

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 442-1521 · FAX (413) 442-1523
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370
www.berkshireplanning.org

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
March 24, 2017, 9:00 a.m.
Stockbridge Town Offices Building

1. Introductions
2. Review of minutes of Feb. 3, 2017 meeting
3. Executive Session – further legal strategy for probable EPA appeal and appeals court proceedings – Roll Call
4. Return to regular meeting
 - Negotiated agreement
 - Budgeting for future costs
5. Update on residential property cleanups
6. Adjournment of regular session

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 March 24, 2017, Stockbridge Town Offices Building

1. Introductions. The meeting opened at 9:05 a.m. Attending the session were the following Committee members:

Warren Archey, Lenox Select Board
Christopher Ketchen, Lenox Town Manager
Bob Nason, Lee Town Administrator (joins the Committee at 9:10 a.m.)
Christopher Rembold, Great Barrington Planner
Steve Shatz, Stockbridge Selectman
Rene Wood, Sheffield Representative

Others present:

Lauren Gaherty, BRPC

2. Review of minutes of Feb. 3, 2017 meeting. Motion to accept by R. Wood, seconded by S. Shatz; minutes accepted as written with R. Wood abstaining.

3. Executive Session – further legal strategy. At 9:08 a.m. L. Gaherty asked for a motion to enter Executive Session to discuss updates regarding the appropriate legal strategy to best protect the Rest of River Municipalities' legal rights regarding the proposed Permit and such discussion, if held in open meeting, may have a detrimental effect on the legal position of the Rest of River Municipalities pending legal action with EPA and GE. Motion made by R. Wood and seconded by S. Shatz. Roll call vote: S. Shatz, Stockbridge AYE; W. Archey, Lenox AYE; C. Rembold, Great Barrington AYE, R. Wood, Sheffield, AYE. The Committee expected to return to regular session at the close of the executive session.

4. Negotiated Settlement and Budgeting for future costs. At 10:12 a.m. the Committee returned to regular session. N. Karns had sent an email to Committee members on Feb. 3rd that he had negotiated a settlement with the Pawa firm for a cost of \$53,278 plus direct costs (which are relatively minor). The \$2700 that the Committee approved for oral arguments in Washington DC will be on top of that amount. L. Gaherty issued invoices to the Committee members for approximately half of the original \$53, 278 cost. She will also send the invoices via email. B. Nason asked for a summary showing the amount encumbered, and BRPC will send that to the towns. In general the outstanding

invoices left to pay for legal fees to complete the EAB process will be approximately \$23,000+ plus the \$2700 for the DC trip. The existing Committee budget has this amount already in it. L. Gaherty asked the towns if they were still committed to budgeting another \$10,000 in their FY18 budget for future legal fees for Rest of River filings. Lee, Lenox and Stockbridge are committed, C. Rembold believes that they are also committing, and R. Wood has asked for \$5,000 for FY18 but is unsure if it is in the budget.

5. Update on residential property cleanups. L. Gaherty passed out a handout of information that EPA had provided to keep the municipal governments up to date on what is occurring regarding the cleanup of residential properties outside of the Rest of River permit. There was no discussion – the handout was informative in nature. This information should help the select boards in the event that residents came to them asking about cleanup activities in their neighborhoods.

6. Adjournment. R. Wood made the motion to adjourn, seconded by S. Shatz; motion passed unanimously and the meeting adjourned at 10:23 a.m.

Meeting Materials:

- Meeting Agenda 3-24-17
- Meeting Minutes of 2-3-17
- Email from D. Tagliaferro dated, 3-16-17 with powerpoint presentation about residential cleanups

Respectfully submitted,
Lauren Gaherty, BRPC

**Downstream
Floodplain Residential
Properties**

Information Package
BRPC/Towns

Spring-Summer 2017

**Summary of Residential Properties Downstream of the Confluence
March 2017**

Town/City	Group Numbers	Rest of River Human Health Risk Studies (approximate number of properties)				Floodplain Residential Properties Downstream of the Confluence Program ³		
		No. of Residential Parcels Evaluated	No. of Parcels Eliminated during ROR screening process ¹	No. of Parcels Retained in Rest of River in "Exposure Areas" ²	No. of Parcels Transferred to Actual/Potential Lawns RAA	Sampled as part of Actual/Potential Lawns RAA	Evaluated as part of Actual/Potential Lawn RAA	No. of Parcels Requiring Removal Action as part of Actual/Potential Lawn RAA
Pittsfield	1 through 5	45	20	17	8	11	8	6
Lenox (Reach 5/6)	6	10	3	6	1	1	1	1
Lenox (Reach 7/8)	7	1	0	0	1	1	1	1
Lee	8 through 14	34	19	0	15	12	9	1
Stockbridge	15 through 22	48	32	0	16	16	11	0
Total		138	74	23	41	41	30	9

Notes:

¹ Some parcels eliminated in the screening process for properties with residential use scenarios were retained in an "Exposure Area" in the Rest of River Permit. Typically, these parcels were evaluated as "general recreational" exposure scenarios.

