# Response to Comments

**on**

**EPA Draft 2020 Permit Modification to the 2016 Reissued RCRA Permit and Associated Statement of Basis for EPA's Remedial Action for the "Rest of River" Portion of the Housatonic River**

**GE-Pittsfield/Housatonic River Site**

## December 2020

U.S. Environmental Protection Agency
Region 1 (EPA New England)

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## Disclaimer

This Response to Comments contains comments that the U.S. Environmental Protection Agency (EPA) received on the Draft Revised 2020 Permit for the "Rest of River" portion of the Housatonic River during the public comment period EPA held from July 14 to September 18, 2020. In some cases, similar comments from different commenters were summarized into one comment to reasonably streamline the response to comments process and to assist the reader.

Additionally, some of EPA's responses are related to changes made to the Revised Final Permit issued in tandem with this document. To the extent that responses in this document differ from the language in the Revised Final Permit, the Revised Final Permit language controls.

## Acronyms, Abbreviations, and Symbols

| | |
|---|---|
| µg | micrograms |
| µg/$m^3$ | microgram per cubic meter |
| ACEC | Area of Critical Environmental Concern |
| AMSL | above mean sea level |
| ANPR | Advance Notice of Proposed Rulemaking |
| ARAR | applicable or relevant and appropriate requirement |
| Att | Attachment |
| BEAT | Berkshire Environmental Action Team |
| BNRC | Berkshire Natural Resources Council |
| CCC | Citizens Coordinating Council |
| CDC | Centers for Disease Control and Prevention |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| C.F.R. | U.S. Code of Federal Regulations |
| cfs | cubic feet per second |
| CMR | Code of Massachusetts Regulations |
| CMS | Corrective Measures Study |
| Commonwealth | Commonwealth of Massachusetts Department of Environmental Protection and Department of Fish and Game |
| CPR | Citizens for PCB Removal |
| CSTAG | Contaminated Sediments Technical Advisory Group |
| CT DEEP | Connecticut Department of Energy and Environmental Protection |
| EA | Exposure Area |
| EAB | Environmental Appeals Board |
| E.A.D. | Environmental Administrative Decision |
| EPA | U.S. Environmental Protection Agency |
| EPC | exposure point concentration |
| EPHT | Environmental Public Health Tracking |
| ERE | Environmental Restriction and Easement |
| FAQ | Frequently Asked Questions |
| Fed. Reg. | Federal Register |
| FEMA | Federal Emergency Management Agency |

## Acronyms, Abbreviations, and Symbols (Continued)

| | |
|---|---|
| FERC | Federal Energy Regulatory Commission |
| FRED | Federal Reserve Economic Data |
| GE | General Electric Company |
| GIS | Geographic Information System |
| HDPE | high-density polyethylene |
| HEAL | Housatonic Environmental Action League |
| HPI | Housing Price Index |
| HRI | Housatonic River Initiative |
| HVA | Housatonic Valley Association |
| MA DPH | Massachusetts Department of Public Health |
| MassDEP | Massachusetts Department of Environmental Protection |
| mg/kg | milligrams per kilogram (in this document mg/kg and ppm are used interchangeably) |
| MNR | Monitored Natural Recovery |
| NHL | non-Hodgkin's lymphoma |
| NRRB | National Remedy Review Board |
| O&M | Operation and Maintenance |
| OM&M Plan | Operations, Monitoring, and Maintenance Plan |
| OPCA | On-Plant Consolidation Area |
| PCB | polychlorinated biphenyl |
| PCE | tetrachloroethylene |
| PHA | Public Health Assessment |
| ppm | parts per million |
| PSA | Primary Study Area |
| RCMCP | Restoration Corrective Measures Coordination Plan |
| RCRA | Resource Conservation and Recovery Act |
| RD/RA | Remedial Design/Remedial Action |
| Site | GE-Pittsfield/Housatonic River Site |
| SL | screening level |
| SOW | Scope of Work |
| SWMU | Solid Waste Management Unit |
| TAG | Technical Assistance Grant |

## Acronyms, Abbreviations, and Symbols (Continued)

| | |
|---|---|
| TASC | Technical Assistance Services for Communities |
| TCE | trichloroethylene |
| TD | treatment/disposition |
| TSCA | Toxic Substances Control Act |
| UDF | Upland Disposal Facility |
| USACE | U.S. Army Corps of Engineers |
| U.S.C. | United States Code |
| USGS | U.S. Geological Survey |
| VOC | volatile organic compound |

# I. Introduction

## I.A Purpose of this Document

This Response to Comments document, which accompanies the Revised Final Permit Modification to the 2016 Reissued RCRA Permit (Revised Final Permit or Permit), satisfies the requirements set forth in the law, regulations, and Consent Decree governing this matter, *United States, et al., v. General Electric Company*, CA No. 99-30225 (D. Mass) (entered Oct. 27, 2000) (the Decree or Consent Decree), for a response to comments pursuant to 40 C.F.R. § 124.17. This document is also consistent with 40 C.F.R. § 300.430(f)(3)(F). Namely, this document specifies which provisions of the Draft Revised 2020 Permit have been changed in the Revised Final Permit, the reasons for the changes, and briefly describes and responds to all significant comments on the Draft Revised 2020 Permit raised during the public comment period. (Whenever the Permit, Decree, or any other original document is paraphrased or summarized in this Response to Comments, the original meaning in the original document is not modified or changed.) The Draft Revised 2020 Permit sets forth EPA's proposed changes to the Remedial Action for the Rest of River and Operation and Maintenance (O&M) to address polychlorinated biphenyl (PCB) and any other hazardous waste, constituents, or substances contamination in river sediment, banks and floodplain soil, and biota that poses an unacceptable risk to human health and the environment. For general information on the GE-Pittsfield/Housatonic River Site (Site), visit: www.epa.gov/ge-housatonic.

As described in the *2020 Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River"* (2020 Statement of Basis), EPA proposed the cleanup approach contained in the Draft Revised 2020 Permit to address issues raised as part of EPA's Environmental Appeals Board (EAB) decision in 2018 as well as agreements reached in February 2020 regarding other changes or enhancements to the cleanup plan issued in 2016. The two primary sets of changes concern the disposal of materials generated as part of the cleanup and enhancements to the cleanup itself.

In 2014, EPA solicited and received comments on the June 2014 Draft Modification to the Reissued RCRA Permit prior to issuing the 2016 Permit and responding to comments. In this Response to Comments, EPA briefly describes and responds to all significant comments raised during the public comment period on the Draft Revised 2020 Permit and associated Statement of Basis. EPA sought comments only on the changes to the Draft Revised 2020 Permit from the 2016 Permit. This document responds to all significant comments submitted during the public comment period whether the comments were submitted via mail, email, or fax (collectively, "written comments"), or made verbally at any of the three virtual public hearings (as explained below, these hearings were held virtually due to COVID-19) or on EPA's dedicated voice mail box.

In EPA's responses, EPA uses the term "commenter" to refer to the commenter except for purposes of comments from General Electric Company (GE), the Rest of River Municipal Committee (Municipal Committee), consisting of the towns of Lenox, Lee, Stockbridge, Great Barrington, and Sheffield, Massachusetts, entities of the Commonwealth of Massachusetts, and in some cases, non-governmental organizations. EPA believes it would assist the reader in understanding and readability if comments from those parties are identified by name, rather than

the term "commenter." Within the Commonwealth, EPA received joint comments from the Department of Environmental Protection and the Department of Fish and Game. For purposes of this document, the terms "Massachusetts" or "the Commonwealth" refer to these joint comments.

For purposes of this Response to Comments, EPA is describing the different iterations of the Resource Conservation and Recovery Act (RCRA) Corrective Action Permit for the Site, as follows:

- "2000 Permit" describes the Reissued RCRA Permit incorporated into the Decree as Appendix G to the Decree, effective October 2000, and as modified in December 2007.
- "Draft 2014 Permit Modification" describes the June 2014 Draft Modification to the Reissued RCRA Permit issued by EPA for public comment.
- "2016 Final Permit Modification," also referred to as the "2016 Permit" or the "2016 Reissued RCRA Permit," describes the October 2016 Final Permit Modification to the Reissued RCRA Permit.
- "Draft Revised 2020 Permit" describes the July 2020 Draft RCRA Permit Modification to the 2016 Reissued RCRA Permit.
- "Revised Final Permit" or "Permit" describes the Revised Final Permit Modification to the 2016 Reissued RCRA Permit, which is accompanied by this Response to Comments.

Note: Attachment A lists the changes from the Draft Revised 2020 Permit to the Revised Final Permit.

The Revised Final Permit provides the Performance Standards and the appropriate Corrective Measures necessary to meet the Performance Standards to address PCBs and any other hazardous waste, constituents, or substances that have migrated from the former GE facility to surface water, sediment, floodplain and bank soil, and biota in the Rest of River. The Revised Final Permit also includes the identification of the applicable or relevant and appropriate requirements (ARARs) under federal or state law that must be met by the Corrective Measures and the basis for waiver of any ARARs.

