



TOWN OF LEE
32 Main Street, Lee, MA 01238
www.lee.ma.us

R. Christopher Brittain,
Town Administrator

January 30, 2024

Mr. Dean Tagliaferro
EPA New England
10 Lyman Street, Suite 2
Pittsfield, MA 01201

Dear Mr. Tagliaferro,

The following is a list of comments from the Town of Lee regarding the Transportation and Disposal Plan dated October 31, 2023.

1. Section 1.1

As generator, GE will contract the transporters and disposal facilities. The shipment and disposal of a PCB regulated waste is a “cradle to grave” commitment by the generator. Isn’t GE ultimately responsible for the compliance of their contractors?

2. Section 1.4

At the Town meeting on November 28, 2023, Lee residents expressed strong opposition to the transportation of PCB-impacted soil to the UDF and communicated their preference for transportation to an off-site permitted facility. Residents communicated that the rail-based transportation option was not adequately considered in the T&D Plan including a letter from Parker Rodriguez of the Housatonic Railroad explaining that the rail-based transportation option was viable and cost-effective. Other testimony revolved around the resident safety along the truck passage through the Town center to the Mass Pike. Residents of other affected Towns have provided similar feedback regarding the rail-based transportation option.

The GE team should: 1) formally address residents feedback (Section 1.4 appears to be the most logical section), 2) consider revising the T&D Plan to reduce transportation volume to UDF [and increase transportation volume to off-site permitted facility], 3) provide a more thorough study of the rail-based transportation option, and 4) evaluate use of other routes that avoid downtown Lee to avoid risks to public safety.

3. Section 2.1

Footnote b on page 7 of the Transportation Plan states that “other materials generated during implementation of the ROR Remedial action, such as materials used to build temporary access roads and staging areas, may be disposed of in the UDF.” This statement demonstrates the need to sample the base materials from access roads and staging areas to determine their fate as a potential ROR waste. It would be beneficial if surface materials from these areas could be sampled to determine possible Total PCB content from dust, which is a safety concern to surrounding communities.

The Town would like to know if surface materials from access roads and staging areas could be sampled to monitor Total PCB content in possible dust emissions to determine if there is a concern to surrounding communities and also to determine the ultimate disposal location for these materials.

What is the basis for using 10% of total volume to determine off-site soil volume for other RUs? Is the off-site volume for Reach 5A based on PDI? What category do sediments with volume-weighted average greater than 25 mg/kg (page 5) fall into?

4. Section 2.2

The expanded use of rail-based transportation would affect the selected locations for temporary material handling and staging areas and temporary roads to access those staging areas.

Unless soils are hydraulically conveyed, dewatering at or near the excavation areas may be preferable to staging areas (i.e., to avoid transportation issues related to free liquids).

Some PCBs are volatile and may exist as a vapor in air. This potential exposure pathway should be considered at the staging areas where reworking of soils to dry them or mixing with drying agents (e.g. exothermic reactions) is planned.

Consider reducing the activities conducted at the staging areas to minimize the potential for fugitive PCB emissions and releases at non-PCB impacted locations.

Consider use of other dewatering methods such as: in-situ dewatering of flood plain soils, use of dewatering boxes and/or liners, ex-situ dewatering using filter press, etc.

The Town also requests any available dewatering locations that may coincide with transportations routes (not just for hydraulic dredging).

5. Section 3.1.2

The Town requests further details on the hydraulic pumping system including the following specifications:

- a. size and length of pipe
- b. location of booster pumps
- c. decibels of noise created by the equipment
- d. ratio of solids to liquids
- e. dewatering plan/locations
- f. methods
- g. pressures and flows
- h. spill prevention/response

In addition, we would like to better understand the likelihood that the hydraulic pumping system will be the chosen method of transport and what the alternative trucking impacts would be if it is not utilized.

How will sediments be characterized at the UDF to determine if on- or off-site disposal is appropriate?

Is hydraulic conveyance limited to sediments? If so, how will soils from Reaches 5C and 6 be transported on-site?

6. Section 3.1.3

The Town requests that all transportation of PCB materials, including out-of-state material, be made by railroad. The list below contains locations of existing railroad sidings that could be used as a loading facility:

- a. Lenox Dale – Willow Creek
- b. Columbia Mill – Lee
- c. Greylock Mill – Lee
- d. Onyx Mill – Lee
- e. Stockbridge Train Station - Stockbridge

d. Rising Mill – Great Barrington

e. Glendale - Stockbridge

f. Sheffield – Adjacent to Fire Station

Would the intermodal containers have an “open top” for loading soil?

To reduce truck traffic and soil handling, could staging areas be relocated to existing, reconditioned sidings or could new sidings be constructed to service the planned staging areas?

HRRC’s circa 2020 feasibility assessment should be updated and submitted to Town of Lee for review.

The Town, once again, formally requests a meeting with the EPA and the Housatonic Railroad to further discuss options for transporting PCB materials.

