

TOWN OF LEE  
SELECT BOARD MEETING w/ EPA & GE  
Tuesday November 28, 2023 @ 6:30PM  
LMHS Auditorium • 300 Greylock Street

Minutes

**Members Present:** Bob Jones, Gordon Bailey, Sean Regnier

**Members Absent:** None.

**Others Present:** Admin Brittain, Eric Henry (Kleinfelder), Anni Laughlin and Dean Tagliaferro (EPA), Andrew Silber (GE), Dr. Charles Kenny (Medical Director of Tri-Town Health and Chair of Stockbridge Board of Health)

**Chairman Jones called the meeting to order at 6:30PM.**

**Introductions from the EPA**

Anni Laughlin (EPA), began by stating tonight's meeting was about the *draft* of the PCB transportation plan from GE for the RoR project running from Pittsfield down to Great Barrington. She stated that the EPA is reviewing this plan right now and the public input period is open until February 1, 2024. She stated that after February 1, 2024, the EPA will either approve the plan, approve with conditions, or disapprove and ask for GE to resubmit.

Ms. Laughlin stated that PCBs were discovered in the Housatonic River back in the mid 1970s, and they came from General Electric during its manufacturing and serving of electrical transformers. PCBs pose unacceptable cancer and non-cancer risk to human health. She stated that these risks will persist without cleanup. The EPA has already removed over 290,000 cubic yards (cy) of soil and sediment from the Housatonic River. About 2/3 of that material was consolidated onsite in Pittsfield and capped with long-term monitoring that continues today. All of the results today have been well below action levels.

Ms. Laughlin continued stating that now they are moving to cleanup the Rest of River from Pittsfield to Great Barrington. Some of this material will go to an on-site landfill at the northern tip of Lee and some will be transported out of state. Tonight, the proposed routes will be presented. The EPA does believe this can be done safely. Ms. Laughlin stated that she'd like to touch on two main concerns they have heard from the public; spills and air quality. She stated that if a spill occurs, the EPA's primary concern is going to be fuel and oil from the vehicle itself. The waste material in the vehicle will not impose an acute or chronic risk to anyone near the site of a spill. The EPA will also be conducting air monitoring for PCBs where excavating and dredging occurred and implement engineering controls if they find any action levels at those cleanup areas. The EPA believes this material can be transported with no measurable risk to the surrounding community for volatilization. She added that GE is also required to submit a quality-of-life plan later in December that will address issues such as noise, work hours, public roads, etc. There will be a public comment period for that plan as well.

**Presentation on PCB Transportation by GE**

Andrew Silber, the manager of the remedial program at GE and project manager for the Housatonic River project, began by stating tonight he would go over a project overview, evaluation of transportation options, reach-specific transportation evaluations, and general transportation requirements.

Floodplains/Vernal Pools (Reaches 5-8)	Remove floodplain and vernal soil to meet the Performance Standards in EPA's Permit
Backwaters (Reaches 5-7)	Removal/capping to achieve 1ppm average; remove sediment from hot spots and apply activated carbon in Core Area 1 habitat areas
Impoundments	Either dredge/cap or dredge/backfill to achieve a 1ppm average
Flowing Subreaches	Monitored Natural Recovery (16 miles)

Reach 5A (4.5 miles)	Remove sediment from entire reach; cap to grade Remove/stabilization of erodible riverbanks
Reach 5B (2.5 miles)	Remove sediment from hot spots; place activated carbon over entire reach. Remove riverbank soil
Reach 5C (3 miles)	Remove/backfill sediment to achieve a 1 ppm average in sediments
Woods Pond - Reach 6 (60 acres)	Removal/capping over entire pond to achieve a 6-foot minimum water depth post-capping
Reach 7 (19 miles)	4 impoundments
Reach 8 (Rising Pond, 41 acres)	Either dredge/cap or dredge/backfill to achieve a 1 ppm average

#### Estimated Remediation Schedule

*\*Estimated schedule may be subject to change during remedial design/construction or due to other factors.*

