

HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE AGENDA

July 10, 2020, 9:00 a.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/82467934240?pwd=ZDVhMUtoVWRtMCtxcFdNRm1YZCtsQT09>

Meeting ID: 824 6793 4240

Password: 280216

1. Introductions (9:00 am)
2. Review of minutes of June 12, 2020 Meeting (9:05 am)
3. Discussion of Committee Roles & Responsibilities (9:05 am – 9:20 am)
 - Future goals of the committee
 - "Oversight" committee/s during clean up
4. Permit Revision & Implementation (9:20 am – 9:50 am)
 - GE Statement of Work / Workplan
 - Revised permit schedule
5. Other Business (9:50 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.

One tap mobile

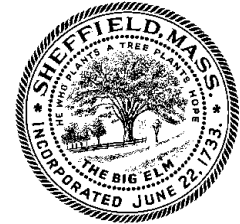
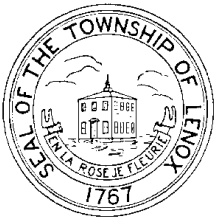
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HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE

Meeting Minutes

July 10, 2020; Zoom Meeting

1. Introductions. T. Matuszko opened the meeting at 9:00 pm, announced it was being recorded and took roll call to establish those attending. Attending the meeting were the following Committee members:

Pat Carlino, Lee Select Board & Representative
Channing Gibson, Lenox Representative
Chris Rembold, Great Barrington Town Planner, Assistant Town Manager & Representative
Steve Shatz, Stockbridge Representative
R. Wood, Sheffield Select Board & Representative

And: Tom Matuszko, BRPC
Melissa Provencher, BRPC
Nat Karns, BRPC
Lauren Gaherty, BRPC
Bill Matthews, Lee Historical Commission
Matt Pawa, Hagens-Berman (left at 10am)
Dean Tagliaferro, EPA
Sen Regnier, Lee Select Board
Martin Mitsoff, Sheffield Select Board (9:26am)

2. Review of minutes of June 10, 2020 meeting. Motion to accept the minutes with a correction was made by P. Carlino, seconded S. Shatz, and approved 5-0-0 on a roll call vote.

3. Permit Revision & Implementation

Discussion of EPA's newly released draft revised Permit, with a public comment period of 45 days, 7/14 – 8/28, and 1 public hearing on 8/26. M. Pawa noted he had legal advice but would not discuss it with EPA on the call and the question of scheduling an Executive Session as the ROR Towns are still in litigation was brought up. D. Tagliaferro went over the released documents; EPA is looking specifically for comments on new information in the revised Permit, which is red lined. The draft revised Permit is based on the 2016 Permit and incorporates the Settlement Agreement, but does not include non-Permit issues in the Agreement. Timing of the comment period and public hearing were discussed with concerns voiced that the public hearing, unless carefully handled, would become like the community meetings held earlier; or that the public hearing time would not be sufficient for those who wished to make comments; or, given their timing in summer, segments of the public might see their timing as a way of avoiding public input. Concerns over the technology platform were also voiced. D. Tagliaferro explained the public hearing process was another venue for people to give comments, in addition to the written comments.

R. Wood motioned, seconded by P. Carlino, to have BRPC write a letter on behalf of the Committee requesting an extension of the public comment period to September 15th and the addition of 1-2 more public hearings, to be held after Labor Day. The motion passed, on a roll call vote, 5-0-0.

M. Provencher noted the revised Permit and related documents will be posted on BRPC's website, under the review section.

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Discussion next turned to the GE Statement of Work (SOW), it's being issued before the revised Permit and the timing on the external comment period. D. Tagliaferro explained the SOW was required and that EPA was likely to extend the informal comment period as currently that period ends before the revised Permit's comment period. He was asked to request EPA extend the SOW's comment period to end with the requested revised Permit September 15 comment period. The Committee was informed SKEO is currently working with Pittsfield, looking at documents from the City's view and that the Committee could ask SKEO to evaluate /compare the documents from their perspectives. D. Tagliaferro felt the SKEO SOW was to look for and identify inconsistencies between the three documents – the SOW, Settlement Agreement and revised Permit red-line.

T. Matuszko asked for particular areas of interest in the draft revised Permit to be emailed to him and vernal pools, backwaters (Lee), landfill, sampling techniques and removal/disposal of PCB sediments were mentioned. N. Karns brought up community involvement across the 3 documents and D. Tagliaferro noted those items that were non-Permit agreements in the Settlement Agreement – that is between GE and the Municipalities – would not appear in the draft revised Permit.

C. Gibson asked how the EPA would mesh the GE submitted SOW and draft revised Permit, since the SOW was released first. D. Tagliaferro said the EPA may ask GE to resubmit the SOW, but if they did so it would be only the SOW parts impacted by the draft revised Permit. If this was done, GE would release the revised SOW and it would be subject to a new public comment period.

A motion was made by R. Wood, seconded by C. Gibson, to ask the EPA to have GE resubmit a new SOW after the revised Permit went through its comment period was made and then withdrawn, as it was felt there would be time to make this request after the public comment period ended. It was requested to have EPA reset the comment period for the SOW to coincide with that of the draft revised Permit.

C. Rembold thanked GE and EPA for getting things done and commented on possible SOW reissuance.

R. Wood motioned, seconded by P. Carlino, to authorize Hagens-Berman, and as necessary ESS, to review the draft revised Permit against the Settlement Agreement. The motion passed, on a roll call vote, 5-0-0.

M. Pawa will follow up on several items with T. Matuszko and left the meeting at 10am. D. Tagliaferro explained non-permit requirements, such as innovative technologies, will not appear in the SOW or the draft revised Permit. These items will only appear in the Settlement Agreement. M. Provencher noted adaptive management includes innovative technologies.

T. Matuszko will work with Hagens-Berman on a schedule of deliverable and BRPC will coordinate with EPA, SKEO and Pittsfield on their comparison for consistency of the three documents and SKEO's timetable. Until the specific areas of concern are worked out, D. Tagliaferro will have SKEO become familiar with the documents and will find out, if EPA were to extend the public comment period, when we would know this. Member's comments from reviewing the documents may be sent to M. Provencher, as well as how many hard copies of the documents are needed. An executive session will be scheduled as needed. Lastly, CCC delegates appointed by those towns who do not have one, per the EPA, were discussed.

4. Discussion of Committee Roles & Responsibilities.

T. Matuszko raised this topic as it was suggested as an agenda item at the last meeting. Discussion noted the Memo of Understanding is in place until December 2020 and S. Shatz discussed the Committee's coordination, review and comment role as the matter is still in litigation. General consensus was to defer the topic until the public comment period and public hearing(s) are over.

5. Other Business: None

6. Next Meeting / Agenda Items: Due to schedules, BRPC will send out a Doodle Poll, after discussions with M. Pawa, and set the next meeting date, which will likely be the week of 7/20. Suggested agenda items should be emailed to M. Provencher.

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7. Adjournment.

On a motion to adjourn made by R. Wood, seconded by P. Carlino, and passed by a 5-0 roll call vote, the meeting adjourned at 10:14am.

Meeting Materials:

- Meeting Agenda 7-10-20
- Draft Meeting Minutes of 6-10-20

Respectfully submitted,
Rene Wood, Sheffield's Representative