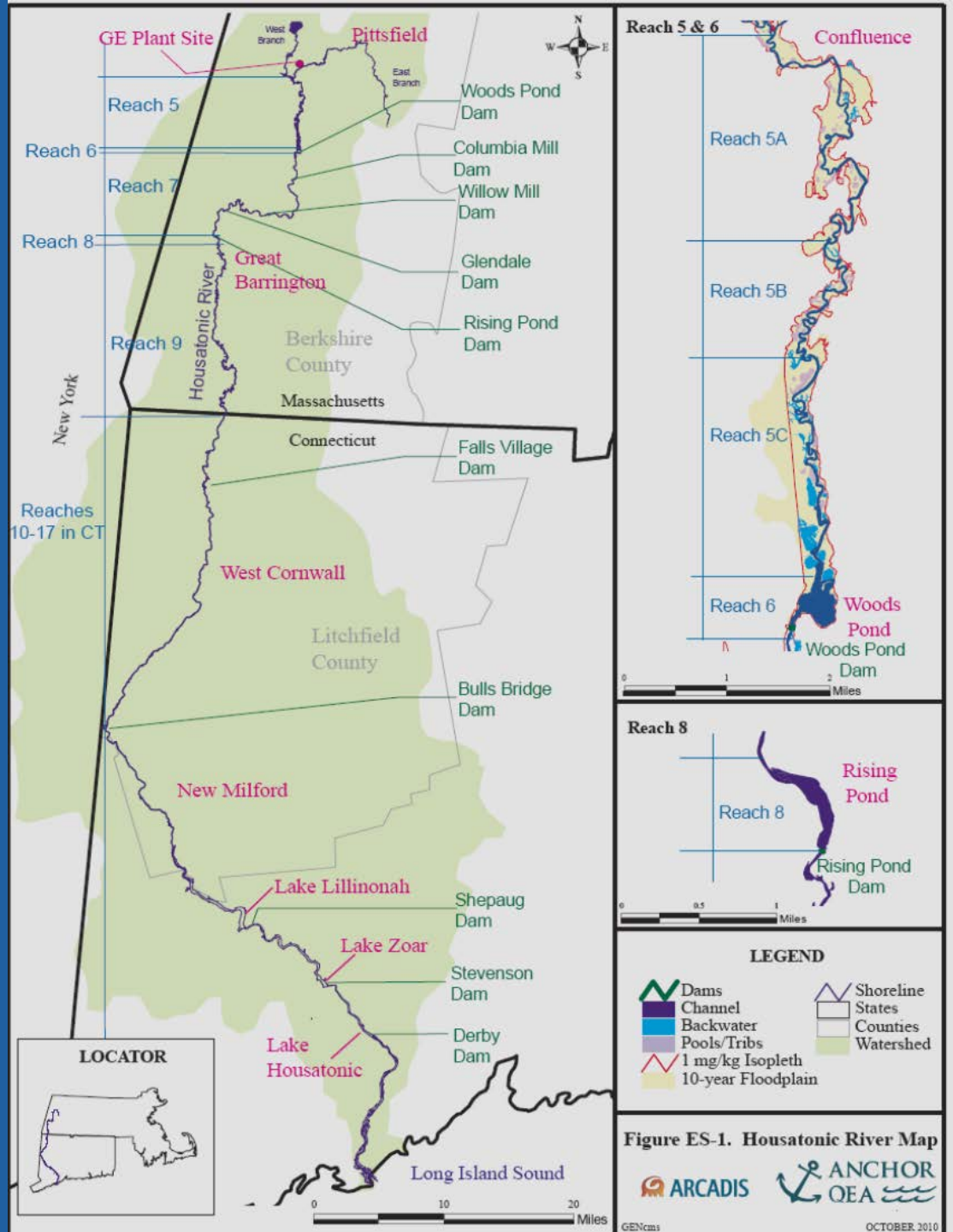
GE-Housatonic River Site Rest of River Cleanup Plan

Public Information Sessions

Lee February 19, 2020

Great Barrington February 20, 2020



Ground Rules & Format

- Please silence cell phones
- Representatives from the Towns, EPA, BEAT, and Mass Audubon will present
- Q&A will follow presentations

  –written questions will be included in the Q&A
- Please be respectful and allow people to speak

Purpose

- Detailed overview of the Settlement Agreement
- Process and next steps
- Q&A
- Allow people to be heard and make statements

How We Got Here…

- 2016 EPA issued RCRA permit
- Permit appealed to the Environmental Appeals Board (EAB)
- Towns supported EPA's requirement for out-of-state disposal
- Towns hired an environmental attorney and entered the appeals process
- EAB backed up EPA on everything except out state disposal
- EAB decision regarding disposal was not in our favor and, without mediation, assured future litigation

What is the Impact of the EAB's Decision?