UDF	Years 1-2 (UDF Construction)
Reach 5A	Years 3-7 (Sediment Removal and Capping)
Reach 5B	Year 7 (Sediment Removal and Activated Carbon Application)
Reach 5C	Years 8-11 (Sediment Removal and Backfilling)
Reach 6 (Woods Pond)	Years 4-6 (Sediment Removal) Years 12-13 (Capping)
Reach 7	Years 12-14 (Sediment Removal & Backfilling; Dam Removal)
Reach 8 (Rising Pond)	Years 14-15 (Sediment Removal & Backfilling)

#### Estimated Removal and Disposal Volumes

*\*All quantities are preliminary and subject to change during design activities*

Reach	Estimated Removal Volume (cy)	Estimated UDF Disposal Volume (cy)	Estimated Off-Site Disposal Volume (cy)
Reach 5A	138,700	130,200	8,500
Reach 5B	16,000	14,000	2,000
Reach 5C	387,000	348,000	39,000
Reach 6 (Woods Pond)	285,600	256,600	29,000
Reach 7	118,000	106,000	12,000
Reach 8 (Rising Pond)	87,000	78,000	9,000
<b>Totals (estimated)</b>	<b>1,033,000</b>	<b>933,000</b>	<b>100,000</b>

Mr. Silfer stated that the Transportation and Disposal (T&D) Plan evaluates three potential methods of transport to sediment and soil to the UDF and out of state disposal; Hydraulic conveyance/pumping, truck transport, and rail transport.

Hydraulic Conveyance	Widely used and applicable for transportation over short to moderate distances (not practicable for sediments from Reaches 5A, 5B, 7, and 8, or for floodplain soils). Estimated 47 trips per day.
Truck Transport	Widely used, technically feasible for transportation over short and long distances, used for previous phases of Housatonic River remediation for both on-site and off-site disposal, provides flexibility (trucks are readily available and can easily access removal areas, staging areas, the UDF, and off-site transportation routes), and can travel independently without relying on other entities to dictate schedule
Rail Transport	Typically used only for long distances, requires use of trucks to move material to/from a rail siding (no active railroad sidings available near the removal areas that could be used in their current condition), uncertainty in obtaining access to privately owned land required for loading areas, and dependent on railroad's availability to move cars (could dictate schedule and may delay construction)

Mr. Silfer stated that after an evaluation of railroad transport to the UDF site, it was concluded that it would be inefficient to use the railroad to transport material for the short distance from Reaches 5 and 6 to the UDF. They are continuing to evaluate railroad transport to the UDF from Reaches 7 and 8. After evaluation of railroad transport to an off-site disposal facility, they concluded that doing so for material from Reach 5A is unlikely due to the small quantity and lack of available sidings. Mr. Silfer stated that they are continuing to evaluate railroad transport to off-site areas for Reaches 6-8.

#### T&D Plan Recommendations for Transport:

Reach 5A	Truck transport to UDF and off-site facility
Reach 5B, 5C, and 6	Truck transport to UDF and evaluation of railroad for off-site is ongoing
Reach 7 and 8	Evaluation of railroad for transport to UDF and off-site is ongoing

Mr. Silfer stated that transportation of materials will be performed by licensed haulers in accordance with appropriate regulations. Personnel will be trained in handling and shipping hazardous materials, including how to respond to emergencies such as accidents, spills, releases, or other incidents. Trucks and rail containers will be certified, inspected, lined and covered, and will undergo safety checks and appropriate labeling. He added that Quality of Life measures will be implemented to mitigate traffic and roadway infrastructure impacts.

#### **Tri-Town Health**

Dr. Charles Kenny began by stating that he wanted to take pose to a number of concerns he has about the public health safety aspects of this project and plan. Dr. Kenny stated that he was very disappointed with GE's presentation; it was inadequate and misleading. He stated that the transportation proposal does not put forth measures to maximize the material to be transported off site by rail as required by the 2020 permit, including evaluating adding new rail siding to make rail transport viable. Dr. Kenny stated that the single most important measure that will enable off-site transport is to have functioning rail-staging in place to transfer to the local UDF. The consideration that new rail-staging can be constructed is not included in the proposal at all.

