



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

### AGENDA

May 8, 2020, 9:00 a.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/85676042657?pwd=ckp3MjNreGJFbVdHcEFcNnM3a1ZkZz09>

Meeting ID: 856 7604 2657

1. Introductions (9:00 am)
2. Review of minutes of April 3, 2020 Meeting (9:05 am)
3. Uncontested Documents (9:05 am – 9:25 am)
  - Summer Fall 2019 Final Report Potential Vernal Pool Investigations
  - Morphology Accessibility Survey Report
  - Design for Raising Portions of Rising Pond Dam Above 500 Year Floodplain
  - Phase 1 Inspection Evaluation Report for Woods Pond and Rising Pond Dam
  - Report on January 2020 Dive Inspection at Rising Pond Dam
4. RoR Committee Finances / Budget / Expenses (9:25 am – 9:45 am)
5. Other Business (9:45 am – 9:55 am)
6. Next Meeting / Agenda Items (9:55 am – 10:00 am)
7. Adjournment (10:00 am)

***City and Town Clerks: Please post this notice pursuant to Open Meeting Law MGL c. 30A, §§ 18-25.***

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**Meeting ID: 856 7604 2657**



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

May 8, 2020

Dean Tagliaferro, EPA Project Manager  
GE-Pittsfield/Housatonic River Site  
Boston, MA  
Submitted via email to [R1Housatonic@epa.gov](mailto:R1Housatonic@epa.gov)

Re: Comments on the *Summer/Fall 2019 and Final Report on Potential Vernal Pool Investigations, November 18, 2019*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee hereby submits the following comments on the *Summer/Fall 2019 and Final Report on Potential Vernal Pool Investigations, November 18, 2019*. In general, the Committee did not identify any significant concerns. It appears that appropriate care was taken to identify areas that could be vernal pools and to survey these areas under conditions that would allow for proper determinations. Guidelines issued by MassDFW's Natural Heritage and Endangered Species Program for vernal pool certification were followed. The survey protocol specified that potential vernal pool areas that were not certified in 2018 be revisited in 2019. It is our understanding that EPA approved each survey plan and participated in all 2019 physical hydrologic surveys, according to the report.

The Committee has reached out to community members familiar with vernal pools and these areas and their feedback has provided additional confidence in these reports. However, the Committee requests clarification on one point, two of the vernal pools certified by the Natural Heritage and Endangered Species Program appear to not have been surveyed by GE will there be any difference in how these vernal pools will be treated during the cleanup?

The Committee appreciates the opportunity to comment on this document and hopes to maintain an open line of communication throughout the process.

Sincerely,

The Housatonic Rest of River Municipal Committee



# Technical Assistance Services *for Communities* GE-Pittsfield/Housatonic River Site Review of Vernal Pool Inspections Report April 29, 2020

**Contract No.:** EP-W-13-015

**Task Order No.:** 68HEOS18F0209: OSRTI – Multi Regions & Headquarters  
Support

**Technical Directive No.:** R1 2.2.3 General Electric (GE)-Pittsfield/Housatonic River  
Site

**Technical Assistance Services for Communities (TASC)  
Comments on GE-Pittsfield/Housatonic River Site  
Summer/Fall 2019 and Final Report on Potential Vernal Pool Investigations,  
November 18, 2019**

## **Introduction**

This document provides TASC comments on the GE-Pittsfield/Housatonic River Site Summer/Fall 2019 and Final Report on Potential Vernal Pool Investigations, dated November 18, 2019. This document is for the city of Pittsfield, the Berkshire Regional Planning Commission (BRPC) and municipalities to use as they develop comments to share with EPA. TASC does not make comments directly to EPA on behalf of communities. This document is funded by EPA's TASC program. The contents do not necessarily reflect the policies, actions or positions of EPA.

## **Summary**

As part of GE's pre-design investigation work plan for Reach 5A of the Housatonic Rest of River, EPA required that GE conduct biological surveys and identify potential vernal pools (seasonal depressional wetlands) in the Reach 5A floodplain. This process is based on the criteria set forth in the 2009 vernal pool certification guidelines issued by the Massachusetts Division of Fisheries and Wildlife (MassDFW) Natural Heritage and Endangered Species Program.

GE identified potential vernal pools by collecting background data and using aerial mapping. Field surveys of 88 potential vernal pools took place between April 26 and May 30, 2018. These surveys confirmed the identity of 35 vernal pools and determined that 61 potential vernal pools would be further surveyed in 2019. Additional potential vernal pools were identified in 2019,

Vernal Pool Inspections – GE Pittsfield Superfund  
Site

bringing the total number of surveyed areas up to 99. The final report identifies 67 certifiable vernal pools and confirms that 32 areas surveyed do not meet the criteria of a certifiable vernal pool. Of these 32 areas, five areas are classified as backwaters. The remaining 27 areas are considered floodplain areas. The results of the surveys are compiled in Table 3 of the report, which summarizes the data used to determine if each area is a vernal pool.

In addition to reviewing the report, TASC also looked at EPA's preliminary comments dated April 7, 2020. These comments generally refer to inconsistencies in the report when compared with EPA staff field notes. EPA required that GE recheck five field notes regarding an inspection date, species present or absent in specific vernal pools, and one vernal pool listed in the wrong column of a table, and correct the errors in the report.

## Comments

In reviewing the report, TASC did not find any significant concerns. It appears that appropriate care was taken to identify areas that could be vernal pools and to survey these areas under conditions that would allow for proper determinations. Guidelines issued by MassDFW's Natural Heritage and Endangered Species Program for vernal pool certification were followed. The survey protocol specified that potential vernal pool areas that were not certified in 2018 be revisited in 2019. EPA approved each survey plan and participated in all 2019 physical hydrologic surveys, according to the report.

