



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

R. Christopher Brittain,
Town Administrator

February 26, 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 Quality of Life Plan.

1. GE's Quality of Life Compliance Plan (QOL) was based heavily on truck transport and failed to adequately consider the possibility of using rail transportation for the 13 years of remediation.

The Town of Lee requests that the plan be resubmitted to reflect potential benefits of rail transportation.

2. GE's QOL Plan fails to discuss the impact this 13-year remediation project will have on tourism and business in general in our towns.

The Town requests that Section 7 also include affected businesses and tourism impacts.

3. The QOL Plan only takes into consideration recreational activities in the river (boating and fishing) and immediately on the banks of the river (walking and biking trails), but fails to address the impact of municipal parks and playgrounds located along the river or the bike path proposed in Lee from West Park Street to Route 102. Also, the Lee Athletic field immediately adjacent to the river has plans for expansion which should be addressed in the plan. In addition, GE's commitment to "facilitate [Pittsfield and the towns] future enhancement of recreational activities—such as canoeing and other water activities, hiking, and biking on trails—in the ROR corridor, on properties subject to remediation, and/or at locations of temporary access roads and staging areas" lacks any specificity or financial commitments. At a time when trails along the river are being expanded, it is important to know if GE bears any financial responsibility toward those projects or towards park and playground enhancements.

The Town requests that the QOL Plan address if GE bears any financial responsibility toward expansion projects of parks and playgrounds.

4. The QOL Compliance Plan focuses on parameters of air quality, noise, odor and lighting. There are additional parameters of interest and concern to the community that GE may be able to address, including aesthetics (visible impacts) to the natural environment. Disturbance to the Housatonic River from the remedial action activities are likely to cause visible effects to water quality in the form of turbidity, color and sheen. In addition, occasional fish (and other forms of aquatic life) kills are likely to be visible. Also, the riverbank soils and upland soils remedial actions will remove terrestrial vegetation. These visible impacts can be disturbing to surrounding communities; therefore, it is important for GE to acknowledge these impacts and provide the community assurance of the overall improvements to be achieved by the remedial action. It is recommended that GE allow the community to express and/or record observations of aesthetic concerns as part of the QOL community coordination public input process so that GE can begin to plan how significant disturbances will be addressed.

The Town requests that the QOL Compliance Plan include a process whereby the community can report visible disturbances to GE so that significant disturbances can be addressed either by written/verbal responses or accommodated in the field.

5. A potential issue of QOL concern to communities may be the introduction of invasive species as a result of the physical disturbance created by construction. While the operation and maintenance requirements set forth in the Permit indicate that invasive species are to be addressed routinely as part of ongoing inspection and maintenance efforts, it may be appropriate for GE to describe this activity within the QOL Compliance Plan, to acknowledge this possible concern and to enlist community assistance in the process of identifying invasive species occurrence in both aquatic and terrestrial environments so that the invasive species can be addressed.

The Town requests that monitoring of invasive species should be a component to the QOL Compliance Plan.

6. Community health and safety is a priority of this QOL Compliance Plan. There are several additional safety considerations that could be addressed within this document. For instance, light disturbances are strictly evaluated from the perspective of being a nuisance to surrounding residents. It should be noted that powerful light sources can be distracting to motorists and cause traffic safety concerns. This same issue applies to construction noise. Sudden loud noises can cause traffic disturbance. This document should mention how intense lights and noises will be controlled to be sure traffic safety is addressed.

The Town requests that the QOL Compliance Plan be amended to include light and noise impacts to traffic safety. In addition, the Town requests that the plan be consistent with the Town of Lee's Noise Bylaws, Chapter 140.

7. Single event or low frequency of occurrence disturbances created by air quality, odor, noise and light are difficult to capture by monitoring when analysis results are averaged over time (*described in Section 4 beginning on pdf page 16*). The process of averaging

dilutes the result from a single event giving a false impression that these events are not harmful. For instance, a single burst of noise can yield harm, and should therefore be acknowledged. Furthermore, analysis of event-specific noise results would help determine time periods (and associated activities) that yield the most problematic conditions. This isolation of the data would assist GE in amending their work activities with this event-specific data. It would be appropriate to review the data to understand each event where a standard is exceeded (single data point in time and space) in addition to the time-weighted averaging proposed by GE.

The Town requests that monitoring data gathered for air quality, odor, noise and light could be evaluated by event (when a detectable level of the parameter is noted) in addition to the proposed time-weighted average approach presented by GE.

8. The QOL Compliance Plan relies on particulate matter (measured as particles smaller than 10 micrometers in diameter [PM10]) and PCB numerical standards for air quality monitoring (*Section 4.3.1.1, pdf page 18*). These are well-founded monitoring approaches to address air quality, but may miss certain releases. It may be suitable to amend the air quality monitoring with additional samples of dust, to be analyzed for total PCBs. The dust sample results could help determine if the designed air monitoring program is sufficient to capture all possible remedial action activity air concerns.

The Town requests that the air quality monitoring program could be amended to include sampling of dust for total PCB analysis.

9. The QOL Compliance Plan provides a good basis for monitoring and response to exceedance of protective standards. However, there is no mention if the QOL parameters analysis and interpretation will be reviewed by outside, regulatory oversight resources such as EPA. It seems important to have occasional external review to ensure a high quality assurance and quality control to the gathered monitoring data.

The community requests that outside agencies such as EPA, DEP and the TOWN OF LEE will review the QOL monitoring data for accuracy and precision.

10. *Section 4.3.1.2 Air Quality QOL Standard for PCBs*: Like the particulate standard, the QOL standard for PCBs includes both a Notification Level and an Action Level for total PCB concentrations. The Notification Level and Action Level for PCBs are the same as those previously approved by the EPA and used for prior Removal Actions at this Site. The Notification Level is 0.05 µg/m³ based on a 24-hour average, and the Action Level is 0.1 µg/m³ based on a 24-hour average. Table 4-2 summarizes the air quality QOL standard for PCBs.

The Town of Lee requests that the Notification Level be Reduced to 0.01 µg/m³.

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