

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
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www.berkshireplanning.org

SHEILA IRVIN, Chair
KYLE HANLON, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNIS, A.I.C.P.
Executive Director

MEETING NOTICE

There will be a meeting of the

EXECUTIVE COMMITTEE

on Thursday, October 9, 2014, 4:00 p.m.
at the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA

AGENDA

- | | | |
|------|---|--------|
| I. | Call to Order & Open Meeting Law Statement | (4:00) |
| II. | Approval of Minutes of Executive Committee Meeting of September 4, 2014 * | (4:05) |
| III. | Financial Reports | (4:15) |
| | A. September Expenditures Report * | |
| | B. Accounts Receivable Report | |
| | C. Status of Receipt of Community Assessments for FY 2015 | |
| | D. Other | |
| IV. | Delegate & Alternate Issues | (4:20) |
| V. | Items Requiring Action * | (4:25) |
| | A. Approval to File Any Necessary Requests with the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline Northeast Energy Direct Project | |
| | B. Approval of Final BRPC Comments Regarding Proposed EPA Remedy for the Rest of River Clean-up | |
| | C. Approval to Submit Grant Application to the Food & Drug Administration for a new Town Food Safety Program | |
| | D. Other | |
| VI. | Committee Reports | (4:40) |
| VII. | Executive Director's Report | (4:45) |
| | A. Report on New Contracts/Agreements | |
| | B. Public Health Alliance Services | |

- C. EPA Comment Period for Proposed Clean-up of PCB's from Housatonic River – October 27th
- D. Submittal of Draft Environmental Impact Report by Tennessee Gas Pipeline Company for the Connecticut Expansion Project
- E. BRPC Fifth Thursday Dinner – October 30th, Mazzeo's Ristorante, Pittsfield
- F. Citizen Planner Training Collaborative Fall Courses – November 13th & December 18th, BRPC
- G. FY 15 Peer-to-Peer Technical Assistance Program Grants Availability
- H. Release of EPA Draft Municipal Stormwater 4 Permit Regulations
- I. Award of Mini Grant from the Massachusetts Department of Public Health for Equipment
- J. Award of Pipeline Technical Assistance Grant from the U.S. Department of Transportation Pipeline & Hazardous Materials Safety Administration
- K. Other

VIII. Old Business (4:50)

- A. BRPC Annual Meeting – Thursday, October 16th
- B. Other

IX. New Business (4:55)

- A. Commission Meeting – November 20th
- B. Other

X. Adjournment (5:00)

* Items Requiring Action

Attachments: August Local Technical Assistance Report

City and Town Clerks: Please post this notice pursuant to M.G.L. Chapter 39, Section 23B

SHEILA IRVIN, Chair
KYLE HANLON, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNs, A.I.C.P.
Executive Director

DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, September 4, 2014
At the Berkshire Regional Planning Commission Office
1 Fenn Street, Suite 201, Pittsfield, MA 01201

I. Call to Order

A. The meeting is called to order at: 4:00 p.m.

Chair Sheila Irvin started the meeting by reading a statement regarding the open meeting law. BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be left with the chair of the meeting.

B. Roll Call:

Sheila Irvin, Chair
Kyle Hanlon, Vice Chair
Rene Wood, Commission Development Committee Chair
James Mullen, Regional Issues Committee Chair
Roger Bolton, Clearinghouse Review Committee Chair
Sam Haupt, At Large
John Duval, At Large

A quorum is present.

Others Present: Sarah Hudson – Tyringham Alternate
Andy McKeever – iberkshires Staff

Staff Present: Nat Karns – Executive Director
Marianne Sniezek – Office Manager

Sheila welcomed John Duval to the Executive Committee.

II. Approval of Minutes of Executive Committee Meeting of July 7, 2014

Rene Wood moved to approve with clarifications; Sam Haupt seconded. Unanimously approved with three abstentions.

III. Organization of 2014-2015 Executive Committee and Commission

A. Final At-Large Member on Executive Committee

John Duval, Adams Alternate and member of the Select Board, has agreed to serve on the Executive Committee for Fiscal Year 2015.

B. Committee Membership for FY 2015

This list of Committees with their current membership has been finalized.

C. Other – Introduction of new At Large member John Duval

John is in his third year as selectmen in Adams. He served 17 years on the Adams Cheshire Regional School District Committee and also coached sports at Hoosac Valley High School.

IV. Financial Reports

A. August Expenditure Report

Nat asked all to look at the complete expenditure list, and he would answer any questions.

Sam Haupt moved to approve August Expenditures as presented; Kyle Hanlon seconded. Unanimously approved.

B. Accounts Receivable Report

Staff is continuing to follow up on aged receivables over 90 days. None of the aged receivables are at risk.

C. Status of Receipt of Community Assessment for FY2015

Communities are continuing to pay. BRPC has sent second notices to those who have not paid.

D. Other- State Retirement

Nat explained the discussions continue. Legislative action will be needed. The retirement system did not send BRPC a letter and bill because of the way BRPC was brought into the system. BRPC at this time is not subject to pay. At some point the legislation may change and all entities will be billed for their portion into the State Retirement System.

V. Delegate and Alternate Issues –

Do delegates need certification from the town's selectboard to be a Delegate? The planning board is to assign the delegate who must be a planning board member. There is no need for the town to appoint the delegate. The planning board does not have to approve the alternate. The alternate can be any resident in the community.

VI. Items Requiring Action

A. Approval to File for Intervenor Status with the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline Connecticut Expansion Project

Sam Haupt moved to approve; Rene Wood seconded. Unanimously approved.

Nat explained BRPC recently filed a motion to the Federal Energy Regulatory Commission (FERC) to deny an expedited permit requested by Tennessee Gas Pipeline Company, L.L.C. for the Tennessee Gas Pipeline Connecticut Project because they are claiming the environmental impacts are minimal. The Department of Conservation and Recreation (DCR) and the Energy Facilities Siting Board have also filed similar motions.

Rene Wood made a motion to allow the Executive Director to file any statements or motions as needed to represent Berkshire County in regards to the Tennessee Gas Pipeline Connecticut Expansion Project; Roger Bolton seconded. Unanimously approved.

Further discussion on the Gas Pipeline:

A question was raised about what funding are being used for the pipeline activities. Staff time has been cover by District Local Technical Assistance project based on the some of the communities. Richmond paid an attorney for an educational session with the eight effected communities on the process.

Nat explained DCR and the EFSB will comment on the environmental impacts. One of BRPC roles will be to comment on the regional issues related to the effects on Berkshire County roads due to this project.

B. Approval to Submit Grant Application to the U.S. Food & Drug Administration for projects and training to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards).

Rene Wood moved to approve; Chuck Ogden seconded. Unanimously approved.

C. Approval to Submit Community Incentive Challenge Grant Application(s) to the Executive Office of Administration & Finance

Jamie Mullen moved to approve; Kyle Hanlon seconded. Unanimously approved.

D. 2014 Charles Kusik Award

After discussing the nominations the following motion was made.

Roger Bolton made a motion to award the 2014 Charles Kusik Award to Eleanor Tillinghast; Sam Haupt seconded. Unanimously approved.

E. Other – none

VII. Committee Reports

A. Commission Development Committee – none

Regional Issues Committee – Jamie reported the Committee will resume meeting on a monthly basis.

Clearinghouse Review Committee – Roger reported the staff and the Clearinghouse Review Committee at this time do not feel comments are needed on an ENF for a Solar Array on the Rising Paper Property in Great Barrington.

B. Other - none

VIII. Executive Director's Report

A. Report on New Contracts/Agreements

Nat explained some of the activities under the Community Housing Partnership contract will be housing affordability plans in several towns, in Adams and Great Barrington to develop 40R districts in which the town would receive strong consideration for state funds. High density population is needed for a 40R district. Lastly an analysis on affordable housing to allow the towns to take next steps in housing production.

B. Public Health Alliance Services

Nat explained Chester signed with BRPC instead of Pioneer Valley because Pioneer Valley does not offer the services needed.

C. Deadline for Receipt of Comments on Passenger Rail Station Location & Design Study – September 15, 2014

D. EPA Comment Period for Proposed Clean-up of PCB's from Housatonic River & Notice of Public Hearing

E. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30th, Westover AFB

F. 2014 State Ethics Forms & Required Certificate of Training

G. Award of Priority Development Funding for Housing Planning Activities

H. Award of Grant from Berkshire Environmental Endowment for Continuation of Training for Conservation Commissions

I. Award of EPA/DEP Grants to Town of Stockbridge for both Assessment & Improvements at Stockbridge Bowl

Nat explained dredging is highly regulated but that dredging of Stockbridge Bowl is needed to improve water quality in this lake.

J. Other – none

IX. Old Business

A. September 11th Special BRPC Meeting at 7pm

Rest of River comments to EPA are due.

Presentation on the Passenger Rail Project.

Orientation for new delegates and alternates of BRPC's website.

Discussion about changing Commission meeting times to be earlier in the evening.

B. September 18th BRPC Meeting – Gas Pipeline Projects

Place: BCC Koussevitzky Auditorium

Time: 6 pm

Presenters: Kinder Morgan – sales pitch for the new pipeline

Conservation Law Foundation – FERC permitting processes and BRPC role

The questions will be given to both presenters prior to the meeting.

The commission members will be allowed to ask questions.

The public will be asked to email their questions or comments to a designated email at BRPC.

Nat asked the Executive Committee to review the Draft Questions handed out tonight. Any additional questions or comments please send to Melissa Provencher or Nat Karns by the end of the day Monday September 8th.

C. BRPC Annual Meeting – Thursday, October 16th

D. Other - none

X. New Business

XI. Adjournment

Jamie Mullen moved to adjourn the meeting which was seconded by Rene Wood.
The meeting was adjourned at 5:15 p.m.

Materials distributed or presented during this meeting:

Agenda

Minutes

Check Register

Aged Receivables

Executive Director's Memo

Technical Assistance Report

Draft BRPC Committee Membership FY2015

Motion to Intervene – Tennessee Gas Pipeline

EPA Extends Comment Period

Save the Date Resources for Economic Development 9.30.2014

Ethics material and Acknowledgement form

Draft Questions for Kinder Morgan and Conservation Law Foundation

Nomination for Kusik Award

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Sep 1, 2014 to Sep 30, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	
10428	9/2/14	BCK LAW, P.C.	1040.000	4,295.55	Legal Svcs Pipeline KM
10429	9/2/14	BERKSHIRE RECORD	1040.000	245.93	287-Lee Clnup-Legal Notice
10430	9/2/14	COMPUWORKS	1040.000	500.00	Symantec Renewal
10431	9/2/14	MIIA HEALTH BENEFITS TRUST	1040.000	1,373.32	Dental Insurance
10432	9/2/14	MIIA HEALTH BENEFITS TRUST	1040.000	19,226.74	Health Insurance
10433	9/2/14	MUTUAL OF OMAHA	1040.000	641.75	Life/Disability Insurance
10434	9/2/14	CITY OF PITTSFIELD	1040.000	245.00	Parking
10435	9/2/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.000	3,727.00	Rent
10436	9/2/14	VALLEY GREEN SHREDDING, LLC	1040.000	70.00	Recycling/Shredding
10437	9/2/14	W.B. MASON COMPANY, INC.	1040.000	59.92	Office Supplies
10438	9/2/14	THE WESTERN MASS PUBLIC HEALTH ASSOC.	1040.000	50.00	330-HRIA S Kryzanik Conference
1002245633	9/3/14	SAGE SOFTWARE, INC.	1040.000	199.95	Ptree Maintenance Contract
EFT	9/8/14	ORDINANCE.COM	1040.000	350.00	Ordinance.com Subscription
10439	9/10/14	VALERIE BIRD	1040.000	72.50	330 HRIA-Town of WSH
10440	9/10/14	BARBARA CHOON	1040.000	992.00	338 ANF/CICPHN14-Svcs 7/16-8/15
10441	9/10/14	ENTERPRISE RENT-A-CAR	1040.000	98.48	Car Rental - Road Mtc
10442	9/10/14	FAIRVIEW HOSPITAL, INC.	1040.000	2,667.49	345 FRCOG/MRC15 - July Svcs
10443	9/10/14	BRENDA J. HITCHCOCK	1040.000	2,744.00	338 ANF/CICPHN14-Svcs 7/16-8/15
10444	9/10/14	VANTAGEPOINT TRANSFER AGENTS-803222	1040.000	11,250.00	OPEB Contribution-1st Qtr FY15
10445	9/10/14	KELLEY CLEANING SERVICES	1040.000	200.00	Cleaning 2nd Floor
10446	9/10/14	TRI-STATE TRAFFIC DATA, INC.	1040.000	6,625.00	281 TPL Lane Classification Counts
10447	9/10/14	W.B. MASON COMPANY, INC.	1040.000	86.26	Office Supplies
EFT	9/11/14	NEW ENGLAND RURAL HEALTH	1040.000	105.00	349 DPH/BOAPC15 - Kittross, L Conference
EFT	9/11/14	NEW ENGLAND RURAL HEALTH	1040.000	105.00	349 DPH/BOAPC15 - Kimball, J Conference
EFT	9/11/14	MICROSOFT.COM	1040.000	2,399.10	Computers
10448	9/18/14	BARBARA CHOON	1040.000	400.00	338 ANF/CICPHN14-Svcs 8/15-8/22
10449	9/18/14	CORNERSTONE	1040.000	583.32	Telephone
10450	9/18/14	MASS STATE EMPLOYEES RET.SYSTEM	1040.000	10,018.60	MA Retirement Contributions
10451	9/18/14	MAZZEO'S RISTORANTE	1040.000	200.00	5th Thursday Deposit
10452	9/18/14	BONNIE L PARSONS	1040.000	3,771.80	263 MT/HIST - March-August
10453	9/18/14	PITNEY BOWES GLOBAL FINANCIAL SERV.,LLC	1040.000	157.35	Postage Rental
10454	9/18/14	STAPLES ADVANTAGE	1040.000	85.98	Office Supplies
10455	9/18/14	THAT'S A WRAP	1040.000	145.00	330 HRIA/PHDIG14-Meeting
10456	9/18/14	W.B. MASON COMPANY, INC.	1040.000	68.10	Office Supplies
EFT	9/18/14	AMAZON.COM	1040.000	446.23	Toshiba Laptop
EFT	9/22/14	URBAN & REGIONAL INFORMATION	1040.000	175.00	Staff Dev-Mark Maloy
EFT	9/24/14	SURVEY MONKEY	1040.000	24.00	Survey Tool
EFT	9/26/14	DELUXE FOR BUSINESS	1040.000	49.87	Office Supplies
10457	9/29/14	MARY AGOGLIA	1040.000	1,632.00	338 ANF/CICPHN14-Svcs 8/15-9/15
10458	9/29/14	THE CECIL GROUP	1040.000	2,280.00	320 LEE/BFAWP-Svcs through 6/30
10459	9/29/14	DELL MARKETING L.P.	1040.000	642.82	2-MS Office Software
10460	9/29/14	BRIAN M. DOMINA	1040.000	82.90	Expense Report

