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## News Releases from Region 01

# EPA Finalizes Landmark Cleanup Plan for Housatonic River

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**BOSTON** – The U.S. Environmental Protection Agency (EPA) has issued a Revised Final Permit for the *Rest of River* cleanup plan of the Housatonic River. The Revised Final Permit, issued under the Resource Conservation and Recovery Act (RCRA), spells out the required cleanup measures to be followed by General Electric Company (GE) to remove contamination caused by polychlorinated biphenyls (PCBs). The Revised Final RCRA Permit Modification (Revised Final Permit) updates EPA's 2016 cleanup plan for the river, its floodplains and other surrounding areas.

EPA's remedy as outlined in the Revised Final Permit is protective of human health and the environment and will result in more contaminated sediment removed from the river and surrounding areas than EPA's previous 2016 decision. The cleanup plan has specific provisions to expedite cleanup, significantly enhance the PCB removal in the cleanup, and provide for safe, effective disposal of the excavated materials. Additionally, the Revised Final Permit reiterates the Adaptive Management requirements of the 2016 Permit.

EPA's 2016 cleanup plan was challenged by multiple parties before the EPA Environmental Appeals Board. In a 2018 decision, the Board endorsed EPA's decisions on the PCB cleanup but raised questions about EPA's decision to dispose of all excavated material at off-site facilities. In response to the Board's decision, EPA initiated mediated negotiations with eight parties to the appeal to see if there was one solution that provided a more effective cleanup that parties could agree to. Those discussions led to the February 2020 Settlement Agreement entered into by EPA, the State of Connecticut, the Rest of River Municipal Committee (comprised of the Towns of Lee, Lenox, Great Barrington, Stockbridge and Sheffield), the City of Pittsfield, Massachusetts Audubon Society, Berkshire Environmental Action Team, C. Jeffrey Cook and General Electric Company. The cleanup plan in the Revised Final Permit is consistent with the 2020 Settlement Agreement.

"EPA is very proud of the hard work and commitment of all stakeholders to achieve a cleaned up Housatonic River that will remain a scenic and recreational foundation in Berkshire County and Connecticut for generations to come. This cleanup plan will protect public health and restore a cleaner, healthier and more robust ecological community in and near the river," **said EPA New England Regional Administrator Dennis Deziel.** "This month as EPA celebrates its 50<sup>th</sup> Anniversary, we reflect on other major EPA efforts including Boston Harbor and the Charles River, which have proved to be economic and recreational catalysts for revitalized communities. EPA believes that the Housatonic River cleanup work can have similar positive results for communities along the river's watershed."

The Revised Final Permit requires GE to clean up contamination in river sediment, banks, and floodplain soil that pose unacceptable risks to human health and to the environment. The excavated material will be disposed of in two ways: materials with the highest concentrations of PCBs will be transported off-site for disposal at existing licensed disposal facilities, and the remaining lower-level PCB materials will be consolidated on-site at a location in Lee. The cleanup is estimated to cost \$576 million, and will take approximately two to three years for initial design activities and 13 years for implementation. As part of the agreement, GE will initiate sampling and design activities during any appeals, allowing for remediation to begin two to three years earlier than if these design activities were suspended during appeals. The majority of the sediment and floodplain cleanup is targeted within the first 11 miles in the City of Pittsfield and the towns of Lee and Lenox. Phasing the work will disperse the effects of the construction activities over time and locations.

Finalizing and issuing the Revised Final Permit follows a lengthy and robust process where EPA solicited and has considered public input on the proposed revised cleanup plan. Additionally, in February and March 2020 EPA participated in three public information sessions held in Lee, Great Barrington, and Pittsfield, on the 2020 Settlement Agreement.

Subsequent to these information sessions, EPA issued a formal proposal to modify the 2016 cleanup decision and held a public comment period lasting over two months. During the public comment period, EPA accepted comments via mail, email, fax, and verbally during three virtual Public Hearings and via a dedicated voice mail box. EPA has entered all comments received into the Administrative Record. EPA has responded to all significant comments submitted during the Public Comment Period and has modified several Permit provisions, including additional language regarding specific commitments on coordination and consultation with stakeholders throughout the design and implementation of the cleanup.

EPA recognizes that many of those who commented were opposed to the construction of the Upland Disposal Facility (UDF) in Lee. Upon evaluation of the comments, EPA confirms its conclusion that the selected plan outlined in the Revised Final Permit represents the best approach to the cleanup, can and will be done safely and effectively, and addresses the primary risks at the site – PCB contamination in the River and floodplain.

The Revised Final Permit is substantially similar to the Draft Revised 2020 Permit issued for public review and comment on July 9, 2020. Many of the comments submitted during the public comment opportunity highlighted issues already

addressed in the draft permit, and which remain in the Revised Final Permit. These include the need for air sampling, the desire to identify or develop effective PCB remediation alternatives, and the need for extensive coordination between EPA and the communities.

In conjunction with the Revised Final Permit, EPA continues to strongly support the investigation and development of alternative techniques to address PCB contamination in the Housatonic River, especially technologies that will render the PCBs non-toxic or significantly reduce their toxicity. To that end, EPA committed in the February 2020 Settlement Agreement to facilitate opportunities for research and testing of innovative treatment and other technologies and approaches for reducing PCB toxicity and/or concentrations in excavated soil and/or sediment before, during, or after disposal in a landfill.

To follow up on its commitment, EPA will begin discussions with stakeholders to design and issue a "Challenge" competition, (such as those found at [www.challenge.gov](http://www.challenge.gov)), to identify innovative technology strategies and solutions that may have applicability to this Site. EPA's planned "Challenge" for PCB remediation solutions will likely be conducted in stages, with the first stage being a competition to identify potential technologies that meet the requirements. After evaluating potential solutions, the winning solutions will move on to the next stage, site-specific testing. Such testing could take place at or near the UDF location, or other appropriate location. Testing requirements will include evaluating treatment applicability to the specific soil/sediment from the River, implementability, cost-effectiveness, operational challenges, treatment residuals management, and/or other factors. EPA will incorporate steps for public involvement throughout this process.

EPA signed the Revised Final Permit on Dec. 16, 2020. EPA has elected to make the "notification date" of the permit on January 4, 2021, meaning the Revised Final Permit becomes effective on February 3, 2021.

More information:

All documents related to the Revised Final RCRA Permit Modification are part of the Administrative Record and are available on EPA's Housatonic River Cleanup Web site: <https://www.epa.gov/ge-housatonic>

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