² Portions of these 23 residential properties were retained in an "Exposure Area" in the Rest of River Permit. These parcels were evaluated as "general recreational" exposure scenarios.

³ Information provided relates to the Housatonic River Floodplain Current Residential Properties Downstream of Confluence – Actual/Potential Lawns Removal Action Area. Future evaluation of the river and associated banks will be performed as part of the Rest of River project.

RAA is "Removal Action Area" and represents cleanups under the Consent Decree outside of Rest of River.

Some parcels are spilt, with a portion of the parcel in the Residential Floodplain RAA and a portion of the property in a Rest of River Exposure Area.

City of Pittsfield - Summary of Soil Removal Volumes to Meet Performance Standards

Group	Parcel	Total Volume (cy) of Soil Removal (approximate)
1	I6-3-13	110
2	J6-2-1	280
	J6-2-2	360
2 (Adjacent Parcel)	J-6-2-3	10
3	J6-3-1	730
4	J5-2-9 & 10	1,260
Total		2,750

**Town of Lenox - Summary of Soil Removal Volumes to Meet
Performance Standards**

Group	Parcel	Total Volume (cy) of Soil Removal (approximate)
6	29-5	420
7	2-33	381
Total		801

Town of Lee - Summary of Soil Removal Volumes to Meet Performance Standards

Group	Parcel ID	Total Volume (cy) of Soil Removal (approximate)
8	8-48 West	35
	8-48 East	1,420
Total		1,455

H:\Syracuse\1\CAD Projects\140469-04_01-General Electric\Housatonic Floodplain Res. Properties\Construction Plans\140469-02 (Existing Plans).dwg A-15(T)
 Sep 06, 2016 10:32am ctyard

NOTES:

1. REFER TO DRAWINGS A-1 (GENERAL NOTES PAGE) AND A-14 FOR ADDITIONAL BASEMAP INFORMATION AND CONTRACTOR REQUIREMENTS.
2. AREAS DESIGNATED AS 1 FOOT WILL BE SUBJECT TO SOIL REMOVAL ACTIVITIES TO A DEPTH OF 1 FOOT BELOW GROUND SURFACE. ALL OTHER EXCAVATIONS SHALL EXTEND TO THE SPECIFIED ELEVATION. (DEPTHS SHOWN IN PARENTHESES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.)
3. FOR EXCAVATIONS EXTENDING TO 1 FOOT BELOW EXISTING GROUND SURFACE THAT POSSESS OR ARE ADJACENT TO MATURE TREES, THE CONTRACTOR SHALL PERFORM SUCH EXCAVATIONS BY HAND UNDER GE AND EPA OVERSIGHT. SUCH EXCAVATIONS WILL BE SUBJECT TO VISUAL INSPECTION AND APPROVAL BY EPA PRIOR TO BACKFILLING. MATURE TREES LOCATED WITHIN OR ADJACENT TO EXCAVATIONS GREATER THAN 1 FOOT ARE ANTICIPATED TO BE REMOVED BASED ON POTENTIAL TREE HEALTH AND STABILITY CONCERNS ASSOCIATED WITH DEEPER EXCAVATION.
4. EXCAVATED MATERIALS SPECIFIED HEREIN AS TSCA AND NON-TSCA TO BE TRANSPORTED TO APPROPRIATE GE-APPROVED DISPOSAL SITES OR STOCKPILED AT BUILDING 65 OR OTHER GE-APPROVED LOCATION. TSCA AND NON-TSCA MATERIALS SHALL BE HANDLED, TRANSPORTED, AND DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS.
5. CONTRACTOR SHALL SHEAR/SHRED ALL TREES AND SHRUBS (INCLUDING ROOTS) REMOVED DURING THE PERFORMANCE OF RESPONSE ACTIONS FOR TRANSPORTATION TO APPROPRIATE GE-APPROVED DISPOSAL OR STOCKPILING LOCATION.