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

For the Period From Sep 1, 2014 to Sep 30, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	
10461	9/29/14	FAIRVIEW HOSPITAL, INC.	1040.000	3,334.34	345 FRCOG/MRC150 - Aug Svcs
10462	9/29/14	LAUREN L. GAHERTY	1040.000	254.62	Expense Report
10463	9/29/14	BRENDA J. HITCHCOCK	1040.000	3,048.00	338 ANF/CICPHN14 - Svcs 8/15-9/15
10464	9/29/14	JAMES HUEBNER	1040.000	117.84	330 HRIA/PHDIG14 - Conference
10465	9/29/14	JENNIFER L. KIMBALL	1040.000	115.34	Expense Report
10466	9/29/14	LAURA KITTCROSS	1040.000	593.67	Expense Report
10467	9/29/14	SCOTT B. KRZANIK	1040.000	2,286.00	330 HRIA/PHDIG14-Svcs 8/15-9/15
10468	9/29/14	CLETUS K. KUS	1040.000	27.08	Expense Report
10469	9/29/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.000	787.01	Copying Expense
10470	9/29/14	MARK MALOY	1040.000	41.64	Expense Report
10471	9/29/14	SANDRA B. MARTIN	1040.000	394.69	Expense Report
10472	9/29/14	THOMAS E. MATUSZKO	1040.000	137.40	Expense Report
10473	9/29/14	GWEN MILLER	1040.000	160.32	Expense Report
10474	9/29/14	PATRICIA A. MULLINS	1040.000	71.50	Expense Report
10475	9/29/14	JACLYN PACEJO	1040.000	239.47	Expense Report
10476	9/29/14	DIANE PERSSON	1040.000	351.20	Expense Report
10477	9/29/14	MARIANNE SNIEZEK	1040.000	5.91	Expense Report
10478	9/29/14	STAPLES ADVANTAGE	1040.000	111.32	Office Supplies
10479	9/29/14	THAT'S A WRAP	1040.000	118.75	323 DHCD/DLTA14-Meeting
10480	9/29/14	TRC ENVIRONMENTAL CORPORATION	1040.000	843.08	287 LEE/CLNUP - Through June
10481	9/29/14	W.B. MASON COMPANY, INC.	1040.000	148.67	Office Supplies
10482	9/29/14	BERKSHIRE MOUNTAIN	1040.000	78.00	Water
10483	9/29/14	WJ BLUEPRINT & DIGITAL GRAPHICS	1040.000	23.00	290 PRSDL-AutoCad Scans
EFT	9/29/14	GOTOMYPC.COM	1040.000	19.90	Remote PC Access
EFT	9/30/14	SAGE SOFTWARE, INC.	1040.000	199.95	Ptree Maintenance Contract
EFT	9/30/14	AMAZON.COM	1040.000	964.99	358-DPHMINI - GPS Equipment
EFT	9/30/14	AMAZON.COM	1040.000	7.89	358-DPHMINI - Cable
EFT	9/30/14	AMAZON.COM	1040.000	19.58	358-DPHMINI - Protection Plan
EFT	9/30/14	BEST BUY	1040.000	211.44	358-DPHMINI - Chromebook
Total				<u>93,805.56</u>	

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Sep 30, 2014

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due	Notes
250/DAL/CLNUP	7/31/14	250-063014-22			20,654.84		20,654.84	
250/DAL/CLNUP					20,654.84		20,654.84	MP Contacted them. Delay due to partial funding from a separate source. She will update Nat further.
281/TPL13	9/8/14	281-083114-2.11	31,893.02				31,893.02	
281/TPL13			31,893.02				31,893.02	
290/MASSDOT/PRSDL	9/8/14	290-083114-2.6	19,279.85				19,279.85	
290/MASSDOT/PRSDL			19,279.85				19,279.85	
314/BCBOHA	7/10/14	314-063014-4			31.92		31.92	
314/BCBOHA					31.92		31.92	Will re-bill
315/TOWN OF DALTON	6/26/14	315-063014-01-FINAL			5,212.49		5,212.49	
315/TOWN OF DALTON					5,212.49		5,212.49	MP contacted. Bill not received by them. She will update Nat further
320/LEE/BFAWP	9/10/14	320-083114-04	12,884.45				12,884.45	
320/LEE/BFAWP			12,884.45				12,884.45	
325/PVPC/TL	7/10/14	325-063014-3			-2.00		-2.00	
325/PVPC/TL					-2.00		-2.00	Overpaid - will deduct from next bill
328/BKT/GCTA2	4/30/14	328-033114-1				2,341.33	2,341.33	
328/BKT/GCTA2	7/15/14	328-063014-2			2,513.31		2,513.31	
328/BKT/GCTA2					2,513.31	2,341.33	4,854.64	PM contacted them. Re-submitted bills.
333/EOT08	9/10/14	333-083114-5	935.03				935.03	
333/EOT08			935.03				935.03	
336/MAPC/POPA	8/12/14	336-073114-4		879.65			879.65	
336/MAPC/POPA				879.65			879.65	
346/ADM/OUTSPC	9/3/14	346-083114-4	2,440.00				2,440.00	
346/ADM/OUTSPC			2,440.00				2,440.00	Paid
349 BSAS/EOHHS	9/29/14	349-073114-1	1,714.44				1,714.44	
349 BSAS/EOHHS	9/30/14	349-083114-2	2,437.92				2,437.92	
349 BSAS/EOHHS			4,152.36				4,152.36	
ANNUAL DINNER 2014	9/23/14	CITY OF PITTSFIELD	152.00				152.00	
ANNUAL DINNER 2014	9/25/14	SINGLEY, JULIE	38.00				38.00	
ANNUAL DINNER 2014	9/30/14	101614 PATTERSON	76.00				76.00	
ANNUAL DINNER 2014			266.00				266.00	
TOWN OF HINSDALE	7/1/14	FY15-HIN			1,430.99		1,430.99	

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As of Sep 30, 2014

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due	Notes
TOWN OF HINSDALE						1,430.99	1,430.99	
TOWN OF LEE	7/1/14	FY15-LEE				4,185.23	4,185.23	
TOWN OF LEE						4,185.23	4,185.23	Received 10/2/14
TOWN OF MONTEREY	7/1/14	FY15-MON				676.76	676.76	
TOWN OF MONTEREY						676.76	676.76	Received 10/2/14
TOWN OF MT WASHINGTON	7/1/14	FY15-MTW				117.61	117.61	
TOWN OF MT WASHINGTON						117.61	117.61	Received 10/2/14
TOWN OF NEW ASHFORD	7/1/14	FY15-NAS				160.56	160.56	
TOWN OF NEW ASHFORD						160.56	160.56	
TOWN OF NEW MARLBORO	9/8/14	101614 MULLEN, J	38.00				38.00	
TOWN OF NEW MARLBORO			38.00				38.00	
TOWN OF SAVOY	7/1/14	FY15-SAV				487.33	487.33	
TOWN OF SAVOY						487.33	487.33	
TOWN OF W STOCKBRIDG	7/1/14	FY15-WST				919.72	919.72	
TOWN OF W STOCKBRIDG						919.72	919.72	Received 10/6/14
TOWN OF WINDSOR	7/1/14	FY15-WND				633.10	633.10	
TOWN OF WINDSOR						633.10	633.10	
Report Total			71,888.71	879.65	23,198.07	16,165.12	112,131.55	

UNPAID ASSESSMENTS AS OF 10/2/14

TOWN OF HINSDALE	7/1/14	FY15-HIN				1,430.99	1,430.99
TOWN OF NEW ASHFORD	7/1/14	FY15-NAS				160.56	160.56
TOWN OF SAVOY	7/1/14	FY15-SAV				487.33	487.33
TOWN OF WINDSOR	7/1/14	FY15-WND				633.10	633.10

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NATHANIEL W. KARNS, A.I.C.P.
Executive Director

MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: October 7, 2014
SUBJ: Agenda Items

III. Financial Reports

C. Status of Receipt of Community Assessments for FY 2015 (attachment)

We are still lacking FY 2015 assessments from 5 towns, despite a reminder letter sent out in early September. This is probably the slowest payments of annual assessments we have seen. We will make another contact with the remaining 5 (Hinsdale, New Ashford, Savoy, West Stockbridge, and Windsor) this week to determine status of these well past-due bills.

V. Items Requiring Action

A. Approval to File Any Necessary Requests with the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline Northeast Energy Direct Project

We request approval from the Executive Committee for BRPC to file any necessary requests with FERC regarding the Tennessee Gas Pipeline (TGP) Northeast Energy Direct Project which directly affects Richmond, Lenox, Pittsfield, Washington, Dalton, Hinsdale, Peru, and Windsor. TGP has filed to begin the pre-permitting process with FERC and over the coming months there will be a set of public meetings and scoping sessions for the Environmental Impact Statement which will have to be filed. A copy of the letter from FERC approving TGP to start the pre-permitting process is attached.

B. Approval of Final BRPC Comments Regarding Proposed EPA Remedy for the Rest of River Clean-up

The Executive Committee is requested to authorize the Executive Director sign final comments to be submitted to EPA regarding the clean-up of PCB's from the rest of the Housatonic River southward from Pittsfield. At the September 11th Commission meeting draft comments were approved with an allowance to bring final comments to the Executive Committee for consideration. Based on legal advice, additional discussion by the Rest of River Committee, and further staff review of the proposed Remedy, the comments have changed, although most of the substance is very similar to what the Commission approved last month.

- C. Approval to Submit Grant Application to the Food & Drug Administration for a new Town Food Safety Program

Approval is requested for the Executive Director to submit a small grant application to the U.S. Food & Drug Administration and to sign any resulting contracts and agreements. The intent of the grant is to register and assess a new town food safety program. No local match is required.

VII. Executive Director's Report

- A. Report on New Contracts/Agreements

Since your last meeting on September 4th, we have entered into the following new contracts:

- Department of Public Health mini-grant for equipment – Project Manager – Public Health Program Manager Laura Kittross
- Town of Richmond Pavement Management – Project Manager: Senior Planner Doug Plachcinski
- USDOT Pipeline Technical Assistance Grant – Project Manager: Senior Planner Melissa Provencher
- Town of Clarksburg Pavement Management - - Project Manager: Senior Planner Doug Plachcinski
- Town of Dalton Stormwater Permitting & Planning Assistance - Project Manager: Senior Planner Melissa Provencher

- B. Public Health Alliance Services

- A new Public Health Nurse, Mary Agoglia, has been hired.
- Flu clinics are scheduled in all member towns utilizing the Public Health Nursing Program. A schedule is attached. We will be holding a clinic at BRPC on Thursday, October 16th from 1 to 2 p.m.; Commission members are welcome to sign-up.
- Health and Medical Coordinating Committees
In September of 2013 the Office of Preparedness and Emergency Management for the Massachusetts Department of Public Health (DPH) announced the beginning of a four year phased process for the implementation of six regional Health and Medical Coordinating Coalitions (HMCC) in Massachusetts.

An HMCC is a formal regional collaboration among public health and healthcare organizations to prepare for and respond to an emergency, mass casualty or other catastrophic health event. Currently, there are 4 Public Health Emergency Coalitions in Western Mass, one based in each county, providing the public health emergency planning functions. Conversion to an HMCC would mean consolidation of the 4 Public Health Emergency Coalitions. It is uncertain how this would impact public health emergency planning functions in Berkshire County and the BRPC Public Health Planning Staff. An RFP will be issued by DPH this fall to decide which entity will "host" the HMCC.

For further information about Public Health Alliance Services, contact Public Health Program Manager Laura Kittross at lkittross@berkshireplanning.org or 413-442-1521, ext. 37.

- C. EPA Comment Period for Proposed Clean-up of PCB's from Housatonic River – October 27th

EPA has extended the public comment period for the PCB clean-up for the Rest of River to October 27, 2014. Written comments on the proposed cleanup plan can be transmitted to EPA on or before Monday, October 27, 2014 in one of three ways:

Via email to r1housatonic@epa.gov

Via fax at 617.918.0028

Or mail comments, postmarked no later than Monday, October 27, 2014 to:
Dean Tagliaferro
EPA New England

c/o Weston Solutions
10 Lyman Street, Suite 2
Pittsfield, MA 01201

For information, contact Senior Planner Lauren Gaherty at lgaherty@berkshireplanning.org or 442-1521, ext. 35.

D. Submittal of Draft Environmental Impact Report by Tennessee Gas Pipeline Company for the Connecticut Expansion Project

We received the 3 volume Draft Environmental Impact Report for the Tennessee Gas Pipeline Company's Connecticut Expansion Project, which directly impacts Sandisfield and Tyringham in Berkshire County, but also we expect will impact local roads in Lee, Monterey and Otis, last week. Staff has not yet looked closely at this DEIR, which was submitted in response to the Secretary of Energy & Environmental Affairs certificate on the EENF which required a DEIR and extensive analysis of a wide variety of issues. For further information, contact Senior Planner Melissa Provencher at mprovencher@berkshireplanning.org or 442-1521, ext. 22.