Report pages 12 to 17 include maps of the locations of the vernal pools surveyed and whether they are certifiable. *Community members familiar with vernal pools and these areas may want to review these maps closely to determine if there are any additional areas that should be surveyed as potential vernal pools. This distinction will support evaluations regarding the need for and type and extent of remediation in the Housatonic River floodplain in Reach 5A.*

GE accessed data for vernal pools certified by the Natural Heritage and Endangered Species Program and these pools are shown on the report maps. Two of the vernal pools certified by the Natural Heritage and Endangered Species Program appear to not have been surveyed by GE. *The community may want to ask EPA how the vernal pools certified by the Natural Heritage and Endangered Species Program, but not surveyed by GE, will be treated during the cleanup.*

## Definitions

Backwater – a part of a river in which there is little or no current. A backwater can be a branch of a main river, which lies alongside it and then rejoins it, or a body of water in a main river, backed up by the tide or by an obstruction such as a dam.

Vernal pool – a seasonal depression wetland that provides a unique habitat for rare plants and animals, such as the wood frog and marbled salamander. The pool collects water during winter and spring rains, changing in volume in response to varying weather patterns. During a single season, a pool may fill and dry several times. In years of drought, some pools may not fill at all.

## **TASC Contact Information**

Project Manager/ Senior Program Manager

Eric Marsh

817-752-3485

[emarsh@skeo.com](mailto:emarsh@skeo.com)

Technical Advisor

Terrie Boguski

913-780-3328

[tboguski@skeo.com](mailto:tboguski@skeo.com)

Task Order Manager

Emily Chi

541-238-7516

[echi@skeo.com](mailto:echi@skeo.com)

Skeo Vice President, Director of Finance and Contracts

Briana Branham

434-226-4284

[bbranham@skeo.com](mailto:bbranham@skeo.com)

TASC Quality Control Monitor

Bruce Engelbert

703-953-6675

[bengelbert@skeo.com](mailto:bengelbert@skeo.com)



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

May 8, 2020

Dean Tagliaferro, EPA Project Manager  
GE-Pittsfield/Housatonic River Site  
Boston, MA  
Submitted via email to [R1Housatonic@epa.gov](mailto:R1Housatonic@epa.gov)

Re: Comments on the *Final Morphology and Accessibility Survey Report, November 18, 2019*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee hereby submits the following comments on the *Final Morphology and Accessibility Survey Report, November 18, 2019*. In general, the Committee did not identify any significant concerns. The methodologies are clearly described and appear to be appropriately followed. Ease of access and use of properties within each exposure area (EA) will likely affect the level of cleanup within the EA. Therefore, it is important to accurately note how different areas are accessed and used. It is our understanding that EPA had several comments on the six maps in the report, requiring revisions to more accurately depict the morphology or accessibility.

The Committee has reached out to community members familiar with these areas and their feedback has provided additional confidence in these reports. The report asks whether the utility easement qualifies as "frequently used" under current conditions. GE proposed that EPA and GE representatives walk this area in the spring or summer of 2020 to discuss and attempt to agree on the delineation of this subarea. The Committee believes that the utility easement should qualify as "frequently used" and that consultation with Eversource, as both the landowner and operator, should be required.

The Committee appreciates the opportunity to comment on this document and hopes to maintain an open line of communication throughout the process.

Sincerely,

The Housatonic Rest of River Municipal Committee



# Technical Assistance Services *for Communities* GE-Pittsfield/Housatonic River Site Review of Final Morphology and Accessibility Survey Report, April 29, 2020

**Contract No.:** EP-W-13-015

**Task Order No.:** 68HEOS18F0209: OSRTI – Multi Regions & Headquarters  
Support

**Technical Directive No.:** R1 2.2.3 General Electric (GE)-Pittsfield/Housatonic River  
Site

**Technical Assistance Services for Communities (TASC)  
Comments on GE-Pittsfield/Housatonic River Site  
Final Morphology and Accessibility Survey Report, November 18, 2019**

## **Introduction**

This document provides TASC comments on the GE-Pittsfield/Housatonic River Site Final Morphology and Accessibility Survey Report, dated November 18, 2019. This document is for the city of Pittsfield, the Berkshire Regional Planning Commission (BRPC) and other municipalities to use as they develop comments to share with EPA. TASC does not make comments directly to EPA on behalf of communities. This document is funded by EPA's TASC program. The contents do not necessarily reflect the policies, actions or positions of EPA.

## **Summary**

The report summarizes significant changes in habitat since 2002 habitat mapping and consequently in the “accessibility” categories identified by visual reconnaissance during the field survey activities for potential vernal pools. The accessibility categories are used in the calculation of floodplain exposure point concentrations (EPCs). The report updates the superhabitats (habitat groupings), such as hardwood forests, shrub swamps and streams, for the Reach 5A floodplain of the Housatonic River. It proposes whether each waterbody in the Reach 5A floodplain should be characterized as a certifiable vernal pool, backwater, flowing side channel/river sediment or boatable lake/pond. It also proposes a delineation of the frequently used subareas, which are certain utility corridors along the western side of the floodplain located within exposure area (EA) 4 and EA 12, and a remnant gravel pit north of the Pittsfield

wastewater treatment plant located within EA 26a. Each of these topics is summarized below. TASC comments are at the end of this report.

In addition to reviewing the Final Morphology and Accessibility Survey Report, TASC also looked at EPA's preliminary comments dated April 7, 2020. EPA's comments focused on revising document maps and text to show the morphology and accessibility of specific site areas more accurately.

## **Accessibility**

The report includes four accessibility definitions:

***Walkable:*** Areas that can readily be accessed by an individual wearing athletic shoes or boots. Habitats included within this accessibility category include all of the forested habitats in the assessed study area as well as cultural grasslands and agricultural fields.

***Difficult to Access:*** Areas that would be difficult to access due to varying water depth, i.e., one to two feet deep, and soft substrate during part of the year, particularly April. During the remainder of the year, these areas are dominated by dense vegetation. Habitats considered to be within this accessibility category include shrub swamps that are not dominated by buttonbush.