EPA solicited public comments on the determinations outlined below, and, based upon the information in the Administrative Record, EPA has made the following determinations. The remedy, as outlined in the Revised Final Permit, is protective of human health and the environment, complies with, or appropriately waives, all federal and state requirements that are applicable or relevant and appropriate to the remedy, and is cost-effective. In addition, the remedy utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable. The remedy also has been determined to be the least environmentally damaging practicable alternative to prevent contamination from impairing wetlands and aquatic habitats. To the extent that the remedy involves occupancy or modification of a floodplain, EPA has determined that there is no practicable alternative to doing so, and it is the least damaging practicable alternative. In addition, the remedy will not result in an unreasonable risk of injury to human health or the environment as long as all the conditions set out in Attachment D to the Permit are met.

## I.B Public Participation Prior to EPA's Draft Revised 2020 Permit

Throughout the Rest of River project, EPA has kept the local community and other interested stakeholders up to date on various project investigations and activities. In 1998, EPA established a Citizens Coordinating Council (CCC) for EPA, the Commonwealth, Connecticut, the Natural Resource Trustees, and GE to share with the public information on the Site, including the Rest of River portion. EPA continues to hold regular meetings with the CCC to update its members on the Rest of River as well as the other activities at the overall Site.

Throughout the Rest of River process, EPA has held an informal public input period for many deliverables generated for the Rest of River, placed documents for the entire Site on its website, and maintained information repositories throughout the affected communities.

## I.C Public Participation on EPA's Draft Revised 2020 Permit

Prior to issuing the Draft Revised 2020 Permit, EPA participated in three public information sessions in February and March 2020 held in Lee, Great Barrington, and Pittsfield, Massachusetts. Specifically, on February 19, 2020, an information session with local officials was held in Lee, and a similar session was held in Great Barrington on February 20, 2020. Finally, a third session hosted by the City of Pittsfield was held on March 5, 2020 in Pittsfield.

On July 9, 2020, EPA issued the Draft Revised 2020 Permit and associated 2020 Statement of Basis for public review and comment. At the same time, EPA also issued a *Determination on Remand and Supplemental Comparative Analyses of Remedial Alternatives for the General Electric (GE)-Pittsfield/Housatonic River Site Rest of River* (Supp. Comp. Analyses), a Fact Sheet for the Revised Final Permit and a Frequently Asked Questions (FAQ) sheet, all dated July 2020. EPA issued a Press Release, dated July 9, 2020, regarding the public comment period and the August 26 Public Hearing. On July 19, 2020, EPA mailed approximately 3,575 postcards regarding the public notice and opportunity to comment to people on EPA's mailing list for the Site. EPA issued another Press Release, dated August 11, 2020, regarding the additional public hearing and the extension of the comment period.

EPA initiated the comment period on July 14, 2020, with a RCRA public hearing the evening of August 26, 2020, and an original closing date of the comment period of August 28, 2020. Based on requests from the public, EPA decided to extend the comment period to September 18, 2020, and to add two additional RCRA public hearings—one in the afternoon of August 26, 2020 and another the evening of September 15, 2020.

EPA also provided notice of the Draft Revised 2020 Permit and the public comment period through newspaper advertisements, radio ads, and Facebook Posts on EPA's Facebook Page. These efforts are listed below:

| Type | Description of Notice | Date |
|---|---|---|
| Newspaper Ad | *Berkshire Eagle* publication in Public Notices section Public Notice and Opportunity to Comment regarding public comment period and how to submit a comment. | July 10, 2020 |
| Newspaper Ad | *Berkshire Eagle* classifieds publication Public Notice of public hearing on Aug. 26, 2020. | July 10, 2020 |

| Type | Description of Notice | Date |
|---|---|---|
| Newspaper Ad | *Berkshire Eagle* Public Notice on p.B4 and p.B5 regarding public comment period and notice of public hearing. | July 10, 2020 |
| Online Ad | iBerkshires published Public Notice and Opportunity to Comment regarding public comment period and how to submit a comment. | July 10, 2020 (available for 30 days) |
| Newspaper Ad | *Shelton Herald* published ad reminder of comment period and public hearing on August 26, 2020. | July 16, 2020 |
| Newspaper Ad | *The Litchfield County Times* published ad regarding public comment period and public hearing on Aug. 26, 2020 and included ways to submit comments. | July 17, 2020 |
| Newspaper Ad | *Berkshire Eagle* ad reminder about comment period and virtual public hearing on Aug. 26, 2020. | Aug. 20, 2020 |
| Newspaper Ad | *Berkshire Eagle* ad reminder of public comment period, and virtual public hearing on Sept. 15, 2020. | Sept. 10, 2020 |
| Newspaper Ad | *The Litchfield County Times* published ad reminder of public comment period, and virtual public hearing on Sept. 15, 2020. | Sept. 11, 2020 |
| EPA Facebook Post | EPA New England Region Facebook page posted link to the EPA Housatonic River Facebook page and proposed cleanup plan. | July 10, 2020 |
| EPA Facebook Post | Facebook post regarding public comment period. | July 10, 2020 |
| EPA Facebook Post | Facebook post listing virtual public hearing and extension of public comment period. | Aug. 12, 2020 |
| EPA Facebook Post | Facebook post reminder of virtual public hearing on Aug. 26, 2020. | Aug. 25, 2020 |
| EPA Facebook Post | Facebook post with links to EPA website, YouTube info videos. | Sept. 4, 2020 |
| EPA Facebook Post | Facebook post reminder that it was the last day to submit public comments. | Sept. 18, 2020 |
| Radio Ad | WZBG Litchfield, CT, radio ad regarding comment period and public hearing ran between 8:39 am and 1:21 pm. | July 14, 2020 |
| Radio Ad | WZBG Litchfield, CT, radio ad regarding comment period and public hearing ran between 10:21 am and 3:31 pm. | July 15, 2020 |
| Radio Ad | WBEC Pittsfield, MA, radio ad regarding comment period and public hearing ran between 5:21 am and 9:22 pm. | July 16, 2020 |
| Radio Ad | WSBS Great Barrington, MA, radio ad regarding comment period and public hearing ran between 2:23 pm and 3:42 pm. | July 16, 2020 |
| Radio Ad | WZBG Litchfield, CT, radio ad regarding comment period and public hearing ran between 6:10 am and 2:38 pm. | July 16, 2020 |
| Radio Ad | WBEC Pittsfield, MA, radio ad regarding comment period and public hearing ran between 10:47 am and 1:42 pm. | July 17, 2020 |
| Radio Ad | WSBS Great Barrington, MA, radio ad regarding comment period and public hearing ran between 11:52 am and 5:55 pm. | July 17, 2020 |
| Radio Ad | WZBG Litchfield, CT, radio ad regarding comment period and public hearing ran between 12:38 pm and 6:19 pm. | July 17, 2020 |
| Radio Ad | WBEC Pittsfield MA, radio ad regarding comment period and public hearing ran between 6:16 am and 7:15 am. | July 18, 2020 |

| Type | Description of Notice | Date |
|---|---|---|
| Radio Ad | WSBS Great Barrington, MA, radio ad regarding comment period and public hearing ran between 6:47 am and 4:25 pm. | July 18, 2020 |
| Radio Ad | WBEC Pittsfield MA, radio ad regarding comment period and public hearing ran between 10:18 am and 4:46 pm. | July 19, 2020 |
| Radio Ad | WSBS Great Barrington, MA, radio ad regarding comment period and public hearing ran between 3:27 pm and 4:52 pm. | July 19, 2020 |
| Radio Ad | WBEC Pittsfield MA, radio ad regarding comment period and public hearing ran between 8:54 am and 12:58 pm. | July 20, 2020 |
| Radio Ad | WSBS Great Barrington, MA, radio ad regarding comment period and public hearing ran between 6:20 am and 10:27 am. | July 20, 2020 |

There was also significant independent press coverage that provided notice of the Permit Modification and the opportunity to comment.