E. BRPC Fifth Thursday Dinner – October 30th, Mazzeo's Ristorante, Pittsfield

Attached is the notice and sign-up form for the next 5th Thursday Dinner to be held on October 30th starting at 5:30 p.m. at Mazzeo's Ristorante located at 1015 South Street, Pittsfield. The topic will be Community Land Trusts, which should be confused with our typical use of the term "land trusts." Billie Best, former Commission Delegate from Alford, will be the guest speaker. Registrations must be received by October 24th.

F. Citizen Planner Training Collaborative Fall Courses – November 13th & December 18th, BRPC

Attached are the announcement, course descriptions, statewide course schedule, and registration form for the 2014 CPTC Fall Workshop series. These are excellent workshops for both new and experienced planning and zoning board members. For further information, contact Senior Planner Brian Domina at bdomina@berkshireplanning.org or 442-1521, ext. 14.

G. FY 15 Peer-to-Peer Technical Assistance Program Grants Availability

The Department of Housing & Community Development has announced the availability of Peer-to-Peer Technical Assistance Grants for projects that support local community development and capacity building activities for municipalities. These can be very useful in launching exploration and discussion about important municipal needs. A copy of the announcement is attached.

H. Release of EPA Draft Municipal Stormwater 4 Permit Regulations

After several years of delay, EPA Region 1 has released a second draft of proposed stormwater regulations (so-called MS4 permit). Dalton, Lanesborough and Pittsfield have been dealing with the earlier version for years; Hinsdale and Lenox had gotten waivers from compliance in the past, as they had small areas impacted. The new regulations will affect the following communities:

- Adams
- Cheshire
- Dalton
- Hinsdale
- Lanesborough
- Lenox
- North Adams
- Pittsfield
- Richmond

We do not know yet whether waivers will be considered. It is expected the regulations may become final as early as the end of the calendar year; once final, the nine communities will have to come into compliance in very, very short order (a matter of a very few months, not even six). For information, contact Senior Planner Melissa Provencher at mprovencher@berkshireplanning.org or 442-1521, ext. 22.

I. Award of Mini Grant from the Massachusetts Department of Public Health for Equipment

We are pleased to announce that the Department of Public Health has awarded the Berkshire Public Health Alliance a small grant to purchase needed computer equipment.

J. Award of Pipeline Technical Assistance Grant from the U.S. Department of Transportation Pipeline & Hazardous Materials Safety Administration

We are very pleased to announce that we have been awarded a technical assistance grant from the U.S.DOT for education aimed at local officials who will be dealing with the FERC pipeline permitting process and for training of first responders in the county along existing and proposed pipeline routes. The education process will be a partnership with the five directly affected regions across Massachusetts (Berkshire, Pioneer Valley, Franklin, Montachussetts, and Northern Middlesex). A legal expert experienced with pipeline permitting and someone with pipeline engineering expertise will be engaged to hold a series of workshops for local officials who will be confronted with this process, most for the first time. The level of support we received on this application from Senators Warren and Markey and U.S. Representatives McGovern, Neal, and Tsongas was gratifying. We will get this launched as soon as possible. For information, contact Senior Planner Melissa Provencher at 442-1521, ext. 22 or mprovencher@berkshireplanning.org.

VIII. Old Business

A. BRPC Annual Meeting – Thursday, October 16th

The 48th Annual BRPC Dinner Meeting will be held on Thursday, October 16th at the Pittsfield Country Club. Social hour will start at 5:30, with dinner and speakers starting 6:15-6:30, and aiming to wrap-up around 8:30. We will present the 2014 Kusik Award, and our state legislators are our guest speakers. We have over fifty people signed up thus far and hopefully will see a large number of additional registrations come in this week.

IX. New Business

A. Commission Meeting – November 20th

At the November 20th Commission meeting, Home-Based Business Regulations, will be the planning training topic. We will also do our semi-annual review of progress on *Sustainable Berkshires*. There is good activity going on concerning some key topics and it will be important to provide steady periodic updates to keep the plan alive.

Attachments (6)

FERC Approval of Tennessee Gas Pipeline Pre-Filing Request
Draft BRPC Comments on Proposed EPA Remedy for Rest of River Clean-up
Schedule of Free Public Flu Vaccination Clinics
BRPC 5th Thursday Dinner Series Announcement & Registration Form
2014 CPTC Fall Workshop Series at BRPC
FY15 Peer-to-Peer Technical Assistance Program Announcement

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 3
Tennessee Gas Pipeline
Company, LLC
Northeast Energy Direct Project
Docket No. PF14-22-000

October 2, 2014
J. Curtis Moffat
Deputy General Counsel and Vice President
Tennessee Gas Pipeline Company, LLC
1001 Louisiana Street, Suite 1000
Houston, Texas 77002

Re: Approval of Pre-Filing Request

Dear Mr. Moffat:

Thank you for your letter, filed September 15, 2014, requesting use of the Federal Energy Regulatory Commission's (FERC or Commission) pre-filing review process for Tennessee Gas Pipeline Company, LLC's (Tennessee) planned Northeast Energy Direct Project (NED Project). We believe that beginning the Commission's review of this proposal prior to the receipt of your application will greatly improve our ability to identify issues early and address them in our environmental document.

As stated in your letter, Tennessee plans to construct about 135 miles of 30-inch-diameter pipeline from Troy, Pennsylvania to Wright, New York; 177 miles of 36-inch-diameter pipeline from Wright, New York to Dracut, Massachusetts; and two pipeline looping segments in Pennsylvania along Tennessee's existing 300 Line, totaling about 32 miles of 36-inch-diameter pipeline. The NED Project would also involve construction of several pipeline laterals and loops in Massachusetts, Connecticut, and New Hampshire; and new compressor stations in Susquehanna County, Pennsylvania; Delaware and Columbia Counties, New York; and Franklin and Middlesex Counties, Massachusetts. The NED Project would provide up to 2.2 billion cubic feet per day of additional natural gas transportation capacity to markets in New England.

Your letter also stated that Tennessee intends to file an application no later than September 2015. When Tennessee files its application with the Commission, we will evaluate the progress made during the pre-filing process, based in part on our success in resolving the issues raised during scoping. Once we determine that your application is ready for processing, we will establish a schedule for completion of the environmental document and for the issuance of all other federal authorizations.

My staff has reviewed the proposals submitted for the selection of a third-party contractor to assist us in preparing the National Environmental Policy Act documentation. We have selected Edge Engineering & Science (Edge) as the third-party contractor to work under the direct supervision and control of the Commission staff. I request that you proceed with executing a contract with Edge so work may begin as soon as possible.

If you have any questions, please contact the Office of Energy Projects' Environmental Project Manager for your project, Eric J. Tomasi at (202) 502-8097.

Sincerely,

Jeff C. Wright
Director
Office of Energy Projects

cc: Public File, Docket No. PF14-22-000

BERKSHIRE REGIONAL PLANNING COMMISSION
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NATHANIEL W. KARNS, A.I.C.P.
Executive Director

October 9, 2014

Dean Tagliaferro
EPA New England, c/o Weston Solutions
10 Lyman Street, Suite 2
Pittsfield, MA 01201

Re: Comments on the *Draft Modification to the Reissued RCRA Permit for Public Comment – June 2014* and the *Statement of Basis for EPA’s Proposed Remedial Action for the Housatonic River “Rest of River” (June 2014)*

Dear Mr. Tagliaferro:

The Berkshire Regional Planning Commission (BRPC) is pleased to submit these comments to the U.S. Environmental Protection Agency (EPA) on the Draft Modification to the Reissued RCRA Permit (hereafter referred to as the Permit). BRPC notes that the Permit proposes a cleanup approach for the Housatonic Rest of River (ROR) that is, as EPA staff have stated, a “balance” between a wide-reaching, extensive removal of PCBs and a minimalistic, hot-spot-only removal of PCBs from the Housatonic Rest of River. BRPC agrees that a balanced cleanup is the most realistic and achievable approach in this complex riverine system, but we believe that the current proposal is not the correct balance. We therefore formally request that the EPA revise the Permit to reflect the more comprehensive and protective approach that it proposed in 2011 to the general public and to EPA Remedy Review Board. In addition, there are areas where we believe the Permit should be made stronger or more protective of local authority and natural resources, and areas where we believe more detailed language is necessary to clearly state standards during cleanup and into the future. As identified through various studies and stated throughout the *National Remedy Review Board Site Information Package for the Housatonic River, Rest of River* (Weston, 2011), river sediment and bank are the two principal sources from which PCBs are readily redistributed into the riverine system in Reaches 5 and 6 of the Housatonic River, a premise that influences our comments. In our letter we discuss our overarching comments to the Permit, and in Attachment A we make specific comments on the Statement of Basis and the Permit, referenced by section and page.

Overarching Support

The BRPC fully supports several aspects of the Permit, including these that we feel compelled to list.

- The EPA's and the Commonwealth's requirement that all removed contaminated sediment and floodplain soil be disposed of at an existing out-of-state, licensed hazardous waste landfill, utilizing rail if possible.
- The EPA's requirement that additional testing be conducted to confirm PCB concentrations and spatial dispersion throughout the Rest of River area prior to conducting cleanup activities.
- The EPA's requirement to employ adaptive management strategies throughout the life of the cleanup. As part of this support, we request that the EPA assertively challenge General Electric (GE) to search for opportunities to employ new or emerging technologies that could have the ability to treat PCBs in situ. GE should be required to make good faith efforts to utilize less-invasive innovative technologies at the earliest opportunity within Reach 5A. If results are favorable, the pilot projects can serve as examples of what can be done as work progresses downstream through the river system.
- The EPA's requirement that GE work closely with dam owners to seize upon new opportunities to maintain, repair or remove dams in a timely manner. We support the EPA's PCB contamination threshold of 1 mg/kg for dam impoundment sediment.
- The EPA's requirement that GE pay for "all incremental costs associated with and attributable to the presence of PCBs . . . including, but not limited to, activities related to dam maintenance or removal, flood management activities, road, infrastructure projects, and activities such as installation of canoe and boat launches, docks, etc., with respect to Reaches 5 through 16 in Rest of River, in any area regardless of whether it has been otherwise addressed by remedies prescribed by this Permit."
- The EPA's requirement that GE offer compensation for Environmental Restrictions and Easements that may be placed on private property as part of the cleanup.

Municipal Involvement

We formally support the Housatonic Rest of River Municipal Committee's request that the Permit include language that give the Berkshire County Rest of River municipal governments a more clearly defined role in reviewing and providing input to the EPA throughout the cleanup process. EPA staff have a record of working closely with Pittsfield in the cleanup of the GE site and first two miles, and this interactive process should be enshrined in the Permit to ensure that this practice continues through the inevitable staff and management changes that may occur over the long life of the cleanup process.

Financial Guarantees

We believe that the Permit should require GE to post several financial guarantees/sureties to ensure compensation to municipal governments, property owners and others who may face financial losses due to cleanup or post-cleanup activities. Such sureties should be overseen by an independent third party.

Level of Cleanup

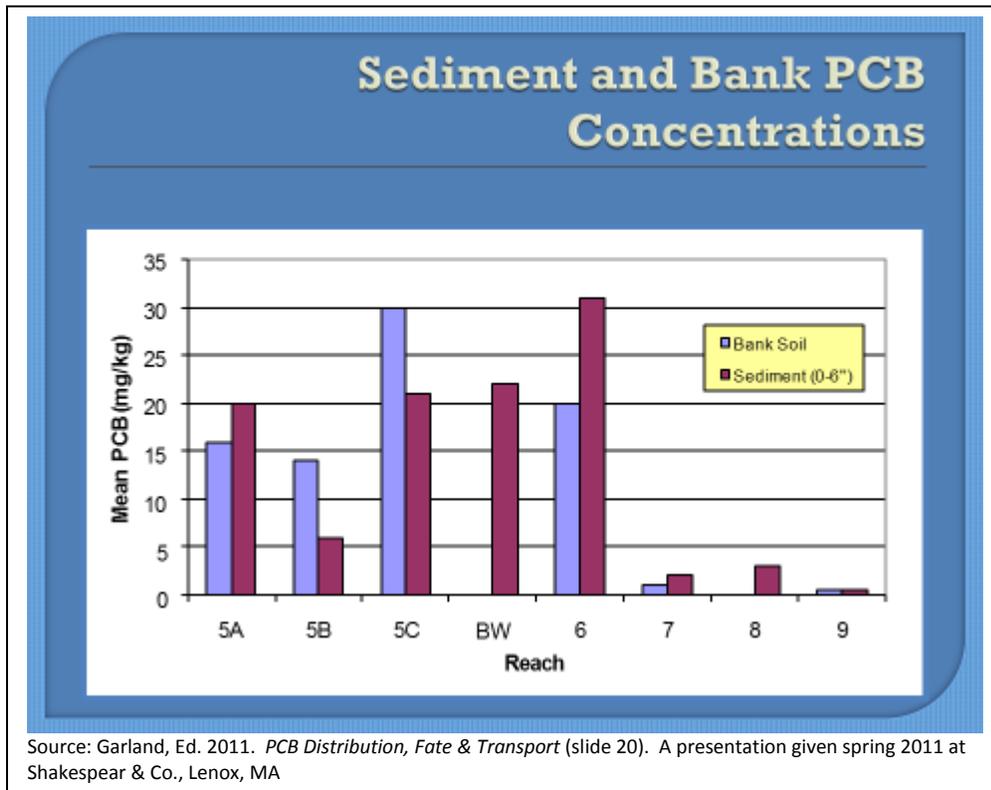
We find it unacceptable that the cleanup strategy proposed by the Permit and Statement of Basis allows such significant amounts of post-cleanup PCB contamination to remain behind in such a dynamic river system, especially given the projected increase in the number, severity and recurrence times of storm events due to climate change. It is these conditions that lead us to believe that the cleanup is based on an over-reliance on engineering to encapsulate and control the PCBs being left behind after the cleanup. This approach will be leaving a legacy of contamination in the environment that we pass on to our children and grandchildren.

