

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

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

AGENDA

Rest of River Municipal Committee
November 9, 2017, 2:00 pm
Lee Town Hall

1. Introductions
2. Review of minutes of September 14, 2017 meeting
3. GE Uncontested and Severable Permit Conditions
 - Conference call with Skeo Solutions on Floodplain Pre-Design Investigation Work Plan – Reach 5A (PDI)
 - Formalize comments on PDI for submittal to EPA
 - Review of Future Plans
 - Future reviews - full Committee or select subcommittee
 - DLTA Request for 2018
4. Adjournment

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

Please Note: In the case of inclement weather on the day of the meeting, please call BRPC at 413-442-1521, ext. 15 to confirm if the meeting is still being held.

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Meeting Minutes

Rest of River Municipal Committee November 9, 2017, Lee Town Hall

1. Introductions. The meeting opened at 2:13 p.m. Attending the session were the following Committee members:

Pat Carlino, Lee Select Board
Christopher Rembold, Great Barrington Planner
Rene Wood, Sheffield Representative

Others present:

Terrie Boguski, Skeo Solutions (via conference call)
Lauren Gaherty, BRPC
Nat Karns, BRPC
Jim McGrath, Pittsfield Park, Open Space, and Nat. Res. Program Manager
Kirby Webster, Skeo Solutions (via conference call)

2. Review of minutes of September 14, 2017 meeting. Motion to accept as presented by R. Wood, seconded by C. Rembold. Minutes unanimously accepted as written.

3. GE Uncontested & Severable Permit Conditions. L. Gaherty explained that the draft document before the Committee was a merging of comments drafted by herself, R. Wood and Skeo Solutions staff. A major concern of both she and R. Wood is the soil sampling methodology being proposed by GE, which interpolates data from different soil depths. Historically the soil data collected has been captured at depths of every 6", with some cores going down 4' or more. Historically the greatest PCB concentrations are varied, with some sites having greater concentrations within the first 6" and others with greater concentrations 12" and deeper. We think this variation is something that should be continued to be tracked. Also, interpolating in many cases seems to lower the overall concentration, lessening what could be considered risk to human health. L. Gaherty is worried that the lower interpolated concentrations numbers might allow GE to come back and propose a less protective cleanup.

R. Wood noted that GE proposed a similar sampling method in the baseline plan for water and river sediment, and the Committee opposed this. She is concerned that they are cherry-picking some historical data in a way that is favorable to them. Interpolation of cherry-picked data, on top of the

use factors such as walkable or boatable, could skew the real concentration data, particularly if the samples at every 6" depth isn't being documented. Lastly, this Reach 5A plan could set the terms for every reach of the river, so we need to make sure that this methodology is appropriate for the full length of the cleanup. L. Gaherty agreed that Reach 5A, which is where much of the human activity takes place, could act as a template for future floodplain plans. C. Rembold voiced his concern that the softening of the data, from real concentrations to a lower interpolated number, could allow GE to propose less of a cleanup here and then in other reaches.

R. Wood and L. Gaherty both stated their concern that the cleanup was geared towards human activity, and that ecological factors were not considered at all. R. Wood stated that the proposal to identify and monitor potential vernal pool sites only once should not be allowed because vernal pools could be overlooked in a dry year; the pools should be monitored for several years – we certainly have the time to do this before any cleanup starts. L. Gaherty stated that she was confident that NHESP would be reviewing the plan carefully about documenting vernal pools, as the agency has been vocal throughout the permit drafting process and EPA has been responsive to their wishes, but we should ask for a years-long monitoring program to strengthen the case.

R. Wood also noted that GE was proposing weighting the data by using "judgement calls" and was proposing sampling immediately, apparently before the filing of the quality assurance project plan (QAPP). The QAPP should be done in tandem with any proposed sampling program. C. Rembold noted that the EPA approved the schedule for submittals of plans by GE; he asked if the EPA was giving approval to each document as it was submitted or if they were reserving approval until all related documents were filed. L. Gaherty responded that she was unsure of how approvals were going to be given. She has not seen any GE approval documents so far. It was agreed that the comments should raise this issue and request that EPA not issue any sampling plan approvals until the QAPP and any other related plans have been submitted.

T. Boguski and K. Webster from Skeo Solutions joined the meeting via conference call at 2:30 p.m. T. Boguski explained to the Committee how interpolation works, saying that it is a common method that she's seen used at other sites, especially large sites where human exposure areas had been identified. Many other sites are less diverse than the Housatonic, which has trails, vernal pools, boatable areas and heavily vegetated areas. The other sites tend to be worried about children's exposure because of schools and playgrounds, which doesn't seem to be the case for Rest of River. Maximum exposure is identified according to expected use of the site. The reasonable maximum tends to be the more conservative/protective method than a central tendency method. Here in the Housatonic they are using a statistical approach that seems reasonable for this site. The results can be skewed if the number of samples is low, so our comments should ask that EPA review this carefully to make sure that the method is appropriate for the number of data sets there is.

Asked if the density of new sample sites was adequate, T. Boguski indicated that it was hard to tell because some of the existing data is almost 30 years old, and soil concentrations may have changed during the time, either lowering or raising concentrations. L. Gaherty asked T. Boguski if any of the Committee's draft comments were out of line or unreasonable, or if we had missed anything important. T. Boguski replied that there was nothing that raised a red flag to her. She stated that communities should always raise their concerns, even if EPA is unlikely or unable to give us

everything we ask for.