***Wadable:*** Areas that can be accessed by wading through water less than three feet deep during the early part of the growing season, generally April and May. These areas are dry or accessible with waders during the remainder of the year. Vegetation in wadable areas is typically less dense than in the difficult-to-access areas because they are underwater for a longer period of the year. The balance between the shorter period of accessibility and the greater ease of accessibility compared to difficult-to-access areas suggests that the net result of overall use would be similar. Habitats considered to be in this accessibility category include buttonbush-dominated shrub swamps, shallow emergent marshes, and deep emergent marshes.

***Boatable:*** Areas that are accessible only by using a boat (i.e., deeper than 3 feet). This category is not accessible during any part of the year.

## **Superhabitats**

Three categories of floodplain areas with potential changes in morphology were identified for field inspection.

- Category 1 included areas where migration of the main river channel between 2001 and 2014 appears to have been sufficiently large to potentially affect the boundary between the river and floodplain. No surveys took place in 2019 to address Category 1 conditions, since EPA did not raise any questions about the depiction of those changes in the 2018 Morphology Report.

- Category 2 included areas separate from the main channel of the Housatonic River that EPA defined as “boatable” in its human health risk assessment that increased or decreased.
- Category 3 included areas where significant changes in superhabitat boundaries may have occurred as a result of hydrologic changes, primarily beaver activity.

Field surveys by GE in 2018 and 2019 visually assessed potentially significant changes in habitat, morphology and accessibility. Superhabitat mapping is shown in six map sheets in the report. Superhabitats identified include hardwood forests, agricultural fields, transitional floodplain forests, shrub swamps, emergent marsh and wet meadows, and waterbodies. The maps show accessibility ratings of boatable and difficult access. The default accessibility rating is walkable.

### **Characterization of Waterbodies**

EPA required that GE propose how all waterbodies in the Reach 5A floodplain will be characterized, including whether they are to be considered certified vernal pools, backwaters, a flowing side channel/river sediment or a boatable lake/pond. The six map sheets in the report identify the potential vernal pools as certifiable or not certifiable. The map sheets also identify streams, lakes/ponds and backwater areas.

### **Frequently Used Subareas**

Frequently used subareas were originally defined at a relatively coarse spatial resolution. They needed to be more precisely delineated for sampling and remedial design. These areas consist of certain utility corridors along the western side of the floodplain, located within EA 4 and EA 12, and a remnant gravel pit north of the Pittsfield wastewater treatment plant, located within EA 26a. Figures 1 through 3 in Attachment D of the report show the proposed extents of frequently used subareas in each EA (where appropriate) and the locations of photographs taken during the field survey. A photographic log is provided in Attachment E.

### **Comments**

Overall TASC did not identify any major concerns. The methodologies are clearly described and appear to be appropriately followed. Ease of access and use of properties within each EA will likely affect the level of cleanup within the EA. Therefore, it is important to accurately note how different areas are accessed and used. EPA had several comments on the six maps in the report, requiring revisions to more accurately depict the morphology or accessibility. TASC does not have the ability to check the accuracy of the maps. *TASC encourages community members familiar with the area to review the maps in the report and ask EPA about any areas where they have questions about the accessibility designation (boatable, difficult to access, walkable).*

The definition of wadable includes the statement that the balance between the shorter period of accessibility and the greater ease of accessibility compared to difficult-to-access areas suggests that the net result of overall use would be similar. *If community members have any information to indicate that wadable areas are used more or less of the time than difficult-to-access areas, they could share this information with EPA.*

The report discusses EA 4, which contains a utility easement, as shown on Figure 1 in Attachment D of the report. EPA classified this area in its human health risk assessment, conducted nearly 20 years ago, as a “maintained” utility easement subject to utility worker and high-use recreational exposure for young child, older child and adult receptors. The report indicates that the EA 4 utility corridor is no longer maintained and consists generally of dense shrub and herbaceous growth, with only sporadic indications of a used trail, as shown in photos 9 through 19 in Attachment E of the report. The report asks whether the utility easement qualifies as “frequently used” under current conditions. GE proposed that EPA and GE representatives walk this area in the spring or summer of 2020 to discuss and attempt to agree on the delineation of this subarea. The locations where the photographs were taken are shown in Figure 1 in attachment D of the report. *Community members may want to share with EPA their preferences for how the use of these utility easements is considered.*

TASC identified a couple of comments on the maps that the community may want to ask about:

- On map sheets 1 to 4, the legend shows white hashing on a black background for 2018-2019 Difficult Access Areas. However, the maps show the white hashing without the black background. *The community may want to ask for this symbol to be shown in a different way such as a pattern so that the legend entry matches what is shown on the map.*
- On map sheets 1 through 4, the legend entry shows the 2018-2019 Difficult Access Areas as black with white diagonal lines. There are white diagonal lines on these maps, but no areas colored black. On map sheets 5 and 6, the legend entry shows the 2018-2019 Difficult Access Areas as black with no pattern. However, there is no black on the maps. Large areas of each map include white diagonal lines with various background colors. *The community may want to ask for clarification of the way the Difficult Access Areas are depicted on the six maps.*
- On map sheets 5 and 6, the backwater areas appear to be colored yellow without the crosshatched pattern indicated in the legend. It is unclear if the lack of crosshatched pattern means something. *The community may want to ask if this is an error or a meaningful element of the maps.*

In its comments, EPA requests that GE label non-certifiable vernal pools on the figures in this report. TASC concurs that this would be helpful.