It was our impression from public meetings, education workshops and charrettes held in spring of 2011 that the EPA was favoring a more comprehensive cleanup that would remove a good deal of the PCBs from the environmental and result in reduced concentrations in wildlife. EPA consultants described in some detail where PCBs were located, how they were constantly being redistributed throughout the river system from riverbed and bank, and how restoration of the natural landscape and habitats could successfully be conducted. This paradigm has shifted, and the approach now being offered by the EPA mimics the Commonwealth's stance, which favors leaving PCBs permanently behind in order to minimize short-term ecological disruption. We disagree with this paradigm shift and instead support the EPA's earlier approach which called for removal of a greater amount of PCBs to gain greater long-term protection of species and habitat.

We believe that the EPA should set uniform Performance Standards that include more exact cleanup levels for all of the Rest of River areas in Reaches 5-9. There are currently several different PCB concentration levels that trigger cleanup actions in the various river reaches and backwaters, with some significantly high concentration levels being left in upper reaches, while there are no thresholds at all set for some areas, such as Woods and Rising Ponds. While we support the 5 mg/kg level for riverbank in Reach 5A, we question the wisdom of allowing PCB contamination to remain at levels up to 50 mg/kg in riverbank in Reach 5B. As was announced at public informational meetings in spring of 2011 and consistently stated throughout the *National Remedy Review Board Site Information Package for the Housatonic River, Rest of River*, river sediment and bank are the sources for more than 93% of the PCBs that are being redistributed into the river system.

Reach 5B is similar to Reach 5A in that PCBs are spatially distributed throughout the reach and, as determined by Woodlot (2002) and Stantec (2009), significant portions of Reach 5B are experiencing, or has the high potential to experience, bank erosion. We also note that there is no planned remediation of bank in Reach 5C, yet according to a presentation by Ed Garland of HDR/HydroQual at the 2011 charette in Lenox, the mean PCB concentration in this reach is 30 mg/kg (Fig. 1). We request the EPA return to its earlier proposal and require the removal of two feet of river sediment from the entire length of Reach 5B. We also request that the EPA consider lowering the bank remediation threshold for Reaches 5B and 5C to 5 mg/kg, the level set for Reach 5A, particularly in areas identified as having significant potential for erosion. While we support the 1 mg/kg concentration level for the Reach 7 impoundments, we call for thresholds levels similar to this to be set for Woods Pond and Rising Pond. We discuss our concerns in more detail in Attachment A.

Fig. 1. PCB Concentrations by Reach



Similarly we question the wisdom of leaving high concentrations of PCBs in several Exposure Areas of floodplain. Reach 5A floodplain contains the majority of total PCB concentrations within Reach 5 and, where feasible, we request that the EPA remove PCBs to the greatest extent possible in this upper reach of the Rest of River to reduce the possibility of recontamination of lower reaches during cleanup activities and the ongoing threat of recontamination during storm events. This includes Core Area habitats, as we are not convinced that leaving high PCB concentrations Core Areas is scientifically justified. Neither the EPA or Massachusetts Division of Fisheries and Wildlife (DFW) have offered evidence demonstrating that Core Area habitats would be irreparably and permanently damaged by cleanup activities.

Effects of Climate Change

The predicted impacts of climate change are cause for concern when considering the volume and spatial distribution of PCBs that will be left behind after the cleanup. We therefore ask that EPA insert language in the Permit that acknowledges the projected flooding increases due to climate change and requires GE engineering firms to incorporate these increases when they design their remediation activities. Data from USGS streamflow gages across the northeast show a clear increase in flow since 1940, with an indication that a sharp "stepped" increase occurred in the 1970s. Some scientists predict that the recurrence period for extreme storm and flood events will be significantly reduced, with some projecting that the 10-year storm may more realistically have a recurrence interval of 6 years, a 25-year storm may have a recurrence interval of 14 years, and the

100-year storm may have a recurrence interval of 49 years¹. Widespread severe storm events and resulting flooding in 2005, 2006, 2010, 2011, and 2014 in Massachusetts support the conclusion that recurrence times are being reduced. We refer the EPA and GE to guidelines established in 2011 by NOAA: *Flood Frequency Estimates for New England River Restoration Projects: Considering Climate Change in Project Design*.

We note that severe storms this summer are causing GE to conduct repairs in Silver Lake, removing displaced armor stone, repairing a disturbed area of the cap isolation layer, and installing a new, stronger armoring system. If storm events can damage the conventional engineered infrastructure and cap at this stable urban pond, it causes us to wonder how the engineered solutions for erodible, unstable river banks will fare in the dynamic meanders throughout the Rest of River. These issues make it all the more critical that the EPA establish a rigorous and thorough program to monitor the movement of the river channel and establish strict mitigation protocols that can be activated quickly to minimize the amount of new PCB-contaminated soils being released into the water column for transport.

Bank Restoration

Failing more robust removal of PCBs than called for in the Permit, we request that the EPA look more favorably upon the option that involves an engineered cap extending into the river covered with bio-engineering/soft techniques in any areas that have the potential to erode in storm events with relatively low recurrence intervals, such as 10-year flood events. We believe that the engineered cap will be less prone to erosion and re-exposure of contaminated soils, while the bio-engineered layer will provide some erosion control and habitat values.

Temporary Storage of PCB-contaminated sediment and soils

Use of any temporary disposal areas or treatment facilities required for the Housatonic site should be strictly and solely limited to contaminated sediment and soils resulting from GE's Rest of River cleanup, barring storage or treatment of hazardous waste from any other sources. We refer Region 1 to such a restriction that is in place for the Hudson River Superfund site's dewatering/sediment-processing facility located on the Champlain Canal in Fort Edward, NY.

GE Responsibility in Perpetuity

We urge the EPA to insert language into the Permit that state clearly and definitively that GE and any of its successors will remain legally and financially responsible for monitoring and controlling post-cleanup PCBs releases in perpetuity. EPA Region 2 has permanently placed responsibility squarely on GE's shoulders for monitoring and maintaining the integrity of its final remedy in the Hudson River Superfund site, regardless of the cause of any failures. We request that such language be inserted in the Permit.² Although we recognize that this language is inserted into a Hudson River Scope of Work, we believe **strongly** that the premise of permanent responsibility be explicitly stated within the Permit, as well as be included in future Operation & Maintenance Plans.

¹ NOAA Fisheries Services (FS-2011-01), 2011. *Flood Frequency Estimates for New England River Restoration Projects: Considering Climate Change in Project Design*. Of particular note is the study done by NOAA staffer Mathias J. Collins: Collins, M.J. 2009. "Evidence for Changing Flood Risk in New England Since the Late 20th Century," *Journal of the Amer. Water Resources Association*, 45:279-290. We ask also that EPA refer to *Proceedings of the 2nd Joint Federal Interagency Conference* (9th Federal Interagency Sedimentation Conference and 4th Federal Interagency Hydrologic Modeling Conference), June 27-July 1, Las Vegas, NV.

² See Attachment E to Statement of Work Hudson River PCBs Site, Operation, Maintenance and Monitoring Scope of Phase 2 of the Remedial Action, Dec. 2010; Sec. 3. Cap Monitoring and Maintenance.

Borrowing language from Region 2's permit document, we suggest insertion of the following language into Section I, General Permit Conditions:

Duty to Comply with Monitoring, Operation and Maintenance

The Permittee shall conduct a Monitoring, Operation and Maintenance Program to ensure full and proper function of all approved remedial actions including but not limited to Woods Pond and Rising Pond dams, all caps and armoring, and all other remedies. This Program shall commence with EPA approval of remedial actions and engineered remedies and shall continue in perpetuity.

The remaining PCBs will require a robust, ongoing sampling and monitoring program, and there must be an absolute guarantee that a responsible party will have the necessary financial assets to control PCB contamination for decades and generations to come. The direct cost of this will be substantial and must be fully-funded from the outset and as part of the provisions of the Permit. We do not believe in today's economic, fiscal and ideological environment that it is prudent to assume that either GE or the federal government will be able, willing, or required to take on a major economic burden several decades into the future. Given the dynamic nature of the river, the significant concentrations of PCBs which will remain in core habitats, in banks protected through bio-engineering, or remaining in the river under engineered caps, coupled with the already obvious but increasing expected impacts of climate change, it is highly probable that unacceptable concentrations of PCBs will be exposed far into the future and various areas will have to be revisited, possibly multiple times. The Permit must include a significant number of triggers, not requiring a reopening of the entire permit, which will cause actions to immediately be taken, without delay by GE or other parties.

There appears to be some inconsistencies between the standards as they are listed in the Permit, the Statement of Basis and the EPA's Proposed Cleanup Plan maps. These inconsistencies should be reconciled in the Final Permit that is issued. We will note these inconsistencies in our comments in Attachment A.

This draft letter and Attachment were approved by the Full Commission on September 11, 2014, and formally **approved as amended by the BRPC Executive Committee October 9, 2014.**

Sincerely,

Nathaniel W. Karns, AICP
Executive Director

Cc: The Honorable Elizabeth Warren, U.S. Senator
The Honorable Edward Markey, U.S. Senator
The Honorable Richard Neal, U.S. House of Representatives
Ms. Gina McCarthy, Administrator, U.S. Environmental Protection Agency
The Honorable Deval Patrick, Governor

The Honorable Benjamin Downing, State Senator
The Honorable Patricia Farley-Bouvier, State Representative, 3rd Berkshire
The Honorable Smitty Pignatelli, State Representative, 4th Berkshire
Ms. Maeve Valley Bartlett, Secretary, Executive Office of Energy & Environmental Affairs
Dr. David Cash, Commissioner, Department of Environmental Protection
Ms. Mary Griffin, Commissioner, Department of Fish & Game

DRAFT

ATTACHMENT A

Comments Specific to the Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River" (Statement)

River Sediment and Banks, pp. 4-8. The second full paragraph on page 13 states that "Eroding contaminated riverbanks are a significant source of PCBs in Reach 5, currently contributing an estimated 45% of the PCB load to the river and therefore are an important consideration in evaluating remedial alternatives." A presentation given by Ed Garland at the 2011 public workshops in Lenox further states that 41% of those bank PCBs are redistributed onto floodplain and 34% are redistributed into the river channel. The same presentation states that riverbed sediments are the other major source of redistributed PCBs (49% of total). Given these statistics, we request that the threshold for cleanup action for river sediment and banks within Reaches 5A-C be a consistent > 5 mg/kg.

Inconsistencies between the Statement, the Permit and EPA's Proposed Cleanup Plan Reach 5/6 Sediment and Floodplain Combination Alternative 9 Map (the Map)..

- Reach 5A: Page 4 of the Statement reads: "the Proposed Cleanup Plan requires the removal of river bed sediment throughout Reach 5A and soil in eroding river banks contaminated with more than 5 mg/kg PCBs". This could be read to mean that both river sediment and bank be cleaned up to a 5 mg/kg level. Yet Table 1 of the Statement states simply that "2.5 ft removal and capping" will occur in Reach 5A, and that "Removal/stabilization of erodible river banks in Reach 5A and banks in reach 5B w/ PCBs >50 mg/kg". Page 14 of the Permit that deals with Reach 5A does not indicate any mg/kg threshold for river sediment and indicates that only soil from "eroding" riverbanks with contamination of ≥ 5 mg/kg will be removed. These thresholds should be clarified so that the Statement and the Permit clearly are in agreement.
- Reach 5B: Page 5 of the Statement states that "excavation and restoration of river bed and banks that exceed the reach-specific Performance Standard of 50 mg/kg." The Map does not show any areas of Contaminated Erodible Bank for this reach, nor does it indicate that any river sediment is to be removed. We take this opportunity to again request that the EPA consider earlier proposals to remove two feet of sediment from this entire reach of river, and consider lowering the threshold for sediment and bank to 5 mg/kg, similar to what is being proposed for Reach 5A.
- Reach 5C: There are no numeric thresholds or other performance standards listed in narratives of the Statement or the Permit for sediment or bank for this reach. However, the Map and Table 1 of the Statement indicate that two feet of river bed will be removed in this section. These thresholds should be clarified so that the Statement, the Permit and the Map clearly are in agreement. We believe that a numeric threshold for this reach of the river should be established, and we ask that the EPA consider a 5 mg/kg threshold.

River Sediment and Banks, P. 5. The general hierarchy for reconstruction of remediated riverbanks indicates that employing bio-engineering "soft" techniques is the most preferred option, that an engineered cap extending into the river bank covered with a bio-engineering/"soft" layer is a lesser preferred option and that rip-rap capping and hard armoring are least preferred. Given the dynamic nature of this river system, the statistics described above, and the expected impacts of climate change, we are very skeptical about the long-term efficacy of engineered approaches (including

bioengineering and capping) to containing the very significant remaining contamination. The recent failure of a stormwater outfall and cap in Silver Lake, in a much more contained and small-scale situation, only reinforces this skepticism. If PCB concentrations greater than 5 mg/kg are to remain in river bank in Reaches 5A-5C, we request that the EPA look more favorably upon the option that involves an engineered cap extending into the river covered with bio-engineering/soft techniques in any areas that have the potential to erode in storm events with relatively low recurrence intervals, such as 10-year flood events. We believe that the engineered cap will be less prone to erosion and re-exposure of contaminated soils while the bio-engineered layer will provide some erosion control and habitat values. The combination should have more resiliency than bio-engineering alone.