| Type | Description of Notice | Date |
|---|---|---|
| Website Article and New England Public Radio Broadcast | New England Public Media article and broadcast "Berkshire Residents to GE: Don't Dump PCBs in our Backyard—Again" | Mar. 30, 2017 |
| Website Article and New England Public Radio Broadcast | New England Public Media article and broadcast "In Housatonic River Deal with GE, Towns Agree to Toxic Waste Dump in the Berkshires" | Feb. 10, 2020 |
| Radio Segment and Website Article | WAMC Northeast Public Radio post and segment "EPA to Open Public Comment Period on Housatonic Cleanup Plan" | July 13, 2020 |
| Radio/Internet Broadcast | WGBH: Connecting Point radio segment with Tim Gray, https://www.wgbh.org/program/connecting-point/wednesday-august-5-2020 | Aug. 5, 2020 |
| Radio/Internet Broadcast | WAMC Radio/internet broadcast "EPA Superfund Program Director Discusses Housatonic Cleanup Plan Before Public Hearing" | Aug. 6, 2020 |
| Newspaper Article | *Berkshire Eagle* article "EPA Spells Out New Terms for Housatonic River Cleanup; Public Briefing set for August" | July 9, 2020 |
| Newspaper Article | *Berkshire Eagle* article "How to Comment on Revised Cleanup Plan for Housatonic River PCBs" | July 10, 2020 |
| Newspaper Article | *Berkshire Eagle* article "Our Opinion: With New EPA Permit, Housatonic Cleanup A Step Closer to Reality" | July 13, 2020 |
| Newspaper Article | *Berkshire Eagle* article "Challenger Morse: Housatonic Cleanup Deal Allows GE 'To Do the Bare Minimum'" | July 29, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper article "EPA Expands Hearings on PCB Cleanup" | Aug. 11, 2020 |

| Type | Description of Notice | Date |
|---|---|---|
| Newspaper Article | *Berkshire Eagle* newspaper article "A Housatonic River – Love Story, - Filmmaker's Doc Takes the Pulse of an Old Tale That Hasn't Gone Away for a New Generation" | Aug. 16, 2020 |
| Newspaper Article | *Berkshire Eagle* Letter to the Editor "EPA Should Give More Time to Review River Permit" | Aug. 25, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper article "EPA Plan Draws Ire in Forums" | Aug. 27, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper article EPA: "One Hearing Extension is Enough" | Sept. 4, 2020 |
| Newspaper Article | *Berkshire Eagle* Letter to the Editor "My Comment to EPA in Rest of River Plan" | Sept. 9, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper article "PCB Dump Foes Seek Comments for Last Hearing This Tuesday" | Sept. 14, 2020 |
| Newspaper Article | *Berkshire Eagle* publication "Conn. Lawmakers Push EPA to Extend Comment Period" | Sept. 17, 2020 |
| Newspaper Article | *Berkshire Eagle* publication "PCB Plan Still Drawing Ire of Local Community" | Sept. 17, 2020 |
| Newspaper Article | *Berkshire Eagle* Letter to the Editor article "Dump the Housatonic River Cleanup Agreement" | Sept. 18, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper article "EPA Won't Budge, Says Comment Period Over" | Sept. 20, 2020 |
| Newspaper Article | *Berkshire Eagle* newspaper opinion article "Despite Rest of River Angst, Cleanup Plan Must Go On" | Sept. 20, 2020 |
| Newspaper Article | *Berkshire Eagle* Letter to the Editor article "Housatonic Cleanup Plan Not Fair to Lee" | Sept. 25, 2020 |
| Newspaper Article | *Berkshire Eagle* Letter to the Editor article "EPA Abandoned the Berkshires" | Sept. 27, 2020 |

During the Public Comment Period, the Administrative Record, which includes all documents that EPA considered or relied upon in proposing these revisions to the cleanup plan, was available for public review on-line at EPA's GE-Pittsfield/Housatonic River Site at www.epa.gov/ge-housatonic. To the extent that these facilities were open to the public, the Administrative Record was also accessible via computer at the EPA Records and Information Center; the Berkshire Athenaeum Public Library; the David M. Hunt Library, Falls Village, CT; and the Housatonic Valley Association, Cornwall Bridge, CT.

To obtain oral comments, due to COVID-19 restrictions on large gatherings, EPA held virtual public hearings on August 26, 2020 from 1:00 to 4:30 pm and again from 6:30 to 10:00 pm. A third virtual public hearing was held on September 15, 2020 from 6:30 to 10:00 pm. A 25-minute video presentation from EPA opened each virtual public hearing. A total of 60 people spoke during the hearings. Transcripts were created of all three hearings and have been made part of the Administrative Record. EPA accepted comments via mail, email, fax, and verbally during the virtual public hearing or via a dedicated voice mail box. EPA has entered all comments received into the Administrative Record.

In addition to oral comments at the Public Hearings, EPA accepted oral comments via a dedicated voicemail box. EPA received 116 individual voicemails. EPA also received

numerous written comments on the Draft Revised 2020 Permit, 2020 Statement of Basis, and Administrative Record. Overall, EPA received comments from 428 commenters (people or entities). Attachments B, C, and D contain an inventory of comments and reference where in this document each comment is addressed.

## I.D Scope of 2020 Public Comment Opportunity; EPA Response and Issuance of Revised Final Permit

Following consideration of the public comments received on the Draft Revised 2020 Permit , further consultation with Massachusetts and Connecticut (the States), and based upon the evaluation criteria in the 2000 Permit, EPA modified the Draft Revised 2020 Permit. These modifications are described in this Response to Comments document. As discussed below, the scope of the opportunity to comment was prescribed, in part by the EAB.

In 2018, the EPA's EAB upheld the 2016 Permit, except for two issues that it remanded and referred back to the Region for further consideration. *In re: General Electric Company,* 17 Environmental Administrative Decisions (E.A.D.) 434 (EPA, 2018), 2018 WL 3629714. (Those two issues related to provisions for additional work and off-site disposal.) In its decision, the EAB stated, "[o]n remand, the Region may reopen the record for additional public comment as necessary, in accordance with 40 C.F.R. Section 124.14(b)." 17 E.A.D. at 585. Accordingly, EPA issued a revised Statement of Basis, Supp. Comp. Analyses, and a Draft Revised 2020 Permit, and solicited public comments per 40 C.F.R. 124.14(b) on the two issues that the EAB remanded to the Region and other changed permit conditions. As stated in 40 C.F.R. 124.14(c), comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. Consistent with that requirement, EPA defined the substantial new questions that caused its reopening in its Draft Revised 2020 Permit package to be the proposed changes to the 2016 Permit, which were shown in redline/strikeout in the Draft Revised 2020 Permit.

EPA has received many comments that are unrelated to the two remanded issues or unrelated to proposed changes to the 2016 Permit. Many of these comments concern issues that EPA has already responded to in its 2016 Response to Comments. EPA is not obligated to respond to such comments. Only the two issues that the EAB remanded to the Region for further consideration or other permit changes are subject to further appeal to the EAB. See, *In re: Shell Gulf of Mexico, Inc*., 15 E.A.D. 470 (EPA, 2012), 2012 WL 119962, at *6. Nevertheless, as part of EPA's commitment to facilitating public understanding of the Housatonic River cleanup, EPA has opted to address herein many of the comments unrelated to the changed permit conditions. EPA does not thereby open for further consideration or EAB review any matters or issues beyond the scope identified in the Draft Revised 2020 Permit. Even if not expressly stated in a response, EPA reserves its rights to and plans to argue in any appeal that EPA was not obligated to respond to such a comment and that the matters or issues addressed in such comment are not subject to further appeal to the EAB.

Persons may appeal from the Revised Final Permit by filing a petition for review to the EPA EAB, as provided in 40 C.F.R. Section 124.19.

## I.E Availability of the Administrative Record

This document provides responses to the significant comments received regarding the Draft Revised 2020 Permit during the public comment period and EPA's response to each of those significant comments.

The full text of all written and oral comments received during the public comment period has been included in the Administrative Record. Furthermore, certain new materials gathered or developed by EPA in responding to comments are also included in the Administrative Record.

The Administrative Record is available online at: https://semspub.epa.gov/src/collection/01/AR66478. The Administrative Record can also be found at www.epa.gov/ge-housatonic.

EPA has temporarily suspended its Regional Records Centers for access by public visitors to reduce the risk of transmitting COVID-19. EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our federal partners so that EPA can respond rapidly as conditions change regarding COVID-19.

For assistance or for questions, contact:

SEMS Records & Information Center
U.S. EPA Region 1 - New England
5 Post Office Square, Suite 100 (mail code: 02-3)
Boston, MA 02109-3912
(617) 918-1440 (phone)
R1.Records-SEMS@epa.gov (email)

EPA currently understands that the following Site information repositories are closed to public visitors due to COVID-19 restrictions. However, in addition to the website address provided above, the Administrative Record file will be available electronically at the following locations.

Berkshire Athenaeum Public Library
Reference Department
Pittsfield, MA 01201
(413) 499-9480

David M. Hunt Library
Falls Village, CT 06031
(860) 824-7424

Housatonic Valley Association
Cornwall Bridge, CT 06754
(860) 672-6678

Questions about this Administrative Record file should be directed to Kelsey Dumville at 617-918-1003, Dumville.Kelsey@epa.gov, or to ZaNetta Purnell at 617-918-1306, Purnell.ZaNetta@epa.gov, or toll-free at 1-888-372-7341.