## **TASC Contact Information**

Project Manager/Senior Program Manager

Eric Marsh

817-752-3485

[emarsh@skeo.com](mailto:emarsh@skeo.com)

Technical Advisor

Terrie Boguski

913-780-3328

[tboguski@skeo.com](mailto:tboguski@skeo.com)

Task Order Manager

Emily Chi

541-238-7516

[echi@skeo.com](mailto:echi@skeo.com)

Skeo Vice President, Director of Finance and Contracts

Briana Branham

434-226-4284

[bbranham@skeo.com](mailto:bbranham@skeo.com)

TASC Quality Control Monitor

Bruce Engelbert

703-953-6675

[bengelbert@skeo.com](mailto:bengelbert@skeo.com)



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

May 8, 2020

Dean Tagliaferro, EPA Project Manager  
GE-Pittsfield/Housatonic River Site  
Boston, MA  
Submitted via email to [R1Housatonic@epa.gov](mailto:R1Housatonic@epa.gov)

Re: Comments on the following reports submitted by General Electric:

- *Woods Pond Dam Phase I Inspection / Evaluation Report, November 5, 2019*
- *Rising Pond Dam Phase I Inspection / Evaluation Report, November 5, 2019*
- *Underwater Dive Inspection Summary, Rising Pond Dam, March 24, 2020*
- *Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation, January 31, 2020.*

Dear Mr. Tagliaferro:

The Housatonic Rest of River Municipal Committee hereby submits comments on the above referenced reports submitted by General Electric. In general, the Committee's review of the four documents did not identify any major issues with any of the documents. Comments for each document reviewed are in the sections below.

### *Comments on Woods Pond Dam Phase I Inspection / Evaluation Report*

A few places in the report say "Rising Pond Dam" instead of "Woods Pond Dam." The Committee requests that these errors be corrected. The report states that about 2 inches of rain had fallen during the previous 10 days and that river flow hindered observations of some dam components. The Committee questions whether these dam components should be inspected by the professional engineer on a day when river flow does not hinder observations.

### *Comments on Rising Pond Dam Phase I Inspection / Evaluation Report*

As with the Woods Pond Dam inspection report, the report states that about 2 inches of rain had fallen during the previous 10 days and that river flow hindered observations of some dam components and the Committee questions whether these dam components should be inspected by the professional engineer on a day when river flow does not hinder observations.

The report indicated that several deficiencies reported in 2016 (see pages 13-14 of the inspection report) were still present in 2019. The Committee requests that correction of the deficiencies, even though they are minor, should be done more quickly.

On pdf page 6, the inspection report lists the next inspection date as November 5, 2024. This does not comply with the biennial Phase I inspection schedule required by the OM&M Plan. The Committee questions whether this is an error that needs to be corrected.

On pdf page 24, document page 15, the inspection report states, “No alternatives to the above recommendations are provided at this time given the sediment impounding purpose of the dam.” The Committee requests clarification. Would the professional engineer recommend sediment removal if the dam were not used for impoundment of polychlorinated biphenyl (PCB)-contaminated sediment? The OM&M Plan indicates that excess sediment will be removed where “observations of conveyances indicate build-up of excess sediment within the conveyances that may interfere with the flow of water.” How is the presence of excess sediment determined?

*Comments on Underwater Dive Inspection Summary, Rising Pond Dam. March 24, 2020*

The Phase I report noted that the low-level outlet is currently slightly open due to a blockage that prevents the sluice gate from completely closing. The Dive Inspection Summary mentions that the gate was not fully closed, possibly due to debris at the bottom, and that there may be a piece of wood debris caught in the sluice gate. The dive inspection report does not definitively identify why the gate will not fully close or whether it is a serious problem. The Committee questions whether additional steps need to be taken to ensure that the gate closes fully.

*Comments on Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation*

The document includes detailed specifications, including design drawings and supporting calculations, for the dam improvement. However, these documents are not stamped by a professional engineer. The Committee questions whether stamped design documents may have been provided to EPA for its review. The design document provided seems reasonable; however, additional technical review of the design may be warranted. In addition, as no local or state permits will be sought for this project, the Committee believes that the community should be made aware that there will be no additional opportunities to comment on this project or its design.

The Committee appreciates the opportunity to comment on these documents and hopes to maintain an open line of communication throughout the process.

Sincerely,

The Housatonic Rest of River Municipal Committee



# Technical Assistance Services *for Communities* GE-Pittsfield/Housatonic River Site Review of Documents related to Rising Pond and Wood Pond Dams, April 21, 2020

**Contract No.:** EP-W-13-015

**Task Order No.:** 68HEOS18F0209: OSRTI – Multi Regions & Headquarters  
Support

**Technical Directive No.:** R1 2.2.3 General Electric (GE)-Pittsfield/Housatonic  
River Site

## **Technical Assistance Services for Communities (TASC) Comments on GE-Pittsfield/Housatonic River Site Documents related to Rising Pond Dam and Woods Pond Dam**

In April 2020, the Berkshire Regional Planning Commission (BRPC) requested TASC assistance in reviewing four documents related to the Rising Pond Dam and Woods Pond Dam, part of the cleanup of the GE-Pittsfield/Housatonic River Site. The documents are listed below.

- Woods Pond Dam Phase I Inspection / Evaluation Report. November 5, 2019.
- Rising Pond Dam Phase I Inspection / Evaluation Report. November 5, 2019.
- Underwater Dive Inspection Summary, Rising Pond Dam. March 24, 2020.
- Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation. January 31, 2020.

The BRPC requested a general review of these documents. If a subject matter expert in dam engineering is requested, additional review will be conducted. This document is organized in the following order.

- Section 1: Brief Summary of Overall Findings.
- Section 2: Summary and Comments on Woods Pond Dam Phase I Inspection / Evaluation Report.
- Section 3: Summary and Comments on Rising Pond Dam Phase I Inspection / Evaluation Report.
- Section 4: Summary and Comments on Underwater Dive Inspection Summary, Rising Pond Dam.

TASC Review of Documents related to Rising Pond Dam and Woods Pond Dam  
GE-Pittsfield/Housatonic River Site

- Section 5: Summary of Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation.
- Section 6: Definitions of Phase I and Visual Inspections.

This document is for the BRPC and municipalities to use as they develop comments on these reports to share with EPA. TASC does not make comments directly to EPA on behalf of communities. This document is funded by TASC. The contents do not necessarily reflect the policies, actions or positions of EPA.