Site Description, p. 13. "The first 10 ½-mile stretch starting at the confluence of the East and West Branches to Woods Pond is referred to as Reaches 5 and 6...and is estimated to contain approximately 90% of the mass of PCBs that remain in the river system (river and floodplains)." The information package prepared for the Remedy Review Board states that the majority of total PCBs in floodplain soils are located within Reach 5A. Given these statistics, we urge the EPA to require GE to remove PCBs within Reaches 5 and 6 to the greatest extent feasible. We find it unacceptable that much of the contamination in the river system would remain in place, in both the river itself and in the floodplain. As we understand it, the remediation approach being proposed by the EPA will remove less than 25% of the PCB-contaminated soils and sediment exceeding 1 ppm from the river and floodplain -- leaving over 75% of the contamination behind. This approach will be leaving a significant burden of contamination in the environment that we pass on to our children and grandchildren.

It was our impression from public meetings, educational workshops and charrettes that the EPA was leaning towards a more comprehensive cleanup that would remove a good deal of the PCBs from the environment and result in reduced concentrations in wildlife. The approach now being offered by the joint federal and state agencies mimics the Commonwealth's stance, which would favor leaving PCBs permanently behind to avoid short-term ecosystem disruption. It appears that the paradigm has been shifted from maximizing clean-up in order to meet strict standards while minimizing ecological disruption, to giving priority to minimizing short-term ecological disruption at the expense of maximizing clean-up.

As part of this request we ask that the EPA reconsider the relaxed performance standards that it has set for Core Habitat areas (Core Areas 1-4 as described in the DFW letter of July 31, 2012). Although we have the highest respect for biologists at the DFW and the Natural Heritage and Endangered Species Program (NHESP), we are not convinced that leaving high PCB concentrations behind in Core Areas is scientifically justified. Neither the EPA, DFW nor NHESP have offered evidence demonstrating that Core Area habitats would be irreparably and permanently damaged by cleanup activities. To the contrary, the remediation pilot project already conducted on a vernal pool in Pittsfield indicates that the post-cleanup functionality of this pool had returned within a breeding season or two after restoration. Some studies conducted on frogs of various species taken from the Rest of River study area state that PCBs are implicated in lower species richness and density, reproductive stress, malformations, abnormal development and skewed sex ratios. Leaving high concentrations of PCBs in vernal pools and other amphibian habitat would diminish the long-term resiliency of these species. As such, we believe that all vernal pools and contributing habitats should be remediated to meet the 3.3 mg/kg target.

It is our understanding that the majority of rare, endangered or threatened species in Core 1 habitat are plant species and, because PCBs pose a low risk to plants, the NHESP proposes to allow high PCB concentrations to avoid removing or killing the existing rare/endangered/threatened plant populations. We believe this is short-sighted and unbalanced, as the PCBs left behind will undoubtedly continue to migrate and serve as a contamination source, continuing to threaten the long-term sustainability of PCB-sensitive wildlife. Where feasible, we urge the EPA to require in the Permit that GE investigate methods to collect individual plants and animals from local populations of particularly vulnerable species, hold them during cleanup activities, and then re-establish them once restoration has been completed.

One hundred years ago, almost all of the river floodplain was in active agricultural use. It is quite probable that the very significant ecologically rich areas which exist today were almost non-existent in that setting and thus have established themselves over the intervening decades as the river has naturally reclaimed much of its floodplain. As discussed at the Rest of River Municipal Committee work session of February 27, 2014, in which EPA and DFW staff were present, it was estimated that the floodplain forests were probably in the order of 60 years old. The fact that these habitats have managed to become established as well as they have, despite the level of contamination, is a testament to natural ecological resiliency which we believe that the clean-up program should fully respect. It is reasonable to expect that post-cleanup restoration efforts, such as replanting floodplain vegetation, will reduce the re-establishment time to less than 60 years.

Additionally, it is our understanding that the abundance and diversity of benthic organisms and fish populations in the first two miles of cleanup have started to rebound in just the short time since that clean-up was completed. This is further testimony that the natural systems of the river can rebound. Studies indicate that piscivorous species such as mink, otter, and bald eagles are at intermediate to high risk due to PCBs in fish in the upper reaches of Rest of River. Studies also provide ample evidence that otter and mink, which should be prevalent in this ecosystem, are seldom found in these reaches. While not rare and endangered, the relative lack of these species shows that the presence of PCBs, in current concentrations, has a negative effect on the long-term sustainability of certain species within the Rest of River.

Comments specific to the *Draft Modification to the Reissued RCRA Permit for Public Comment – June 2014*

Definitions, pp. 4-6. The cove/pond areas located along Columbia Street in Lee, tested by the EPA for PCBs in 2012, must be added to the definition of “Backwaters” in the Definitions section and on maps being referenced by the Permit. Six of the 10 cove/pond samples met cleanup thresholds, and additional sampling is needed to accurately show PCB concentrations and distribution. These areas are not shown on any maps being referenced by the Permit, including Figs. 3-17 of the CMS, Fig. 4 of the Permit, nor EPA’s Proposed Cleanup Plan Reach 7/8 Sediment and Floodplain Combination Alternative 9 map (the Map). Although EPA staff has repeatedly reassured town officials that these areas are being considered by the EPA as Backwaters and will be cleaned up to meet the Performance Standards of the Permit, nowhere in the Permit does it specifically speak to these areas.

Definitions, pp. 4-6. The word “Long-Term” is used throughout the Permit, but this word is never defined. We request that long-term monitoring and response actions remain in place in perpetuity and be clearly stated as such.

Definitions, pp. 4-6. We believe that “the Site” should be defined, with two sub-categories of Primary Site and Secondary Site. The Primary Site would include those areas which contain any contamination above the minimum standard – likely the 10-year floodplain. The Secondary Site would be those areas which are not contaminated but are subject to clean-up operations impacts (processing, transport, noise, dust, glare). We believe that the Permit should specifically include Primary and Secondary Site approval processes, giving considerable deference to local permitting processes and involvement in approval of operational plans, particularly in Secondary Sites.

Section.I.C. Permit Actions. The EPA has the authority to modify the Scope of Work implementing the cleanup and require GE to conduct additional response actions if necessary to protect human health and/or the environment. As such, we believe that EPA should insert language into this section of the Permit restating its authority to modify the Permit except as forbidden by the consent decree or applicable law.

Sec. I.F. Inspection and Entry, p. 8. The language in this section of the Permit seems to relate only to property owned by GE. We ask that the EPA review this language to ensure that it has the authority to enter and inspect any aspect of the cleanup, regardless of property ownership or location.

Sec. II.B.1.a.(1) Downstream Transport, p. 12. How does this Performance Standard meet State and Federal Water Quality Standards for Class B Waters? We are particularly concerned about the lack of a flux standard for extreme storm events (>1,450 cfs) because we believe it is exactly in those situations that the partial clean-up proposed will most likely fail. We also believe that the average PCB flux failing in three or more years within any 5-year period is not protective enough. Failure in any one year is a failure.

Sec. II.B.1.b.(1) Capping of River Bed Sediment in Reach 5A, p. 14. Why is activated carbon not called for as part of the cap in Reach 5A, as is being done in Reach 5B? Since the entire river bed is to be excavated and capped in Reach 5A, regardless of PCB concentrations, there presumably will be areas with PCB concentrations remaining under the cap which are at least at the concentrations of Reach 5B.

Sec. II.B.1.b.(2) Contaminated Soil from Eroding Riverbanks in Reach 5A, p. 14-15. The analysis of areas of eroding riverbanks will need to be periodically reconsidered as the locations of the erosion change, with the dynamic nature of the river and language to that effect should be added.

Sec. II.B.1.b.(3) Reconstruction of Excavated Riverbanks in Reach 5A, p. 15. We believe that (b) is preferable to (a) for reasons stated previously.

Sec. II.B.1.b.(4) Location of bank soil to be excavated in Reach 5A, p. 15. Similar to an earlier comment, the collection of additional bank soil PCB data and bank erosion/shear stress data will need to be periodically reconsidered as new areas of bank are exposed. We suggest there be

continual monitoring and reconsideration at a frequency of no more than every five years or as significant weather events warrant.

Sec. II.B.1.c.(1) and (2) Removal of River Bed Sediment and Riverbank Soil in Reach 5B, p.16 The allowable remaining contamination of up to 50 mg/kg total PCBs is too high. The standard of 5 mg/kg used in Reach 5A should be maintained. Peoples' homes and habitat should be treated similarly.

Sec. II.B.1.c.(3) Location of Soil and Sediment Excavated in Reach 5B, p. 16 Similar to comments above pertaining to Reach 5A, the analysis of areas of eroding riverbanks will need to be periodically reconsidered as the locations of the erosion change, with the dynamic nature of the river and language to that effect should be added.

Sec. II.B.1.e (2)(a) Backwaters adjacent to Reaches 5, 6, and 7, p. 17 Setting the standard at areas exceeding 50 mg/kg PCBs is too high. The standard of 5 mg/kg should be maintained.

Sec. II.B.1.e. (3) Backwaters Core Area 1 Habitat, p. 18 The removal of PCB's exceeding 50 mg/kg to a depth of only one foot is illogical. While respecting that Core Area 1 might be provided greater discretion from any disturbance, once the surficial one foot is excavated, there is probably no further ecological harm to that area that is being created to fully excavating to a depth that no concentrations exceeding 50 mg/kg remain.

Sec. II.B.1.f. Woods Pond, p. 18. The Permit does not set any PCB threshold levels as Performance Standards for sediment in Woods Pond. We request that the EPA set a numeric mg/kg threshold for this section of river that would be protective of human health and the environment. We believe that all sediments, to whatever depth, that exceed that threshold should be removed. We believe that after initial removal, once remediation has been completed in Reaches 5A-5C, that there should be retesting and removal of additional sediments deposited during remediation which exceed the threshold, prior to placement of the cap.

Sec. II.B.1.g.(2) Impoundments, p. 19. We appreciate that the issue of dam impoundments has risen to the forefront and that these are discussed in the Permit. However, we are concerned that the wording of the Permit does not convey the tight timelines or short windows of opportunity that may develop in the event that a dam must be repaired, where funding has been located for removal, or a redevelopment opportunity is found for a property which includes an impoundment. GE must be required to make progress at the speed an improvement or redevelopment opportunity requires, not at a pace which could forestall opportunities that are presented. We therefore request that the wording be strengthened by adding the word "prompt" in front of "good-faith" in the second sentence to ensure a prompt response by GE when circumstances require such action. Specific clean-up plans should be developed for each impoundment in the very near term (years 1-2), with a requirement that the work being initiated and completed in an expedited fashion (within 1 year of notification that work is required to respond to an improvement or redevelopment opportunity) as needed to take advantage of opportunities which are not yet known. Clean-up plans which are not yet implemented should be required to be updated on a regular basis in order to account for the active adaptive management approach which the permit favors. This should not be limited to impoundments only in Reaches 7B and 7C but include all of Reaches 7 and 8.

Sec. II.B.h.(4) Rising Pond, p. 21. This section states that the engineered cap shall result in a final grade consistent with original grade. We question why Rising Pond is not being deepened in a manner similar to Woods Pond. If the proposed cleanup activities at Woods Pond will result in an improved solids trapping efficiency of 30%, would not a similar cleanup effort at Rising Pond also result in a greater solids trapping efficiency? This is all the more important at this site as it is the last chance in Massachusetts to capture PCBs resuspended during cleanup construction and during future storm events.

Sec. II.B.j.(3)b. Cap erosion protection layer, p. 23. We appreciate the EPA's attempt to address increase in flood events because of climate change by requiring that GE consider the impacts of climate change on flood return interval events. We request that the Permit direct the GE to use the newest and best data sets to reflect ever-changing precipitation and flow conditions resulting from climate changes. As an example of an improved data set, the EPA and GE should consider consulting the guidelines recently set by NOAA³ and the data set that has been gathered by the Northeast Regional Climate Center at Cornell University.

Sec. II.B.2.a. Floodplain Soil Adjacent to Reaches 5 through 8, p. 24. We believe that area specific determinations of Frequently Used Subareas is best accomplished during the development of the site specific plans rather than determining those at this relatively broad, early stage. Direct engagement of municipal governments will also allow much increased refinement of exactly where certain activities are occurring within each subarea.

Sec. II.B.2.b. Vernal Pools, p. 26-27. We propose that all vernal pools be cleaned up to the Vernal Pool-specific Cleanup Standard of 3.3 mg/kg total PCBs, regardless of their location within or outside of Core Habitat Areas. As stated previously, we do not believe that DFW and NHESP have provided scientific evidence to demonstrate that the short-term risk of cleaning up vernal pools or other rare/endangered/threatened species habitat areas is greater than the long-term benefits of removing concentrations of PCBs which exceed standards from the environment. There should also be an allowance for when adaptive management, including restoration of vernal pools outside of the Core Areas, shows success that allows consideration of use of those successful techniques in Core Area habitats.

Sec. II.B.3.c.(4) Preconstruction Preparation Requirements, p. 29. Strong measures to avoid introducing invasive species should be included.

Sec. II.B.3.c.(5), Restoration Corrective Measures Coordination Plan, p. 29. We urge the EPA to require the GE to consider measures to protect rare, endangered or threatened species, such as capturing individuals, holding them during cleanup activities, and then re-introducing them once habitat restoration has been completed. If holding plants or animals is not feasible, might this be an opportunity to capture them and introduce them safely elsewhere? This may help to increase the diversity of isolated amphibian populations where a limited gene pool threatens their long-term sustainability. Might a species such as the Jefferson salamander benefit from such a program? Such efforts would be consistent with the concept of conducting pilot programs as part of the Rest of River cleanup.

³ NOAA Fisheries Services (FS-2011-01), 2011. *Flood Frequency Estimates for New England River Restoration Projects: Considering Climate Change in Project Design.*

Sec. II.B.4.a.(1). Baseline and Construction Monitoring, p. 30. Please insert language to state clearly that the pre-construction baseline monitoring program include water, sediment, soils and biota sampling for sites previously tested **throughout Reaches 5 through 9** before any cleanup construction is undertaken. We note the Town of Sheffield's particular concern regarding pre- and post-cleanup water quality.

