REGION 1
BOSTON, MA 02109

Via Electronic Mail/Dated as of the date signed below

Matthew Calacone, Senior Project Manager
General Electric Company
1 Plastics Avenue
Pittsfield, MA 01201

Re: Partial Disapproval/Conditional Approval of GE's *On-Site and Off-Site Transportation and Disposal Plan*
GE-Pittsfield/Housatonic River Site, Rest of River

Dear Mr. Calacone:

On October 31, 2023, the General Electric Company (GE) submitted to the United States Environmental Protection Agency (EPA) its *On-Site and Off-Site Transportation and Disposal Plan* (the "Plan"). The Plan is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000.

EPA held a public input period regarding the Plan from November 1, 2023, to February 1, 2024. GE also presented the Plan in an open public meeting at the Town of Lee Middle/High School on November 28, 2023.

Pursuant to Section XV of the Consent Decree governing the response action, EPA, after providing reasonable opportunity for review and comment by the Commonwealth of Massachusetts and the State of Connecticut, disapproves the portions of the Plan that discuss or evaluate rail transportation and conditionally approves the remainder of the Plan subject to the following conditions. GE shall submit a complete Revised Plan for EPA review and approval by October 15, 2024.

Disapproval of Rail Transportation Portions of the On-Site and Off-Site Disposal Plan

GE's Rest of River Statement of Work (SOW) that was approved by EPA states as follows:

> **On-Site Transportation and Disposal Plan**
> This plan will identify and evaluate transportation methods for the on-site UDF. The On-Site Transportation and Disposal Plan will include the following elements:

- The plan will identify and evaluate the potential transportation methods to be used for transport to the UDF. These will include transport by truck, barge, and hydraulic conveyance. In addition, the plan will include an evaluation of the potential use of rail and the potential rail routes to the UDF, including feasibility of rail for on-site transport of waste material. The plan will note that the methods for transport to the UDF [Upland Disposal facility] will take into account the type and characterization of the material to be transported, the means and methods of material removal (e.g., mechanical versus hydraulic), the locations of temporary material dewatering/processing/transfer area(s), implementation/operation schedule, available loading options at the material dewatering/processing/transfer area(s), and potential community impacts.

Off-Site Transportation and Disposal Plan

- The plan will identify and evaluate the anticipated transportation methods to be used for transport to the selected off-site disposal facilities (e.g., truck, rail, intermodal transportation). It will note that the method(s) for transport to a specific disposal facility will take into account the location of that facility, the type and characterization of the material to be transported, the locations of temporary material dewatering/processing/transfer area(s), implementation/operation schedule, available loading options at the material dewatering/processing/transfer area(s), transportation equipment availability, and potential community impacts.

  September 2021 SOW, pages 42 through 44.

In July 2023, GE presented a preliminary identification of transportation methods, and the community expressed the need for a robust evaluation of rail. In addition, during EPA's public input period described above and at the November 28th public meeting, the community reiterated the need for an evaluation of rail. EPA also received considerable public written input requesting greater evaluation of rail transport.

The Plan's evaluation of rail was deficient in many respects, especially for transport to the UDF. It was limited to a preliminary evaluation of existing and former rail sidings, a very brief evaluation of options on or adjacent to the UDF, and no identification of potential new rail sidings.

In the Revised Plan, GE shall fully evaluate the feasibility and appropriateness of using rail for off-site disposal and for on-site transportation to the UDF. Specifically, the Revised Plan shall address the following:

1. In the Revised Plan GE shall evaluate rail holistically, that is, for Reaches 5 through 8. This evaluation will allow GE to assess economies of scale and longer-term benefits of

potential rail sidings, especially at or near the UDF. However, GE may note that its evaluation for Reaches 7 and 8 is preliminary and subject to further modification, based on experience with upstream Reaches 5 and 6 and because work in Reaches 7 and 8 will not occur for 10 or more years after the start of work in Reaches 5 and 6.

2. Regarding the potential difficulty of obtaining access to properties to site rail sidings, GE shall note in the Revised Plan that the Consent Decree requires GE to make best efforts to obtain access to implement response actions, and that if GE is unsuccessful in obtaining access, EPA can use its authorities to obtain access for GE.

3. The Revised Plan shall contain a detailed evaluation of potential rail on-loading and off-loading locations, including at a minimum: one location in Reach 5A, the Willow Creek Road location in Lenox, a location at the UDF and/or directly abutting the UDF, Columbia Mill, Willow Mill, and Rising Pond.