- If win at EAB - GE will appeal to federal court
- If lose at EAB - we have to appeal to court
  - uphill battle to overturn EAB decision
- Both of these options lead to federal court
  - all or nothing result
  - long, protracted, expensive legal battle
  - delayed cleanup

RISK

Landfill(s) with 100% of the PCB contamination

Why Mediate

- Needed to be at the table – already 20+ years with no power to influence cleanup or disposal
- Opportunity for Towns to speak and negotiate
  - With expertise for legal and technical considerations
- No preconceived notions
- #1 Protect human health and the environment
- Enhanced cleanup

Non-negotiable Town Demands

- Protect human health and the environment
- IF there is a landfill
  - Worst stuff goes out of state
  - Only 1 landfill
  - Only low levels
  - Design input with independent consultants
- More cleanup
  - More PCBs out of the River and properties

Eliminate the Risk of 3 Toxic Waste Disposal Sites

- Agreement guarantees only 1 disposal site
  - Within 3 miles of 40% of the cleanup
  - Opportunity for hydraulic dredging resulting in reduced impacts
- The highest level contamination disposed of out of state
- Low-level double lined disposal site with leak detection

Other Benefits to Mediation

- Protect public infrastructure
- Ensure local input into cleanup
- Enhance public access to the River
- Receive compensation for the impacts of the contamination and clean-up
- Release GE owned or controlled properties

Local Adoption Process

- Each Select Board appointed representatives to the Rest of River Municipal Committee
- Towns hired a respected environmental law firm to advise them and negotiate on their behalf
- Committee members and each Select Board weighed all factors of settlement prior to accepting the final Settlement Agreement
- Each Select Board voted unanimously and signed the Settlement Agreement

BEAT

Berkshire Environmental
ACTION TEAM

Canoe Meadows Wildlife Sanctuary
Pittsfield

Mass Audubon

EPA's Objectives

- Worst stuff out
- More cleanup
  - More PCBs out of the River and properties
- Protect human health and the environment
- Start cleanup ASAP

Permit Improvements

Less PCBs in Natural Environment

- **Remove more contaminated sediment in 6 sub-reaches = reduced risk of release of residual PCBs back into environment**
- Additional cleanup on specific residential lands to eliminate need for use restrictions
- Additional cleanup at Canoe Meadows

- Riverbanks in Reach 5: review PCB concentrations & erodibility; consider more removal
- More options for cleanup of vernal pools