Sec.II.B.4.b. Long-Term Operations, Monitoring, and Maintenance, p. 31. This section needs to be more detailed. The Permit states that long-term monitoring and maintenance shall be conducted until the Long-term Biota Benchmarks have been achieved. For fish, this is 0.064 mg/kg. What if this benchmark is achieved, and severe storm events occur after achievement that reintroduce PCBs into the environment? If monitoring is no longer occurring, how will we know that PCBs have been reintroduced? If PCBs are reintroduced into water and sediment, it could take years for PCBs to again bioaccumulate in fish tissue.

- We request that the EPA set specific long-term performance standards and monitoring points all along the length of river where remediation has taken place to ensure encapsulation of PCBs. At a minimum, standards must be set for visual and water quality monitoring at these points to ensure that the caps and armoring are functioning as designed. We urge the EPA to establish environmental conditions, such as a specific flow regimes and/or storm events that will automatically trigger monitoring, inspections of caps and armoring, and possible remedial action.
- We believe that there should be a requirement for ongoing, regular monitoring of sediments and sediment transport as long as areas of PCB contamination above specific thresholds are known to remain in the river channel, banks or floodplain. This requirement should remain in place essentially *in perpetuity*, with commensurate requirements for additional clean-up, without triggering a modification to the permit, as called for by the monitoring.
- The Permit should describe how PCB contamination discovered after completion of the cleanup will be addressed and mitigated. This is especially important for areas that may be outside of the delineated Rest of River area. For example, no tests have been conducted for tributaries west of the railroad such as Yokun Brook, but it is not unreasonable to think that flood events could force waters to back up or flow upstream from the Housatonic River through railroad culverts and up into tributary channels. The Permit should outline a framework that requires the GE to investigate, assess and remediate new discoveries of PCB contamination in the Rest of River during or after cleanup activities have been completed

Sec. II.B.4.a.(1). Baseline and Construction Monitoring, p. 30. We believe that it is inevitable that the river will continue to move laterally and cut new channels and, in doing so, will expose new soils, much of which is contaminated. Because of these known dynamics, we request that the Permit proactively require GE to sample bank and floodplain areas where lateral movement of the river channel is most likely to occur and create action plans to monitor, mitigate and quickly capture PCBs that are exposed during high flow events. The areas where the river is most likely to leave its meandering path and cut a new channel should be the focus of such planning efforts. Examples of areas for focus would be the specific meanders within Reach 5 that were discussed in the EPA / Housatonic Rest of River Municipal Committee meeting of February 27, 2014

Sec. II.B.5. Sequencing Implementation of Corrective Measures, p. 31. We recommend that the GE be directed to conduct a re-evaluation of PCBs in Woods Pond and Rising Pond prior to placement of capping layers. Suggested language, to be inserted at the end of the third sentence in the first paragraph after the word “completed”: “. . . and after the Permittee has demonstrated that PCB concentrations in sediment and water depths in Woods Pond and Rising Pond meet the performance standards established in S.II.B.1.f and S.II.B.1.h.”

Sec. II.B.6 Off-Site Disposal, p.32 We request that EPA use stronger language (replace “may” with “shall”) to require that GE assess and use, when appropriate, innovative treatment technologies at every step of the clean-up.

Sec. II.B.9. ARARs and TBC Requirements, p. 35. We request that EPA include the directly affected municipalities, along with the States, in reasonable opportunities for review and comment. Local officials often will have more specific knowledge of the particular area and will be able to add considerable value to EPA’s decision-making process.

Sec. II.B.10. Other Measures and Requirements, p. 35. We request that EPA include a stipulation to address situations where it is found that corrective measures have not achieved the desired performance standards. It is conceivable that after good faith efforts of all involved that progress towards the performance standards is not shown and a complete reassessment of the approaches being taken would have to be considered.

Sec. II.B.10.c. Water Withdrawals and Uses, p. 36. We request that the EPA add new wording to this section: (4) Permittee shall reimburse entities which experience financial losses due to a degradation in water quality or quantity due to corrective measures and/or construction within Reaches 5-16.” This language is to protect Rest of River businesses who rely on the river’s flow, particularly the Onyx Mill in Lee, the last working paper mill in the town, and the Glendale Hydro-Electric facility in Stockbridge, the only operating hydro-electric facility in Berkshire County. This should apply to any future water withdrawal users as well. Proposed actions should be coordinated with the users and the permitting agencies and they should be provided a reasonable opportunity to review and comment on proposed actions which may affect their operations.

Sec. II.B.10. Other Measures and Requirements, p. 37. We request that a new subsection, d., be added addressing “Wastewater and Stormwater” Discharges and Uses. This should be similar to subsection c., Water Withdrawals and Uses. A primary concern is that there are five municipal wastewater treatment plants in Massachusetts along the river, several industrial wastewater permittees, and that Pittsfield and a portion of Lenox are also governed by the 2014 Draft Massachusetts Small MS4 General Permit covering stormwater Phase II discharges in regulated MS4 communities. Clean-up activities could impact these permittees and their compliance requirements. In these cases, the municipal and industrial permittees need protections from water quality violations which are outside of their control, created by the clean-up. This should also apply to any future discharge permit holder as well. Proposed actions should be coordinated with the users and the permitting agencies and they should be provided a reasonable opportunity to review and comment on proposed actions which may affect their operations or permits.

Sec. II.B.11. Requirements for the Rest of River Statement of Work, pp. 37-40. Massachusetts General Laws enable local governments to impose reasonable policies, laws, bylaws and regulations

on land use activities to protect human health and the environment. This includes the right of local boards to hire consultants to aid them in reviewing and conditioning projects within their jurisdictions. Because the Rest of River cleanup has extensive environmental and human health implications and spans across several municipal jurisdictions, we believe that the most comprehensive and efficient means to meet the intent of these Home Rule provisions would be to require GE to fund the hiring of consultants to serve local boards in reviewing and commenting on plans, statements of work and other submittals during the cleanup, and to aid said boards in reviewing air and water quality monitoring and other data that is generated during cleanup activities. As such we request that you add language to the Permit calling for the hiring of consultants to serve local authorities when matters under their jurisdiction are being discussed and determined.

Sec. II.B.11.b. Overall Strategy and Schedule for Implementation of the Corrective Measures, p. 38.

We request that the Overall Strategy and Schedule Permit section explicitly direct GE to consider the requirements of local bylaws and regulations during the design and construction phases of the cleanup. We feel compelled again to support the municipalities' request to be actively involved in the siting of all work areas, including locating access roads, staging areas, dewatering and treatment facility areas, storage sites, etc. We request that this language from pages 10-11 of the *Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River Rest of River* be inserted into this section of the Permit: "To ensure careful coordination and enhanced safety for residents, [the Permittee] will be required to work closely with EPA, and in consultation with the appropriate city and town officials, in development management strategies and plans to guide the cleanup work."

Sec. II.B.11.b.(1). Overall Strategy and Schedule for Implementation of the Corrective Measures, p. 38.

This section lists floodplain and sediment but is silent on bank, backwaters, and impoundments. Please add these three to ensure a comprehensive strategy and schedule.

Sec. II.B.11.b.(3). Methods to minimize impact to neighborhoods and general public and to limit use of certain roads, p. 38. We request that language be added ". . . and minimizing and correcting deterioration of public infrastructure caused by project activities."

Sec. II.B.11.j. Sediment Processing/Transfer Facility(ies) Work Plan, p. 38. We request that the Permit add a 6th section that includes a Decommissioning Plan for sites and infrastructure developed to accomplish the clean-up, subject to review and comment by municipal authorities. We also request that a value of both real and personal property of such facilities be established.

Sec. II.B.11.k. Off-Site Transportation Plan, p. 39. This needs to be defined, specifically clarifying "on-site" versus "off-site". We believe that all transportation activities outside of a relatively discrete area of actual removal or replacement and restoration activity, has the potential to impact local infrastructure and neighborhoods. Certainly transport of contaminated material or replacement materials will entail a larger area than simply the immediate restoration site. Municipal review and input will be key in these areas.

Sec. II.B.11.l.(2). Quality of Life Compliance Plan, Continued Recreation Activities, p. 39.

Municipalities and other entities with expertise and involvement in recreation activities along the Rest

of River should be heavily consulted during the development of this section of the Compliance Plan. Every reasonable effort should be made to avoid and minimize disruption of recreation activities while achieving the Remedy objectives and standards. Where avoidance and minimization is not possible, mitigation should be required, in the form of replacement activities and facilities while use is disrupted, replacement upon completion, enhancement through improved or additional facilities, or monetary compensation. The most appropriate forms of such mitigation should be developed through involvement of both GE and the affected parties, with services of a mediator to be paid for by GE but selection of the mediator to be with concurrence of those involved.

Sec. II.B.11.I.(3). Quality of Life Compliance Plan, Road use, p. 39. Compliance with the Transportation Impact Assessments Scope of Work provided by BRPC to EPA staff on January 7, 2014 should be required of GE and explicitly called out in this section. The assessment methodology is intended to provide a quantifiable and fair method to ensure that any damage to local infrastructure caused by clean-up operations is repaired at GE's expense and that traffic management is in place during the course of the project which fully involves the municipalities and allows them to protect the interests of their citizens and affected neighborhoods, both within Primary and Secondary sites.

Sec. II.B.11.I.(3). Quality of Life Compliance Plan, Road use, p. 39. It is imperative the impacted municipalities not be left to pay for infrastructure damage caused by cleanup activities. Damage caused to discrete sections of road caused by the stress of heavy trucks and equipment may not be immediately apparent, but instead may manifest itself a few years after construction activities are complete. We request that an escrow account be established with the Berkshire County Rest of River municipalities, using GE funds, in the event that such funds are needed in the future by any of the Rest of River municipalities to cover the cost of repairing infrastructure damaged by transportation linked to PCB cleanup activities

Sec. II.B.11.I. Quality of Life Compliance Plan, Community Health and Safety p. 39. We support the inclusion of this directive in the Permit. However, we believe that the development of a more comprehensive Community Involvement Plan (CIP) should be included in this section, outlining a process to ensure meaningful public input and involvement with EPA as it implements the Permit. We refer EPA Region 1 staff to the CIPs for the Hudson River Superfund Site. A process to keep all citizens informed of the status of the cleanup should, at a minimum include more frequent updates to the Citizen Coordinating Committee, municipal boards, periodic updates in local newspapers, access television and social media. We request that Section II.B.11.I.(4) be revised to include public involvement, health and safety. As part of this request, we would like to see technical support for the local boards of health and volunteer fire/ambulance companies that may be required to respond to site conditions and potential health risks generated from cleanup activities. We respectfully suggest the section read as follows:

(4) Community Involvement, Health and Safety

- a) The Permittee shall develop a Community Involvement Plan (CIP), the purpose of which is to guarantee meaningful public input and involvement with the EPA and the Permittee during the implementation of the Permit (similar to the CIP developed as part of the Hudson River PCB Superfund Cleanup); the public involvement program shall at a minimum include regular community meetings at which the Permittee shall provide

relevant updates on the progress of the cleanup and to which local permitting boards shall be specifically invited, and also include meeting directly with effected landowners;

- b) The Permittee shall maintain a website (similar to <http://www.hudsondredging.com/>) to provide community access to information such as data, technical reports, work plans, and project fact sheets, as well as updates on current and future project activities; and
- c) The Permittee shall provide technical assistance to local boards of health to aid them in reviewing, understanding and disseminating air quality data and other parameters related to human health at and near cleanup sites; and
- d) The Permittee shall identify the types of fires, accidents and other emergencies that may occur during cleanup activities and evaluate the capabilities of the local fire and ambulance companies to respond effectively to such emergencies. The Permittee shall provide any additional equipment or training that may be needed to meet all potential emergency situations described in the evaluation; and
- e) The Permittee shall establish a call center which shall be manned 24 hours per day, 7 days a week during any and all construction activity in order that local citizens and officials may be able to communicate directly with the Permittee regarding work activities.”

Sec. II.B.11.p. Sustainability Plan, p. 39. We believe it would be helpful to provide some information about what a “Sustainability Plan” should include. There are a wide variety of things which might be included in something called a “Sustainability Plan” and it is not clear to us regarding what is intended.

Sec. II.B.11.v. Operation and Maintenance Plan, p. 40. We request that the Permit discuss the requirements for the Operation & Maintenance Plan in more detail. This plan will be critical in containing remaining PCB contamination left behind after the completion of the cleanup. As part of this additional detail we request that the EPA require the GE to fund in perpetuity an environmental monitoring consultant whose work will be overseen by, and who will report directly to, the EPA.

Sec. II.B.11.v(c) Invasive Species Control Plan, p. 40. Successful invasive species control will undoubtedly involve a long-term commitment. We thus request that the Invasive Species Control Plan establish standards for the long-term, post-construction control of invasive species, likely on the order of decades rather than years

Sec. II.C. Schedule, p. 40. We believe it would be helpful to put in a maximum amount of time for submittal of the SOW, as well as allowing GE no less than 90 days.

Table 1, Cleanup Standards for PCBs for Floodplain Soil by Exposure Area – Current Use. Cleanup standards for Exposure Areas 61-66, which seem to be utility rights of way, have the highest numerical cleanup standards of all areas and uses. We urge the EPA to reclassify these areas as General Recreation, older child (high use), as utility areas are often frequented by local adults and children who hike, dog walk, bike, motor bike, and ride ATVs.