## **Section 1: Brief Summary of Overall Findings**

This general review of the four documents did not identify any major issues with any of the documents. Comments for each document reviewed are in the sections below. Definitions of Phase I and visual inspections according to Massachusetts dam safety regulations are in Section 6. In general, it appears that operation, monitoring and maintenance activities meet or exceed current Massachusetts dam requirements.

## **Section 2: Summary and Comments on Woods Pond Dam Phase I Inspection / Evaluation Report**

This report is 76 pages long. Woods Pond Dam is considered a large-size structure based on its maximum storage capacity of 5,300 acre-feet. Large-size dams have a storage capacity greater than 1,000 acre-feet. Woods Pond Dam is classified as a dam with Significant Hazard potential (Class II). Woods Pond Dam is a run-of-the-river structure consisting of a concrete section as the right abutment, a primary spillway and a controlled raceway structure as the left (east) abutment. Woods Pond Dam's spillway constantly discharges water unless the raceway stoplogs are removed enough to convey the full flow of the Housatonic River. The sluiceway is maintained with a 1-inch spacer between stoplogs to allow flow into the raceway channel to prevent stagnation.

GE's 2019 Operation, Monitoring, and Maintenance Plan (OM&M Plan) for Woods Pond Dam (Revised June 2019) requires a Phase I inspection of the dam by a licensed professional engineer every two years, which exceeds the state dam safety regulation requirement of every five years. Visual inspections are also done quarterly per the OM&M Plan. Based on the Phase I visual inspection, the dam is in compliance with the Massachusetts Department of Conservation and Recreation's dam safety regulations.

A Phase I inspection took place in November 2019. The inspection reported that the dam is in satisfactory condition, meaning there are minor operational and maintenance deficiencies. Seven minor deficiencies were listed in the report. In addition to complying with the regular maintenance and repair requirements specified in Section 4.1 and Section 4.2 of the OM&M Plan, the report recommended additional specific monitoring, maintenance and minor repairs. No remedial modifications were recommended. The next inspection is planned for November 5, 2021.

Two professional engineers licensed in Massachusetts certified the report. The engineers evaluated 10 criteria using a numerical rating system from 1 to 5, with 5 being the best score. Table 1 summarizes the evaluation.

**Table 1. Woods Pond Dam Evaluation Summary**

<ol style="list-style-type: none"><li>1. <i>Design Methodology</i>: 4 – Design or post design analysis show dam meets most criteria.</li><li>2. <i>Level of Maintenance</i>: 4 – Adequate level of maintenance and standard procedures.</li><li>3. <i>Emergency Action Plan</i>: 5 – Detailed, updated written plan available and filed with Massachusetts Department of Conservation and Recreation (MADCR), annual training.</li><li>4. <i>Embankment Seepage</i>: 4 – Minor seepage or high volumes of seepage with filtered collection.</li><li>5. <i>Embankment Condition</i>: 4 – Unmaintained grass, rodent activity and maintainable erosion.</li><li>6. <i>Concrete Condition</i>: 4 – Spalling and minor surface cracking.</li><li>7. <i>Low-Level Discharge Capacity</i>: 4 – Operable gate with sufficient drawdown capacity.</li><li>8. <i>Low-Level Outlet Physical Condition</i>: 4 – Outlet operable but needs maintenance.</li><li>9. <i>Spillway Design Flood Capacity</i>: 5 – &gt;100% of spillway capacity, with no actions required by caretaker.</li><li>10. <i>Overall Physical Condition of the Dam</i>: 4 – Satisfactory: Minor operational and maintenance deficiencies. Infrequent hydrologic events would probably result in deficiencies.</li></ol>
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### **Comments**

A few places in the report say “Rising Pond Dam instead of Woods Pond Dam.” *Community members may want to check with EPA that these errors are corrected.*

The report states: “At EPA’s direction, GE will install and maintain warning signs at Woods Pond Dam. GE will shortly submit to EPA a separate proposal for the format, wording, and locations of those signs.” *Community members may want to ask EPA for more information about plans and timing for warning signs, and provide input if possible.*

The report states that about 2 inches of rain had fallen during the previous 10 days and that river flow hindered observations of some dam components. *Community members may want to ask EPA if these dam components should be inspected by the professional engineer on a day when river flow does not hinder observations.*

### **Section 3: Summary and Comments on Rising Pond Dam Phase I Inspection / Evaluation Report**

This report is 74 pages long. Rising Pond Dam is considered an intermediate size structure based on its maximum storage capacity of 710 acre-feet. Intermediate size dams have a storage capacity between 50 and 1,000 acre-feet. Rising Pond Dam is classified as a Significant Hazard (Class II). Dams located where failure may cause loss of life and damage to homes, industrial or commercial facilities, secondary highways or railroads, or cause the interruption of the use or service of relatively important facilities, are considered Class II hazards. Rising Pond Dam’s run-of-the-river spillway constantly discharges water unless the low-level sluice gate is opened to reduce the level of the impoundment.

GE's 2019 Operation, Monitoring, and Maintenance Plan (OM&M Plan) for Rising Pond Dam (Revised August 2019) requires a Phase I inspection of the dam by a licensed professional engineer every two years, which exceeds the state dam safety regulation requirement of every five years. Visual inspections are also done quarterly, per the OM&M Plan. Based on the Phase I visual inspection, the dam is in compliance with the Massachusetts Department of Conservation and Recreation's dam safety regulations.

A Phase I inspection took place in November 2019. The inspection reported that the dam is in satisfactory condition, meaning there are minor operational and maintenance deficiencies. The report listed 13 minor deficiencies. In addition to complying with the regular maintenance and repair requirements specified in Section 4.1 and Section 4.2 of the OM&M Plan, the report recommended additional specific studies and investigations, monitoring, maintenance and minor repairs. No remedial modifications were recommended. The report states that the next inspection is planned for November 5, 2024.