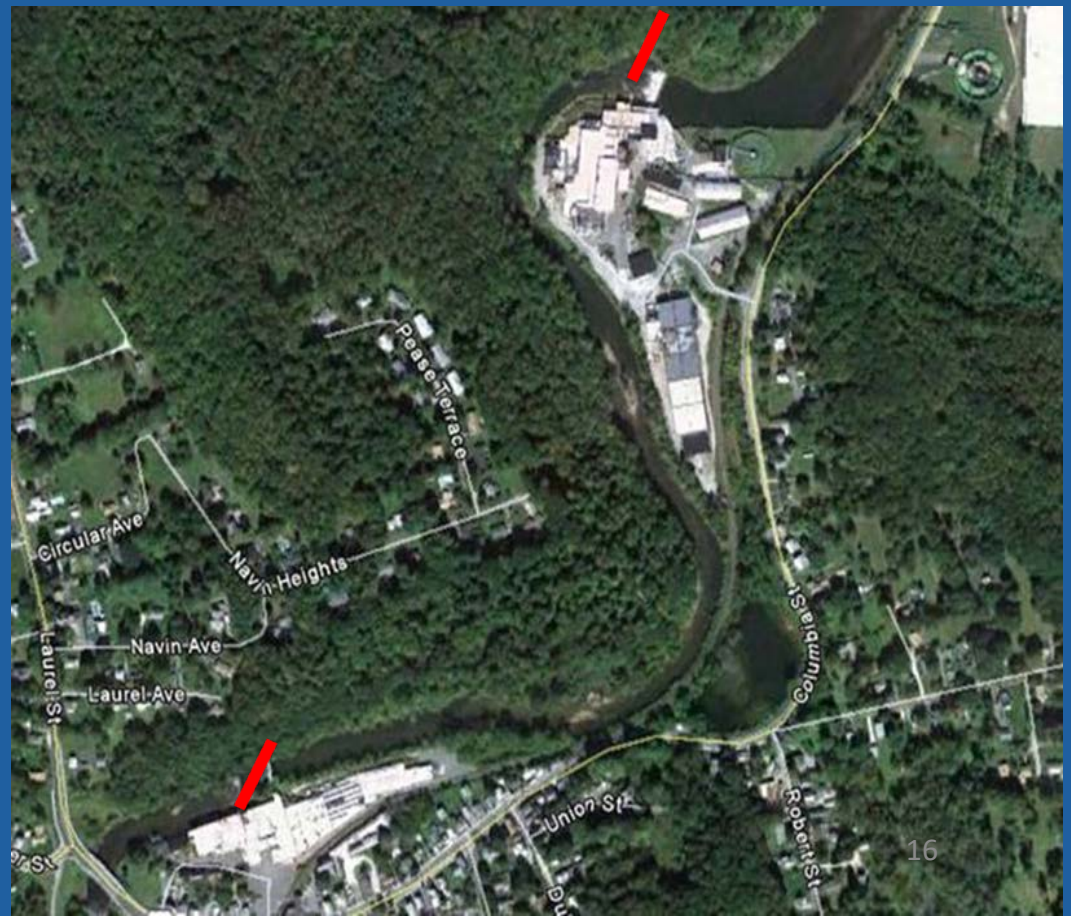
Permit Improvements

Less PCBs in Natural Environment

- Cleaner river eliminates ~100 acres of capping in total
- Reduces by 1/3 caps required in Permit
- Reach 5C (Roaring Brook to Woods Pond): excavate PCB-contaminated sediment to 1 ppm rather than capping contamination in-place (57 acres less caps)

Permit Improvements
Dams and Impoundments

- Remove the Columbia Mill Dam and remnant of Eagle Mill Dam
  - Clean river to 1 ppm PCB cleanup level (eliminates ~18 acres cap)
- GE commits to more excavation and less capping at these 3 dams (together ~20.5 acres less capping)
  - Willow Mill
  - Glendale
  - Rising Pond



Permit Improvements
Treatment Technology Research

- EPA commits to a continuing effort to identify opportunities to apply existing and potential future PCB treatment technologies
- EPA will solicit research opportunities for research institutions and/or small businesses to target relevant technologies
- GE and EPA will explore current and future technology developments and, where appropriate, will collaborate on on-site technology demonstration efforts and pilot studies

Lane Disposal Site Location

- > 1,000 Ft. from Housatonic River
- > 1,500 Ft. from Woods Pond
- Down gradient and more than 1 mile from Lee Water Supply Reservoirs

