BERKSHIRE ENVIRONMENTAL ACTION TEAM
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Protecting the environment for wildlife in support of the natural world that sustains us all.

BEAT feels that this agreement is our best opportunity to have a much more thorough remediation to protect the environment for wildlife.

Right now the river is the toxic waste dump allowing PCBs to spread to the air, water, land, and up the food web, PCBs last forever[1] and they are getting into everything[2]. This agreement requires the removal of 100 acres more PCB contamination than the previous permit that we appealed.

BEAT and allies will always keep fighting to have the dumps in Berkshires county and beyond thoroughly remediated as alternative technologies become available, and in this agreement EPA has committed in writing to " identifying opportunities to apply existing and potential future research resources to PCB treatment technologies".

EPA has committed to soliciting input and working with all stakeholders as the cleanup design progresses. We hope all interested parties will provide their input as this process moves forward.

Without mediation agreement -

- EPA files with the Environmental Appeals Board (EAB) restating their position that their should not be any dumps in the Berkshires
- The EAB might, or might not, uphold EPA's decision after about 1 year delay
- General Electric Company (GE) will definitely take any decision saying no dumps in the Berkshires to federal court resulting in a 3-7 year delay
- We think that in federal court, it would be an uphill battle that if we lose could result in one, two, or three dumps in the Berkshires with one of those allowing high-level toxic waste

With the mediation agreement -

- there will be one low-level toxic waste dump in the Berkshires that will be designed as if it were for high-level waste, but only allow low-level waste from this remediation.
- the new permit is still subject to a regulatory public comment process, but it is likely that the remediation will begin much sooner than without the mediation agreement. GE will begin investigation and design work immediately.
- there will be only one dump, 1,500 feet from the river, next to two existing dumps, in an area that has been highly disturbed. The dump will be built at least 15 feet above seasonal high groundwater level to specifications for a high-level TSCA waste dump with double liner, cap, leachate collection, alarm, and groundwater monitoring between the dump and the river.
- GE will pay to have anyone who lives within 500 feet of the dump connected to town water (especially good in that there are two unlined dumps nearby.)
- GE will work with the town to prepare the surface of the dump for use in a manner the town decides
- A minimum of 100,000 cubic yards of PCB-contaminated sediment, riverbank soils, and/or floodplain soils shall be disposed of out of State.
- Remediate an additional 22 to 28 properties in the floodplain to residential standards

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1 PCBs have a very long half-life, especially the highly chlorinated PCBs that are in the Housatonic River watershed

2 PCBs found in tree bark near the Hudson river shows PCBs in the air, and PCBs found in Inuit people and marine animals in the Arctic show PCBs high up the food web

- remove contaminated material (>1ppm PCB) instead of capping over it on approximately 57 acres in reach 5C
- contaminated sediment down to 1ppm behind the Columbia Mill Dam will be removed rather than left in place and capped over, and the dam itself will be removed. This will eliminate up to 10 more acres of leaving contamination in place and capping over it.
- contaminated sediment down to 1ppm behind the Eagle Mill Dam will be removed rather than left in place and capped over, and the dam itself will be removed. This will eliminate up to 8 more acres of leaving contamination in place and capping over it.
- about 10 more acres of contaminated sediment will be removed rather than capped over behind the Willow Mill Dam and Glendale impoundment.
- There will be a pilot study on up to ten vernal pools using either traditional excavation and restoration techniques or amendments such as activated carbon. Before the study, GE shall collect baseline data including water and soil chemistry and a range of taxa and shall submit a plan that proposes criteria for success. This study will then be monitored and the results used to determine how to proceed with remediation of the rest of the vernal pools. EPA will coordinate with the affected municipality and interested stakeholders on the Vernal Pools to be remediated pursuant to this Settlement Agreement.
- Remediation of Reach 5C and Woods Pond is planned to be done by hydraulic dredging and piped directly to the upland disposal facility.
- There will be a Quality of Life Plan that will address: noise, air, odor, light; recreational activities; road use and transport - related impacts; coordination with impacted residents/landowners; and community health and safety. In put from the towns and the public as well as affected landowners will be sought during the development of this plan.
- Mass Audubon won changes on how Canoe Meadows is to be remediated and compensation for their loss of use.
- GE will work with EPA to find a way to bring the PEDA site into compliance with the proposed new National Pollutant Discharge Elimination System (NPDES) permit – this would eliminate detectable levels of PCBs from continuing to go into Silver Lake and from there the Housatonic River above most of the remediation.
- When stormwater conveyances are located, GE will notify the municipality. To the extent that said municipality wants to upgrade said conveyances, GE will coordinate with the municipality regarding said upgrade so long as it will not delay remedial action.
- Alternative Technologies and Adaptive Management - “The EPA will facilitate opportunities for research and testing of innovative treatment and other technologies and approaches for reducing PCB toxicity and/or concentrations in excavated soil and/or sediment before, during, or after disposal in a landfill. These opportunities may include: (1) reviewing recent and new research; (2) identifying opportunities to apply existing and potential future research resources to PCB treatment technologies, through EPA and/or other Federal research programs; and (3) encouraging solicitations for research opportunities for research institutions and/or small businesses to target relevant technologies. The research may focus on soil and sediment removed (or to be removed) from the Housatonic River or similar sites to ensure potential applicability to the permit/selected remedy. GE and EPA will continue to explore current and future technology developments and, where appropriate, will collaborate on on-site technology demonstration efforts and pilot studies, and, consistent with the adaptive management requirements in the Final Permit together, will consider the applicability of promising research at the Housatonic Rest of River site.”
- GE shall prioritize the use of local labor for the Rest of River Remedial Action to the extent feasible and economical.
- EPA has committed to soliciting input and working with all stakeholders, specifically including Native American Tribes, as the cleanup design progresses.