

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday June 27, 2023 @ 11:00AM  
Town Hall • 38 Main Street • Former Courtroom

Minutes

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

**Members Absent:** None

**Others Present:** Town Admin Chris Brittain, Member of GE, Member of the EPA

**Chairman Jones called the meeting to order at 11:00AM.**

GE Presentation on PCB Transportation

Dean Tagliaferro, from the EPA, began by stating that this meeting was contemplated in discussions prior to the permit. GE is going to submit the formal transportation plan to the EPA for review on October 31, 2023. The EPA will then have a public input period where they take public comments into consideration before replying back to GE. Andrew Silfer, a project coordinator for General Electric, turned the presentation over to Mark Graveling, an environmental engineer from ARCADIS who has been working with GE on the Housatonic River cleanup. Chairman Jones requested the Town get a copy of the presentation that would be shared today. Mr. Silfer stated that they would consider that.

**Site Description and Transportation and Disposal Plan Overview**

Mr. Graveling began by stating that the Rest of River (RoR) includes portions of the Housatonic River and its backwaters and floodplain downstream of the Confluence of the East and West Branches of the Housatonic River, and is identified according to river reach designations.

The EPA's remedy includes removal of sediment, erodible banks, and/or floodplain soil from portions of Reaches 5 through 8, with disposal in either the Upland Disposal Facility (UDF) or at an out-of-state facility.

Reach 5: From the Confluence to Woods Pond

-5A: Confluence to the Pittsfield Wastewater Treatment Plant

-5B: Pittsfield Wastewater Plant to Roaring Brook

-5C: Roaring Brook to Woods Pond

Reach 6: Woods Pond

Reach 7: Woods Pond Dam to Rising Pond, including either subreaches for the various dam impoundments and river between impoundments

Reach 8: Rising Pond

Mr. Graveling stated that on December 16, 2020 the EPA issued GE a final revised modification of GE's RCRA Corrective Action Permit (Revised Permit) for the RoR. On September 16, 2021 the EPA approved GE's Final Revised Statement of Work, describing deliverables and activities to implement RoR Remedial Action.

Under the EPA-approved schedule, the design for the RoR Remedial Action will use a phased approach, with the Reach 5A conceptual design due to EPA in Fall 2023. Designs for subsequent reaches are due later. In addition, certain plans will be developed in late 2023, including the Transportation & Disposal Plan (T&D Plan) and the Quality-of-Life Compliance Plan.

Mr. Graveling stated that the T&D Plan will describe the procedures to transport and dispose of material removed during implementations of the RoR Remedial Action including for off-site and disposal in the UDF. He added that the Fall 2023 T&D Plan will focus mainly on Reaches 5 through 6, and will be updated later to include details related to downstream reaches.

## Summary of EPA-Estimated Removal Volumes and Schedule

Reach	Description	Approximate Removal Volume
5A	Removal of sediment, certain erodible riverbanks, floodplain soil	193,000 CY sediment/banks 43,800 CY soil
5B	Removal of sediment from specific areas, certain erodible riverbanks, floodplain soil	1,000 CY sediment/banks 15,000 CY soil
5C	Removal of sediment (hydraulically, if feasible), floodplain soil	279,000 CY sediment 16,000 CY soil
5 Backwaters	Removal of sediment (some hydraulically, if feasible)	95,000 CY sediment
6 (Woods Pond)	Removal of sediment (hydraulically, if feasible), floodplain soil	285,000 CY sediment 600 CY soil
7 (Impoundments)	Removal of sediment, floodplain soil	115,000 CY sediment 3,000 CY soil
8 (Rising Pond)	Removal of sediment	87,000 CY sediment
<b>Total Estimated Soil/Sediment Volume</b>		<b>1,133,400 CY</b>

\*Volumes are subject to change based on ongoing pre-design sampling and design

\*Removal will start at the upstream boundary, and removal in Reaches 5 and 6 will be completed before removal begins in Reaches 7 & 8

\*Total duration of remediation estimated by EPA to be approximately 13 years, with removal in Reach 7 anticipated to start 10 years after removal starts in Reach 5A

### Modes of Transportation to be Evaluated

#### Off-Site Disposal:

- Truck: Truck routes to be selected to minimize impact to residential neighborhoods where feasible and avoid specific areas/roads as identified in Revised Permit
- Railroad: Truck to a railroad loading facility

#### On-Site Disposal:

- Truck: Truck routes to be selected to minimize impact to residential neighborhoods where feasible and avoid specific areas/roads as identified in Revised Permit
- Pipe (hydraulic removal/conveyance, if feasible): Pipe route in/adjacent to river through Reaches 5C and 6 to convey material directly to the UDF area
- Railroad: Truck to a local railroad loading facility, truck from off-loading facility to UDF

Mr. Graveling stated that he wanted to explain the requirements for use of railroads for on-site disposal more. He stated that there would be construction of new rail spur loading facility(ies) along remedial area, trucks would be required to get material from staging areas near the river to the loading facility(ies), there would be construction of new rail spur unloading facility near the UDF, and trucks would be required to get material from unloading facility to UDF. Subject to further evaluation, it appears rail transport for on-site disposal will likely result in more material handling/truck traffic.