“Hybrid” Disposal Approach

- Two-pronged solution

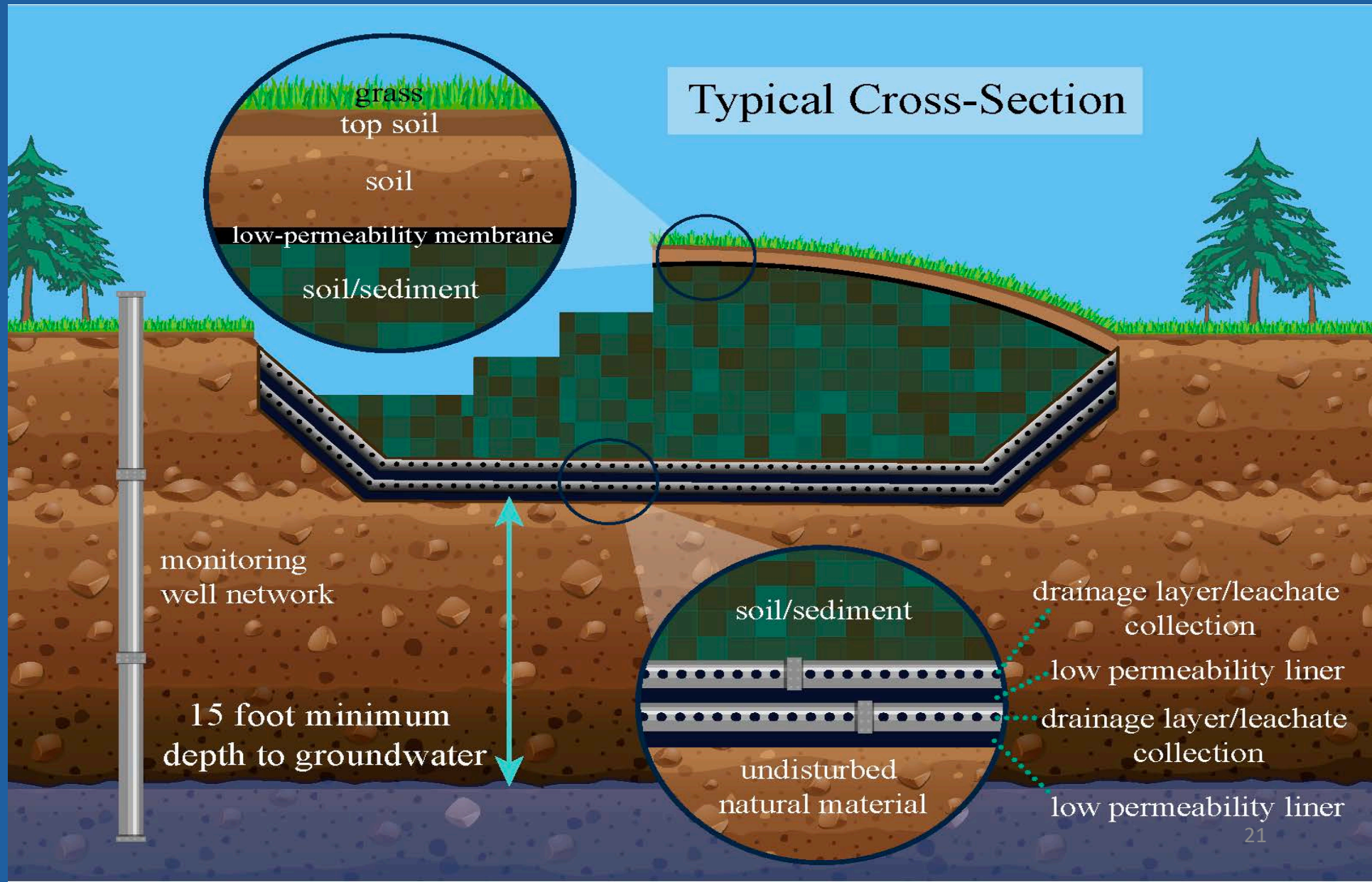
- Highest concentrations of PCBs in soils & sediments will be shipped out of state for disposal
  - Federal criterion for commercial PCB landfills greater than 50 ppm
  - minimum 100,000 cubic yards (cy)

“Hybrid” Disposal Approach

- Remaining excavated soils & sediments will be consolidated into a local Upland Disposal Facility at Lane Site
- Only Rest of River materials disposed of at Lane Site; no outside materials allowed
- No material classified as federal RCRA hazardous waste, or free liquids, free product, or any intact drums, capacitors or containers
- Segregation of material will be based on sampling protocols outlined in the Settlement Agreement
- Overall average estimated concentration at Lane Site to be 20-25 ppm

Upland Disposal Facility Design

- Double liner and leachate detection
- Minimum 15 ft. from groundwater
- Engineered cap



Upland Disposal Facility

- GE is responsible for operations, maintenance, and monitoring
  - Engineering, air and particulate, groundwater
- Max. capacity = 1.3 million cy
- Max. 20-acre footprint and max. height 1,099 ft. above sea level (max. height of Lane is now ~1,050 ft
- Phased development; only 1 cell to be open at a time

Monitoring and Protections at the Landfill

- Background Monitoring (pre-construction)
  - Air, Particulate, Groundwater
- Landfill Monitoring (construction phase)
  - Air Sampling for PCB volatiles and dust
  - Particulate/Dust monitoring
  - Groundwater
- Landfill Monitoring (post closure)
  - Closure (cap, stormwater, etc.)
  - Groundwater

Next Steps

- The Settlement Agreement requires a modification of EPA's 2016 Permit
- EPA will incorporate Agreement modifications and present Draft Revised Permit for public comment
  - Min. 45-day comment period, to include public meetings and public hearing
- After considering and responding to comments, EPA will issue a new Revised Permit
- EPA hopes to complete modifications, solicit public comment and issue a Revised Permit during 2020
- Settlement and fact sheet found at epa.gov/ge-housatonic

Q&A


Thank you