She did, however, have concerns about the use factors being proposed. If a specific area has more than one use category, such as being half walkable and half boatable – how does that effect the overall use category of the site? Does the boatable designation of zero cut the site's use factor designation in half? This could be risky for the walkable area. She stated that if the comments were to focus on one specific area, this is the one she would focus on. She suggested that we ask if each use factor areas were being delineated within each Exposure Area. If a wadable or difficult to access site were being used by people as they pull their boat in and out of the water, people might actually be exposed as they stepped in and stirred up mud.

L. Gaherty asked if the wide disparity between the use factors was typical. T. Boguski said the numbers being used for the use factors were new to her. The zero for boatable seemed unreasonable because boaters will be exposed to water and mud when getting in and out of their boats. Wadable also seems low because of the contact with floodplain soils. T. Boguski believe we should focus questions about the use factors. R. Wood is concerned that GE will propose less of a cleanup just because they'd declared it difficult to access, when in fact it might only be difficult at certain times of year.

J. McGrath raised his concern that sites that are labeled difficult to access now may actually be easy to access in the future, after the remediation has been completed. The City is hoping to increase access to the river using the landing areas and access roads that are opened up during cleanup construction. Since we don't know where these opened areas will be, it is hard to predict how the use factors today will be changed during construction. It was agreed that the comments need to raise this new issue about possible increased access in the future. N. Karns suggested that the comments note that one benefit to the cleanup will actually be increased public access to the river, and that the City envisions new recreational opportunities as part of the cleanup. L. Gaherty suggested the comments ask EPA to reserve the right to adjust the use factors to accommodate anticipated increases in public use, i.e. the transformation of a difficult to access into a walkable area. This may require additional sampling and may require additional remediation to meet the new level of use. T. Boguski suggested that there might be risk of ingestion of water during wading or boating, so water sampling in these areas should be considered.

R. Wood noted that the sampling of the riverbank has not been discussed at all, neither in the previous sampling plan nor the current one. T. Boguski that the definition of exactly where the riverbank ends and the floodplain starts should be included in these plans, because EPA's permit has different cleanup standards for each of them. N. Karns noted that the Housatonic is a dynamic system and riverbank may change over time.

The issue of vernal pools was raised, with L. Gaherty noting that potential pools were not be targeted for sampling. T. Boguski suggested that we ask if sampling of potential vernal pools were part of this effort or planned for a separate data collection. It seemed inefficient not to sample potential vernal pools while field crews were already out there sampling floodplain soils nearby.

The QAPP may be the next plan being submitted, and K. Webster believes that Skeo has already been approved by EPA to help the Committee review this document. The next plan might be operation & maintenance of GE-owned dams. BRPC will communicate with EPA about the next anticipated plan submittal and make sure Skeo is approved for technical assistance. Skeo staff left the meeting at 3:13 pm.

C. Rembold suggested that our comments regarding future, post-construction public access areas might fit into our comments on Sec. 4.3.2. The last paragraph of this section even suggests that GE might do more field work once remediation areas had been identified. It was agreed that this was the section where EPA should communicate and work with the City of Pittsfield to verify field observations.

R. Wood made the motion that the Committee accept the drafted comments as amended; seconded by C. Rembold. Motion carried unanimously.

4. Review of Future Plans. Recognizing that the GE plans are difficult to review and that there are a number of them that will be submitted in the coming months, L. Gaherty wanted to ask the Committee how they would like to continue to draft and submit comments to EPA. Would the Committee prefer to continue with full Committee review and approval, or establish a subcommittee for review/approval? C. Rembold stated that he did not mind attending the meetings as long as those drafting the comments didn't mind another eye looking over their shoulders. R. Wood agreed, saying that today a lot of new information and comments came out of the meeting and the discussions with Skeo staff and that participation of the full Committee has value. However, all agreed that there is a risk of not having a quorum. Today for instance two of the five towns were not able to attend.

R. Wood made the motion that if the Committee was unable to achieve a quorum at any given meeting where approval of draft comments to the EPA on proposed cleanup plans for Rest of River was needed to meet a deadline, then the default would be that comments created by BRPC would be submitted on behalf of the Committee; the motion was seconded by C. Rembold. While submitting comments without a Committee meeting is not desirable, missing a chance to submit comments because of a lack of quorum was viewed as the worst option of all. This motion is a mechanism to keep moving forward in the lack of a quorum, to serve as a safety valve. Those who can't attend can still submit their comments to BRPC. Even though the deadline for submittals is usually a month or so from the date the plan is offered to the public, some of this time is taken up by BRPC having to connect with Skeo to set a timeline with their availability, issuing a poll with Committee members to find a common meeting time, which can take a week, and then still having a meeting that just barely meets the quorum such as today. P. Carlino stated that she would feel more comfortable hoping that the Committee could always meet their quorum. The motion passed, with R. Wood and C. Rembold in favor and P. Carlino opposing.

District Local Technical Assistance – It was agreed that the Town of Lee would be the lead applicant on behalf of the Committee for DLTA grant funds for 2018, with support from both Great Barrington and Sheffield.

4. Adjournment. P. Carlino made the motion to adjourn, seconded by C. Rembold; motion carried unanimously. The meeting adjourned at 3:25 p.m.

Meeting Materials:

- Meeting Agenda 11-9-17
- Meeting Minutes of 9-14-17
- Housatonic Rest of River Municipal Committee draft comments on the *Floodplain Pre-Design Investigation Work Plan Reach 5A*

Respectfully submitted,
Lauren Gaherty, BRPC