



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
FIVE POST OFFICE SQUARE, SUITE 100, BOSTON, MA 02109**

Via Electronic Mail

January 22, 2024
Mr. Kevin Mooney
General Electric Company
1 Plastics Ave
Pittsfield, MA 01201

Re: Conditional approval of GE's September 28, 2023 *Phase IB Cultural Resources Survey Work Plan for Reach 5A*: GE-Pittsfield/Housatonic River Site, Rest of River

Dear Mr. Mooney:

On September 28, 2023 the General Electric Company (GE) submitted a document entitled *Phase IB Cultural Resources Survey Work Plan* (the "Work Plan"). The Work Plan was written to address the requirements in Section II.H.15 of the Revised Final Resource Conservation and Recovery Act (RCRA) Permit Modification, issued by the U.S. Environmental Protection Agency (EPA) to GE on December 16, 2020, for the Rest of River (ROR) portion of the GE-Pittsfield/Housatonic River Site.

Pursuant to Section XV of the Consent Decree governing the response action, EPA, after reasonable opportunity for review and comment by the Commonwealth of Massachusetts and the State of Connecticut, approves the Work Plan subject to the following conditions, which GE shall address in a revised Work Plan (the "Revised Work Plan"):

- 1) Section 1.2: In the Revised Work Plan, GE shall clarify whether its Phase IA field work conducted in June 2023 was used to refine and field test the sensitivity model and, if not, why not. EPA's review of the *Revised Supplemental Phase IA CRA Report* (Figures 6-9) and the Work Plan (Figures 6-9) suggests that the GIS coverage of the High Archaeology Sensitivity Area was not modified following the 2023 field study.
- 2) Section 2.1: Comment 16 in EPA's January 9, 2023, Conditional Approval Letter of GE's October 24, 2022, *Supplemental Phase IA Cultural Resource Assessment Report* directed GE to explain why some areas in the vicinity of the Confluence are rated as low sensitivity. In the March 2023 *Revised Supplemental Phase I CRA Report*, GE responded "...although much of the area near the confluence of the East and West Branches of the Housatonic

(shown on Figure 6) is mapped as having high archaeological sensitivity, some specific portions of that area do not have such sensitivity due to their soils type. For example, as discussed further in Section 7.1.1.1, the northwestern-most corner of the APE just west the confluence has been classified as having low sensitivity because it is mapped as Limerick Silt Loam, Frequently Flooded, which is a hydric wetland soil with a very high water table.”

Subsequent to EPA’s approval of the Revised Supplemental Phase 1 CRA Report, GE identified proposed bank removal areas downstream of the confluence to the west side of the channel that abut areas mapped as transitional floodplain forest. In the Revised Work Plan, GE shall expand the APE to encompass the confluence area, including these areas of potential bank removal.

- 3) Section 4.1.1 of the Work Plan describes the aquatic field investigations to be conducted during the forthcoming Phase IB surveys. GE states “backwaters and vernal pools in Reach 5A are not included in the Phase 1B survey program” because “inundated and seasonally wet areas are not themselves considered to have high archaeological sensitivity.”

Comment 16 in EPA’s January 9, 2023, Conditional Approval Letter of GE’s October 24, 2022 *Supplemental Phase 1A Cultural Resource Assessment Report* directed GE to reference work conducted by EPA in the discussion of historical river channel locations and changes in the floodplain and historical uses/structures. EPA identified approximately ten oxbows formed in Reach 5A prior to 1942 (see Comparative Analysis of Alternatives Attachment 2 – Channel Dynamics, Appendix B). In the Revised Work Plan, GE shall discuss whether the locations of pre-1942 oxbows coincide with vernal pools. The boundaries/margins of some vernal pools may represent former riverbanks with potential to be areas of high archaeological sensitivity. If they do, in the Revised Work Plan, GE shall include the margins of those vernal pools in the Phase 1B terrestrial surveys (as necessary) if they could be impacted by remediation or support activities.