## I.F Executive Summary of EPA's Response to Comments

EPA has received many comments regarding the Draft Revised 2020 Permit. A number of commenters supported the Permit, with its increased levels of PCB removal, other cleanup enhancements, and the Hybrid Disposal approach in which the most highly contaminated PCB material is removed to off-site facilities, while lower-level PCB-material is consolidated at an on-site Upland Disposal Facility (UDF). The majority of the comments against the Permit were related to the UDF, and, among other comments, expressed the following primary concerns: concern that the UDF would not be safe or effective, would leak, and would contaminate groundwater; concern regarding the operational impact of the UDF, such as impact to roads and noise; concern that the UDF will decrease property values in nearby communities; and concern that the process surrounding the Permit was unfair and that EPA's issuance of the Permit should be delayed. Comments also expressed concern that other remedial options such as treatment were preferable over the Hybrid Disposal approach.

After considering all significant comments submitted during the public comment period and the Administrative Record and consulting with the Commonwealth of Massachusetts and the State of Connecticut, EPA believes that the remedy in the Revised Final Permit, including the Hybrid Disposal approach that includes the component of consolidating lower-level PCB materials at the UDF, is the combined cleanup alternative best suited to meet the general standards from the 2000 Permit in consideration of the decision factors in the 2000 Permit and any other relevant information in the Administrative Record, including a balancing of those factors against one another. Disposal of all PCB materials in an off-site landfill or in other on-site locations poses greater risk than disposal in the UDF because of potentially substantial delays prior to PCB remediation, deficiencies of other on-site disposal locations proposed by GE, and the elimination of substantial improvements to the protectiveness of the cleanup contained in the Revised Final Permit.

First, off-site landfilling of all material from the cleanup creates greater risk to human health and the environment because of the potential delay before PCB removal will occur. The Region selected the approach of off-site landfilling of all materials in its 2016 Permit. GE appealed, and EPA's EAB remanded that decision to the Region for further consideration. The Region's revised approach now has the support (and commitment not to further appeal) of GE, six municipalities in Berkshire County, and other stakeholders, including virtually all the 2016 Permit appellants. The sooner the cleanup in the Revised Final Permit is implemented, the sooner the risks of exposure to the PCBs in the River will be addressed. Additionally, in comparison to the selected alternative, off-site disposal of all material would have greater greenhouse gas and other air emissions, more fugitive dust, and adverse community impacts due to increased truck traffic and risks of injuries and fatalities to transport workers.

Second, the other proposed on-site disposal locations (Forest Street and Rising Pond landfill) pose significant environmental risks when compared to the UDF. The footprints for these two areas are primarily forested, and the habitat value at these locations would be significantly

decreased by construction of a disposal site. By contrast, the UDF does not impact any priority habitat for state-listed species, is located in an area consisting of virtually all previously disturbed areas, and has only 0.6 acre of any type of woodlands, with the rest being a low-value, disturbed gravel area.

Third, the Revised Final Permit, of which the Hybrid Disposal approach is one component, includes a large number of cleanup enhancements to the 2016 Permit, the disposal off-site at a licensed facility of the most highly contaminated material, and the protective disposal on-site of less contaminated material. The enhancements represent significant reduction in the long-term risks to human health and the environment, as discussed below:

- EPA's Revised Final Permit increases the volume of PCB excavation and reduces the extent of required capping in six different River reaches, thus removing a significant amount of PCB-contaminated material from the River in comparison to the 2016 Permit. The reduction (by nearly 100 acres) of in-river capping will reduce the need for long-term monitoring, maintenance, and repair associated with capping.

- The Revised Final Permit involves a more rigorous floodplain remediation on over 20 residential properties.

- The Revised Final Permit removes two dams downstream of Woods Pond (Columbia Mill Dam and Eagle Mill Dam), thereby improving the health of river habitat and aquatic species, and allowing unimpeded fish passage in these now impounded areas. Furthermore, removing these two dams and associated sediments permanently eliminates the risk of potential future downstream migration of PCBs.

- An expanded approach to the cleanup of sensitive Vernal Pools ensures that the most appropriate and ecologically sound method is used for the majority of the Vernal Pools.

Additionally, reduced risks to human health are achieved by requiring that sediments from Woods Pond and some areas north of Woods Pond shall be hydraulically pumped via pipe to the UDF, if feasible, rather than transported by truck. Hydraulic pumping will eliminate nearly 50,000 truck trips from the roads of Lee and Lenox. Risks are also reduced by imposing limitations on the transport of waste material on small residential streets.

The UDF is centrally located to the area of greatest excavation, which means reduced overall truck traffic, reduced emissions, and reduced potential for a release or spill between the River and the disposal facility. The UDF will be sited in an already damaged, contaminated, and altered area, that abuts two existing adjacent landfills. The UDF will include multiple protectiveness safeguards, including a low-permeable cover and two low-permeable bottom liners and a leachate collection system to prevent leakage. The low-permeable cover will address airborne PCBs, which will be verified through air monitoring.

The Revised Final Permit provides the opportunity to have a more permanent and protective cleanup, at a location that poses fewer risks than other potential on-site locations, with an assurance that all the highly contaminated material is taken off-site. EPA has responded below to each significant comment regarding the Draft Revised 2020 Permit. The statements in this Section I.F are a summary; for more information and details, see the Response to Comments

below, the documents EPA issued with the Draft Revised 2020 Permit (including the Statement of Basis and Supp. Comp. Analyses), and the Administrative Record.

## II. Responses to Comments

### II.A Safety and Effectiveness of the Upland Disposal Facility

**Comment II.A.1:** Several commenters expressed strong opposition to the proposed UDF location. Specific comments in this category cited the consistent vehement community opposition to local disposal; air emissions and risks to the community during and after construction; concerns about frost effects, seismic activities/earthquakes, or extreme weather events on the UDF; the suitability of soils at the location for a landfill and contamination of groundwater; and the potential for re-contamination of the River from a failure or leaking of the landfill.

**EPA Response II.A.1:** Pursuant to the Revised Final Permit, contaminated soil and sediment are being removed via excavation and dredging from the floodplain, banks, and River bottom where they pose unacceptable risks to human health and the environment. EPA, *Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River,"* June 2014 (2014 Statement of Basis) at 14-18. Unless addressed, the contamination poses a current and future threat to humans through direct contact and fish consumption and a current and future threat to ecological receptors. In essence, the sediments are being removed from an area where they are currently causing unacceptable risks to humans and the environment, to an area that is designed to prevent environmental and human health impacts. The excavated materials with the highest levels of contamination will be transported to an off-site location for disposal. At the UDF, the lower levels of contaminated soils and sediments will be sequestered in a proven, engineered containment cell with a low-permeability cap and a low-permeability double bottom liner with leachate collection that will be inspected, maintained, and monitored to ensure that it is protective of human health and the environment. Permit, II.B.5, II.C. EPA has determined that the selected remedy, including the use of a UDF, is protective of human health and the environment and is cost-effective. *Statement of Basis for EPA's Proposed 2020 Revisions to the Remedial Action for the Housatonic River "Rest of River"* (2020 Statement of Basis) at 18. The selected remedy also meets the general standards for corrective action and provides the best balance of tradeoffs among the cleanup alternatives evaluated with respect to the relevant criteria. 2020 Statement of Basis at 18.

<u>Concerns about the Configuration, Location, and Components of the UDF</u>

The Permit includes provisions limiting the height and maximum capacity of the UDF. Permit, II.B.5.a.(2). Contrary to some assertions in the comments suggesting that the UDF could be "20 football fields high," which is over 6,000 feet high, the maximum height is expected to be approximately 50-100 feet above current ground elevations at the location. Permit, II.B.5.a.(2)(b). The UDF disposal area will be more than 1,400 feet (or more than ¼ mile ) from both the Housatonic River and Woods Pond and would only accept lower-level PCB contamination, reducing the risks of any releases back into the River from the operation of this facility, as discussed further below. Figure 1. Some commenters appeared to interpret EPA's

description of the UDF location to mean that wastes were being piled along a steep bank along the River. To the contrary, the UDF location is over a ¼-mile from the River and is well outside the 500-year floodplain (which is located 1,164 feet from the disposal area). Figure 1.

Low-permeability caps (covers) used in cleanup actions, such as the one proposed here, include several layers that are designed to endure. The UDF will be designed in compliance with the same standards as those required at permitted long-term hazardous waste landfills that accept waste with much higher PCB contamination levels and Federal Hazardous Waste. The geomembrane layer covering the excavated material will degrade only if exposed to sunlight and weathering. This cap layer will be 1 or 2 feet below ground, and if properly maintained, is expected to last several hundred years or longer under normal conditions (400 to 800 years, as discussed in the Technical Memorandum cited below). The finished cap will be covered with vegetation. No vegetation will be allowed to develop deep roots that could penetrate the cap. Such caps are proven stable and enduring features that will prevent direct contact exposures and the release of air-borne chemicals into the atmosphere, as well as reduce leachate into groundwater, as long as they are properly maintained, not penetrated or otherwise disturbed. Technical Memo, URS, 2008; White Paper #6, GRI Institute, 2005 (updated 2011); Assessment and Recommendations for Improving the Performance of Waste Containment Systems, EPA/600/R-02/099, 2002. The commenters that oppose the UDF have not submitted persuasive data, studies, or other evidence showing that the cap and double liner system proposed for the UDF will be unsafe or otherwise not effective.