4. If the Willow Creek Road location is viable for rail and there is no viable siding location closer to or at the UDF, GE shall evaluate potential truck routes from the Willow Creek Road location to the UDF that minimize traffic by residential properties. This evaluation shall include the feasibility of installing a temporary bridge near the location of the current pedestrian bridge by Woods Pond. The Revised Plan shall also include a discussion as to why the option to construct a rail siding east of the main line track at the Berkshire Scenic Rail Yard on Willow Creek Road is not included in the evaluation.

5. The concrete and other debris removed from the Columbia Mill Dam cannot be transported hydraulically to the UDF. GE shall consider the options for transport of this dam material to the UDF via rail as well as other transportation options.

6. The Massachusetts Fish and Wildlife property north of Pittsfield's wastewater treatment plant and the City of Pittsfield property itself are parcels with significant area that could be used for staging, dewatering, and construction of a rail siding.

7. If a suitable rail siding location is identified in Reach 5A, GE shall evaluate the potential for maximizing the use of internal roads and river crossings to minimize traffic on public roads, although the details relating to such temporary access roads may be included later in the Reach 5A Final RD/RA Design Plan.

8. The Revised Plan shall include a general qualitative evaluation and description of the impacts to the community of rail vs. trucking vs. hydraulic pumping of material. This evaluation shall include a qualitative discussion of noise, air quality impacts (including dust, airborne PCBs, and odor), lighting, effects on infrastructure, and potential operating hours (including the running of pumps for hydraulic pumping), to the extent that data are available.

The Revised Plan shall also include a general qualitative evaluation of the advantages and disadvantages of rail vs. trucking vs. hydraulic pumping of material, considering the flexibility of the method, the potential need for double handling, space constraints, ability to transport sufficient material in a timely manner, potential impacts to schedule, and other logistical issues. This evaluation shall include the ecological effects of clearing areas for potential new rail sidings, the construction of temporary access roads, and any other potential ecological impacts. Positive long-term effects such as potential new, properly sized culverts on Roaring Brook Road shall also be evaluated, as will options to work with municipalities to modify the end use of impacted areas as future recreational areas, such as parks or hiking and bike trails. Similar discussions in the Quality-of-Life Compliance Plan can be referenced as appropriate. In addition, the Revised Plan shall include a general discussion of whether there are potential benefits to the community of improved or new permanent rail sidings.

The Revised Plan shall also contain an updated quantitative comparison, to the extent that relevant data are available, of injuries/fatalities and estimated incidences of rail/truck accidents for transport using rail and trucks and a quantitative comparison of greenhouse gas emissions for rail, truck, and hydraulic pumping methods.

9. The Revised Plan shall describe how material can be transported from the excavation location to rail sidings (for example, trucks, intermodal boxes, hydraulic pumping), what type of rail cars would be feasible at each rail facility location (for example, gondola cars, intermodal boxes), and the capacity(s) of each type of container. This shall include loading and unloading scenarios of the different types of rail cars, including unloading of the sediment and soil at the UDF.

10. The Revised Plan shall compare estimated truck mileage on public roads to transport the excavated or dredged material to rail on-loading facilities and then from the rail off-loading facility near at the UDF compared to directly shipping excavated material to the UDF via trucks. This shall be calculated for each RU at a minimum (for example, Reach 5A, 5B, Woods Pond, etc.)

11. Similarly, for off-site disposal, the Revised Plan shall compare estimated truck mileage on public roads to transport the material to rail loading facilities for off-site disposal to mileage using only trucks. The mileage on “public roads” shall not include mileage once trucks enter the Massachusetts Turnpike or, for Route 20 West to New York, the mileage calculation will terminate at the Pittsfield/Hancock town line. This shall be calculated for each Remediation Unit (RU).

12. The Revised Plan shall provide photos or images of the various equipment and methods to transport contaminated material that shows, if photos or images are available, control measures for releases during transport such as tarps, covers, sealed gates, etc.

13. The Revised Plan shall include an estimated duration and timeline for rail upgrades and the reconstruction of Roaring Brook Road that meets the anticipated start date for Reach 5A.

EPA conditionally approves the remainder of the Plan that does not concern rail subject to the following conditions:

Hydraulic Transport of Material

14. **Reach 6.** The Plan states that sediments in Reach 5C (including backwaters) and Reach 6 will, *if feasible*, be transported hydraulically to the UDF. Since the submission of the Plan, GE has collected additional geotechnical data in Reach 6 (Woods Pond) needed to complete this analysis. EPA has evaluated the data in Woods Pond, including the most recent data, and has concluded that hydraulic transport of material in Reach 6 is feasible. In the Revised Plan, GE shall assume that material from Reach 6 can and will be hydraulically transported to the UDF. GE shall update the explanation of when it will complete the final determination of the feasibility of such transport and in which document GE will present such determination for EPA review and approval.