Two professional engineers licensed in Massachusetts certified the report. The engineers evaluated 10 criteria using a numerical rating system from 1 to 5, with 5 being the best score. Table 2 summarizes the evaluation.

**Table 2. Rising Pond Evaluation Summary**

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| <ol style="list-style-type: none"><li>1. <i>Design Methodology</i>: 4 – Design or post design analysis show dam meets most criteria.</li><li>2. <i>Level of Maintenance</i>: 5 – Dam well maintained, detailed maintenance plan that is executed.</li><li>3. <i>Emergency Action Plan</i>: 5 – Detailed, updated written plan available and filed with MADCR, annual training.</li><li>4. <i>Embankment Seepage</i>: 4 – Minor seepage or high volumes of seepage with filtered collection.</li><li>5. <i>Embankment Condition</i>: 4 – Unmaintained grass, rodent activity and maintainable erosion.</li><li>6. <i>Concrete Condition</i>: 4 – Spalling and minor surface cracking.</li><li>7. <i>Low-Level Discharge Capacity</i>: 5 – Operable gate with capacity greater than necessary.</li><li>8. <i>Low-Level Outlet Physical Condition</i>: 4 – Outlet operable but needs maintenance.</li><li>9. <i>Spillway Design Flood Capacity</i>: 5 – &gt;100% of spillway capacity, with no actions required by caretaker.</li><li>10. <i>Overall Physical Condition of the Dam</i>: 4 – Satisfactory: Minor operational and maintenance deficiencies. Infrequent hydrologic events would probably result in deficiencies.</li></ol> |
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As with the Woods Pond Dam inspection report, the report states that about 2 inches of rain had fallen during the previous 10 days and that river flow hindered observations of some dam components. *Community members may want to ask EPA if these dam components should be inspected by the professional engineer on a day when river flow does not hinder observations.*

The report states: “At EPA’s direction, GE will install and maintain warning signs at Rising Pond Dam. GE will shortly submit to EPA a separate proposal for the format, wording, and locations of those signs.” *Community members may want to ask EPA for more information about plans and timing for warning signs, and provide input if possible.*

The report indicated that several deficiencies reported in 2016 (see pages 13-14 of the inspection report) were still present in 2019. *The community may want to ask EPA if correction of the deficiencies, even though they are minor, should be done more quickly.*

On pdf page 6, the inspection report lists the next inspection date as November 5, 2024. This does not comply with the biennial Phase I inspection schedule required by the OM&M Plan. *The community may want to ask EPA if this is an error that needs to be corrected.*

On pdf page 24, document page 15, the inspection report states, “No alternatives to the above recommendations are provided at this time given the sediment impounding purpose of the dam.” *The community may want to ask EPA what this means. Would the professional engineer recommend sediment removal if the dam were not used for impoundment of polychlorinated biphenyl (PCB)-contaminated sediment? The OM&M Plan indicates that excess sediment will be removed where “observations of conveyances indicate build-up of excess sediment within the conveyances that may interfere with the flow of water.” How is the presence of excess sediment determined?*

#### **Section 4: Summary and Comments on Underwater Dive Inspection Summary, Rising Pond Dam. March 24, 2020**

This is an 18-page document. In January 2020, an underwater dive inspection evaluated the integrity of submerged portions of the spillway and forebay and adjacent structures that cannot be seen from above the water surface. The OM&M Plan requires a dive inspection at least every five years and when deemed warranted by a dam safety engineer. The dive inspection was performed using a live video feed. Video recordings with audio narration were also provided as part of the deliverables package for the inspections. The dive inspection concluded that the underwater portions of the dam inspected all appeared to be in satisfactory condition. No underwater maintenance or repairs were recommended. The next scheduled underwater inspection will be conducted in 2025 in accordance with the OM&M Plan.

##### ***Comments***

The Phase I report noted that the low-level outlet is currently slightly open due to a blockage that prevents the sluice gate from completely closing. The Dive Inspection Summary mentions that the gate was not fully closed, possibly due to debris at the bottom, and that there may be a piece of wood debris caught in the sluice gate. The dive inspection report does not definitively identify why the gate will not fully close or whether it is a serious problem. *Community members may want to ask EPA if steps need to be taken to ensure that the gate closes fully.*

#### **Section 5: Summary of Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation**

This document is 17 pages long. As part of the OM&M Plan for Rising Pond Dam, GE planned to raise parts of the gate platform and construct a berm to the left of the pumphouse to address the predicted slight potential overtopping of portions of the dam during a 500-year flood. The dam currently meets Massachusetts dam safety regulations requiring it to have capacity for a

100-year flood. After this work is completed, the dam capacity will exceed Massachusetts dam safety requirements.

The OM&M Plan stated that GE would provide EPA with a set of engineering plans and specifications for this project, along with a description of the design, sealed by a qualified professional engineer registered in Massachusetts with experience in dam safety engineering. The plan also stated that the design submittal will demonstrate the stability of the proposed structures and address potential impacts to the adjacent roadway in the event of a 500-year flood. The document includes a letter from GE's dam consultants at GZA presenting a description of the proposed design, along with attached design drawings and supporting calculations. Following EPA's approval of the proposed design, GE will arrange for the performance of the construction work, subject to weather and river conditions.

The document includes detailed specifications, including design drawings and supporting calculations, for the dam improvement. However, these documents are not stamped by a professional engineer. Stamped design documents may have been provided to EPA for its review.

The design document provided to TASC seems reasonable. TASC did not review the technical aspects of the design. *The community may want to ask about EPA's technical review of the design.*

## **Section 6: Definitions of Phase I and Visual Inspections**

The following two definitions are from Code of Massachusetts Regulations 302 CMR 10.00: Dam Safety.