EPA has considerable experience with low-permeability caps. Capping has been a component of many Superfund cleanups within the six New England states. Of the 119 sites in New England that EPA has listed on its Superfund National Priority List, almost 60 sites have caps or covers already in place, and in some cases multiple caps. EPA Memo, "Research on Use of Capping at Superfund Sites in Region I," September 7, 2016. *Superfund Remedy Report*, 16th edition, EPA, July 2020, EPA-542-R-20-001. Examples of many cleanups involving the capping of PCB-contaminated materials are outlined in Table 1 of GE's comments on EPA's 2014 Draft Permit Modification.

Also, the UDF provides a higher level of protection than is required for the lower levels of PCBs destined for the UDF. For example, PCBs less than 50 parts per million (ppm) (note: ppm and milligrams per kilogram [mg/kg] are used interchangeably in this document) can be disposed of in a facility permitted, licensed, or registered by a State to manage municipal solid waste or non-municipal non-hazardous waste. 40 C.F.R. 761.61(a)(5)(i)(B)(2)(ii). Also, as of February of 2020, EPA has issued approvals (covering over 2,200 electric power generators including hundreds of municipalities) for the disposal in municipal solid waste landfills of PCB remediation waste at PCB concentrations less than 50 ppm. In these approvals, EPA has determined that PCB remediation waste with as-found concentrations of less than 50 ppm of PCBs disposed of in certain non-Toxic Substances Control Act (TSCA)-approved facilities, including municipal landfills, poses no unreasonable risk of injury to health or the environment. The specific approvals can be found at https://www.epa.gov/pcbs/nationwide-risk-based-pcb-remediation-waste-disposal-approvals. Municipal landfills typically have lower levels of protection than the UDF, such as not including a single or double bottom liner.

Further, pursuant to TSCA, for low occupancy areas, only PCB remediation waste (including soils) that is greater than 25 ppm PCBs requires cleanup. 40 C.F.R. 761.61(a)(4). Moreover, in such low occupancy areas, waste between 25 ppm and 50 ppm PCBs may remain and not be removed, if the area is fenced and signed, and waste between 25 and 100 ppm PCBs may remain at a site if covered by a cap. 40 C.F.R. 761.61(a)(4) and 40 C.F.R. 761.61(a)(7). Commercial landfills permitted to accept much higher levels of PCBs than those to be disposed in the UDF are built to the same or similar design standards prescribed for the UDF. TSCA Chemical Waste Landfill Regulations at 40 C.F.R. 761.75 or RCRA hazardous waste landfill regulations. 40 C.F.R. 761.61(a)(5)(i)(B)(2)(iii). Because the Revised Final Permit calls for the remediation of PCBs at levels less than 50 ppm to be disposed into a multi-layered landfill comparable to a hazardous waste landfill, EPA's selected approach is protective of human health and the environment.

Concerns About the Suitability of Soils Underlying the UDF

Regarding questions relative to the suitability of soils underlying the UDF location, it is first important to note that two other landfills already exist in this immediate area. Figures 1 and 2. Neither of those existing landfills have the benefit of a bottom liner, whereas the UDF will have a double bottom liner and leachate collection system. The UDF's liner system is protection against concerns regarding permeability of the underlying soils. For TSCA Chemical Waste Landfills, the regulations prescribe that a bottom liner be placed where underlying soils are permeable. 40 C.F.R. 761.75. The UDF will meet this requirement. Furthermore, state solid waste landfill regulations would allow the bottom of the landfill to be constructed to within 4 feet of the water table (310 CMR 16.40.3(a)(12)), whereas the Permit increases this buffer to no less than 15 feet. The underlying soil characteristics at this location have the added advantage of allowing the preparation of an ideal sub-base for proper grading, placement, and construction of the bottom double liner system. Permit, II.B.5.

Concerns About Air Emissions During and After Construction of the UDF

Pursuant to the Permit, prior to construction of the UDF, GE will be required to develop for EPA approval a final Remedial Design/Remedial Action (RD/RA) Work Plan to document, among other things, the methods and procedures for preventing, mitigating, and responding to construction-related impacts for the UDF. Permit, II.H. EPA will solicit community input during EPA's review of GE's draft of this Plan. Prevention and mitigation related to air emissions will include the use of robust and appropriate dust suppression methods, particulate and PCB air monitoring, securing and covering trucks, etc. Furthermore, to make clear the requirement for air monitoring, EPA has added clarifying language to the Revised Final Permit, Sections II.B.5.b. and II.C; see also Permit Attachment D.

During construction, similar to requirements for the operation of the On-Plant Consolidation Areas (OPCAs) in Pittsfield, upon receipt of any results showing airborne particulates or PCBs above pre-determined notification or action levels, GE would be required to notify EPA within 24 hours, temporarily cease ongoing activities (if safe to do so) that could release airborne PCBs if action levels are exceeded, and evaluate and take action, if needed, to control such emissions. This will be documented in EPA-approved Work Plans and Project Plans. Such action may include, but not be limited to, increased frequency of monitoring, establishment of additional

monitoring locations, increased use of dust suppression measures (including water sprays and foams), and stopping consolidation activities during significant wind events. Action limits for monitoring will be below risk-based limits in order to ensure that work will stop in advance of potential unacceptable exposures to either on-site workers or nearby residents.

After closure and final capping of the UDF, the low-permeability cap and the soil cover will prevent PCBs from becoming airborne above risk-based levels. GE will be required to take background and perimeter air samples and compare such samples to notification and action levels. Such monitoring is likely to be similar to the twice-yearly air monitoring that GE conducts at GE's OPCAs in Pittsfield. GE will be required to evaluate Corrective Measures if action levels are exceeded.

Concerns About Frost Effects or Seismic Activities/Earthquakes on the UDF

The materials in the UDF capping and liner system will be designed to withstand predictable events, like a New England winter or seismic activities, with no adverse effects. For the caps at the Region's Superfund Sites, the Region has not experienced issues with cap safety due to frost or seismic activities. The PCB landfills that GE constructed for the non-Rest of River cleanups were completed in 2009 and have not been harmed by any frost effects, seismic activities, or extreme weather events. If damage occurs, however, either from predictable or non-predictable events, GE will be required to repair the damage or take other corrective actions, per EPA approved RD/RA and Operation & Maintenance Work Plans.

**Comment II.A.2**: Several commenters mentioned that despite assurances being provided by EPA Region 1 personnel there is no guarantee that the UDF will be safe and effective.

**EPA Response II.A.2:** Experts who have looked at the Rest of River from the Rest of River Municipal Committee, GE, EPA, and some in the environmental community appear to agree on three things: PCBs need to be removed from the River; PCBs can be safely deposited in a properly designed and operated landfill; and there is no perfect solution now for getting PCBs out of the soil and sediments once they are removed from the River and floodplain. See, for example, "Volatilized PCBs Creating Worldwide Environmental Hazard, Scientist Warns," *Berkshire Edge*, June 30, 2016. The comments opposing the UDF submitted during the comment period consist of general allegations that the UDF's capping and double-liner systems are not safe or effective. EPA has been presented with no quantitative evidence or scientific studies indicating that the UDF will not be protective of human health or the environment. For the reasons stated in this Response to Comments and as supported by the Administrative Record, the UDF will be safe, effective, and protective of human health and the environment.

**Comment II.A.3:** Several commenters expressed concerns that the proposed UDF is similar to the landfills/OPCAs constructed in Pittsfield as part of the Consent Decree and that in the commenters' view, the landfills/OPCAs are leaking or are otherwise not safe.

**EPA Response II.A.3:** The Consent Decree authorized the construction and operation of two landfills in Pittsfield for non-Rest of River cleanups at the Site. These landfills show that landfilling can safely isolate and contain PCBs.

These landfills are referred to as the Hill 78 OPCA and the Building 71 OPCA. The Hill 78 OPCA is approximately 6 acres and is the site of GE's former Hill 78 landfill, which was a 15-foot tall, on-site disposal area that GE historically disposed of excavated soils, building demolition and construction debris, and other materials generated within the GE Facility. From the cleanup of the GE Facility, former oxbows, and the nearby river portions, and from building demolition activities, this area received approximately 134,500 cubic yards of materials from 1999 through 2009. The area was filled to capacity, and final capping was completed in 2009. The Building 71 OPCA is approximately 4.4 acres and is located immediately to the east of the Hill 78 OPCA. This area received approximately 110,500 cubic yards of cleanup materials and building debris from 2001 through 2006. The area was filled to capacity, and final capping was completed in 2006. GE is currently performing all required inspection, monitoring, and maintenance activities for both OPCAs.

The Building 71 OPCA was constructed with a single bottom liner and a leachate collection system. The final cap for both OPCAs was a multilayered cap consisting of an impermeable high-density polyethylene (HDPE) liner, a geosynthetic drainage composite layer, 18 inches of sand, and 6 inches of top soil with a vegetative cover.

