



## HOUSATONIC RIVER CLEANUP STATEMENT

Mass Audubon envisions a future in which an unpolluted Housatonic River ecosystem provides ecological, recreational, and economic benefits to the communities along its banks, from Pittsfield to Long Island Sound. Mass Audubon has signed a Settlement Agreement to expedite the removal of PCBs from the Housatonic River and floodplain that is protective of human health and the environment.

### **Background**

Since its founding in 1896, Mass Audubon has worked tirelessly to protect the nature of Massachusetts. Today Mass Audubon protects more than 38,000 acres of land throughout Massachusetts, protecting birds and other wildlife, and making nature accessible to all. As Massachusetts' largest nature conservation nonprofit, we welcome more than a half million visitors a year to our wildlife sanctuaries and 20 nature centers. Through education, advocacy at the national, state, and local levels, conservation research, and land conservation Mass Audubon continues to work toward our mission of protecting the nature of Massachusetts for people and wildlife for today and future generations.

For several decades, up through the 1970s, General Electric (GE) manufactured and serviced electrical transformers containing toxic and persistent PCB chemicals. During those years, GE polluted the Housatonic River and surrounding lands with hundreds of tons of PCBs, persistent toxic chemicals which pose threats to human health and wildlife.

### **Why did Mass Audubon enter mediation?**

Efforts to mitigate this environmental disaster have been ongoing since the 1980s, through a long planning process that includes an administrative consent decree, planning documents that Mass Audubon and the public have commented on, and most recently, appeals to the EPA Environmental Appeals Board (EAB). Mass Audubon submitted an amicus brief in the EAB process. Mass Audubon participated in a confidential mediation process with the EPA, GE, the affected communities, and other environmental groups because we feel strongly that the Housatonic River Valley features tremendous ecological, scenic, tourism, and community values and it is vital that these be protected and restored. The mediation process offered an opportunity to avoid a lengthy and costly litigation, possibly all the way to the U.S. Supreme Court. One outcome of litigation may have resulted in up to three landfills containing high levels of PCBs in Berkshire County. Both outcomes of litigation would have resulted in a remediation that was less protective of human health and the environment than the Settlement Agreement.

### **Mass Audubon's remediation priorities**

Mass Audubon is in support of this Settlement Agreement because it will expedite a more thorough cleanup of the Housatonic River than what was in the previous permit, and better addresses the impacted communities' interests. Mass Audubon's interest in the cleanup has always included ensuring that it proceeds in a timely manner and is sufficiently protective of both human and ecological health. Mass Audubon also supports the agreement's commitment to further research on innovative technologies that could treat PCBs in the future.





Mass Audubon supports the hybrid disposal approach that removes the most contaminated material out of state to a licensed facility with the remainder consolidated in a lined Upland Disposal Facility. The location and design of the Upland Disposal Facility will safely contain the low level PCBs, preventing them from re-entering the environment. This approach will also allow for hydraulic pumping of sediments, eliminating 50,000 truck trips from the roads of Lee and Lenox Dale.

Mass Audubon's interests in this cleanup extend beyond general regional environmental concerns. The organization is a directly impacted landowner. Canoe Meadows Wildlife Sanctuary is located on the river in Pittsfield, at the head of the "Rest of River" (RoR) where the main cleanup will begin. This 250-acre sanctuary contains habitats that support numerous rare and common species of plants and animals. It welcomes more than 10,000 visitors annually to enjoy passive recreation activities and environmental education programs.

Details about how the work will be undertaken on Mass Audubon's property including issues of access, provision for ongoing use of the sanctuary by Mass Audubon and our visitors, and post-cleanup restoration of habitats and trails will be addressed in an upcoming Access Agreement. The Settlement Agreement results in a more thorough cleanup of Canoe Meadows Wildlife Sanctuary, including more overall removal of PCBs and remediation in recreational areas.

Mass Audubon will receive \$500,000 in financial compensation to support direct and indirect costs due to the remediation on its property and use of its property to conduct other remediation activities. These costs include ecological management of Canoe Meadows Wildlife Sanctuary and educational and recreational programming at the sanctuary. The compensation Mass Audubon will receive from this agreement will in no way fully compensate all past and future expenses and damages incurred by the organization, but it is an improvement over the permit, which did not address Mass Audubon's property interests.

Mass Audubon has agreed that a portion of Canoe Meadows Wildlife Sanctuary can be used to facilitate the remediation of the sanctuary as well as other floodplain soils and Housatonic River sediments on nearby properties. The agreement will include provisions relating to the ecological restoration of Canoe Meadows Wildlife Sanctuary as well as human-made infrastructure affected by the remediation, including but not limited to the boardwalk, walking trails, and public parking lot. Ecological restoration will include management for invasive plant species.

The agreement will also ensure continued recreational activities on walking trails and other areas of Canoe Meadows Wildlife Sanctuary that will not be affected by the remediation. This will include the provision of an alternate public parking lot and construction and maintenance of alternate connecting walking trails.

Mass Audubon looks forward to continuing to work together with the EPA, the towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge, the City of Pittsfield, environmental groups and residents to restore a healthy Housatonic River ecosystem that can be enjoyed by future generations of Berkshire residents and visitors.

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