*Phase I Formal Inspection* – the visual inspection of the dam, in accordance with the inspection frequency established by the Commissioner, by a registered professional civil engineer to evaluate or reevaluate the safety and integrity of the dam and appurtenant structures to determine if the structure meets current design criteria. Formal inspection includes field observations to detect any signs of deterioration in material, developing weaknesses or unsafe hydraulic and/or structural behavior and a review of the records on project design, construction and performance. The final formal inspection report shall follow a form or format as established by the Commissioner and shall be filed with the Office of Dam Safety. All formal field inspections shall be performed during good weather conditions.

*Visual Inspection* – a visual but technical evaluation that must be performed of the physical conditions which affect performance of the structure and may include an analysis of the dam's ability to pass flood waters and must be performed by a registered professional civil engineer or dam safety engineer.

## **TASC Contact Information**

Project Manager/Senior Program Manager

Eric Marsh

817-752-3485

[emarsh@skeo.com](mailto:emarsh@skeo.com)

Technical Advisor

Terrie Boguski

913-780-3328

[tboguski@skeo.com](mailto:tboguski@skeo.com)

Task Order Manager

Emily Chi

541-238-7516

[echi@skeo.com](mailto:echi@skeo.com)

Skeo Vice President, Director of Finance  
and Contracts

Briana Branham

434-226-4284

[bbranham@skeo.com](mailto:bbranham@skeo.com)

TASC Quality Control Monitor

Bruce Engelbert

703-953-6675

[bengelbert@skeo.com](mailto:bengelbert@skeo.com)



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE Meeting Minutes

**Rest of River Municipal Committee; May 8, 2020, Held remotely via Zoom Meeting technology**

**1. Introductions.** T. Matuszko opened the meeting at 9:07 am; he stated that the meeting was being held remotely as allowed by Gov. Baker’s Order of the Relief of the Open Meeting Law due to the coronavirus social distancing directive; the meeting was being recorded. Committee members attending:

- Pat Carlino, Lee Select Board and Representative
- Channing Gibson, Lenox Representative
- Chris Rembold, Great Barrington Representative
- Steve Shatz, Stockbridge Representative
- Rene Wood, Sheffield Select Board and Representative

Others present:

- Melissa Provencher, BRPC
- Thomas Matuszko, BRPC
- Nat Karns, BRPC
- Lauren Gaherty, BRPC
- Joan Angelo, Lee resident
- Peter Hofman, Lee resident
- Unidentified guest

**2. Review of minutes of April 3, 2020 meeting. A motion was made to accept minutes of 4-3-20 by C. Gibson and seconded by S. Shatz; minutes approved as written: S. Shatz, Stockbridge, AYE; C. Gibson, Lenox, AYE; R. Wood, Sheffield, AYE; P. Carlino, AYE; C. Rembold, ABSTAIN.**

**3. Uncontested Scope of Work (SOW) Documents** – There is a public comment period for several SOW documents prepared by GE. These are documents proposing how GE will conduct cleanup work in specific areas of Rest of River. The public can submit comments to EPA and EPA will incorporate the comments as they deem appropriate. EPA then issues a Conditional Approval Letter to GE for reaction; the 2 parties discuss conditional approval and what GE needs to address; GE has to conduct work as directed by EPA in the Final Approval Letter; if GE doesn’t contest anything Conditional Approval Letter is final. BRPC has drafted comments on three SOW for the ROR Committee to consider. The comments were drafted after communication with and recommendations from by Skeo, the ROR Committee’s consultant provided by EPA’s Technical Assistance Services for Communities (TASC) program; Skeo recommendations were also provided to City of Pittsfield. BRPC will be sending ROR Committee comments and Skeo comments to EPA. BRPC reported being on a conference call yesterday with several staff from EPA.

Vernal Pools: BRPC has spoken with staff from BEAT, Mass Audubon and EPA; EPA is working closely with Mass Audubon on the vernal pool document, especially for the pools on Audubon property. Audubon and

EPA are submitting extensive comments regarding proposed cleanup work in vernal pools and backwaters.

C. Gibson reported that Lenox's Town Planner and DPW Superintendent were reviewing the documents to keep Town officials in the loop on cleanup proposals. T. Matuszko reported that EPA would welcome local staff being present at dam inspections.

Some edits to draft comments on the vernal pools SOW were suggested, the main points are:

- Thank EPA for opportunity to comment.
- Towns want to remain informed and engaged as the EPA/GE negotiations and approval process moves forward.
- Support BEAT, Audubon, EPA recommendations.
- Support EPA's extensive comments so far.

***A motion was made to submit the comment letter to EPA on the vernal pool SOW with the discussed edits by C. Rembold and seconded by P. Carlino; roll call vote: S. Shatz, Stockbridge, AYE; C. Gibson, Lenox, AYE; R. Wood, Sheffield, AYE; P. Carlino, Lee, AYE; C. Rembold, Great Barrington, AYE.***

Morphology: The report on morphology in floodplain involves land totally within Pittsfield jurisdiction, but it was noted that the process described in the report will set a precedent and protocols for work in floodplain areas downstream in ROR Committee towns. As this type of work is proposed in the future in Towns downstream it will be incumbent on ROR Towns to field verify the maps and other work conducted by GE consultants. It was noted that EPA apparently did field verify GE's work in Pittsfield and noted several errors to GE, but local knowledge will be important to complement EPA field work. Suggested that Committee letter restate Skeo's comments regarding needed map clarifications; reaffirm support for BEAT, Audubon, EPA comments.

P. Carlino raised a question about the water bodies along Columbia Street in Lee, locally called the coves; what does EPA consider these waterbodies and what is proposed for cleanup of these? L. Gaherty reported that EPA tested these waters. During the development of the 2016 Permit, EPA staff verbally told the Committee and BRPC that it was considering these waterbodies as Backwaters for purposes of cleanup. However, these areas were never formally identified in the Permit, despite repeated formal requests to do so the ROR Committee and BRPC. BRPC will follow up with EPA about this issue; also confirm that the larger cove has been tested.