Certain materials generated during the performance of GE's cleanup and building demolition were permanently consolidated at these two OPCAs. The materials generally included soils, sediments, building debris, and existing surface materials (for example, asphalt and other debris). Specifically excluded from consolidation within the OPCAs were free liquids, free product, intact drums and capacitors, and other equipment that contains PCBs within its internal components, as well as asbestos-containing material required by applicable law to be removed from structures prior to demolition.

Materials consolidated within the Hill 78 OPCA were limited to materials that contained less than 50 ppm PCBs, on average, and were not classified as a hazardous waste under regulations issued pursuant to RCRA. The material placed in the Hill 78 OPCA are similar to materials allowed to be placed in the UDF (i.e., average PCB concentrations less than 50 ppm). However, the UDF will have a double liner and leachate collection system. Materials that contained more than 50 ppm PCBs or were classified as a hazardous waste under regulations issued pursuant to RCRA were allowed to be consolidated at the Building 71 OPCA. Materials similar to that placed in the Building 71 OPCA are prohibited from placement into the UDF.

As discussed below, there is no evidence that either of these landfills is failing or otherwise unsafe.

OPCA PCB Air Monitoring

At the onset of consolidation activities in 1999, EPA required that GE monitor the air surrounding the OPCAs at five air monitoring stations. Figure 3 presents the current OPCA air monitoring locations. These locations are on GE property and are all within a maximum of 250 feet of the OPCA disposal areas. In 1999, the Region set a site-specific notification level of a 24-hour average of 0.05 micrograms (µg) PCBs per cubic meter of air (µg/$m^3$) and an action level of 0.100 µg/$m^3$. If a notification level was exceeded, GE was required to notify EPA as soon as practicable, but no later than 24 hours after receipt of the data showing such an

exceedance, and to discuss with EPA the need for response actions to prevent exceedances of the action level. If the action level was exceeded, GE was required to notify EPA within 24 hours, temporarily cease ongoing activities that could release airborne PCBs, if safe to do so, and evaluate and take action, if needed, to control such emissions. In November 2005, the region lowered the action level to 0.05 $\mu g/m^3$ to provide an additional layer of safety. There have been no exceedances of either the notification or action levels either during or after placement of waste in the OPCAs.

Allendale School Air Monitoring

In December 2005, EPA initiated PCB air sampling at two locations in the playground behind Allendale School. These air monitoring locations are approximately 425 to 600 feet from the OPCA disposal areas. From December 2005 to December 2006, air sampling was conducted two times per week. From 2007 through the final closure of the Hill 78 OPCA in 2009, air sampling was conducted at a minimum of once per month. From 2009 to the present, PCB air monitoring has been conducted at least two times per year.

The Regional site-specific action level and notification level for the Allendale School air monitoring locations are both 0.05 $\mu g/m^3$. More recently, EPA nationally set a screening level of 0.0049 µg of total PCBs per cubic meter of air. The screening level (SL) was developed by EPA using risk assessment guidance from the EPA Superfund program and can be used for Superfund sites. The SL is a risk-based concentration derived from standardized equations combining exposure information assumptions with EPA toxicity data. EPA considers SLs to be protective for humans (including sensitive groups) over a lifetime; however, SLs are not always applicable to a particular site and do not address non-human health endpoints, such as ecological impacts.

Since the Allendale School PCB air sampling program began in December 2005, the maximum PCB concentration detected at Allendale School was 0.0059 $\mu g/m^3$ in 2006, during placement of material into the Building 71 OPCA.

Since 2007, after the closure of the Building 71 OCPA, the maximum (0.0021 $\mu g/m^3$) and average (0.0005 $\mu g/m^3$) PCB air detections were well below the site-specific notification/action level and national screening level. The percent of samples that did not even detect PCBs was large: an average of 66%, with a detection limit of 0.0003 $\mu g/m^3$. The maximum and average concentrations after the capping and closure of the Hill 78 landfill (in late 2009) are 0.0013 $\mu g/m^3$ and 0.0005 $\mu g/m^3$, respectively.

From 2007 through 2018, the average PCB air concentration was 100 times below the site-specific notification/action level and approximately 10 times below EPA's national screening level. Figure 4. The data from 2019 and 2020 are, on average, lower than the 0.0005 $\mu g/m^3$ average concentration from 2007 through 2018. Tables 1 and 2.

OPCA Groundwater Monitoring

For groundwater near the OPCAs, GE conducts twice-yearly sampling (spring and fall) at 12 OPCA monitoring wells that surround the OPCAs. At the same time, four wells are sampled as part of GE's Facility groundwater monitoring program (GMA 4). These 16 wells are sampled for PCBs and other constituents. An additional deep production well for the Pittsfield

Generating Company, ASW-5, is also sampled twice per year for total PCBs and total volatile organic compounds (VOCs). Figure 5.

The wells have been sampled from 1999 or earlier. Most of the analyzed constituents are rarely detected or are detected at maximum or average concentrations an order of magnitude or more below the applicable Performance Standards or benchmark levels for the protection of indoor air and surface waters (GW-2 or GW-3 standards).

In sum, based on the groundwater monitoring data:

- The maximum detected concentration of PCBs in each of these wells has never exceeded the GW-3 standard for the protection of surface waters, and for the majority of the wells, the maximum is an order of magnitude below the GW-3 standard. Only one well has had a maximum detected PCB concentration that exceeded the GW-2 benchmark for the protection of indoor air, while the average detected PCB concentrations in all wells are at least an order of magnitude below the GW-2 standard. The deep production well has never had detected PCBs dating back to 1996.

- Groundwater contamination does not pose a health threat to the nearby Allendale School.

- There have been no tetrachloroethylene (PCE) or trichloroethylene (TCE) or any other VOC exceedances of the GW-3 Performance Standards (designed to be protective of surface waters). There were only sporadic exceedances of such Performance Standards for other compounds. The deep production well showed low levels of total VOCs dating back to 1996 but has been non-detect for total VOCs since 2012.

- There have been no exceedances of groundwater Performance Standards designed to be protective of indoor air.

- Groundwater contamination in the area preceded the construction of the OPCAs, and there is no readily observable increase in long-term contaminant trends since 1999, including PCB groundwater contamination trends.

  Presentation to the CCC dated October 24, 2018, Groundwater Area (GMA) 4 Long-Term Monitoring Program/On-Plant Consolidation Areas (OPCA) Post-Closure Groundwater Monitoring Event Evaluation Report - Spring 2020, August 10, 2020

OPCA Leachate Volumes

The Building 71 OPCA has a single bottom liner and a leachate collection system. Prior to closure of the Building 71 OPCA, approximately 75,000 gallons of leachate were collected. After closure, the volume of leachate collected has steadily decreased from 27,000 gallons to 15,475 gallons per year. Figure 6.

Physical Inspections of the OPCA Cap/Cover System

Since the OPCAs were closed in 2010, the cover systems have been inspected twice per year. Only minor maintenance issues, such as limited erosion of clean cover material, were identified,

and timely corrective actions were conducted. Based on inspections and sampling conducted to date, there is no evidence of material leaking from the lined Building 71 OPCA and no evidence of increasing groundwater contaminant levels.

In sum, both Hill 78 OPCA and the Building 71 OPCA are being monitored, are functioning as intended, and there is no evidence that either one of these landfills is failing, leaking, or otherwise unsafe.

**Comment II.A.4:** Several commenters expressed concerns about the long-term performance of the liner system, warranties on liner components, concerns about future leaks, how leaks would be detected or repaired, and how the landfill would be maintained. One commenter asked for a bedrock study to confirm that any leakage will not travel more than 500 feet. Other commenters suggested that liners are prone to failure, that there were no guarantees of performance beyond a 30-year time horizon and that EPA was not holding GE responsible for maintenance beyond a 100-year duration.

**EPA Response II.A.4:** As discussed above, the low-permeability cap and composite low-permeability double liner system for the UDF is an engineered barrier system that has been used for many decades at landfills across the nation. *Superfund Remedy Report*, 16th edition, EPA, July 2020, EPA-542-R-20-001. This type of system has been found to be effective at containing a wide range of waste materials. *Id.* The UDF liner system will be evaluated by EPA to confirm that it is chemically compatible with the materials to be dredged. When two geomembrane liners are used in conjunction with a drainage layer designed to limit liquid head (water pressure) on the liner system, studies have demonstrated that the liner efficiency can be 99.9% or better. *Assessment and Recommendations for Improving the Performance of Waste Containment Systems*, EPA/600/R-02/099, 2002. Both the liner and final cover system rely on well-established engineering procedures to provide a containment system meeting acceptable factors of safety and to provide adequate isolation of the sediments from the environment and human exposure. The composite liner system is recognized as a best available liner technology to contain waste materials and has been shown to have a service life of 400-800 years. Technical Memo, URS, 2008; White Paper #6, GRI Institute, 2005 (updated 2011). During construction, the installation of the UDF liner and cover systems will be subjected to construction quality control and construction quality assurance monitoring. Permit, II.B.5.b., II.C, and II.H. Following the installation of the liner system and the drainage layer, the UDF liner system, similar to the construction of the OPCAs, will have a liner integrity test to identify, locate, and repair any construction-related defects or leaks prior to placing the UDF into service. OPCA Final Completion Report, including Appendices B-1 to B-15 (liner submittals and testing documentation). The UDF's double liner system contains a leachate collection system above and below the first liner and above the second liner. The collection system between the liners allows for the detection of a leak through the first liner. In the unlikely event that the first liner leaks, such a leak will be detected due to leachate flowing into the leachate collection system located below the first liner. The second liner provides an added layer of protection.