#### **Communication from Parker Rodriguez (Attorney for Housatonic Railroad Company)**

Chairman Jones read a communication from Atty Parker Rodriguez, who could not attend the meeting. Atty Rodriguez not only provided support for railroad transportation of PCBs, but also offered contributions to the project, including some tracks and possible labor for construction of rail siding. Atty Rodriguez refuted GE's argument that a truck trip would still be needed on both ends of a rail trip to the UDF, stating that a clearing and leveling would be needed for trucks at the dredging location just as it would be needed to create a rail siding. Atty Rodriguez added that property rights would need to be obtained by GE, whether truck or rail is used. No trucks would be required to unload railcars at the UDF if rail access was built right into the facility. Atty Rodriguez provided the process that could be used to load and remove the train cars on siding without interference with GE's schedule. He outlined the benefits of rail over truck, including fuel efficiency, injuries or accidents, wear and tear on local roads, and greenhouse gas emissions. He stated that GE has never asked his company to provide actual transportation costs on a per-railcar basis. Atty Rodriguez added that there are grants available as well as contributions by the Housatonic Railroad as options for financing a rail transport method.

#### **Public Comment**

Residents of Lee, Stockbridge, Lenox, and Monterey voiced their concerns. Denny Alsop, Ice Glen Rd (Stockbridge) mentioned the 2000+ signed petition that urges GE and the EPA to further evaluate the use of the rail system rather than trucks. Amanda Schenker, 13 Bolton Dr (Lenox), shared her concerns of truckers cutting corners and using the unapproved routes. Mr. Silfer stated that GE will hire a reputable contractor who will be in charge of managing the trucking aspect, although the EPA will provide oversight. He stated that GE will verify that the companies are performing correctly. Patrick White (Stockbridge Select Board member) and Leigh Davis (Great Barrington Select Board member) both

spoke in support of Lee. Ms. Davis stated that she feels GE is coming up with convenient ways to put the idea of using the railroad to shame by stating it will increase the amount of truck trips. Jarod Weber (Lenox resident) made a note that there was no representation from the Lenox Select Board at the meeting. He asked Chairman Jones if the Lenox Select Board had approached him and asked to have an open meeting tonight as well, would he have approved. Chairman Jones confirmed he would've and they hoped they'd get residents from all of the towns involved. He added that the Lee Select Board sent a letter months ago to the four other Select Boards requesting to simply have a conversation, and all four Select Boards (Sheffield, Great Barrington, Stockbridge, and Lenox) declined the offer. Mr. Weber stated that Edward Lane of the Lenox Select Board claims he is working with all of the other towns, but Chairman Jones confirmed that the Lee Select Board has not been approached by any of the other Select Boards. Paul Palansky, 170 Summer Street (Lee) stated that he believes they are having the wrong conversation, and he believes no one would have an issue if it was trucks versus trains if GE was hulling all of the waste out of the Town. David Carrington, 190 East Street (Lee), gave a brief presentation about the importance of using the rail system as the main source of transportation of PCBs.

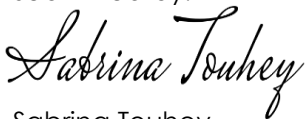
### **Closing Statements**

Dean Tagliaferro, EPA Project Manager, stated that there was request to extend the input period, but he feels it is best to retain the current deadline of February 1, 2024. He stated that he would be happy to meet with the Housatonic Railroad to get more details, if they are willing. He stated that he has heard the public's comments and he understands the preference of rail versus trucks.

Mr. Regnier stated that the Town of Lee has hired its own PCB Consultant to monitor the project and he thanked everyone for attending. Chairman Jones concluded by stating you should "never let a finalized plan or project stand in the way of a better idea".

**Mr. Bailey made a motion to adjourn at 9:18pm which Mr. Regnier seconded and was approved, 3-0.**

Submitted by:



Sabrina Touhey  
Exec Asst TA/BOS

**Approved on: 12/05/2023**