Figure 6, Estimated Timeline. This figure indicates that cleanup activities in Woods Pond (Reach 6) will be implemented in two phases, namely that cleanup on the pond will occur in Years 1-3 and that a cap will be placed in Years 8-10. Cleanup of river and floodplain upstream of the pond, in Reaches

5A-5C and in Backwaters, will be conducted in Years 1-8. We are concerned that Woods Pond will be re-contaminated in the intervening Years 4-8 as cleanup activities dislodge and resuspend PCBs upstream. Section II.B.1.f(1) describes sediment removal and capping requirements, and Section II.B.1.f(2) describes post-cleanup long-term monitoring. The Permit does not require GE to re-evaluate the PCB concentrations in the pond before the cap is placed. We believe that the Permit should explicitly state that GE, in consultation with the EPA, will re-test and evaluate PCB concentrations throughout the pond before any capping activities are begun. We restate our request that the EPA set a PCB threshold performance standard for the pond to gauge whether additional sediment removal should be conducted prior to capping.

Figure 6 Estimated Timeline. The Permit should include a more detailed timeline for the 15+ years that the cleanup is expected to occur, including a set of milestones for work completed. Such milestones will allow the EPA and the public to see reasonable progress being made throughout the overall life of the cleanup.

Attachment C: ARARS, p. 7-8 of 17. Both the Massachusetts Clean Water Act and Wetlands Protection Act regulations use the local Conservation Commissions as the initial permitting entity, working on behalf of the Commonwealth, to enforce those Acts. Therefore, when stating that “All activities subject to these requirements will be conducted in accordance with these regulations,” the Conservation Commissions would appear to have a role in issuing the state permits.

Attachment D: TSCA 40 CFR Section 761.61(C) Determination. We acknowledge the necessity of siting temporary facilities to dredge, handle and dewater PCB-contaminated sediments and soils. At the same time, we support the Housatonic Rest of River Municipal Committee in its requests to be involved in the siting of temporary hazardous waste facilities.

- The seventh bullet of the Permit states: “Temporarily stockpiles TSCA-regulated material will be bermed and properly covered to capture runoff....” We note that locating a hazardous waste facility is not a permitted use within the Upper Housatonic River ACEC according to Massachusetts 310 CMR 30. The Permit should more clearly define the term “temporarily”, list exactly what types of hazardous materials will be allowed on site, and discuss the conditions under which such a facility must operate.
- We repeat our request that the Permit clearly state that any temporary stockpiling of hazardous materials be strictly and solely limited to materials removed during PCB cleanup activities of the Rest of River. We request that EPA: 1) acknowledge that, prior to commencing certain work such as the storage of hazardous waste to be transported out of state, GE will be required to comply with the Massachusetts Hazardous Waste Facility Siting Act, Mass. G.L. ch. 21D §§ 1-19, by, *inter alia*, submitting notices of intent as set forth in section 7 of this statute, obtaining siting agreements with host communities and providing compensation to communities as set forth in sections 12-15 of this statute; and 2) require GE to evaluate and comply with this statute in future submissions by GE such as its Scope of Work documentation.

The following free public flu vaccination clinics have been scheduled throughout the County and are provided in collaboration with Berkshire Public Health Alliance's Public Health Nursing Program and Fairview Hospital. To download a flu reimbursement form in advance, please click [here](#).

- The flu vaccine and the flu mist are available at no charge to individuals ages 6 months and older. Children must be accompanied by a parent or guardian.
- If you have insurance, please bring your insurance card(s) with you.
- Please wear short sleeves, or a shirt that has easily rolled-up sleeves.

DATE	COMMUNITY	TIME	LOCATION	ADDRESS
9/29/14	Peru	3-5:30	Town Hall	7 E. Main Rd.
9/30/14	North Adams	12-3	Council Chambers	10 Main Street
10/1/14	Great Barrington	12-2	Housy Dome	1064 Main Street Housatonic, MA 01236
10/1/14	Great Barrington	3-6	Town Hall	334 Main Street
10/3/14	Adams	9:30-12	Millhouses Community Room	75 Commercial St.
10/6/14	Washington	4:30-7	Town Hall	8 Summit Hill Road

10/7/14	Egremont	9-12	Town Hall	171 Egremont Plain Rd
10/7/14	Great Barrington	1:30-3	Senior Center	917 Main St
10/16/14	North Adams	9-11	Spitzer Center	116 Ashland St
10/21/14	Adams	2:30-5:30	CT Plunkett	14 Commercial Street
10/23/14	Great Barrington	12-3	Simon's Rock	84 Alford Road
10/25/14	Clarksburg	9-12:30	Senior Center	500 W Main St
10/25/14	North Adams	2-5	St. Elizabeth's	70 Marshall St
11/4/14	Great Barrington	8-2	Fire Station	37 State Rd

COMMUNITY LAND TRUSTS BRPC 5TH THURSDAY DINNER SERIES



Housing opportunity in the Berkshire region is a challenge recognized by more and more communities. In the Southern Berkshires, there is a lack of affordable housing for low to moderate income residents, while residents in urban communities in the Central and Northern Berkshires have ample opportunity but low quality options. The Community Land Trust (CLT) model offers solutions for both contexts. The CLT model is also adaptable to a variety of third-party partnerships with: nonprofit organizations, for-profit administrative agents, local housing authorities and nonprofit housing developers.

Please join **Billie Best**, the Community Land Trust Program Director for the Schumacher Center for a New Economics and President of the Board of Trustees for the Community Land Trust in the Southern Berkshires on **Thursday, October 30** to talk about the CLT model and how it ensures permanent access with long-term affordability, ensuring that the investment is passed on from generation to generation, in perpetuity.

5:30-6:30 PM Cocktail Hour

6:30-8:30 PM Dinner & Speaker



MAZZEO'S RISTORANTE

1015 SOUTH STREET | PITTSFIELD, MA 01201

For Additional Details and Cost Information Please See the Attached Return Sheet

5th Thursday Dinner - October 30, 2014
"Community Land Trusts"

Please remit payment to BRPC, 1 Fenn Street, Suite 201, Pittsfield, MA 01201 prior to the event

Municipality: _____

of Attendees: _____ Amount Enclosed: _____

Please provide the following information for each attendee:

Name(s):

E-mail Address(es):

Municipal Title(s)/Board(s):

Location & Menu

Mazzeo's Ristorante 1015 South Street Pittsfield, MA 01201

Please join us for a family style dinner consisting of the following:

- Italian Salad & Bread**
- Parmigiana Risotto**
- Marinated Beef Tips**
- Grilled Salmon**
- Eggplant Parmigiana**
- Green Bean Almondine**
- Chocolate Bombs**

* Please note on this form if you have special dietary restrictions and we will do our best to accommodate your needs

Cost Information

\$36.00 for Municipal Officials, Municipal Board Members & Guests

Reservations **must** be received by: **October 24, 2012** - Late reservations will not be accepted
Cancellations received after October 24th are non-refundable.

Please RSVP to Linda Ludwig: Lludwig@berkshireplanning.org
Questions to Gwen Miller at gmliller@berkshireplanning.org, (413) 442-1521 x 19 or Tom Matuszko at tmatuszko@berkshireplanning.org or (413) 442-1521 x 34.



SCHUMACHER CENTER for a NEW ECONOMICS

COMMUNITY LAND TRUST PROGRAM 2014-2016

- WHO:** Billie Best is Community Land Trust Program Director for the Schumacher Center for a New Economics and President of the Board of Trustees for the Community Land Trust in the Southern Berkshires. The Schumacher Center is a national educational nonprofit advocating for a more equitable and sustainable economy, and developing guiding principles for model economic programs. CLT in the Southern Berkshires puts those principles into practice by owning and managing land for housing, farms and business on behalf of the community.
- WHAT:** Community Land Trust Program is a multi-year education and outreach initiative advocating for adoption of the CLT model through a process of civic engagement, networking, needs assessment, planning, grassroots organizing, project development, technical support and administrative oversight. This will contribute to a broader knowledgebase, model documents, best practices and other resources to support and empower other similar initiatives locally, nationally and globally.
- WHERE:** We are putting principles into practice in Western Massachusetts through the Community Land Trust in the Southern Berkshires, and in the process building resources to support a national community of practitioners.
- WHY:** The CLT model encourages community investment in the local economy by building synergy between jobs and housing. When the community owns and controls strategic land assets for homes, businesses and farms it can achieve goals like preserving Main Street for locally owned businesses, improving substandard housing, ensuring local farms produce food for local people using good farming practices, establishing sites for community supported industry, and developing strong neighborhoods for fulltime residents with local jobs. This approach to land use builds wealth for the whole community, supporting the workforce, increasing upward mobility and fostering economic resilience.
- HOW:** The CLT model has a democratic membership structure, strong legal mechanisms, carefully designed resale formulas, and dedicated program stewardship to ensure permanent access with long-term affordability. Through the terms of the ground lease and restrictions on the resale of the buildings on the land, the CLT ensures its investment is passed on from generation to generation, in perpetuity. The model is a citizen-led organization designed to adapt to third-party partnerships with nonprofit organizations, for-profit administrative agents, local housing authorities and nonprofit housing developers.



2014 CPTC Fall Workshop Series @ BRPC

VESTED RIGHTS & NONCONFORMING STRUCTURES & USES

THURSDAY, NOVEMBER 13, 2014

7:00 PM

PRESENTER: DON DUBENDORF, ESQ.

READING A SUBDIVISION/ANR PLAN

THURSDAY, DECEMBER 18, 2014

7:00 PM

PRESENTER: DENNIS G. EGAN, ESQ.

TRAININGS TO BE HELD AT:

BERKSHIRE REGIONAL PLANNING COMMISSION

1 FENN STREET, SUITE 201

PITTSFIELD, MA 01201

****PLEASE SEE THE ATTACHED BROCHURE FOR REGISTRATION INSTRUCTIONS****



Massachusetts
CITIZEN PLANNER TRAINING COLLABORATIVE



Fall Workshops!

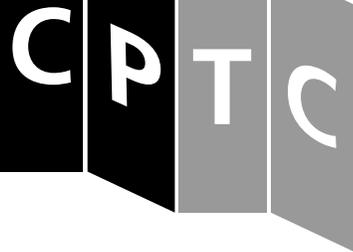


Massachusetts Department of Housing
and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114



URBAN HARBORS INSTITUTE
UNIVERSITY OF MASSACHUSETTS BOSTON

Citizen Planner Training Collaborative



Fall 2014 Workshops

Please post this brochure and discuss it
at your next Board meeting!

[UMass Extension](#)

[Massachusetts Department of Housing
and Community Development](#)

[APA—Massachusetts Chapter](#)

[Massachusetts Association
of Regional Planning Agencies](#)

[Massachusetts Association
of Planning Directors](#)

www.massptc.org

Fall 2014 Course Descriptions

Creating Master Plans

Local officials will learn why and how to prepare, adopt, and implement the master or comprehensive plan described in MGL Chapter 41, Section D. The session will identify the sections of a master/comprehensive plan and specific steps by which the plan will be carried out.

How to Hold a Perfect Public Hearing (MIIA credit)

This session covers legal and procedural requirements for conducting a public hearing. It also contains video clips to assist boards in avoiding constructive approvals, easing tension between parties over controversial projects and calming chaotic hearings.

Introduction to the Zoning Act (MIIA credit)

For newer board members, this course addresses the history and purposes of zoning, adoption of zoning bylaws, variances and special permits, public hearing and voting requirements, and other key procedural requirements.

The Next Chapter of 40B: Targeted Training for Zoning Board Members (MIIA credit)

Topics will include the following: reviewing the initial application for compliance with 40B eligibility and submission requirements; noticing and conducting the required public hearing; scheduling a site visit; retaining Peer Review consultants; securing sufficient project information to make an informed decision; holding deliberation sessions; drafting and issuing the Comprehensive Permit decision; and managing the Comprehensive Permit. The course will be taught by past and present Zoning Board members familiar with the 40B review process through their prior direct 40B experiences. The curriculum has been prepared by a team of 40B experts led by the Citizens Housing and Planning Association's 40B Training Committee in cooperation with CPTC.

Planning With Community Support

The course describes how to run a planning process—whether it is for a comprehensive plan or master plan—that will have the support of the community with the amendment and implementation process. It will explain how to work with or without consultants to make plans that result in local action.

Roles and Responsibilities of Planning & Zoning Boards, Part 1 (MIIA credit)

Join us if you are a new Board member or building inspector. This program will launch you into your role as a local official, introduce you to the functions of the two boards and the main tools of planning and zoning.

Reading a Subdivision Plan

Explains how topography, roads, lot lines, wetlands, drainage, utilities, etc. are delineated on a plan. Aids boards with the decision-making and negotiating process.

Site Plan Review

The Zoning Act does not contain any provisions for the review of site plans; however, the process can be a very effective tool for a board to review the details, aesthetics and impacts of a potential project. This course explains the difference between site plan approval and special permits; the review process; the types of conditions a board may impose; reasons for disapproval; the appeal process; and the types of information a town can require to be shown on a site plan.

Special Permits and Variances (MIIA credit)

Participants will hear the difference between special permits and variances; the issues and criteria for decision-making; timeliness; and procedural requirements.

The Value and Process of Housing Production Planning

This workshop addresses the process and value of a municipality taking on the task of housing planning. Some communities do not have a housing plan or have not done much housing planning except as needed to react to a particular housing proposal. The session will show how to look at existing housing (finding the data), explain how to establish realistic goals and objectives, and lay out a menu of strategies to accomplish goals.

Vested Rights and Nonconforming Structures and Uses (MIIA credit)

Clarifies the difference between a nonconforming structure, lot and use. Explains the difference between a nonconforming and a noncompliant structure; familiarizes board members with issues regarding alterations to nonconforming structures or uses. Describes separate and common protection, as well as vested rights for subdivision and ANR plans.

Thank You to Our Collaborators

The Citizen Planner Training Collaborative expresses its gratitude to the Regional Planning Agencies and other organizations supporting the Fall 2014 sessions:

Berkshire Regional
Planning Commission

Cape Cod Commission

Central Massachusetts Regional
Planning Commission

Franklin Regional Council
of Governments

Martha's Vineyard Commission

Merrimack Valley Planning
Commission

Metropolitan Area Planning
Council

Montachusett Regional Planning
Commission

Northern Middlesex Council
of Governments

Old Colony Planning Council

Pioneer Valley Planning
Commission

Thank you to our moderators, trainers and workshop site coordinators. Special thanks to CHAPA and DHCD for coordinating the 40B workshops.