LEGEND:

- NON-TSCA REMOVAL
- TSCA REMOVAL
- ESTIMATED LIMITS OF POTENTIAL VERNAL POOL



0 30 60
SCALE IN FEET

ONE INCH
 AT FULL SIZE, IF NOT ONE
 INCH SCALE ACCORDINGLY



**REVISED REMOVAL DESIGN/
 REMOVAL ACTION WORK PLAN
 FLOODPLAIN RESIDENTIAL PROPERTIES
 DOWNSTREAM OF THE CONFLUENCE**

REVISIONS				
REV	DATE	BY	APP'D	DESCRIPTION

DESIGNED BY: MATT SMITH
 DRAWN BY: CHRIS YARD
 CHECKED BY: ANDREW CORBIN
 SCALE: AS NOTED
 DATE: SEPTEMBER 9, 2016

EXCAVATION LIMITS FOR GROUP 6

A-15

SHEET NO. 16 OF 24

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 Sep 06, 2016 10:33am clyard



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 6. EXCAVATIONS EXTENDING BELOW A DEPTH OF 1-FOOT TO A SPECIFIED ELEVATION THAT DAYLIGHT ALONG SLOPED AREAS WILL BE ADVANCED TO A MINIMUM DEPTH OF 1-FOOT BELOW EXISTING GROUND SURFACE ACROSS THE DAYLIGHTED PORTION OF THE EXCAVATION AREA.

LEGEND:

NON-TSCA REMOVAL
 TSCA REMOVAL



0 30 60
SCALE IN FEET

ONE INCH
 AT FULL SIZE; IF NOT ONE
 INCH SCALE ACCORDINGLY



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 SCALE: AS NOTED
 DATE: SEPTEMBER 9, 2016

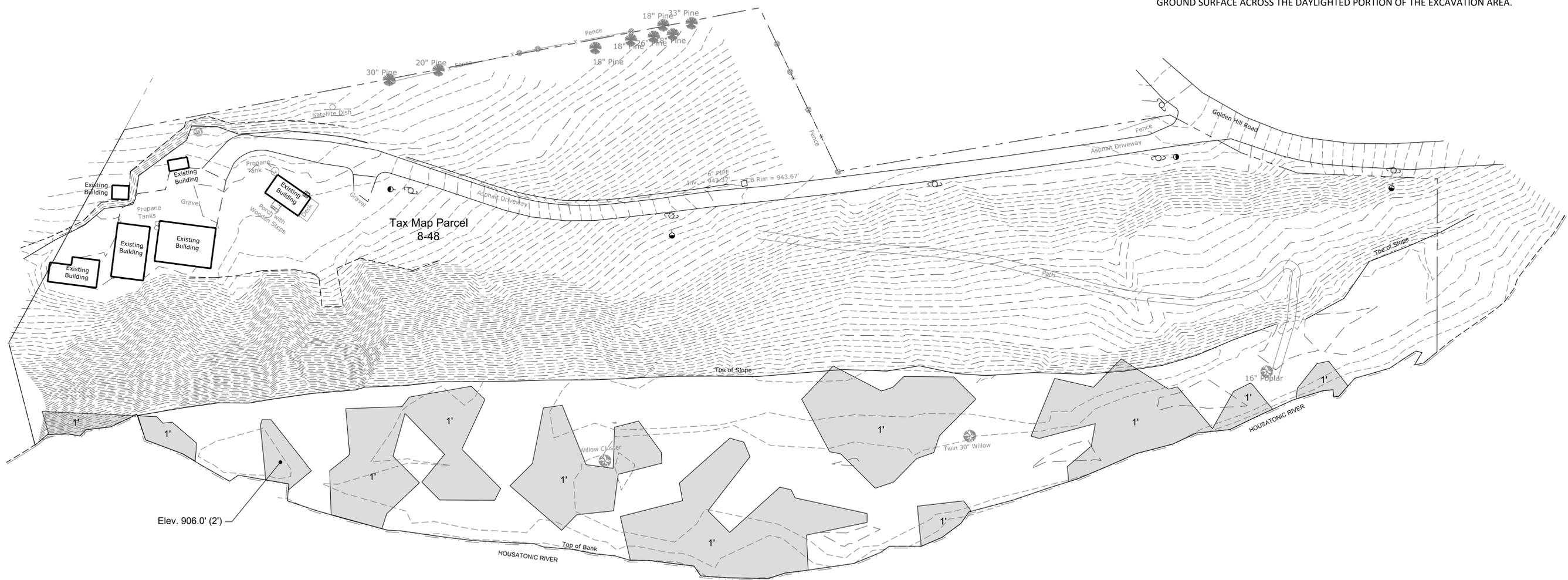
EXCAVATION LIMITS FOR GROUP 7

A-18

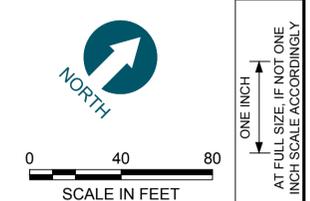
SHEET NO. 19 OF 24

H:\Syracuse\1\CAD Projects\140469-04-01-General Electric\Housatonic Floodplain Res. Properties\Construction Plans\140469-02 (Existing Plans).dwg A-21(T)

- NOTES:
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LEGEND:
 NON-TSCA REMOVAL



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 DOWNSTREAM OF THE CONFLUENCE**