15. **Reach 5C.** Similar to Reach 6, GE shall assume in the Revised Plan that material from Reach 5C can and will be hydraulically transported to the UDF and shall update the explanation of when it will complete the final determination of the feasibility of such transport.

16. **Reaches 5A, 5B, 7, and 8.** The Plan states that "Hydraulic transport is not considered feasible from Reaches 5A, 5B, 7 or 8," but does not elaborate or substantiate this statement. In the Revised Plan, GE shall evaluate, to the extent possible with existing data, the feasibility of hydraulic transport for these reaches and each sub-reach in Reach 7 and the feasibility of hydraulically transporting contaminated sediments from those areas to either the UDF or a potential rail loading facility. For Reach 5A, GE shall evaluate the feasibility of hydraulic transport to the UDF or from an intermediate staging area to the UDF and to at least one potential rail facility within Reach 5A. See also the next condition. EPA recognizes that the final determination of transport methods for each RU will be presented in the Final RD/RA Work Plan for that RU.

17. Preliminary data from Reaches 7 and 8 indicates that the sediment is a potential candidate for hydraulic transport. The evaluation shall include the feasibility of hydraulic transport, at a minimum, from Reaches 7B and 7C directly to the UDF and from reaches 7G and Reach 8 (Rising Pond) to a rail transfer facility adjacent to Rising Pond.

18. The 2021 SOW states that the Plan "will note that the methods for transport to the UDF will take into account the type and characterization of the material to be transported, the means and methods of material removal (e.g., mechanical versus hydraulic), *the*

locations of temporary material dewatering/processing/transfer area(s)" (emphasis added). The Plan did not provide any substantive information on the location for the dewatering of hydraulically pumped material or mechanically removed materials to be transported to the UDF. The Revised Plan shall show on a figure where on the UDF property it is anticipated that such materials will or may be dewatered and processed, subject to modification in the future for UDF operations associated with hydraulic pumping. For materials to be dewatered within an RU, the Revised Plan shall specify the RU-specific document(s) where these RU-specific dewatering/processing/transfer area(s) locations will be identified.

Estimated On-Site and Off-Site Volumes

19. The current Plan assumed that 10% of the material from each Reach would need to go off-site. However, there was no support provided for this estimate. Based on current data, it appears this assumption significantly overestimates the amount of material that will require off-site disposal from the four Reach 7 sub-reaches due to elevated PCB levels. Based on sampling to date, in sub-reaches 7B (Columbia Mill), 7C (Eagle Mill), 7E (Willow Mill), and 7G (Glendale), the maximum discrete concentration of PCBs was 37.5 parts per million (ppm) and average PCB concentrations are less than 10 ppm PCBs in each sub-reach. Although additional sampling is needed during pre-design activities, it is likely that most, if not all, of the volume from these sub-reaches will meet the criteria for placement in the UDF (although some such material may still be sent off-site to meet the volume requirements in the Revised Permit). The Revised Plan shall incorporate a more realistic estimate, based on current data, of the material to be removed from the Reach 7 sub-reaches, including a more realistic estimate of the material from each such reach that may be transported off-site for disposal.

Trucking Routes for On-Site Disposal

20. Figure 3-3. The Revised Plan shall eliminate the use of Route 183 through the center of Lenox for potential transport to the UDF. To the extent rail or hydraulic transport is not feasible for the transport of contaminated material, Route 7 North to Walker Street is less disruptive.

21. The Revised Plan shall note that best management practices will be implemented to minimize or eliminate accidents (for example, information about the potential need for flaggers, etc., to the extent that such information is available). The Revised Plan shall specify which subsequent document will describe these practices.

22. The Revised Plan shall include a discussion of a second access road to the UDF property from the lower (most westerly) part of Willow Hill Road that will result in the least distance travelled up Willow Hill Road from Mill Street and avoid passing any residential properties or going past the entrance to the October Mountain campground entrance.

Off-site Transportation Routes

23. Regardless of whether rail is viable for off-site disposal for material from Reaches 5B, 5C, and 6, the need for trucking cannot be eliminated. Even if rail is used, situations could occur that require the use of trucks such as rail car unavailability, issues at the rail loading facility, partial loads, and schedule needs. The Revised Plan shall revise the truck routes to specify, as the primary off-site truck route, the use of Route 7 south to Route 102 East to I-90, while eliminating the use of Route 183 through Lenox and making the use of U.S. 20 through Lee only a secondary or alternate route (see Figures 4-2 and 4-3).

