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Meeting Notes
Rest of River Municipal Group
October 12, 2012 @ Lee Town Hall

I. Introductions

Attending the meeting were the following:

Patricia Carlino, Lee Select Board
Greg Federspiel, Lenox Town Manager
Lauren Gaherty, BRPC
Nat Karns, BRPC
Jorja Marsden, Stockbridge Town Administrator
Jim McGrath, Pittsfield Park, Open Space, and Nat. Res. Program Manager
Bob Nason, Lee Town Manager
Rene Wood, Sheffield Select Board

II. Goal Setting

The group set broad goals and objectives for the Rest of River Municipal Group. The municipalities participating in the Rest of River Municipal Group are (from upstream to downstream) Pittsfield, Lenox, Lee, Stockbridge, Great Barrington and Sheffield. Based upon input from the group, the following goals were drafted for the group's review and approval. The first goal that was mentioned by the Group was monetary and other types of compensation for impacts expected to be borne by the communities. The Group referred back to the original letter that the towns of Lenox, Lee, Stockbridge and Great Barrington sent to the EPA back in 2010, which laid out cleanup common ground specifications that the towns agreed upon, such as no new PCB dumps, employ adaptive management, inform the public, consider rail transport, endow an economic development fund, etc.

It was noted that the issue of protecting Stockbridge-Munsee sites during cleanup activities was not included in the Rest of River comments on the socioeconomic study.

The Group discussed possible ways in which they improve their engagement with the state agencies. They felt that the state did not engage the municipalities or the public during its review of GE's Corrective Measures Study of 2010. They felt that the state should be acting as an ally with the communities and the EPA to development the cleanup that best serves the public interest, but at times it felt that the state agencies were working in a vacuum, without soliciting input or feedback. The state agencies never came to the municipalities to discuss their stance. They did hold a public meeting to discuss their position, but it was a presentation, not a working meeting to hear input from local residents.

The Group decided to establish an active dialog with the state agencies by directly sending the Socioeconomic Impact Report and our comments to the heads of several state agencies including the Secretary of Executive Office of Energy and Environment and the department and regional heads of the departments of Environmental Protection and Fish and Game. It should also be send to the Secretary of Economic Affairs. In the cover letter sent with the materials, the Group will request a meeting with the agencies.

The two overarching goals that came out of the discussion are to: 1) work jointly to continue to have an active and regional voice in how the PCB cleanup of the Rest of River is conducted in Massachusetts and 2) ensure that fair and equitable compensation is provided to the Rest of River municipalities for economic losses expected to occur due to cleanup activities.

Goal: The Rest of River Municipal Group will serve as a regional and unified umbrella group, recognizing broad common goals on which they agree.

Objective: Under this umbrella each municipality will respect each others' needs and concerns, while retaining their ability to speak to issues that occur within their individual boundaries.

Objective: Individual municipalities within the group will communicate and share information with the Group on the cleanup process as it becomes available to them. Individual municipalities that draft public comments on various issues or processes regarding the Rest of River PCB cleanup will share those comments with the Group prior to submitting them to the agency or entity to which the comments are being directed.

Objective: Use the Rest of River Municipal Group as a forum for sharing and digesting information about the cleanup process within the group and with the general public.

Objective: Improve the communication between the Rest of River municipalities and the state agencies.

Goal: Ensure that fair and equitable compensation is provided to the Rest of River municipalities for economic losses suffered due to cleanup activities.

Objective: Pursue additional data to provide a more comprehensive analysis of the potential socioeconomic impacts expected to be suffered by the Rest of River municipalities during PCB cleanup activities. These include at a minimum a more thorough analysis of potential loss of tourist-generated revenue and real estate tax revenue. It also includes a strategy to minimize or offset potential revenue losses.

Objective: Develop a mechanism by which Rest of River municipalities can receive financial and other means of compensation for socioeconomic impacts imposed by cleanup activities. Compensation may be a combination of monetary and other social benefits, such as greenways, capital improvements, marketing, etc.