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 DRAWN BY: CHRIS YARD
 CHECKED BY: ANDREW CORBIN
 SCALE: AS NOTED
 DATE: SEPTEMBER 9, 2016

EXCAVATION LIMITS FOR GROUP 8

A-21
 SHEET NO. **22** OF **24**

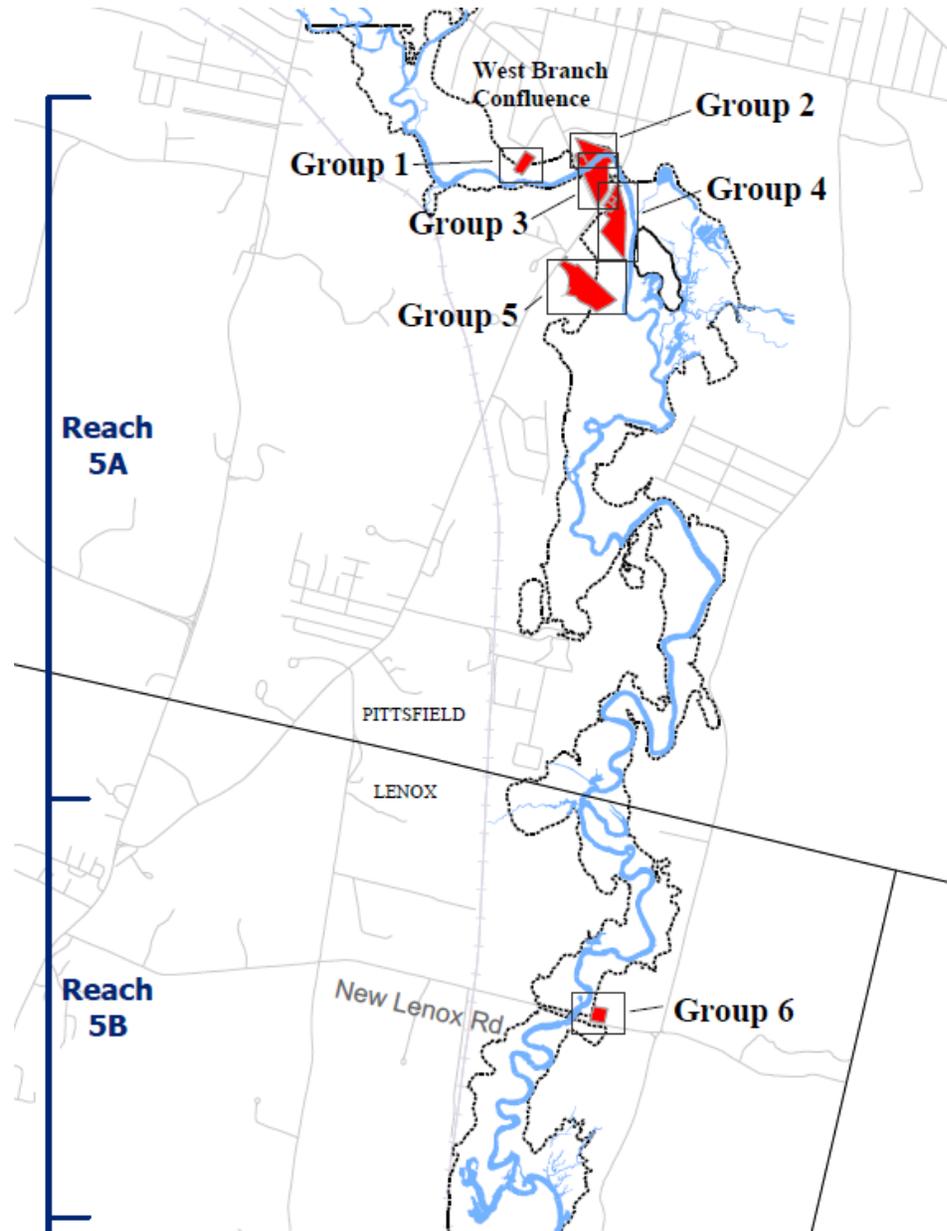
Removal Action Area Identified in Consent Degree

- Includes current residential properties located, or partly located, in the Housatonic River floodplain downstream of the Confluence with PCB concentrations potentially over 2 ppm.
- Limited to the part of the property that is “actual or potential (A/P) lawn”. A/P lawn is an area currently lawn or could be converted to a lawn.
 - Wetland areas, steep sloped areas, and river banks were excluded.

