GE-Housatonic River Site
Rest of River Cleanup Plan

Public Information Sessions

Lee February 19, 2020
Great Barrington February 20, 2020
Ground Rules & Format

• Please silence cell phones
• Representatives from the Towns, EPA, BEAT, and Mass Audubon will present
• Q&A will follow presentations
  – written questions will be included in the Q&A
• Please be respectful and allow people to speak
Purpose

• Detailed overview of the Settlement Agreement
• Process and next steps
• Q&A
• Allow people to be heard and make statements
How We Got Here...

• 2016 EPA issued RCRA permit
• Permit appealed to the Environmental Appeals Board (EAB)
• Towns supported EPA’s requirement for out-of-state disposal
• Towns hired an environmental attorney and entered the appeals process
• EAB backed up EPA on everything except out state disposal
• EAB decision regarding disposal was not in our favor and, without mediation, assured future litigation
What is the Impact of the EAB’s Decision?

- If win at EAB - GE will appeal to federal court
- If lose at EAB - we have to appeal to court
  - uphill battle to overturn EAB decision
- Both of these options lead to federal court
  - all or nothing result
  - long, protracted, expensive legal battle
  - delayed cleanup

RISK
Landfill(s) with 100% of the PCB contamination
Why Mediate

• Needed to be at the table – already 20+ years with no power to influence cleanup or disposal

• Opportunity for Towns to speak and negotiate
  – With expertise for legal and technical considerations

• No preconceived notions

• #1 Protect human health and the environment

• Enhanced cleanup
Non-negotiable Town Demands

• Protect human health and the environment
• IF there is a landfill
  – Worst stuff goes out of state
  – Only 1 landfill
  – Only low levels
  – Design input with independent consultants
• More cleanup
  – More PCBs out of the River and properties
Eliminate the Risk of 3 Toxic Waste Disposal Sites

- Agreement guarantees only 1 disposal site
  - Within 3 miles of 40% of the cleanup
  - Opportunity for hydraulic dredging resulting in reduced impacts
- The highest level contamination disposed of out of state
- Low-level double lined disposal site with leak detection
Other Benefits to Mediation

• Protect public infrastructure
• Ensure local input into cleanup
• Enhance public access to the River
• Receive compensation for the impacts of the contamination and clean-up
• Release GE owned or controlled properties
Local Adoption Process

• Each Select Board appointed representatives to the Rest of River Municipal Committee

• Towns hired a respected environmental law firm to advise them and negotiate on their behalf

• Committee members and each Select Board weighed all factors of settlement prior to accepting the final Settlement Agreement

• Each Select Board voted unanimously and signed the Settlement Agreement
Canoe Meadows Wildlife Sanctuary
Pittsfield
EPA’s Objectives

• Worst stuff out
• More cleanup
  – More PCBs out of the River and properties
• Protect human health and the environment
• Start cleanup ASAP
Permit Improvements

Less PCBs in Natural Environment

• **Remove more contaminated sediment in 6 sub-reaches = reduced risk of release of residual PCBs back into environment**

• Additional cleanup on specific residential lands to eliminate need for use restrictions

• Additional cleanup at Canoe Meadows

• **Riverbanks in Reach 5: review PCB concentrations & erodibility; consider more removal**

• More options for cleanup of vernal pools
Permit Improvements
Less PCBs in Natural Environment

• Cleaner river eliminates ~100 acres of capping in total

• Reduces by 1/3 caps required in Permit

• Reach 5C (Roaring Brook to Woods Pond): excavate PCB-contaminated sediment to 1 ppm rather than capping contamination in-place (57 acres less caps)
Permit Improvements
Dams and Impoundments

• Remove the Columbia Mill Dam and remnant of Eagle Mill Dam
  – Clean river to 1 ppm PCB cleanup level
    (eliminates ~18 acres cap)

• GE commits to more excavation and less capping at these 3 dams
  (together ~20.5 acres less capping)
  – Willow Mill
  – Glendale
  – Rising Pond
Permit Improvements
Treatment Technology Research

• EPA commits to a continuing effort to identify opportunities to apply existing and potential future PCB treatment technologies

• EPA will solicit research opportunities for research institutions and/or small businesses to target relevant technologies

• GE and EPA will explore current and future technology developments and, where appropriate, will collaborate on on-site technology demonstration efforts and pilot studies
Lane Disposal Site Location

- > 1,000 Ft. from Housatonic River
- > 1,500 Ft. from Woods Pond
- Down gradient and more than 1 mile from Lee Water Supply Reservoirs
“Hybrid” Disposal Approach

• Two-pronged solution

• Highest concentrations of PCBs in soils & sediments will be shipped out of state for disposal
  – Federal criterion for commercial PCB landfills greater than 50 ppm
  – minimum 100,000 cubic yards (cy)
“Hybrid” Disposal Approach

- Remaining excavated soils & sediments will be consolidated into a local Upland Disposal Facility at Lane Site
- Only Rest of River materials disposed of at Lane Site; no outside materials allowed
- No material classified as federal RCRA hazardous waste, or free liquids, free product, or any intact drums, capacitors or containers
- Segregation of material will be based on sampling protocols outlined in the Settlement Agreement
- Overall average estimated concentration at Lane Site to be 20-25 ppm
Upland Disposal Facility Design

- Double liner and leachate detection
- Minimum 15 ft. from groundwater
- Engineered cap
Upland Disposal Facility

• GE is responsible for operations, maintenance, and monitoring
  – Engineering, air and particulate, groundwater
• Max. capacity = 1.3 million cy
• Max. 20-acre footprint and max. height 1,099 ft. above sea level (max. height of Lane is now ~1,050 ft)
• Phased development; only 1 cell to be open at a time
Monitoring and Protections at the Landfill

- Background Monitoring (pre-construction)
  - Air, Particulate, Groundwater
- Landfill Monitoring (construction phase)
  - Air Sampling for PCB volatiles and dust
  - Particulate/Dust monitoring
  - Groundwater
- Landfill Monitoring (post closure)
  - Closure (cap, stormwater, etc.)
  - Groundwater
Next Steps

• The Settlement Agreement requires a modification of EPA’s 2016 Permit

• EPA will incorporate Agreement modifications and present Draft Revised Permit for public comment
  – Min. 45-day comment period, to include public meetings and public hearing

• After considering and responding to comments, EPA will issue a new Revised Permit

• EPA hopes to complete modifications, solicit public comment and issue a Revised Permit during 2020

• Settlement and fact sheet found at epa.gov/ge-housatonic
Thank you