Once the UDF is filled and the final low-permeability cover system is installed, water infiltration into the UDF will be essentially cut off, thereby eliminating a primary potential pathway for any future source of leakage and reducing the amount of leachate that will be generated. 2020 Statement of Basis at 8. While differential settlement can be a challenge for landfill cover

systems, in this case, the UDF will be accepting a single waste stream of similar material that should not be subject to challenges often caused by a wide array of wastes, as in a municipal landfill. The integrity of the cover will be maintained by a post-closure maintenance program that requires regular monitoring and inspections; maintenance, and repairs would be made as needed. Permit, II.B.5.a.(4) and II.C. These cover systems eliminate potential exposure pathways and, therefore, are safe for future users of these properties, as well as residents of any nearby homes, schools, or parks. As a result, many of these cover systems, as well as municipal and hazardous waste cover systems in place across the country, are being actively used as recreational fields, solar arrays, and businesses. Reuse Opportunities at Capped Superfund Sites, EPA, April 2017.

Under the Permit and Consent Decree, GE will be required to operate, inspect, maintain, and, if necessary, repair the UDF. Among other activities, GE will be required to inspect and maintain the UDF cap, which EPA expects would include visual inspections for erosion and other damage of the cap system and the collection of leachate, groundwater, and air samples. Permit II.C. The Permit requires GE to install a groundwater monitoring network around the UDF to monitor for PCBs and other constituents. The UDF will also include a stormwater management system to control surface runoff and to minimize the potential for surface erosion or stormwater contribution to leachate generation. Permit, II.B.5.a.(2).

One commenter expressed concern that EPA only used 100 years to calculate operation and maintenance costs of the UDF. EPA's use of 100 years does not mean that EPA believes that the cap will fail after 100 years. The 100 years is merely an accounting method used to calculate costs with a very long-term duration. EPA cleanup guidance notes that, in general, the period of performance for costing purposes should not exceed 30 years for the purpose of the detailed analysis conducted in a Feasibility Study (or in this case, a Corrective Measures Study [CMS]). *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*, EPA, October 1988. GE chose to use 100 years in its CMS. Further guidance prepared by EPA and the U.S. Army Corps of Engineers (USACE) notes that discounted values of even large costs incurred far in the future tend to be negligible. *A Guide to Developing and Documenting Cost Estimates During the Feasibility Study*, USACE/EPA, July 2000. This guidance provides the following example: for a 200-year project with constant annual costs of $500,000 at 7%, 99.9% of the discounted O&M costs are incurred in the first 100 years, 97% in the first 50 years, and 88% in the first 30 years. Notwithstanding any of the cost estimates generated to date, it is critical to note that, under the Permit, GE's obligations regarding the UDF are not time limited.

One commenter questioned how repairs could be made to a failing liner if the leak is covered by mounds of material. As decribed above, EPA believes that such a leak is extremely unlikely to occur. If groundwater monitoring identified a release, GE would be required to take corrective actions necessary to protect human health and the environment, including locating and repairing a failing liner, if possible. On the question of liner warranties, the absence of a warranty does not mean that the product is not suitable for use as a liner. Furthermore, GE is responsible to achieve and maintain Performance Standards under the Permit, including the repair and maintenance of the UDF, regardless of whether there is a warranty on the liner or not.

**Comment II.A.5:** Several commenters expressed concerns about impacts to local water supplies should a release occur. A number of commenters questioned the provisions for abandonment of

nearby drinking water wells within 500 feet of the UDF footprint, citing this as an admission that the landfill will leak and impact nearby wells. Several commenters expressed concern that they would be forced to close their wells. Others expressed concerns regarding the Town of Lee's drinking water supply wells.

**EPA Response II.A.5:** The Permit requirement for GE to offer public water connections for those served by drinking water wells within 500 feet of the landfill is based upon certain provisions of state regulations applicable to solid waste landfills in Massachusetts, and not, contrary to the assertions in the comments, based on specific EPA concerns regarding a release from the facility. In fact, the Permit leaves the property owner the option to connect to town water, at GE's cost, or to continue using a private well.

Regarding the concerns that the UDF location may adversely affect Lee's Town drinking water supplies, it is important to note that the UDF location is over 1 mile from the Town of Lee's public water supplies, and the groundwater at the UDF is 150 feet lower in elevation and flows from the UDF location away from the direction of the town water supplies. Furthermore, groundwater would not be expected to flow to the southeast towards the public water supply intakes because it could not cross over the water table divides, which act as hydraulic boundaries. Figures 7 and 8; Weston Memo RE: "Proposed Upland Disposal Facility Groundwater and Surface Water Flow," December 3, 2020.

The UDF is also distant from drinking water protection zones. The Commonwealth of Massachusetts designates protection areas around all state water supplies to ensure that the water supplies are not affected by potential sources of contamination to the water supply. The following are the Surface Water Protection Zones that are used to provide increasing levels of protection:

- **ZONE A**: represents a) the land area between the surface water source and the upper boundary of the bank; b) the land area within a 400-foot lateral distance from the upper boundary of the bank of a Class A surface water source; and c) the land area within a 200-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

- **ZONE B**: represents the land area within one-half mile of the upper boundary of the bank of a Class A surface water source, or edge of watershed, whichever is less. Zone B always includes the land area within a 400-foot lateral distance from the upper boundary of the bank of a Class A surface water source.

- **ZONE C**: represents the land area not designated as Zone A or B within the watershed of a Class A surface water source.

The UDF location is 1.2 to 1.4 miles from the Town of Lee's public water supply intakes and at least 1.1 miles from Zone A, B, and C Surface Water Protection Areas. Figures 7 and 8.

Furthermore, the UDF is located downgradient of those water supplies (that is, groundwater flows from the UDF location away from the direction of the Town water supplies). This is demonstrated by the Schweitzer-Mauduit Landfill and Lee Sanitary Landfill monitoring well elevation data, which show localized groundwater flows towards the River and away from the

reservoirs. *2018 Post-Closure Environmental Monitoring Report, Schweitzer-Mauduit International, Inc. Willow Hill Road Landfill*, C.T. Male Associates to DEP, June 11, 2018; CDM figure titled "Town of Lee Sanitary Landfill, Bedrock and Overburden Contours, January 30, 1995." Figure 9. In addition, based on surface water elevations, the expected groundwater flow is generally east to west—from the UDF towards the Housatonic River, and similarly, from the Town of Lee reservoirs westerly towards the River. Figure 7.

With respect to potentially contaminated surface water runoff from the UDF, the UDF will have a layer of clean material on top of the low-permeability top liner, so assuming proper maintenance, stormwater runoff from the UDF will be isolated from PCBs. Moreover, there are two distinct subbasins between the subbasin that contains the UDF and the subbasins where the intakes to the Town of Lee drinking water supply are located. Subbasins are portions of watersheds from which surface runoff flows to a particular point in a water course and are shown on Figure 10. Furthermore, the surface drainage from the UDF is generally away from the water supplies and towards the River.

In addition, as shown on Figures 10 and 11, the topographic contour lines and approximate surface water body elevations show that the surface waters that are part of the Lee water supply system are at a much higher elevation than the proposed UDF. The current high point in the area of the proposed UDF is at an elevation of approximately 1,050 feet above mean sea level (AMSL). The bottom liner of the UDF will be at an elevation of approximately 965 feet AMSL. The Housatonic River in the area of the directly west of the UDF is 935 feet AMSL, whereas the Town of Lee's reservoirs are at approximate elevations of 1,129 and 1,597 feet AMSL. Figure 7. This is further confirmation, combined with the information on the watershed drainage subbasins, that surface water runoff from the area of the UDF would be away from the Lee reservoirs and towards the River. That is, to theoretically reach the Lee water supplies, stormwater surface runoff would have to run off the UDF, uphill from the base of the UDF, down into one basin, back uphill, down into another basin, and then steeply uphill again to the surface water intake of the Leahey Reservoir (the Vanetti reservoir is an emergency reservoir).

Accordingly, it is not possible for potentially contaminated groundwater or stormwater surface runoff to migrate from the UDF and contaminate the upgradient drinking water supplies.