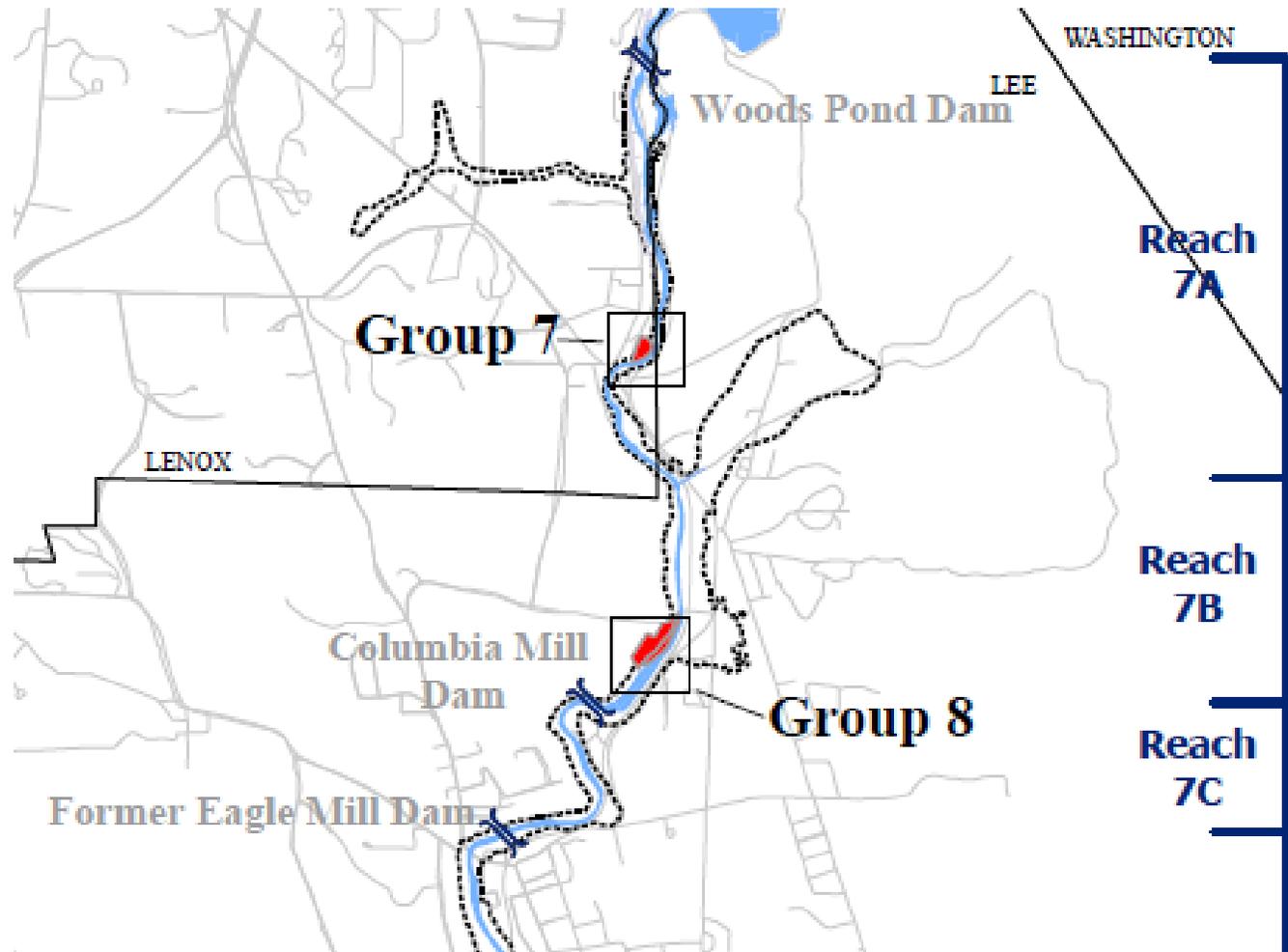
Design Investigations

- Identified 41 parcels with A/P lawn areas potentially over 2 ppm.
- Parcels were combined into 22 property groups located between the Confluence and Rising Pond.
 - Group 20 was then further divided into Group 20 and 20a.