- 4) Section 4.2: In the Revised Work Plan, GE shall provide the Inventory Structure numbers depicted on Figure 5 in the text of Section 4.2.
- 5) Section 4.3: In the Revised Work Plan, GE shall state that it will work with EPA to provide at least one week notice to Tribal representatives prior to cultural resource field efforts so that they can participate as desired.
- 6) Section 4.5: In addition to the steps described for unanticipated discoveries in this Section, in the Revised Work Plan GE shall state that the *Stockbridge Munsee Community Treatment*

*and Disposition Of Human Remains and Cultural Items/Inadvertent Discovery Protocol*¹ will be followed.

- 7) In the Revised Work Plan, GE shall include Reach 5A river station numbers on Figures 1 through 4 to enable comparison to other Rest of River documents.
- 8) EPA recognizes that the construction support areas (for example, roads) shown in the Work Plan were based on the *Reach 5A Conceptual Remedial Design/Remedial Action Work Plan* (the “CRD/RA”). In the event that EPA’s future conditional approval of the CRD/RA will result in changes to those areas, GE shall take account of such changes in identifying areas requiring archaeological surveys. In the meantime, there are some areas shown on maps in the Work Plan where access roads are not depicted, but may be needed, and thus may need to be inventoried for cultural resources. A list of such areas include, but are not limited to, the following areas:
 - Map 1: a vernal pool to the east of the river in the immediate area of the confluence and a vernal pool on the south side of the channel on the east side of the figure.
 - Map 3: the vernal pools on the west side of the channel to the west of the “E New Lenox Road” staging area.

As necessary, GE shall identify any additional support areas on the Figures in the Revised Work Plan.

- 9) Figure 5 shows the historic architectural APE and structures with preliminary remediation and support areas on aerial imagery. In the Revised Work Plan, GE shall explain where it intends to identify potential impacts to historic architectural resources and where it intend to address avoidance or mitigation of such impacts (if any).
- 10) In the Revised Work Plan, GE shall address potential vernal pool access roads that may be necessary following the conclusion of the Vernal Pool Pilot Study. GE shall state that following the conclusion of the Vernal Pool Pilot Study, a proposal will be made to EPA regarding the need for additional cultural resource surveys to address any potentially impacted areas. This proposal shall be submitted concurrently with the addendum to the Final RD/RA Work Plan for Reach 5A that provides remedial design details for the 38 vernal pools in Reach 5A that were not included in the pilot study.
- 11) In the Revised Work Plan, GE shall discuss the possibility of changes to the access road network based on the selected contractor’s operation plan. GE shall state that if the location of access roads changes from what is presented in the Final RD/RA Work Plan, a proposal

¹ <https://www.mohican.com/mt-content/uploads/2022/09/smc-inadvertent-discovery-policy.pdf>

will be made to EPA regarding the need for additional cultural resource surveys as part of the appropriate Remediation Unit Supplemental Information Package.

- 12) EPA is conducting a review of the “CRD/RA”. As part of the review and approval process of the CRD/RA, EPA may require modifications to the remedial footprint for the banks and floodplains or other support areas in Reach 5A. This may result in additional areas or other changes to areas that require cultural resource surveys.

However, due to schedule concerns, GE shall propose in the Revised Work Plan to begin the described cultural resource survey work within 30 days of approval of the Revised Work Plan or 45 days after EPA’s conditional approval of the CRD/RA (whichever is later), but no later than June 1, 2024. In the event that EPA has not issued conditional approval of the CRD/RA before GE is scheduled to begin the survey work, GE shall commence such work and shall thereafter, within 30 days after EPA does issue such conditional approval, submit revised figures describing changes to the Area of Potential Effects and areas to be surveyed as a result of that conditional approval letter.

GE shall submit the Revised Work Plan to EPA for review and approval within 60 days of the date of this letter.

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) 918-1339 or at smith.christopher@epa.gov should you have any questions in this regard.

Sincerely,
CHRISTOPHER
SMITH

 Digitally signed by
CHRISTOPHER SMITH
Date: 2024.01.22 09:17:02 -05'00'

Christopher Smith
Project Manager

cc: Via electronic mail only

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