following, please find comments from the Town of Lee regarding the GE Pre-Design Investigation Work Plan for Rail Transload Areas in Reaches 5 and 6:

USEPA approved the location of three rail transload areas (i.e., Utility Road, Woods Pond Spur, and Rising Pond Property), which would include a rail spur/siding and an associated support/operational area. This PDI Workplan describes the necessary investigations to support the design of the transload areas at Utility Road and Woods Pond Spur. These two properties are not owned by GE and will require access or a consent form. The PDI Workplan for the Rising Pond Property will be remitted at a later date. Proposed PDI at Utility Road and Woods Pond Spur include the following:

1. **Topographic Field Survey**: Proposed to occur in spring 2025. A comprehensive topographic survey will be performed at the Utility Drive and Woods Pond Spur rail transload areas to document existing site conditions and support detailed design. All work will be overseen by a Massachusetts-registered Professional Land Surveyor.

Comments:

- The reviewer recommends that “large trees” be defined.
- The reviewer recommends that “wet” areas be defined.
- Will this data be utilized to generate stormwater drainage plans?

2. **Soil Geotechnical Investigation:** Proposed to occur in late spring/early summer 2025. A geotechnical investigation will be conducted at the Utility Drive and Woods Pond Spur rail transload areas to support the engineering design of the proposed rail spurs and associated operational areas.

Comments:

- The reviewer recommends that the text be expanded to account for Digsafe and, if warranted, a private utility survey.
- Rock coring may occur, at the discretion of the geotechnical engineer. Please include a statement detailing the criteria the geotechnical engineer will use to determine if/when rock coring is required.
- Drilling fluid will consist of water, and spent water will be discharged on the site in a controlled manner. Please indicate the source(s) of the water that will be utilized, and what (if any) analysis will be conducted on the water source in advance. If contamination is encountered in the subsurface, will the water be containerized?
- Please provide a statement regarding the soil quality in the proposed locations (i.e., historical investigations document that dispersal on the ground surface will not result in a negative effect to the health of humans or the environment)?
- Will the drilling equipment (i.e., augers, split-spoons, etc.) be decontaminated between borehole locations? If so, please include details.
- Will decontamination liquids be containerized and managed?
- Due to the proximity of the mapped wetlands and surface water body, will a Notice of Intent be required with the local Conservation Committee?
- If refusal is encountered, will many additional attempts will be made in proximity to the proposed location?

3. **PDI report and Conceptual Design Plan:** The draft PDI Report will be submitted by late fall 2025, pending completion of the PDI. Upon completion of the PDI, GE will draft a Conceptual Design Plan for the Utility Drive and Woods Pond Spur rail transload areas. The Conceptual Design Plan will be provided to the USEPA and distributed to the property owners and the owner and operators of the railroad mainline.

Comments:

- The Conceptual Design Plan should include a section documenting anticipated permits, and associated timeframes, required to undertake the construction of the rail transload/spur areas.

4. **Additional Comments:**

- Town requests that, through its approved QAPP, we may obtain sediment samples as material is being removed from the river for independent testing of PCB concentrations.
- Town requests that, if hydraulic dredging is not feasible in any of the currently proposed areas, trains be used as an alternative mode of transport.
- The Town requests clarification of which areas of Woodland Rd vs. Roaring Brook Road will be used to transport train containers by truck to the UDF.

Sincerely,



R. Christopher Brittain,  
*Town Administrator*

cc:

His Excellency Donald J. Trump, President of the United States  
The Honorable Edward Markey, U.S. Senate  
The Honorable Elizabeth Warren, U.S. Senate  
The Honorable Richard Neal, U.S. House of Representatives  
Her Excellency Maura Healey, Governor of Massachusetts  
The Honorable Andrea Joy Campbell, Attorney General of Massachusetts  
The Honorable Paul Mark, State Senator  
The Honorable Leigh Davis, State Representative, 3rd Berkshire  
Select Board, Town of Lee  
PCB Advisory Board, Town of Lee

**From:** [CPR Berkshire](#)  
**To:** [R1Housatonic](#)  
**Cc:** [housriverkeeper@gmail.com](mailto:housriverkeeper@gmail.com); [HRI-TAG Administrator](#); [Judy Herkimer](#); [Judy Herkimer HEAL](#); [Kevin Farrar](#)  
**Subject:** CPR Comments about GE-Pittsfield/Housatonic River Site Rest of River (GECD850) Pre-Design Investigation Work Plan for Rail Transload Areas in Reaches 5 and 6  
**Date:** Wednesday, June 18, 2025 1:27:27 PM

---

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

CPR comments about:

GE-Pittsfield/Housatonic River Site Rest of River (GECD850) Pre-Design Investigation Work Plan for Rail Transload Areas in Reaches 5 and 6

***Citizens for PCB Removal have fairly simple comments about this submittal.***

*CPR believes that these three sites still require so much more investigation that ultimately any or all of them may be determined to be unusable for their intended purposes.*

*There is also no information that other locations along Reaches in 5 or 6 could be considered as viable options.*

*Even with these locations being used, there is no clear understanding of the final number of truck traffic that will be used on our local streets and roads.*

*Ultimately it will be determined that placing the UDF (dump) in Lee, MA will be considered a mistake and should it actually come to fruition, it should be and will be subject to being removed in the future.*

Citizens for PCB Removal  
Charles Cianfarini  
Interim Executive Director