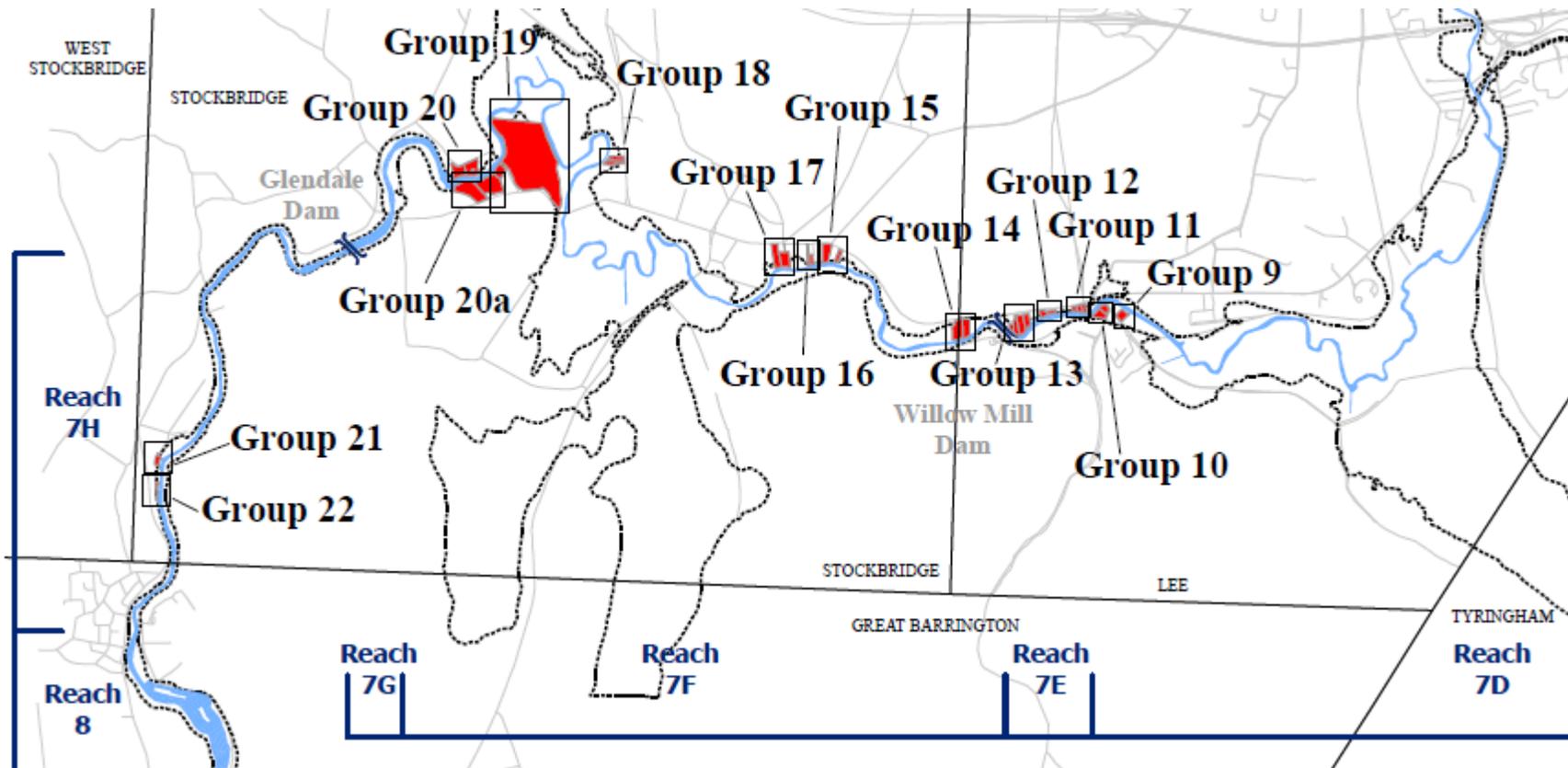
Downstream Floodplain Residential Properties