### Estimated Truck Trips

#### Reach 5A

Description	Estimate
Duration of Removal	4 years
Estimated average removal volume per year <sup>1</sup>	59,000 cubic yards
Average approximate truck trips per year <sup>2</sup>	5,000 trips
Average approximate truck trips per day <sup>3</sup>	25 trips

**Reach 5B**

Description	Estimate
Duration of Removal	1 year
Estimated average removal volume per year <sup>1</sup>	16,000 cubic yards
Average approximate truck trips per year <sup>2</sup>	1,350 trips
Average approximate truck trips per day <sup>3</sup>	7 trips

**Reach 5C**

Description	Estimate
Duration of Removal	3 years
Estimated average removal volume per year <sup>1</sup>	5,300 cubic yards
Average approximate truck trips per year <sup>2</sup>	500 trips
Average approximate truck trips per day <sup>3</sup>	3 trips

**Reach 6**

Description	Estimate
Duration of Removal	3 years
Estimated average removal volume per year <sup>1</sup>	200 cubic yards
Average approximate truck trips per year <sup>2</sup>	20 trips
Average approximate truck trips per day <sup>3</sup>	0 to 1 trips

*(As indicated in the Revised Permit, sediment from Reach 5C & Reach 6 will be transported hydraulically (if feasible) directly to UDF. This eliminates an approximate average of 8,000 truck trips per year (40 per day average) or on-site transport. A relatively small percentage of the sediment may go off-site for disposal, requiring some truck trips)*

**Reaches 7 & 8**

Description	Estimate
Duration of Removal	3 years
Estimated average removal volume per year <sup>1</sup>	68,300 cubic yards
Average approximate truck trips per year <sup>2</sup>	6,000 trips
Average approximate truck trips per day <sup>3</sup>	30 trips

<sup>1</sup> Based on total EPA-estimated Reach 5A volume of 236,800 cubic yards

<sup>2</sup> Based on 16-ton trucks for on-site transport and 20-ton trucks for off-site transport

<sup>3</sup> Assumes 198 days per year, based on an assumed average of 22 working days per month and a 9-month construction season

**Quality of Life Compliance Plan Overview**

Mr. Gravelding stated that the Quality-of-Life Compliance (QoL) Plan will discuss how the following will be addressed during remediation:

- Air quality, noise, odor, and light impacts and associated proposed standards, methods for monitoring and compliance, contingency actions, and how any complaints will be addressed
- Impacts on river and floodplain recreational activities
- Road use, including methods to mitigate traffic impacts, and monitoring of road conditions  
*(overlaps with T&D Plan)*
- Community health and safety

Mr. Gravelding stated that the QoL Plan is scheduled for submittal to the EPA in December 2023.

Mr. Gravelding then shared some map figures:

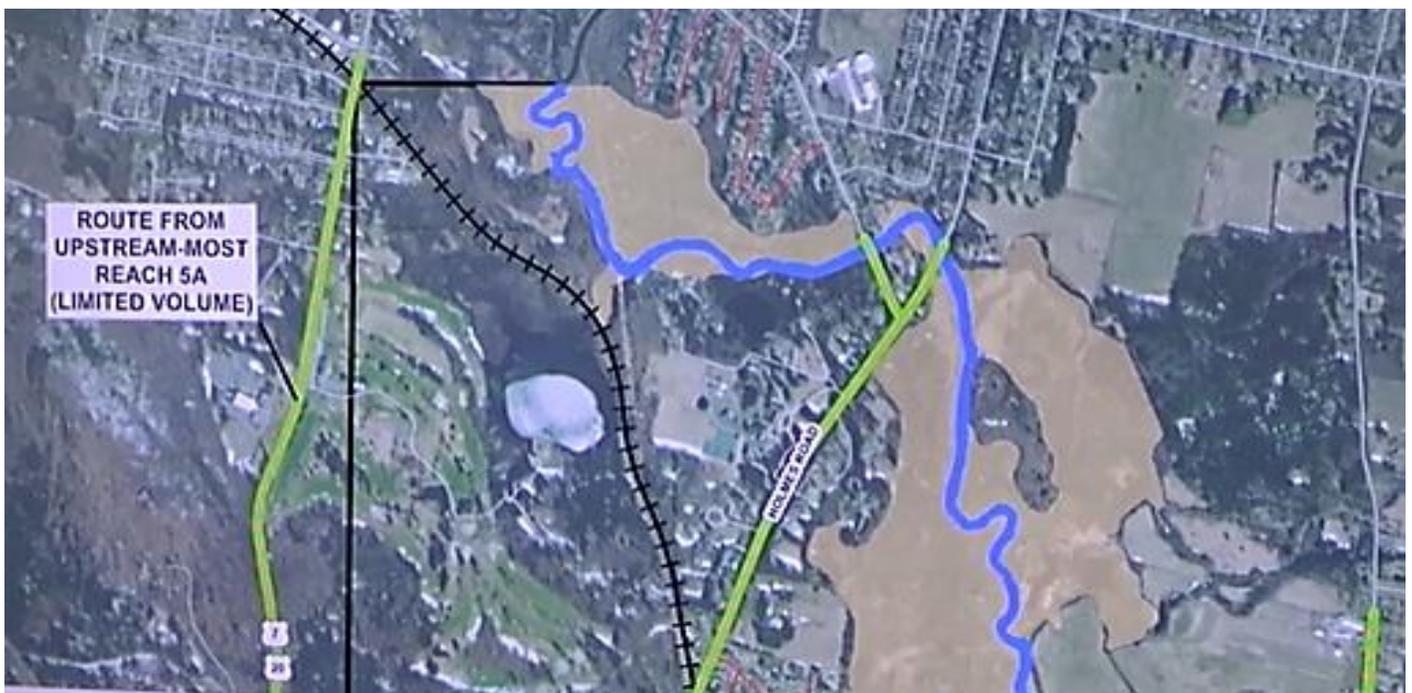
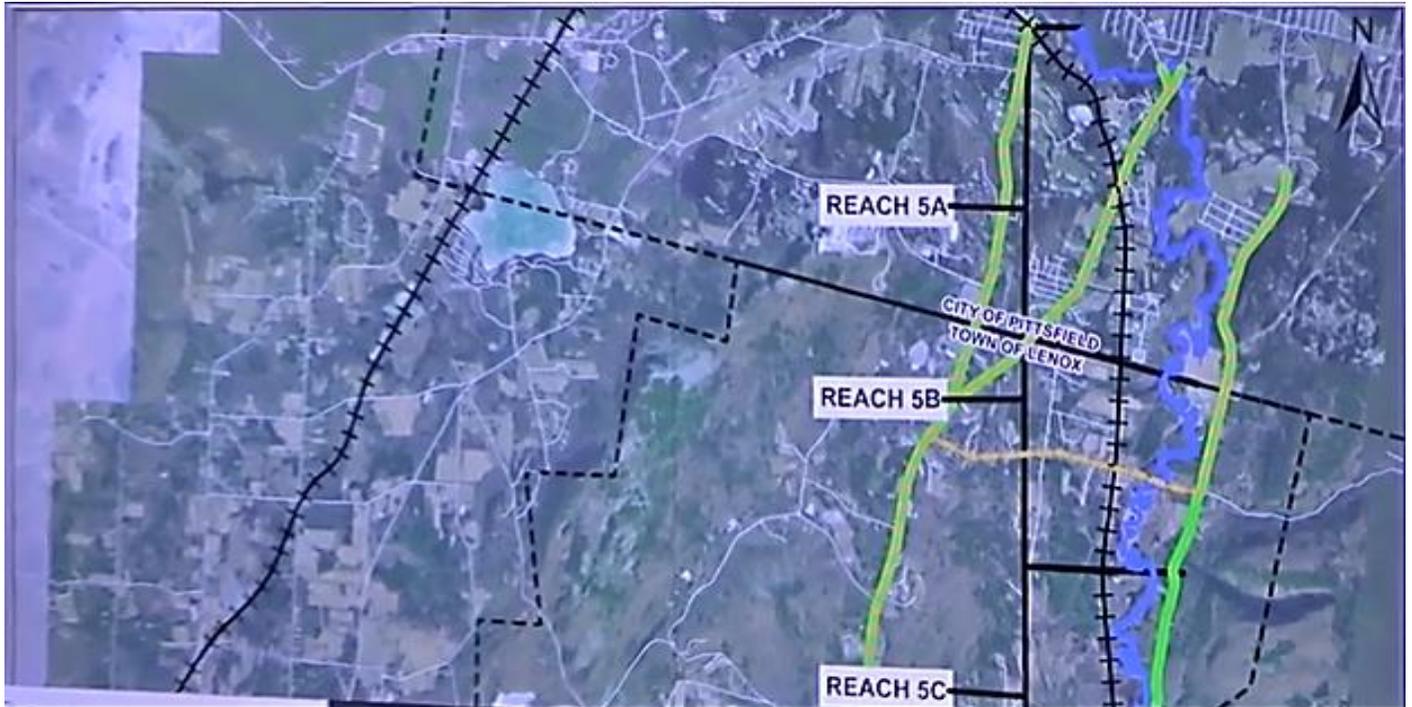
KEY