Major sponsors of the Fall 2014 Workshops:



URBAN HARBORS INSTITUTE
UNIVERSITY OF MASSACHUSETTS BOSTON

Save the date!

The next CPTC Spring Conference takes place on Saturday, March 21, 2015 at Holy Cross College in Worcester. Contact CPTC if you have suggestions for session topics.

Citizen Planner Training Collaborative

Fall 2014 Course Schedule

No.	Course Title	Day/Time	Trainer	Location/Sponsor
1	Site Plan Review	10/8/2014 6:30–8:30 p.m.	Wayne Feiden, FAICP, City of Northampton	PVPC, 60 Congress Street, 2nd floor, Springfield Sponsor: Pioneer Valley Planning Commission
2	Introduction to the Zoning Act	10/16/2014 7:00–9:00 p.m.	Kurt Gaertner, AICP, MA Executive Office of Energy and Environmental Affairs	MRPC Conference Room, 1427R Water Street, Fitchburg Sponsor: Montachusett Regional Planning Commission
3	How to Hold a Perfect Public Hearing	10/21/2014 6:00–8:00 p.m.	Krisitn Kassner, AICP, Town of Burlington	Burlington Town Hall Annex, Meeting Room A, 29 Center Street, Burlington Sponsor: Metropolitan Area Planning Council
4	Site Plan Review	10/21/2014 6:00–8:00 p.m.	Paul Bobrowski, Esq.	FRCOG, 12 Olive Street, 1st floor conference room, Greenfield Sponsor: Franklin Regional Council of Governments
5	Vested Rights and Nonconforming Structures and Uses	10/25/2014 8:30–10:30 a.m.	Joel B. Bard, Esq., Kopelman and Paige, P.C.	MVC, 33 New York Avenue, Oak Bluffs Sponsor: Martha's Vineyard Commission
6	Roles & Responsibilities of Planning & Zoning Boards, Part 1	10/27/2014 7:00–9:00 p.m.	Pam Brown, Esq., FAICP, Brown and Brown, P.C.	MVPC, 160 Main Street, Haverhill Sponsor: Merrimack Valley Planning Commission
7	Special Permits and Variances	10/28/2014 6:00–8:00 p.m.	Paul Bobrowski, Esq.	FRCOG, 12 Olive Street, 1st floor conference room, Greenfield Sponsor: Franklin Regional Council of Governments
8	Introduction to the Zoning Act	10/29/2014 7:00–9:00 p.m.	Elizabeth Lane, Esq., Kopelman and Paige, P.C.	OCPC, 70 School Street, Brockton Sponsor: Old Colony Planning Council
9	The Next Chapter in 40B: Targeted Training for Zoning Board Members	10/29/2014 7:00–9:00 p.m.	Paul Haverty, Esq., Regnante, Sterio & Osborne LLP	NMCOG, 40 Church Street, Suite 200, Lowell Sponsor: Northern Middlesex Council of Governments
10	Planning with Community Support	10/29/2014 7:00–9:00 p.m.	Ezra Glenn, AICP, Massachusetts Institute of Technology	Littleton Police Headquarters, Community Room, 500 Great Road, Littleton Sponsor: Metropolitan Area Planning Council
11	How to Hold a Perfect Public Hearing	10/30/2014 7:00–9:00 p.m.	Brian Currie, AICP, Town of Falmouth	Brewster Town Hall, Rooms A & B, 2198 Main Street, Brewster Sponsor: Cape Cod Commission
12	Creating Master Plans	11/6/2014 7:00–9:00 p.m.	Ralph Willmer, FAICP, VHB-Vanasse Hangen Brustlin, Inc.	Framingham Memorial Building (Town Hall), 150 Concord Street, Framingham Sponsor: Metropolitan Area Planning Council
13	Site Plan Review	11/11/2014 7:00–9:00 p.m.	Angus Jennings, AICP, A. G. Jennings, LLC	OCPC, 70 School Street, Brockton Sponsor: Old Colony Planning Council
14	Site Plan Review	11/12/2014 7:00–9:00 p.m.	Angus Jennings, AICP, A. G. Jennings, LLC	Barnstable Town Hall, Selectmen's conference room, 367 Main Street, Hyannis Sponsor: Cape Cod Commission
15	Creating Master Plans	11/13/2014 7:00–9:00 p.m.	Ralph Willmer, FAICP, VHB-Vanasse Hangen Brustlin, Inc.	MRPC Conference Room, 1427R Water Street, Fitchburg Sponsor: Montachusett Regional Planning Commission
16	Vested Rights and Nonconforming Structures and Uses	11/13/2014 7:00–9:00 p.m.	Donald Dubendorf, Esq., Dubendorf Law	BRPC, 1 Fenn Street, Suite 201, Pittsfield Sponsor: Berkshire Regional Planning Commission
17	Special Permits and Variances	11/17/2014 7:00–9:00 p.m.	Pam Brown, Esq., FAICP, Brown and Brown, P.C.	MVPC, 160 Main Street, Haverhill Sponsor: Merrimack Valley Planning Commission
18	Creating Master Plans	11/18/2014 7:00–9:00 p.m.	Judi Barrett, RKG Associates, Inc.	CMRPC, Union Station, 2 Washington Square, 2nd floor, Grant Conference Room, Worcester Sponsor: Central MA Regional Planning Commission
19	Introduction to the Zoning Act	11/18/2014 7:00–9:00 p.m.	Kurt Gaertner, AICP, MA Executive Office of Energy and Environmental Affairs	NMCOG, 40 Church Street, Suite 200, Lowell Sponsor: Northern Middlesex Council of Governments
20	The Value and Process of Housing Production Planning	11/20/2014 7:00–9:00 p.m.	Judi Barrett, RKG Associates, Inc.	CMRPC, Union Station, 2 Washington Square, 2nd floor, Grant Conference Room, Worcester Sponsor: Central MA Regional Planning Commission
21	Reading a Subdivision Plan	12/18/2014 7:00–9:00 p.m.	Dennis G. Egan, Esq., Cohen Kinne Valicenti & Cook LLP	BRPC, 1 Fenn Street, Suite 201, Pittsfield Sponsor: Berkshire Regional Planning Commission

Who Should Attend:

- Planning, zoning, building, conservation officials
- Citizens interested in land-use and development issues in their communities
- Municipal staff members who serve boards and planning departments
- Professional planners, and others who consult with municipal boards

Cost:

Each workshop is \$30 (unless otherwise noted) and includes valuable handout materials. Payment is due with registration. Town checks may be sent by separate mail and arrive after the deadline.

Time:

Workshops typically last two hours. Please arrive 10–15 minutes before the workshops.

Registration Deadline:

Five calendar days before the date of workshop to guarantee that there will be enough space and handouts for you. **We DO NOT confirm registration.** Please assume that you are registered once you have sent in your form or registered online.

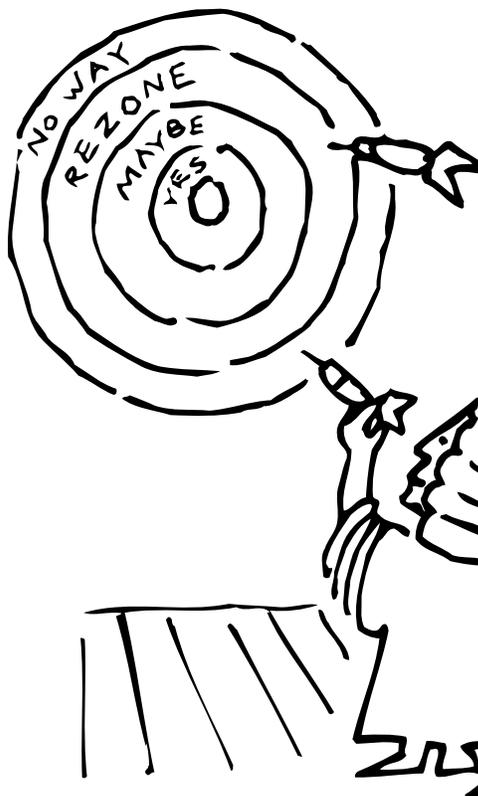
Refund Policy:

Refunds honored if in writing before workshop date. CPTC reserves the right to cancel workshops. In that case, you will be notified prior to the workshop date and registration fees will be returned.

Questions:

www.masscptc.org

or Elaine Wijnja, DHCD, at (617) 573-1360.



Rendering a decision

© Marah Left 2001

Interested in other courses?

Contact CPTC for
"On-Demand" Training at
coordinator@masscptc.org

For a fixed fee of \$400, a cost which may be shared by several cohosting communities, we will have a trainer come to your city or town to address a specific learning topic.

Refer to our website:

www.masscptc.org

CPTC Core Curriculum

CPTC offers two certificates to participants who have completed the following workshops:

LEVEL 1 CERTIFICATE (complete 3 of the following):

- 1) The Roles and Responsibilities of Planning and Boards of Appeals, Part 1 & 2
- 2) Introduction to the Subdivision Control Law (incl. Approval-Not-Required Lots)
- 3) Introduction to the Zoning Act
- 4) How to Write Reasonable and Defensible Decisions

LEVEL 2 CERTIFICATE (complete 3 of the following):

- 1) Planning with Community Support (for planning boards only)
- 2) Vested Rights and Nonconforming Structures and Uses
- 3) Zoning Exemptions
- 4) Special Permits & Variances

CPTC reserves the right to make minor revisions.

Registration and Information

Registration Form (One person per form. Please print clearly.)

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Daytime phone: _____

City/Town served: _____

Board Affiliation: _____

Workshops attending:

Workshop Number: _____ Workshop Name: _____

Workshop Number: _____ Workshop Name: _____

Workshop Number: _____ Workshop Name: _____

Do you need a receipt? Yes No

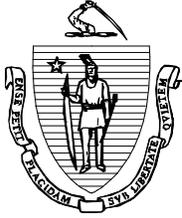
Check enclosed? # _____ Check being mailed? Yes No

Online registration is available at www.masscptc.org.

Email registration will not be accepted.

Please make check payable to CPTC and mail complete registration to:

CPTC • P.O. Box 912 • Greenfield, MA 01302 or fax to (413) 625-2099



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Aaron Gornstein, Undersecretary

**FY15 PEER-TO-PEER
TECHNICAL ASSISTANCE PROGRAM**

GRANTS AVAILABLE

Attention CDBG Non-Entitlement Communities

DHCD awards small grants to CDBG non-entitlement communities to hire Peer Consultants for short-term problem solving or technical assistance projects that support local community development and capacity building activities. Municipalities may apply for grants of \$1,000 to pay for up to 30 hours (\$900) of Peer Consultant assistance and up to \$100 for reimbursement of their travel, photocopying and the cost of incidental materials. A Peer Consultant must be a local elected or appointed official or municipal employee from another community.

The Peer-to-Peer Program Can Help You

- To apply, send a request letter to DHCD describing your problem or issue.
- DHCD will help you locate a Peer from another community with the expertise you need to address your problem or issue.
- Funds are limited. Applications are accepted on a rolling basis and awards are made on a first-come first-serve basis.
- Apply now! Projects must be completed by June 30, 2015.
- DHCD has funding for up to ten Peer grants each year.

For more information go to the **Peer-to-Peer Technical Assistance Program** webpage at: www.mass.gov/dhcd search: Peer or contact Carol Wolfe at 617-573-1450 or Carol.Wolfe@state.ma.us.

BERKSHIRE REGIONAL PLANNING COMMISSION

1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

www.berkshireplanning.org

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RENE WOOD, Vice-Chair
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CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.
Executive Director

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: September 3, 2014
RE: **August Technical Assistance Activities**

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of August 2014. This assistance was provided in response to requests staff received as identified in the Board/Organization column. Responses to requests were supported by local assessment funds or grant funds, if available and permitted by the funding agencies. This report is intended to keep municipal officials informed regarding the uses to which local assessment funds are put and to indicate the types of local and technical assistance that BRPC can provide. If assistance to others may be useful to your community, please feel free to contact us for details.

Town/City/State	Municipal Technical Assistance	Board/Organization
Egremont	Provided assistance with information on medical marijuana and zoning.	Planning Board Member
Great Barrington	Provided a map of downtown and Housatonic related to historic and cultural items.	Town Planner
Great Barrington	Provided letter of support to Great Barrington for MassWorks application.	Town Planner
Lanesborough	Provided technical assistance for solar energy project and town hall efficiency.	Energy Committee
Lee	Provided assistance with agricultural uses and signs.	Planning Board Member
Lee	Provided technical support and materials for a grant application for Lee Eagle Mill.	Consultant
Lenox	Provided assistance with local zoning bylaw interpretation.	Building Inspector

Town/City/State	Municipal Technical Assistance	Board/Organization
North Adams	Provided map of land uses.	City Planner
North Adams	Provided guidance on potential sources of funding for downtown transportation plan.	City Planner
North Adams	Provided a letter of support for Greylock Market's application for historic tax credits.	City Planner
North Adams	Provided a letter of support for North Adams MassWorks application	City Planner
Otis	Provided letter of support for Town's application for MassWorks funding for sewer extension project.	Select Board
Pittsfield	Provided Community Development Department with letter of support for MassWorks application.	Department of Community Development
Sandisfield	Provided assistance with an access road bylaw.	Planning Board Member
Washington	Provided assistance with vested rights as it pertains to a former inn and restaurant.	Select Board Member
Massachusetts	Provide brownfields assistance for site in Middlefield.	State Senator and State Representative

Assistance Recipient	Non-Municipal Technical Assistance	Organization
Organization	Provided grant letter of support to update Massachusetts Watershed-Based Planning standards.	Private Engineering Firm
Organization	Provided assistance for a request for a speaker for symposium; reach out to get additional speaker for dirt roads presentation	Lakes and Ponds Association