Downstream Floodplain Residential Properties



Downstream Floodplain Residential Properties



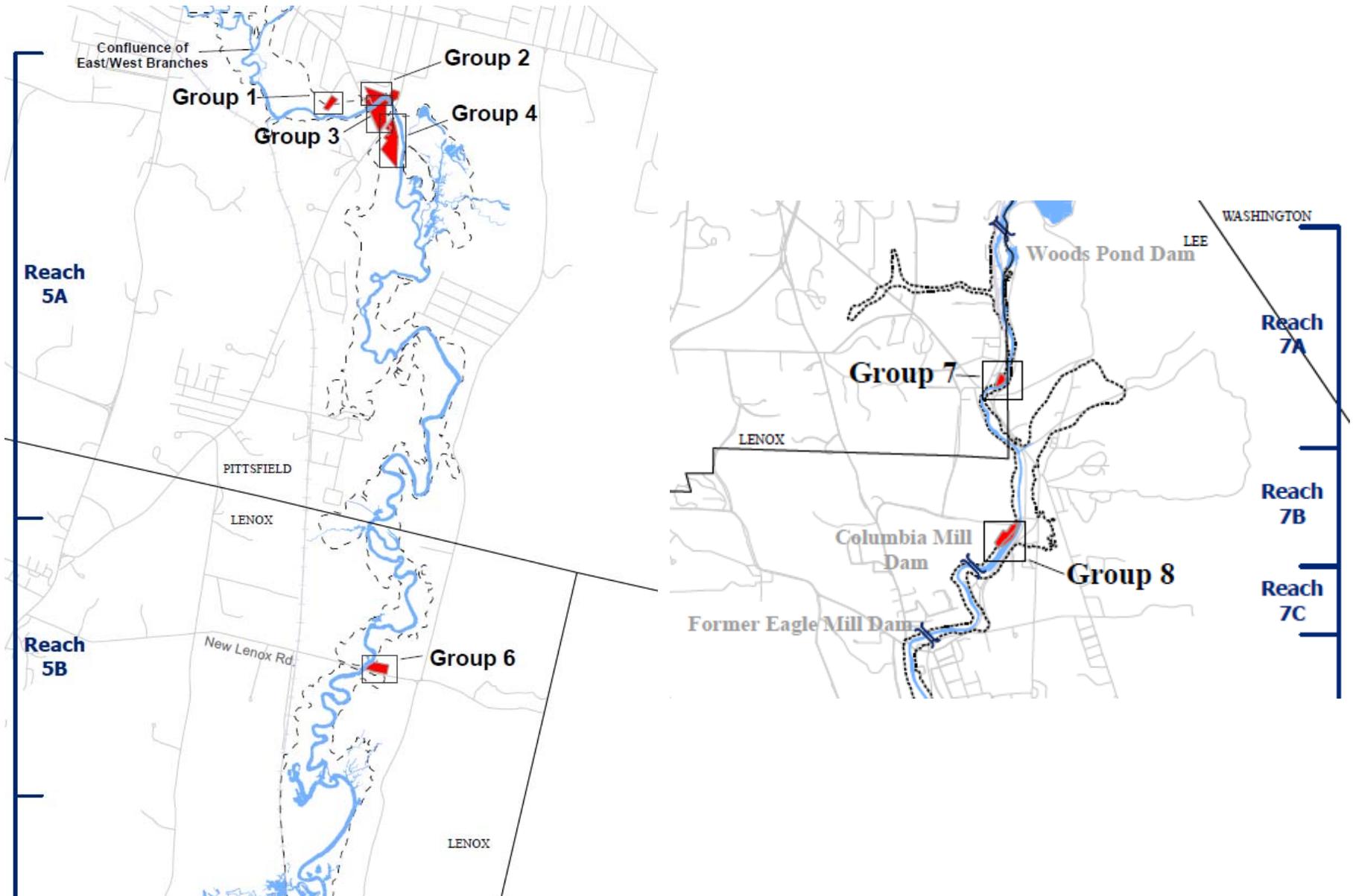
Evaluating the Properties

- Residential PCB Performance Standards:
 - Spatial average concentrations below 2 ppm for 0 to 1 foot layer and 1 foot to X (depth to elevated PCBs) layer
 - Max PCB concentration <10 ppm in 0 to 1 foot
- Evaluate existing conditions:
 - Identify sample >10 ppm in 0 to 1 foot
 - Calculate spatial average concentrations for both layers (0 to 1 foot and 1 to X feet)
 - If Performance Standards are met – no removal actions are necessary
 - 32 parcels met Performance Standards
- Nine parcels require removal actions to achieve Performance Standards