Green is the route that will be used to travel to the UDF

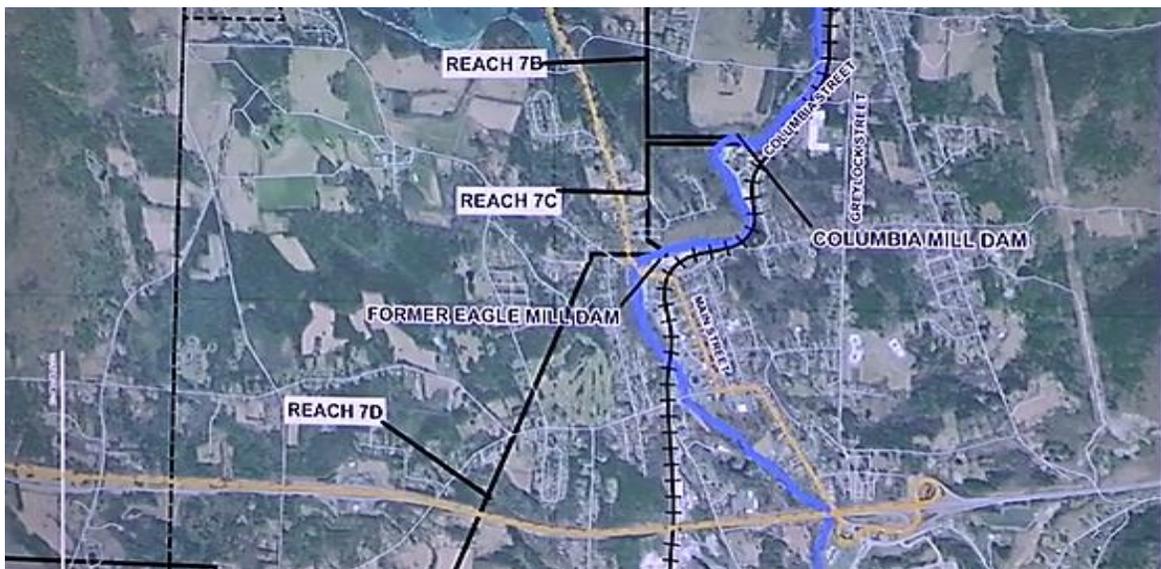
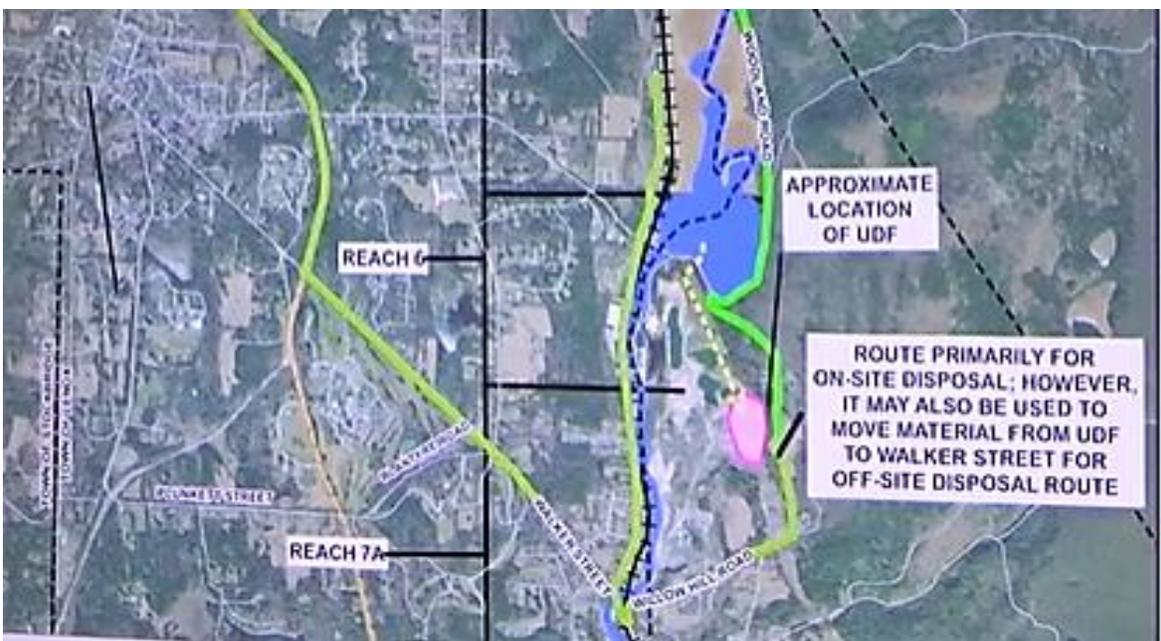
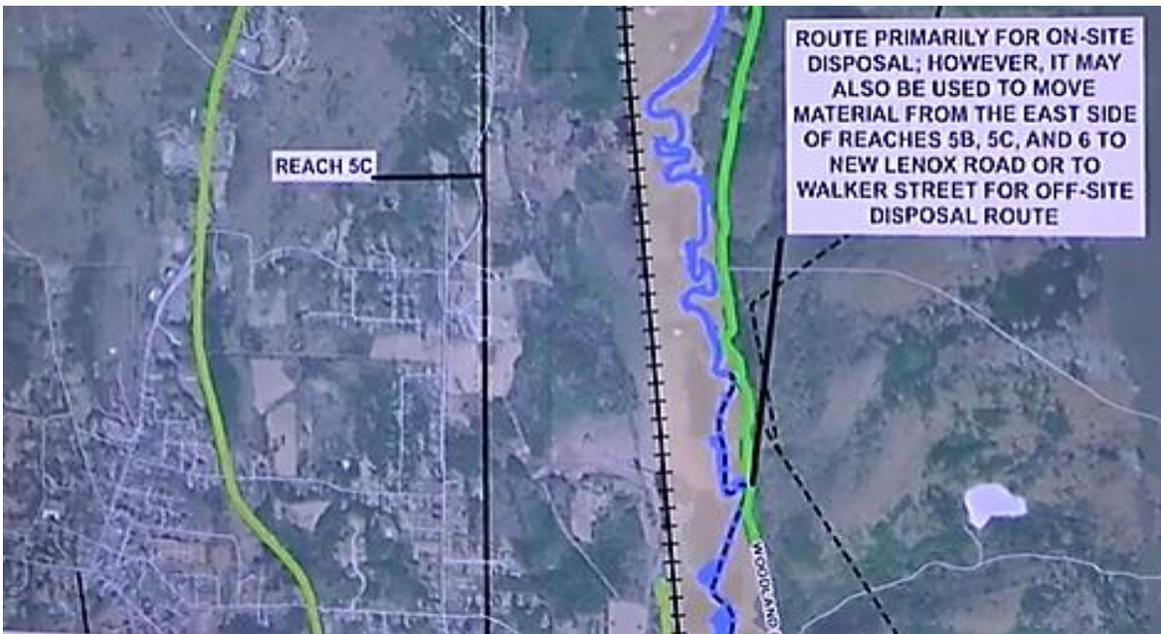
Orange dash & green with orange dash is the route for the off-site disposal