7. Section 3.1.4

A breakdown of the trips (i.e., point of excavation to staging area, staging area to UDF, etc.) and the time and mileage per truck trip for both the truck only and rail options would be helpful/useful.

8. Section 3.2

BOLs or shipping documents should reference a dangerous materials emergency response (i.e., Chemtrec) call center.

Transporters should notify local municipalities and/or Police Departments along the truck travel prior to shipments and provide safety and spill response information.

9. Section 4.1.1

The transportation route through the center of Lee for off-site disposal of Reaches 5B, 5C, and 6 should be reconsidered. It is a developed area with dangerous intersections.

If railroad is not the chosen method of transport for out-of-state materials, the Town of Lee requests considering the use of New Lenox Road/Walker Street to Route 7 (south) to Route 102 (east) to Mass Pike (west) as alternate (concept figure attached). All out-of-state materials should enter I-90 by going south to MA-102 West to join I-90 in New York and avoid the more densely populated areas of downtown Lee.

The Town of Lee insists that highly toxic materials that will be transported to an out-of-state facility NOT be transported through Main Street in Lee since this area contains the highest population density of any potential out-of-state route.

This area is also currently on the Mass DOT TIP program due to the number of traffic accidents as shown below:

(LEE- INTERSECTION IMPROVEMENTS AT PARK STREET AND MAIN STREET (ROUTE 20). This project will convert the three-leg intersection of Main St, Park St, and West Park St in Lee to a modern roundabout. Work will include reconstructing the intersection and each of its approaches for several hundred feet. Improvements to the existing closed drainage system will be made to accommodate the new configuration. Existing sidewalks will tie into the new intersection, new crosswalks will be added, and improved bike accommodation will be implemented (perhaps in the form of a shared-use or side path). Construction Begins: Summer 2027. This project is planned to be funded through the 2027 Transportation Improvement Program for the Berkshire Metropolitan Planning Organization. This project is in the preliminary design phase.

10. Section 4.1.2

To reduce truck traffic and soil handling, could staging areas be relocated to existing, reconditioned sidings or could new sidings be constructed to service the planned staging areas?

11. Section 4.2

BOLs or shipping documents should reference a dangerous materials emergency response (i.e., Chemtrec) call center.

12. Section 6

Safety concerns related to ROR waste materials transportation are of principal interest to the community. The Transportation Plan does not include a quantitative analysis of increased traffic safety issues that would be expected using the different methods of transportation (rail, truck or a blend of both) for Reach 5A such as vehicular accidents, operator accidents and spills. It may be useful to the community to understand the anticipated incidence of traffic accidents and other safety concerns (such as waste material spills) by type of transportation method (truck, hydraulic and rail) in order to better understand the safety implications associated with the preferred transportation alternative chosen by GE.

13. The Transportation Plan does not state whether the proposed transportation activities are subject to outside regulatory requirements such as the need to obtain a highway access permit. Highway access permits are required when physical work or activities take place within, or impact, the State Highway Right-of-Way or property owned or under the custody and control of MassDOT-Highway. The authority to issue State Highway Access Permits is covered under Massachusetts General Laws; Ch. 81, § 21 and Ch. 85, § 2. The process and procedures governing the review of State Highway Access Permit applications,

issuance of permits, and their associated fees, are found in the Code of Massachusetts Regulations (700 CMR 13.00). As per review of the State Highway Access Permit System, certain highway permits may require an Environmental Impact Report under Massachusetts Environmental Policy Act (M.G.L. Ch. 30, § 61 through § 62H) and implementing regulations (301 CMR 11.00: MEPA Regulations).

The Town would like to know if the proposed transportation activities described in the Plan will require a highway access permit through MassDOT and, if so, whether the access permit will require an Environmental Impact Report.

GENERAL REMARKS

The Town would like to, once again, stress that the EPA consider the use of alternative treatment methods that would reduce the number of truck trips and overall capacity of the proposed UDF.

The Town of Lee, through its Select Board, would like to continue to express its overall discontent with the cleanup project as a whole. The Town, through numerous elections and public meetings, has objected to almost every aspect of the cleanup including but not limited to the toxic waste dump proposed for the Town of Lee, the lack of any alternative technologies for the cleanup remedy and the potential impact on our infrastructure and human health.

The Town of Lee played no part in the contamination of the river and considers this an environmental injustice that the residents of Lee be subject to 13 years of disruption and risk to human health, followed by centuries of potential issues from a toxic waste dump in our Town.

Sincerely,



R. Christopher Brittain,
Town Administrator

cc:

His Excellency Joseph Biden, President of the United States
The Honorable Edward Markey, U.S. Senate
The Honorable Elizabeth Warren, U.S. Senate
The Honorable Richard Neal, U.S. House of Representatives
Her Excellency Maura Healey, Governor of Massachusetts
The Honorable Andrea Joy Campbell, Attorney General of Massachusetts
The Honorable Paul Mark, State Senator
The Honorable William "Smitty" Pignatelli, State Representative, 3rd Berkshire
Select Board, Town of Lee