

TOWN OF LEE
PCB ADVISORY COMMITTEE MEETING
Tuesday April 2, 2024 @ 6:00PM
Town Hall • 38 Main Street • Former Courtroom

Minutes

Members Present: Bob Jones (Select Board Chair), Gordon Bailey (Select Board), Sean Regnier (Select Board), Chris Brittain (Town Administrator), Mary Brittain, David Carrington, Gail Ceresia, Peter Bluhm, Robert Heinzman, Julia Thomas (Associate Member), and Marilyn Wyatt

Members Absent: Robert Wespiser

Chairman Jones called the meeting to order at 6:03PM.

1. Introductions

Chairman Jones began by thanking all members of the new PCB Advisory Committee for dedicating their time to represent the Town of Lee. The Committee members then all introduced themselves and listed what specialty they'd be offering to the Committee:

Bob Jones, Gordon Bailey, Sean Regnier	Select Board
Chris Brittain	Town Administrator
Marilyn Wyatt	Communications
Robert Heinzman	Environmental Economics
Mary Brittain	Environmental Consulting
Peter Bluhm	Retired Lawyer (Planning Board, Master Plan & OSRP Committees)
Gail Ceresia	Wetland Scientist
David Carrington	Geology (lifetime resident of Lee)
Julia Thomas	Historian (associate member/resident of Monterey)

Chairman Jones explained that although Dr. Wespiser was unable to attend tonight's meeting, he planned to be present at future meetings, and stated that Dr. Wespiser's specialty is in Public Health.

2. TAG Grant, QAPP for independent monitoring

Admin Brittain stated that the Town received a TAG (Technical Assistance Grant) from MassDEP which will have two purposes: 1) fund the Town's consultants at Kleinfelder, who will be writing the QAPP (Quality Assistance Project Plan) for any independent testing the Town wishes to have done and 2) be used to have Kleinfelder and this Committee review comments going to the EPA.

Admin Brittain stated that the QAPP allows the following options for sampling: surface water, air monitoring, soil and sediment, ground water, and drinking water. He stated that the Committee will have to prioritize which sampling the Town should have done. He stated, ideally, we'd like to do all of the sampling, but with the cost of each, they'll have to choose which are most important to focus on.

Mr. Regnier stated that air monitoring would be at the top of his list. Admin Brittain stated that air monitoring is an easier one to do because it will not require any special permissions to get the samples. He stated that sampling ground water will be the biggest challenge because the testing wells are on GE property – we'd have to either use a split sample from the EPA or get permission from GE to have our own contractors go on their property to obtain samples.

Admin Brittain confirmed for Ms. Brittain that if the QAPP is approved, ideally, they'd like to take samples before GE starts any work on the property.

Mr. Bluhm stated that one of his biggest concerns is mud spillage on the roadways if GE does transport with trucks. Admin Brittain stated that the goal is to transport by rail, but if they do use trucks, he'll ask the consultants how they'll be able to sample along the trucking routes.

Ms. Thomas asked if the trucks would be parked at the UDF site or staging areas overnight. Admin Brittain stated that that was unknown. Chairman Jones stated that part of the problem is that GE hasn't worked out that portion of the plan yet, so it's all unknown. Therefore, we need to be prepared for all eventualities. Mr. Regnier stated that GE will hold their cards as long as they can.

Chairman Jones stated that the information all comes from GE. He stated that the EPA is not here to enforce anything, or tell GE there may be better options. The EPA is here, simply, to make sure the plan is implemented the way it was agreed upon. Chairman Jones stated that he looks at the EPA as partnering with GE and not the Town of Lee. Admin Brittain added that, essentially, the EPA gives GE a list of things GE needs to accomplish, GE needs to find a way to get there, and the EPA will review and let them know if their plan is okay. GE releases a plan, the Town comments on the plan, and then the EPA will give approval. For example, when GE came out with the trucking routes, the Town commented to the EPA that they'd like railroad transportation to be considered, and the EPA went back to GE and had them research the railroad. Mr. Bailey stated that his understanding is that this is one of the reasons that the EPA is handling this through CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) rather than Superfund. If they were doing it through Superfund, the EPA could tell GE how to do it. This is a Superfund site but it's being allowed to be treated as a CERCLA site. Essentially, GE has to fund it and the EPA cannot tell them how to do it. Chairman Jones stated that GE did not want this to be a Superfund.

Ms. Thomas stated that CERCLA and RCRA (Resource Conservation & Recovery Act) both address hazards to the environment, but RCRA is less comprehensive than CERCLA. RCRA primarily deals with management at facilities that are currently in use, and CERCLA addresses abandoned, uncontrolled hazardous waste sites. Ms. Thomas stated that her understanding is that GE secured a permit that is a little bit of CERCLA and RCRA.

Ms. Ceresia stated that in the second predesign plan, there was a list of everything the EPA waived for GE, which she will try to find because she thinks it would be very useful for everyone to see.

Mr. Bluhm stated that he feels like he doesn't know nearly enough to make the judgment of how Town resources should be spent. He stated, for him, he thinks the funds should be spent on places that GE and the EPA have overlooked or where the sampling has been insufficient.

Admin Brittain stated that he'll reach out to Eric from Kleinfelder and see if he can attend the next PCB Committee meeting and explain what he thinks will be most important for this Committee to focus on. Ms. Ceresia stated that a lot of the things they were told at the beginning have changed quite a bit.

3. TAG Grant survey questions

Admin Brittain stated that after the QAPP is written, they'll need to decide how they want to move forward with sampling, and part of that is through a public survey. The Committee then discussed what questions they thought would be important to include on the survey:

- What are your biggest concerns?
- How would you prefer to receive information?
- What area of the Town are you a resident of?
- What are your expectations of the PCB Advisory Committee?
- How do you prefer to submit comments?

4. UDF Public Meeting – April 3

Chairman Jones stated that the April 3rd meeting has been postponed due to weather. It will be rescheduled to a later date in April.

Ms. Ceresia added that the EPA held a meeting at Herberg School in Pittsfield to discuss Reach 5A. She stated that it would be useful for all Committee members to watch a recording of that meeting.

5. Monsanto/GE lawsuit (updates and communications)

Chairman Jones stated that the Complaint against GE and Monsanto has been filed. Admin Brittain stated that there have been about fifteen publications on the filing and they are looking to have more published moving forward. Their goal is to get as much publicity as possible.

6. Website

Admin Brittain stated that he has created a link that brings you directly to all information regarding PCBs on the Town's website: <https://leepcb.us>

7. Comment Period for UDF Design (Kleinfelder, Skeo, Committee)

Admin Brittain stated that the next set of comments on the UDF design are due on May 3rd. He'll receive comments from SKEO and Kleinfelder and get those to all Committee members. At the next meeting, they'll discuss any additional comments the Committee members would like to add.

8. Any topic that could not be anticipated

Leigh Davis, a Great Barrington Select Board member, came forward and asked the Committee how other Towns can help moving forward. She stated that it is important to realize the effect the dump will have on local economy. She mentioned that there could be a great decline in population after the dump is built. Chairman Jones reminded Ms. Davis that the Lee Select Board reached out to all Select Boards of the five towns to meet and have a discussion, which was declined by all, but the offer still stands, and is long overdue.

The next PCB Advisory Committee meeting was scheduled for Thursday April 25th at 6:00pm.

Mr. Bailey made a motion to adjourn the meeting at 6:53pm which Mr. Regnier seconded and was unanimously approved.

Submitted by:



Sabrina Touhey
Executive Assistant to the Select Board and Town Administrator

Approved on: 04/25/2024