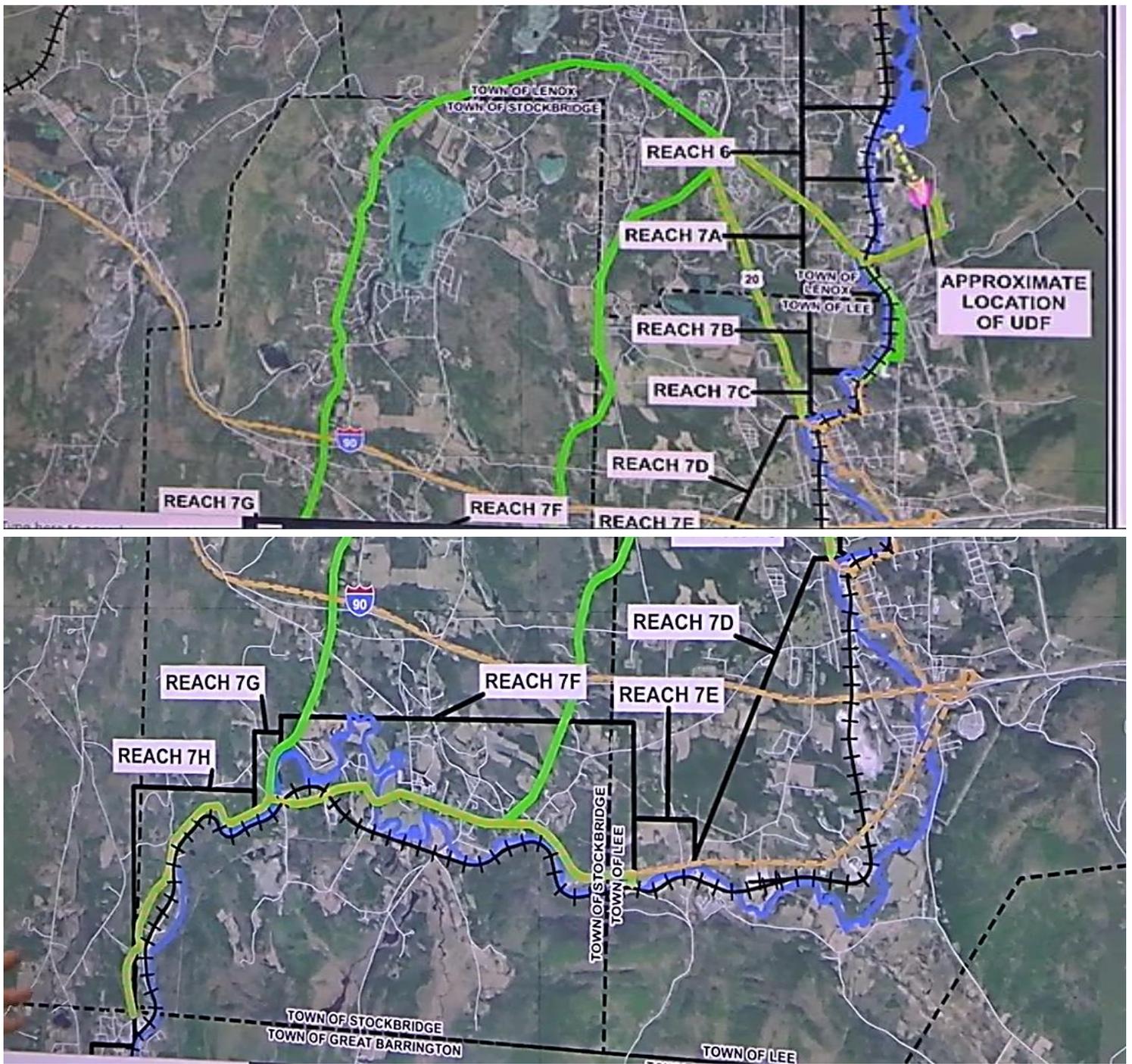
Red is residential areas that the permit specifically says trucks are not allowed