Objective: Develop a strategy to identify, survey and protect Native American archeological sites and artifacts in the Rest of River work area within Massachusetts. It is expected that adjustments to the cleanup plan and/or schedule may be needed to ensure that protective measures are taken when sites and/or artifacts are discovered.

III. Consultant Needs.

Traffic impacts: the BRPC will develop a step-by-step methodology to assess the potential traffic impacts of the cleanup activities. The actual analysis cannot be conducted until the EPA has issued its remedy, which will show how much work is to be done, where it will be done and the routes that will be used to truck out contaminated materials. Once the remedy is issued, a baseline survey of existing road, bridge and culvert conditions could be taken. BRPC can do pavement analysis but engineers will be needed to assess the condition of culverts and bridges for their capacity to handle heavy truck traffic.

Traffic health impacts. These were not broached in the socioeconomic study, but an analysis should be done to identify potential health impacts. This would require an outside consulting firm.

Financial compensation: the socioeconomic study indicated that the Rest of River municipalities will suffer a minimum of at least \$250 million in economic losses. This is without the additional data that the Group feels is lacking. Consultants are needed to help fill in the gaps that were left in the socioeconomic study. But the Group did not want to get bogged down in more study if it will delay the discussion about compensation – the Group feels that, despite its shortcomings, the study is valuable and can be used now to begin these discussions with EPA and then with GE.

IV. Funding

The Group does not have funding at this time to pursue consultant services for continued data gathering and/or analysis or other consultant needs. To ensure that the Group can continue to move forward, it was agreed that they would apply for District Local Technical Assistance (DLTA) funding to keep BRPC on as facilitator of the Group.

V. Speaking Points for the EPA Meeting

The Group felt that it needed to meet with the EPA to determine three major things. First, determine where the EPA stands on the principal of compensation. In the past, the EPA has indicated that it cannot require the GE to pay financial compensation. It can only order the GE to clean up the river and other contaminated sites to a specified level of cleanup. Second, has the EPA ever broached the subject of economic compensation with the GE in recent discussions? Third, ask the EPA for their guidance on how the Rest of River Municipal Group might proceed in their pursuit of compensation from the GE. For example, do they think that we need to address the gaps in the study before approaching GE for compensation, or is the study a good foundation as it stands? As part of this, the Group would reaffirm that there is a working coalition of all six Rest of River municipalities working together on the issue of compensation.

Town of Lee would like to present a formal letter to EPA requesting that the agency state that it will require cleanups of the ponds and coves in the town. These had not been tested before, and new testing of the pond found that 6 of 10 sites are at or above the level requiring cleanup. Testing was done at the request of the town because they need to clean out the stormdrain system and were concerned that the materials they dredge to clean up the system might contain PCBs.

Sheffield would like to have current sampling done in the towns downstream of proposed work so that they have a PCB contamination baseline from which to work so that they can monitor PCB concentrations during the cleanup to make sure that PCBs are not resuspended and sent downstream during work activities.

Nat noted that in his mind the assumptions for tourism /outdoor recreation revenue impacts were the topics seemed pulled out of thin air, with little data to back the assumptions up. Also, the real estate tax

revenue estimates were not complete. If we were to bring in outside consultants one or both of these issues should be the focus of work.

VI. Next Steps / Other Items:

1. BRPC will forward the socioeconomic study and the Rest of River Municipal Group comments to the Massachusetts state agencies. The Group will request a meeting with the environmental and economic agencies to discuss the materials after our meeting with EPA.
2. BRPC will try to set up a meeting with the Rest of River Municipal Group and the EPA. Once the meeting is set, BRPC will draft an agenda and send it out to the Group for review/comment in prep for the meeting.
3. Town of Lee would like to present a formal letter to EPA at this meeting asking that the agency formally state that the impoundments behind the dams will be cleaned out as part of the cleanup.
4. Rest of River Municipal Group will request grant funds from the DLTA program to allow the BRPC to continue to facilitate the Group's actions. Greg will take the lead in submitting the DLTA request.