



REGION 1
BOSTON, MA 02109

RECEIVED

JAN 18 2024

TOWN OF LEE
SELECT BOARD

January 17, 2024

Bob Jones, Chair
Town of Lee Select Board
32 Main Street
Lee, MA 01238

RE: GE-Pittsfield/Housatonic River Site-Rest of River
Letter from the Town of Lee dated January 2, 2024

Dear Chairman Jones:

Thank you for the Lee Select Board's letter dated January 2, 2024, regarding the cleanup of the Rest of River portion of the Housatonic River. In the letter you raise concerns regarding documents from the early 1970s between the General Electric Company and the Monsanto Company and express discontent regarding the Rest of River cleanup.

As for the GE/Monsanto documents attached to your letter, EPA is well aware of the toxicity of PCBs and that PCBs are present in the Housatonic River. For the river, EPA undertook large-scale assessments of human health and ecological risks and subjected those assessments to public comment and scientific peer review. These assessments demonstrated that there are unacceptable human health and ecological risks posed by GE's PCBs that are currently uncontrolled in the Housatonic River and floodplain. That is why EPA is working to move the cleanup of the river forward as quickly as possible.

The Rest of River cleanup plan is final and was fully affirmed by EPA's national Environmental Appeals Board and the U.S. First Circuit Court of Appeals, including issues related to the extent of cleanup and treatment of PCBs. Nothing in the letter from the Town of Lee, including the GE/Monsanto indemnity agreement, affects the finality of the cleanup plan or the Court's approval of that plan. EPA is not going to further comment regarding the Town of Lee's claims against Monsanto or GE or the indemnity agreement. EPA generally does not comment on possible or ongoing litigation between private parties.

The attachments to the Town of Lee's January 2 letter include an affidavit regarding the potential volatilization of PCBs. EPA has fully addressed and rebutted Dr. Carpenter's affidavit in a letter submitted to the Town of Lee Board of Health dated March 17, 2023 (attached). EPA also issued a 140-page Response to Comments (RTC) document that responds to questions and concerns about the safety and protectiveness of the cleanup and the Upland Disposal Facility. This RTC document can be found at <https://semspub.epa.gov/src/document/01/650441>. The evidence, data, and science all demonstrate that the cleanup including the Upland Disposal Facility will be safe and protective of the

health of Town of Lee residents.

EPA is seriously dedicated to working with the Town of Lee and other Berkshire communities regarding the implementation of the cleanup. Among other things, EPA has done the following:

- Held public input periods, although not required to do so, for GE's technical submittals regarding the cleanup.
- Participated in periodic meetings of the Citizens' Coordinating Council.
- Funded a technical contractor to provide an independent review of GE's cleanup documents for the Berkshire municipalities.
- Funded a technical contractor to provide an independent review of GE's cleanup documents for the Housatonic River Initiative, a local citizen's environmental group.
- Held separate calls with the Town Administrators for the Towns of Lee and Lenox every other week.
- Participated in a public meeting in the Town of Lee regarding GE's plan for the Transportation and Disposal of material.

EPA is committed to continuing working with all affected municipalities, including the Town of Lee. If you would like to discuss the January 2 letter further with EPA, I encourage you to raise the issue in a forthcoming biweekly call with the EPA project team.

Sincerely,

Olson, Bryan

Digitally signed by Olson,
Bryan
Date: 2024.01.17
16:21:35 -05'00'

Bryan Olson

Director

Superfund & Emergency Management Division

Enclosure: EPA letter to the Town of Lee Board of Health dated March 17, 2023