Yellow dash is the potential pipe line



Mr. Gravelding stated that East New Lenox Road will mostly be used for an on-site disposal and Route 7 and Route 20 will be used for off-site disposal.





Select Board & Public Comment/Questions on PCB Transportation

Josh Bloom, 204 West Park Street, stated that he noticed only two areas were marked red for residential areas that trucks could not transport around which seemed to be affluent areas in Lenox, MA. He noticed that residential areas in Lenoxdale and Lee were not marked and he sees that as economic discrimination. Mr. Bloom asked if GE and the EPA could also describe safety measures on the trucks besides being covered by tarps strapped with bungee cords.

Mr. Tagliaferro stated that the red is not in wealthy areas of Lenox, but is actually located in Pittsfield. If the Town of Lee has certain residential roads that they don't want waste to be hauled on, that is something the EPA and GE are looking to find out. He stated that the only residential area listed so far in Lee is over the Mill Street Bridge.

Regarding safety measures of the trucks, Mr. Graveling stated that the trucks are sealed with automatic tarps and are not covered by plastic tarps with bungees. He stated that the material going in the trucks also has to pass a paint/filter test. The trucks are also lined with sealed tailgates.

Clare Lahey, 110 Mill Street, stated that she is concerned about the staging area and that it sounds like the material will be brought to the UDF to be dewatered. Mr. Graveling stated that that is all part of what is being designed. The thought is that material that is being moved mechanically will be taken to a staging area near the river where it will be contained. He confirmed that Reach 5A is all in Pittsfield and the dewatering sites for that Reach will be in Pittsfield. Ms. Lahey added that she believes GE should address the Columbia Mill sooner rather than later since it's high hazard and leaking PCBs already into the downstream. She is hoping GE and the EPA take more material out of state.

One gentleman in the audience asked why the railroad isn't being used for more transportation since it runs down the whole river. Mr. Graveling stated that they will be evaluating the railroad, but in order to use the railroad, you have to get it to a location where you can get it on a railcar. In the end, he is not convinced it saves a lot of truck driving.

Tim Gray, 205 Bradley Street, stated that the EPA and GE need to get their act together with what they're going to do. They are releasing reports that are not complete—like the UDF plan and he can see it happening here with the transportation as well.

David Carrington, 190 East Street, stated that he believes the railroad would be the more efficient way to move all of the material.

William Roche, 39 Cliffwood Street, stated that if they go with the pipe idea, the material will be pushed a long way and he wonders if the material could be dewatered beforehand. He's worried about PCB's leaking out of the pipe along the way and wonders if the pipe would be flushed and cleaned nightly. Mr. Graveling stated that the pipe would be sealed and nothing would be released. In order to pump the material through the pipe, Mr. Graveling stated it would have to be at a 10% solid rate. He stated that the water would be removed at the UDF. He stated that the pipe would run constantly and if it needed to be shut down, it would go through a flushing operation.