24. Regardless of whether rail is viable for off-site disposal from an area adjacent to Rising Pond, the need for trucking cannot be eliminated. Even if rail is used, situations could occur that require the use of trucks such as rail car unavailability, issues at the rail loading facility, partial loads, and schedule needs. The Revised Plan shall eliminate Route 102 West. Instead, any material going off-site by truck from Reaches 7E, 7G and 8 shall travel east to the Lee entrance of the Massachusetts Turnpike, with Route 102 East being the most obvious route (Figure 4-3). Similarly, for other reaches where off-site disposal by rail is not practical for some or all of the material, Route 102 West through West Stockbridge shall be eliminated (Figures 4-2 and 4-3).

25. Table 3 shall be revised to indicate which facilities can accept material by rail.

26. As noted in Condition #23, the use of Main Street in Lee shall not be shown on Figures 4-2 and 4-3 as the primary transportation route, but only as an alternate route.

27. As noted in Condition #23, the use of Route 183 through the Center of Lenox shall be eliminated from Figure 4-2 as a potential transportation route. If there are unanticipated or emergency situations, such as temporary road closures, GE can propose to EPA, for prior approval, the temporary use of Route 183 through the Center of Lenox.

28. As noted in Condition #24, the use of Route 102 West through West Stockbridge shall be eliminated from Figure 4-3 as a potential transportation route. If there are unanticipated or emergency situations, such as temporary road closures, GE can propose to EPA, for prior approval, the temporary use of Route 102 West.

Other Conditions:

29. EPA concurs that, as stated in the Plan, transportation-related activities to and from the River, staging areas, rail facilities, and the UDF are “on-site” activities for the purposes of CERCLA (the federal Superfund law) and Superfund’s regulations in the National Contingency Plan (NCP). (“On-site” as defined by the NCP means the areal extent of contamination and all suitable areas in very close proximity to the contamination

necessary for implementation of the cleanup). Thus, such transportation-related activities are exempt from federal, state, and local permitting and administrative requirements, but must be conducted in accordance with the substantive provisions of all applicable or relevant and appropriate federal and state laws and regulations. GE shall list such applicable or relevant and appropriate federal and state laws and regulations in each RU Final Work Plan and/or subsequent Contractor Supplemental Information Plans. As the Plan also mentions, after materials leave the site, all transportation and disposal activities to off-site facilities shall comply with all applicable regulations and permitting requirements. The Plan states that compliance with regulations for off-site transport is the responsibility of transporters and the disposal facilities. That statement does not relieve GE of any responsibility or liability it may have for the off-site transport or disposal of material.

30. The Plan states that the UDF will only be used for the disposal of sediments, soils, and debris generated as part of the ROR remediation. The Revised Plan shall clearly state that any debris or other material that is proposed to be disposed of in the UDF must comply with the Final Revised Permit criteria.

31. The Revised Plan shall identify potential routes for the transportation of leachate from the UDF and decanted liquids from dewatering operations to GE's Facility on East Street in Pittsfield or to the interstate system for treatment at off-site facilities. The Revised Plan shall estimate the approximate duration that GE will use the GE Pittsfield treatment plant or off-site facilities for the disposal of leachate and decanted liquids (allowing for intermittent use after a treatment facility is built at the UDF), including the estimated total number and daily frequency of truck trips, until a treatment facility is constructed and operational at the UDF.

32. The bill of ladings for transport to the UDF and the manifests/shipping documents for both truck and rail to off-site disposal locations shall have a 24-hour number in case of an accident so there can be a timely and proper response. The 24-hour contact representative shall have the ability to contact GE personnel as soon as practical.

33. The Revised Plan shall acknowledge that for transport to off-site disposal facilities, the trucks will need to meet DOT weight limits.

34. EPA acknowledges that GE will propose for EPA approval additional details and modifications to the Revised Plan(s) or Addenda in each RU Final Work Plan and subsequent Contractor Supplemental Information Plan. The final routes and methods of transportation in the Revised Plan as approved by EPA shall not be modified without prior EPA approval in writing.

EPA reserves all of its rights under the Consent Decree and GE's Revised Final Permit (December 2020), including but not limited to, the right to perform and/or require additional

sampling or response actions. If there is any conflict between the Performance Standards as stated in the submittal and the Performance Standards as stated in the Consent Decree or the Revised Final Permit, the Consent Decree and/or the Revised Final Permit shall control.

Please do not hesitate to contact me at (617) 918-1282 or Tagliaferro.Dean@epa.gov, or Alex Carli-Dorsey at (617) 918-1049 or CarliDorsey.Alexander@epa.gov, should you have any questions on this letter.

Sincerely,

DEAN TAGLIAFERRO

Digitally signed by DEAN TAGLIAFERRO
Date: 2024.06.04 15:23:00 -04'00'

Dean Tagliaferro
Project Manager

cc: (via electronic mail only)
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