Committee agreed that it needs to monitor EPA post-comment approvals to GE to make sure that the Committee's comments are incorporated in EPA approval orders and that GE complies.

***A motion was made to submit the comments to EPA on Final Morphology SOW with the discussed edits by C. Rembold and seconded by P. Carlino; roll call vote: S. Shatz, Stockbridge, AYE; C. Gibson, Lenox, AYE; R. Wood, Sheffield, AYE; P. Carlino, Lee, AYE; C. Rembold, Great Barrington, AYE.***

Discussion of some items asked by Lee residents: Towns should be receiving monthly statements from Wilmington Trust to Selectboard chair. Can Towns assign representatives to Housatonic Citizens Coordinating Council? ESS engineering consulting services will still be available to Committee for a fee if necessary; the firm is a subcontractor to our legal counsel. BRPC reported that EPA stated that it was working hard on the revised Permit and still hopes to issue draft around Memorial Day; this was goal but not hard deadline.

Woods and Rising Ponds dams: The discussion turned to the reports on the Woods Pond and Rising Pond dams. Several errors were noted in reports, presumably from a cutting & pasting by consultants from one report to another; EPA is aware of these. Towns should pay attention to the inspection requirements of the

MA Office of Dam Safety and make sure this office is involved in review of these reports. There are deficiencies in the sluiceway gate, which is full of debris and not working properly at the Woods Pond dam; it has been at least 3 years since this was first detected. EPA is aware of situation and will comment on this; we should support EPA comments, say this is unacceptable and ask EPA to order GE to fix this. Agree that Committee's comments should be more direct and require that GE fix deficiencies more quickly. Also need to make sure that inspections are being done on a frequency required by law. Some members recall a list of ROR dams and their inspection requirements – BRPC will follow up with EPA to find list. Request that EPA withhold Conditional Approval Letters until deficiencies are addressed.

SOW for 500-year flood design for Rising Pond was discussed; this is an actual construction project. It is unclear if Army Corp of Engineers review will be conducted here. Committee members were reminded that EPA's 2016 Permit required that GE be responsible for maintaining the 5 dams in Berkshire County; GE appealed that ruling and lost at the EAB; so EPA has considerable leverage to require GE to maintain dam safety. EPA also brought this project to J. Zeigler at Mass. DEP; all SOW documents are open to public comment, including state agencies. Agree in general that language needs to be strengthened and be direct, especially about correcting deficiencies, especially the sluiceway; also agree that we request that EPA coordinate with state dam safety agencies. T. Matuszko reported that there was an EPA staffer on a recent call between EPA and BRPC, and this staffer seemed very knowledgeable about dams; the Rising Pond dam was going through engineering peer review at EPA. C. Rembold reported that Great Barrington DPW and first responders reviewed the SOW and had no comments, but they don't have technical expertise to comment; he agrees there is a need for state and other agencies to conduct a coordinated review of the SOW for construction design. All agree no need to hire own engineer at this time if state dam agencies are involved.

***A motion was made to submit the comments to EPA on SOWs for Woods and Rising Ponds dams with the discussed edits by S. Shatz and seconded by C. Rembold; roll call vote: S. Shatz, Stockbridge, AYE; C. Gibson, Lenox, AYE; R. Wood, Sheffield, AYE; C. Rembold, Great Barrington, AYE (P. Carlino had left the meeting earlier).***

**4. Committee Finances.** General agreement that COVID-19 may strain Town finances for FY21. BRPC stated that it is not counting on DLTA grant funds in the coming state budget; it is always a fight to get full support and state budget process may not support next year. Great Barrington has increased legal budget item for next year but awaiting Town Meeting; Stockbridge already transferred funds from Free Cash to close out ROR commitments and is proposing \$30,000 for ROR for FY21 for Town Meeting in August; Lenox Select Board supports ongoing engagement during cleanup and Town Manager seems positive about funding going forward; Sheffield is proposing \$10,000 at Town Meeting and is positive; Lee ROR line item in budget is controversial topic for Town Meeting. BRPC believes that \$50,000 will be needed for staff time in FY21 and M. Pawa estimated \$50,000 for firm to review revised EPA Permit, provide comments and draft amicus brief in support of Permit. BRPC agreed to create a ROR budget report that would be helpful for ROR Committee to present at Town Meetings.

**5. Other Business and Next Meeting.** No next meeting was scheduled; Committee agrees to meet as needed.

**6. Adjournment – At 10:23 am, on a motion by S. Shatz and seconded by R. Wood, the meeting was adjourned by roll call vote: S. Shatz, Stockbridge, AYE; C. Gibson, Lenox, AYE; R. Wood, Sheffield, AYE (P. Carlino and C. Rembold had left the meeting earlier).**

Meeting Materials:

- Meeting Agenda 5-8-20

- Draft Meeting Minutes of 4-3-20
- ROR Committee Comments on the Summer/Fall 2019 and Final Report on Potential Vernal Pool Investigations, November 18, 2019
- Skeo TASC GE-Pittsfield/Housatonic River Site Review of Vernal Pool Inspections Report April 29, 2020
- ROR Committee Comments on the Final Morphology and Accessibility Survey Report, November 18, 2019
- Skeo TASC GE-Pittsfield/Housatonic River Site Review of Final Morphology and Accessibility Survey Report, April 29, 2020
- ROR Committee Comments on the following reports submitted by General Electric:
  - Woods Pond Dam Phase I Inspection / Evaluation Report, November 5, 2019
  - Rising Pond Dam Phase I Inspection / Evaluation Report, November 5, 2019
  - Underwater Dive Inspection Summary, Rising Pond Dam, March 24, 2020
  - Design for Raising Portions of Rising Pond Dam Above 500-Year Flood Elevation, January 31, 2020.
- Skeo TASC GE-Pittsfield/Housatonic River Site Review of Documents related to Rising Pond and Wood Pond Dams, April 21, 2020

Respectfully submitted,  
Lauren Gaherty, BRPC