Gail Ceresia, 161 West Park Street, asked where the pipe would start and how many miles it would run. Mr. Graveling stated it would start at Reach 5C and run about 3 miles. She asked how the water would be treated. Mr. Graveling stated that that was not what they are talking about today. Ms. Ceresia stated that it seems like they are transporting on both sides of the river and it makes more sense to have the dump in Lenox.

Anne Langlais, 25 Union Street, asked who decides which company will be handling the transportation. Mr. Graveling stated that that hasn't been decided yet and that the trucking company could be contracted by the company doing the work. Mr. Silfer stated that GE will probably not contract locally and they will do the contracting on their own. He stated that there are safety and quality standards they look at before hiring. Ms. Langlais asked if GE would have people on premise to monitor the work of the trucking company. Mr. Silfer stated that GE and the EPA will have oversight. Speaking to the Select Board, Ms. Langlais asked them to take into consideration that state roads are stronger than our local roads when they end up having the end all conversation with the EPA and GE.

Cindy Mathias, 60 Maritta Ave, stated that everything she heard today was an assumption or experiment. She asked why they were going to stir the pot if they were ultimately only going to clean up 30% of the river. Ms. Mathias asked if the hiking trail around Woods Pond would be closed for fifteen years. Mr. Bailey stated that no one has suggested that.

Margaret Biron, 42 Park Street, brought up the scare the Town of Lee had when canola oil leaked from a truck all down Main Street. She stated that when you dredge a river and do not treat it, it pollutes the air. Ms. Biron added that she has big concerns about any trucks going down Main Street.

Marc Manoli, owner of the Uptown Store in Lee and resident of Sheffield, asked if the trucks would be water tight. Mr. Gravelding confirmed the trucks would be sealed and the material will get tested before being put in the trucks to make sure there is no dripping liquid. Mr. Manoli asked if there was an off-site location determined yet for the high concentration levels. Mr. Gravelding stated that that location has yet to be determined.

Admin Brittain asked Mr. Gravelding if there was an estimate of truck trips for the off-site material going down Route 102. Mr. Gravelding stated that it'll be at least 100,000 cubic yards of material but he doesn't have an estimate for number of trucks yet.

Mr. Bailey stated that during his walk-through of the site last year with the EPA, the EPA was very receptive to the Board giving them a list of streets to not travel on. Today they saw a beginning draft that will be tweaked after further discussions.

Mr. Tagliaferro confirmed for Mr. Regnier that a formal transportation plan will be put into a document for submittal that is due October 31<sup>st</sup>. The EPA will distribute the document, they'll be open to public input for typically forty-five days, they'll take that into consideration and then the EPA will reply back to GE with recommendations. Mr. Tagliaferro stated that a Reach 5A Pittsfield Conceptual Work Plan will be completed in September before determining where any excavation will happen in Pittsfield. As far as staging areas being determined, Mr. Silfer stated that they are currently working on Reach 5A and Reach 5C (the Woods Pond) section will be coming up next.

Since this is a public meeting, Mr. Regnier stated that he believes the Town should be given the presentation GE presented today to share with the public as a public record.

Chairman Jones asked who would be held responsible should there be a catastrophic event during any transporting. He asked if the Town's EMTs will be subject to that exposure. Mr. Silfer stated that GE has a strong safety culture and hires people who have a strong safety record. On the very small chance that something was to happen, Mr. Silfer stated that GE and/or the contractor will be responsible for correcting the mistake. In terms of an accident and if someone gets hurt, he would assume EMTs would be called to the area. He added that GE could work with the Town to go over protocols for treating people.

Mr. Bailey stated that there is a lot of soil to be moved before they start filling the UDF site and he asked if that would call for additional trucks moving the soil off-site. Mr. Silfer stated that some of the soil will be used to grate the area. They haven't determined what they'll do with all the excess soil yet but there have been some ideas where it could be used to build an access road and use the material as part of the project.

Anne Langlais stood up and stated that she calculated that it would be 25 trucks per day per year with 198 working days for 60,000 cubic yards so you'd have to almost double that for the 100,000 cubic yards that are down in South County.

**At 12:30pm Chairman Jones called for a 10-minute break. Members of GE and the EPA left the premise.**

**Chairman Jones called the meeting back to order at 12:43pm.**

Chairman Jones stated that the Board wanted to continue the meeting for the public to speak with them after GE and the EPA left the building. He stated that the most important thing to him right now is that the public has access to all of the working drafts.

Josh Bloom stated that he'd like the Board to get more clarity from GE and the EPA on how close they will be to the schools and asked if they can avoid going past the schools completely. He asked the Board how confident they are that they have authority over the EPA to say what roads can and cannot be used for transporting.

Mr. Regnier stated that he isn't confident that they have *full* authority but he believes they should do everything they can to not allow trucks up Willow Hill, by the campground, or through that neighborhood

and definitely not down Main Street. Mr. Regnier stated that he is open to pushing for the public on any other streets people do not want transporting done on.