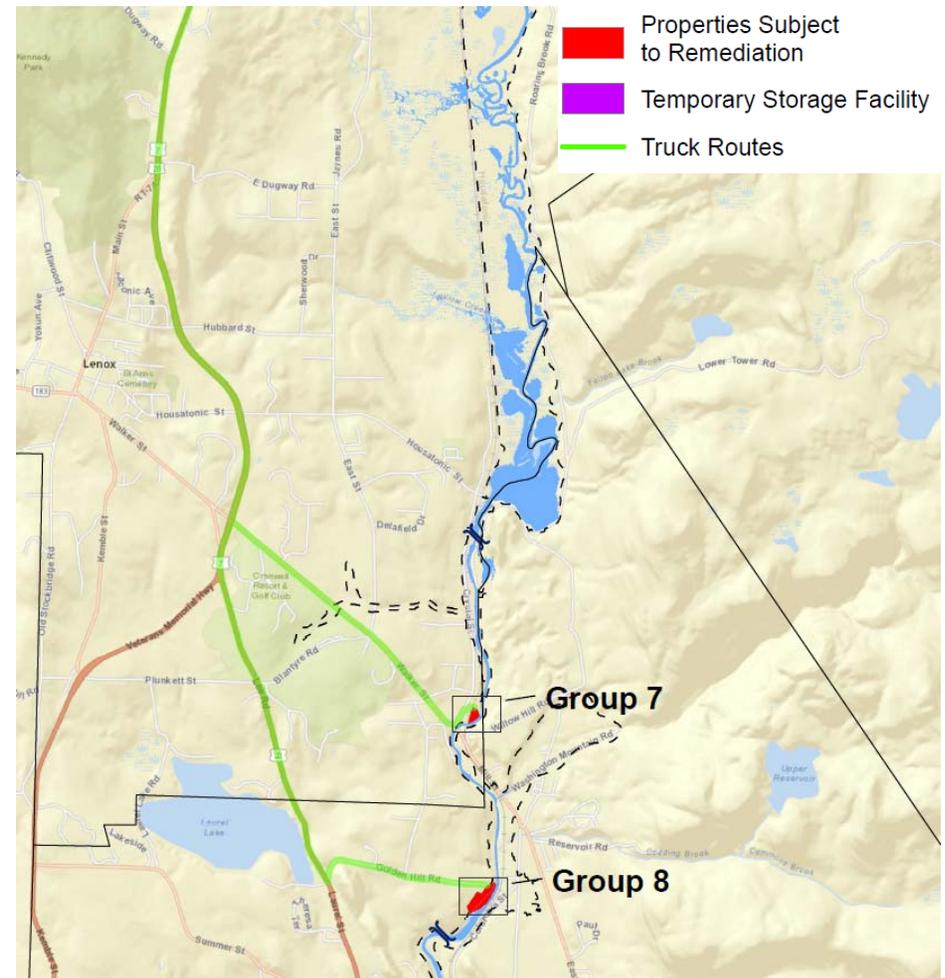
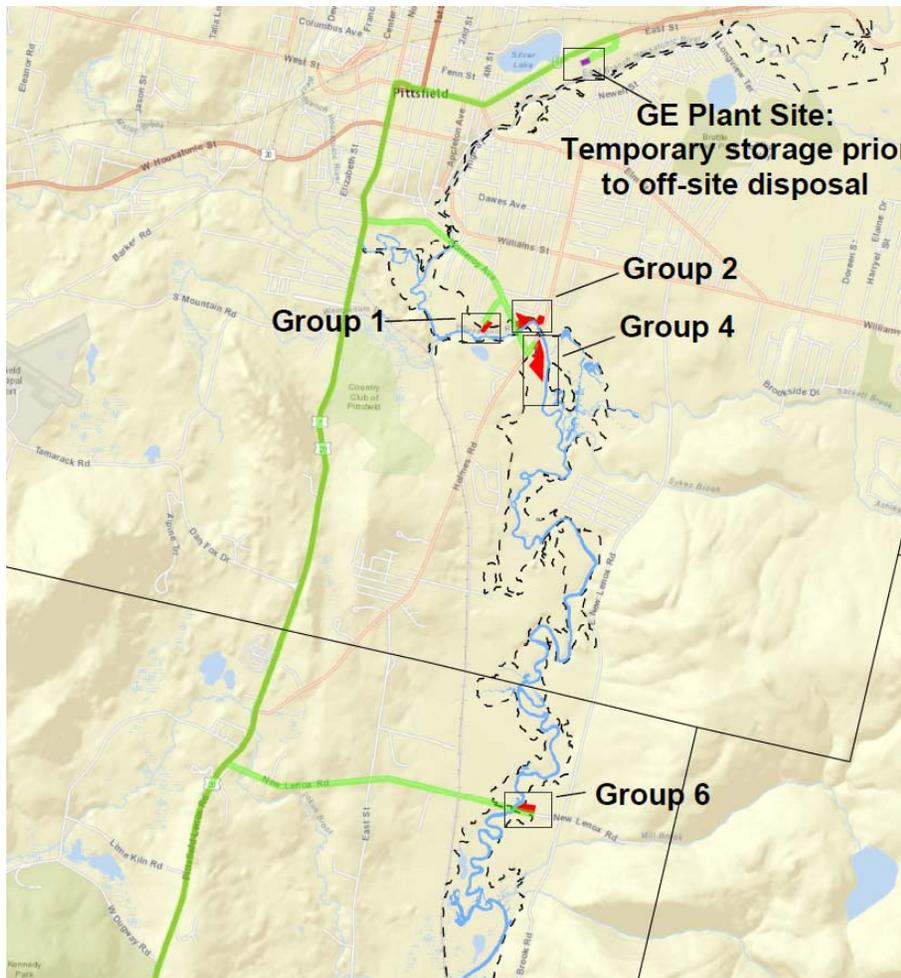
Recent & Upcoming Activities

- *Removal Design/Removal Action Work Plan* submitted by GE June 2016
- Contractor selected by GE in January 2017.
- Supplemental Information Package submitted by GE February 2017
- Remediation work planned for May-November 2017

Properties Subject to Remediation



Material Transportation Routes



Remedial Implementation

- Anticipated removal of ~5,000 cubic yards of soil
- Air monitoring during construction activities at set locations surrounding construction areas
 - Real-time particulate (dust) monitoring
 - Ambient air PCB monitoring
- Dust suppression
 - Wetting of transport pathways, dry soils, and equipment, as necessary
 - Goal to eliminate/reduce visible signs of dust
- Disposal at licensed off-site facilities