Mr. Bailey stated that he agrees they should not transport on Willow Hill, Woodland Road, Main Street, or Route 102/Pleasant Street to the Mass Pike. Not because he lives on Route 102, but he believes when they take the material out of Willow Street, they should be taking a left, going right up Route 7, down Walker Street, and keep it out of Lee. As far as the Columbia Dam area, Mr. Bailey stated that they should get the dewatering set up and put it on the railroad to transport to the UDF. Mr. Bailey stated that anything from the West or South should not need the Mass Pike exit in Lee and should be brought to the Mass Pike via West Stockbridge.

Chairman Jones stated that he did not want to seem accepting today that there will be a toxic waste dump in Lee, but that's a whole separate conversation. He stated that Lee needs to keep a seat at the table. He stated that some of the public has made comments about Lee getting out of the Rest of River Committee, but Chairman Jones stated that he does not want to do anything that will hinder Lee's ability to impact what happens. He stated that he concurs with what Mr. Regnier and Mr. Bailey have said regarding the streets in Lee.

Judy Herkimer, representing the Housatonic Environmental Action League (HEAL), began by stating every time GE and the EPA speak about hydraulic dredging, they say "if feasible". She stated that there are many hydraulic projects that have not worked. She would suggest that anytime GE or the EPA comes out with a document on hydraulic dredging, the Board request to see the calculations, amount of sediment and number of additional truck trips it would take if the hydraulic dredging does not work. She stated that it's amazing to try and see what it will take for motor power and fuel to go up such a high grading with hydraulic dredging. She stated that they speak of dewatering like it's no big deal, but the amount of dewatering that will take place at this site is incredible, and they need to be accountable. Ms. Herkimer stated that Mr. Tagliaferro mentioned that the EPA will give a 45-day period for public comment when the document comes out in the Fall, but she would suggest the Board ask for an extension ahead of time for the comment period. She stated that she always does that with HEAL and requests 120 days, but will usually be offered an extra 15 days to the 45. Ms. Herkimer also suggested that the Board ask what will happen in Connecticut after to keep it on the record. She stated that she finds Mr. Silfer a decent guy to work with and what they have to do is coming from a different place. She stated that the more pressure on the engineers goes back up top.

Edward Lahey, 110 Mill Street, stated that GE did not move their headquarters for nothing. If you have been reading the papers, you would find that GE has been dumping in Boston Bay Harbor and they'll need a place to put it. Mr. Lahey is worried it will come here and Lee will have one of the biggest dumps in the history of this country. He suggested the Board always keep their eyes on the target.

Tim Gray stated that there is a site off of New Bedford where the EPA allowed barrels to be dumped in a ravine back in the late 1970s. Now it is being discussed that when that gets cleaned up, GE will have to take it to land they already own. At one point GE stated that they owned all the land they needed in Lee and then at one point they bought the old campground for more acreage, and that worries him. He stated that we need to watch GE very carefully to be sure the PCBs in Boston do not come to Lee.

Anne Langlais apologized for standing up at the end of the meeting with GE and the EPA but she wanted the question answered and a number given to Admin Brittain's earlier question before GE and the EPA left. She stated that she believes GE and the EPA are very skilled at keeping the public at bay.

Josh Bloom stated that it is odd that they are talking about trucking routes north of Woods Pond when they have not released where they will be doing any remediation work north of Woods Pond. He asked the Board to go back to GE and the EPA and ask how we know the statistics they shared in the presentation today if they don't even know where the remediation is going to occur.

Cindy Mathias stated that Admin Brittain told her that GE and the EPA left today to go have a secret meeting in Lenox. She stated that Lenox will have a hissy fit when they see that one of the proposed routes is

Walker Street. She stated that she thinks we better be prepared for a fight which is important because Lenox is much mightier and richer than Lee. She added that she thinks it is a huge conflict of interest for GE to hire any local contractors and that option should be off the table.

Josh Bloom stated that at the last CCC meeting, the EPA was very clear that the Town of Lee could hire independent monitors and do their own studies and evaluations. Mr. Bailey stated that he believes there is a section of the agreement that states GE would pay for that monitoring.

Clare Lahey stated that she'd like to stress GE clean up the Columbia Mill dam before getting to the dump.

Gail Ceresia stated that she knows there was a plan to remove the sediment behind the Columbia Mill dam and take it off-site. She stated that when the EPA took over, they stopped the process.

**Mr. Bailey made a motion to adjourn at 1:17pm which Mr. Regnier seconded and was unanimously approved, 3-0.**

Submitted by:

  
Sabrina Touhey  
Exec Asst TA/BOS

**Approved on: 07/18/2023**