Given all of this information, the UDF will not and, in fact, cannot adversely affect the Lee drinking water supply.

Lastly, the chemical nature of PCBs makes them less prone to migration in groundwater. The retardation factor for PCBs ranges from 600 to 3,000. *TSCA Landfill Inspection Guidance Manual*, EPA, 1990. This shows that the tendency of PCBs to sorb onto soil/organic matter versus groundwater is so overwhelming that the movement of PCBs takes place at a rate which is up to 3,000 times slower than that of groundwater.

In the unlikely event of a release to groundwater, to prevent any potential release to the River, GE will be required to establish a system of groundwater monitoring wells immediately adjacent to and surrounding the UDF. These wells will detect any elevated contaminant levels many years before a release to the River would occur. GE will be required to propose and perform

corrective action if elevated levels of PCBs or other constituents are discovered in any monitoring wells.

**Comment II.A.6**: One commenter stated that there is no way to control airborne PCBs and that the wind blows from the UDF towards residential neighborhoods two-thirds of the year.

**EPA Response II.A.6:** Based upon the nearest automated meteorological station, which is at the Pittsfield Municipal Airport, the winds in the Lee/Lenoxdale (a neighborhood in Lenox adjacent to Woods Pond) area are likely to be predominately west to east during periods of non-calm wind speeds. EPA Memo, "Representative wind fields for Lenox Dale, Massachusetts," December 1, 2020. A west to east wind direction is away from residential areas. However, the engineering controls, monitoring, and maintenance of the UDF will be designed and implemented to be protective of nearby neighborhoods regardless of wind direction.

**Comment II.A.7:** Some commenters questioned why the UDF was proposed for the Woods Pond area of Lee.

**EPA Response II.A.7:** The UDF location was among three potential on-site landfill locations proposed in the 2010 Revised Corrective Measures Study by GE. Specific attributes of the UDF location that led to its selection include, but are not limited to, its proximity to the areas where the most material will be excavated (Woods Pond) and the already disturbed nature of the UDF location. The UDF operational footprint is part of an existing sand and gravel facility in close proximity to two other landfills (the Lee Sanitary Landfill and the Schweitzer-Mauduit paper company landfill), which will have less impact to habitat than the other two potential upland disposal facilities evaluated in the Revised CMS ("Forest Street" site in Lee and the "Rising Pond" site in Great Barrington). GE 2010 Revised CMS and EPA 2020 Supp. Comp. Analyses. Siting the landfill in the UDF location may allow the use of hydraulic dredging and pumping, if feasible, which would significantly reduce its impact on the environment by minimizing the truck transport of waste. Hydraulic pumping to a UDF is not possible at Forest Street, and only a minimal amount of material could be hydraulically transported to the Rising Pond location. EPA 2020 Supp. Comp. Analyses; GE's 2010 Revised CMS.

## II.B Use of Treatment and Other Innovative Technologies

**Comment II.B.1:** EPA received a number of comments advocating use of treatment/destruction technologies instead of consolidating materials at the UDF. Many stakeholders have advocated the use of innovative treatment technology that might render the PCBs harmless, inert, or otherwise destroy the contamination. Those commenters and others also advocated the use of treatment technologies, including technology such as PCB removal from marshes at Kennedy Space Center, in-situ thermal desorption, "in-pile" thermal desorption (such as used in the Danang airport), other thermal treatment technologies, or biological treatment. Several of these comments referred to the evaluation of Alternative TD-5 (thermal desorption), considered as part of EPA's remedy selection process leading up to the 2016 Permit and/or asked that EPA invoke the "adaptive management" provisions of the Revised Final Permit now to mandate that GE treat and not dispose of contaminated soils and sediments.

**EPA Response II.B.1:** EPA's decision not to require treatment in the 2016 Permit as the primary treatment/disposition (TD) alternative was upheld by the EAB after being specifically appealed. 17 E.A.D. at 577-582. In the Revised Final Permit, EPA has not changed that decision. That EPA decision is thus not within the scope of the current public comment period, and EPA is not required to respond to the comments on EPA's decision not to select TD 4 (chemical extraction) or TD 5 (thermal desorption). See Section I.D of this Response to Comments.

Notwithstanding, EPA's response to these comments is provided here.

In GE's 2010 Revised Corrective Measures Study, several innovative technologies were considered, and thermal desorption and chemical extraction were fully evaluated, including a pilot project for chemical extraction. In its 2014 Comparative Analysis and Statement of Basis, EPA evaluated these treatment options, along with on-site and off-site disposal, and selected off-site disposal in its 2016 Permit. EPA's responses to comments raised at that time regarding innovative technologies can be found in the Response to Comments that accompanied the 2106 Permit. Section III.F.3 New and Innovative Technologies Comments 60, 75, 100, 155, 200, 201, 202, 203, 204, 210, 214, 222, 264, 267, 271, 362, 385, 414, 431, 514, 527; *EPA Response to Comments on Draft Permit Modification and Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of River,*" GE Pittsfield/Housatonic River Site (2016).

In addition, EPA's 2005 *Contaminated Sediment Remediation Guidance for Hazardous Waste Sites*, which was considered in the evaluation of the remedy, states ". . . the practicability of treatment, and whether a treatment alternative should be selected, should be evaluated against the NCP's nine remedy selection criteria. Based on available technology, treatment is not considered practicable at most sediment sites." Page 7-4.

Nationally, EPA has not typically selected large-scale treatment at large sediment sites, with the potential exception of sediment amendments used in capping. *Superfund Remedy Report*, 16th edition, EPA, July 2020, EPA-542-R-20-001. Based on publicly available information on EPA's web pages regarding the Contaminated Sediments Technical Advisory Group (CSTAG), https://www.epa.gov/superfund/contaminated-sediments-technical-advisory-group, and the National Remedy Review Board (NRRB), https://www.epa.gov/superfund/national-remedy-review-board-nrrb, since at least 2005, EPA has not selected a remedy at large sediment sites, such as the New Bedford Harbor and the Hudson and Fox River sites, calling for on-site treatment of significant quantities of contaminated excavated/dredged materials. Also, Table 3, titled "Sites Where On-Site or Local Disposal of PCB-Containing Soils and/or Sediments Has Been Part of EPA-Selected Remedy," identifies 24 sites where local disposal is part of the remedy. Lastly, for example at the Diamond Alkali Superfund Site (Passaic River, New Jersey), in a 2018 Record of Decision, EPA Region 2 concluded:

> Statutory Preference for Treatment: Although CERCLA § 121(b) expresses a preference for selection of remedial actions that use permanent solutions and treatment technologies to the maximum extent practicable, there are situations that may limit the use of treatment, including when treatment technologies are not technically feasible or when the extraordinary size or complexity of a site makes implementation of treatment technologies impracticable. The selected remedy

> would generate approximately 3.5 million cubic yards of contaminated sediments, which is clearly an extraordinary volume of materials; and the sediment treatment technologies investigated under Dredged Material Management Scenario C (Local Decontamination and Beneficial Use) have not been constructed or operated in the United States on a scale approaching the capacity needed for this project, so their technical ability to handle such an extraordinary volume of highly contaminated sediments is uncertain. The selected remedy is estimated to provide treatment of approximately 130,000 cubic yards of contaminated sediment through incineration (the only technology available at this time) off-site to comply with applicable Resource Conservation and Recovery Act (RCRA) standards.

While the Rest of River has lower volumes of soil and sediment than the Passaic, these volumes are in the same order of magnitude.

**Comment II.B.2:** EPA is violating the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 9621(b) preference for treatment by not seeking and selecting alternative remedial technologies.

**EPA Response II.B.2:** EPA's decision not to require treatment as the primary TD alternative was upheld by the EAB after being specifically appealed. 17 E.A.D. at 577-582. In the Draft Revised 2020 Permit and Revised Final Permit, EPA has not changed that decision. That EPA decision is thus not within the scope of the current public comment period, and EPA is not required to respond to the comments on EPA's decision not to select TD 4 or TD 5. See Section I.D of this Response to Comments.

Notwithstanding, this issue was raised to the EAB in the appeal of the 2016 Permit and addressed in EPA's reply brief. Specifically, in Section III.D.2.b of EPA's response to the Housatonic River Initiative (HRI) petition (RCRA Appeal 16-02), EPA stated as follows:

> . . . .consideration of treatment was one factor EPA considered consistent with CERCLA's mandate: "The President shall select a remedial action that is protective of human health and the environment, that is cost effective, and that utilizes permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. If the President selects a remedial action not appropriate for a preference under this subsection, the President shall publish an explanation as to why a remedial action involving such reductions was not selected."
> 42 U.S.C. § 9621(b)(1).
>
> EPA's actions on this matter are in accord with CERCLA's preference, and EPA's Record thoroughly explains where treatment technologies were or were not selected as part of the Permit. Specifically:
>
> - As discussed above, GE performed a screening analysis on many technologies and conducted a detailed analysis, including a cost estimate, on two others. EPA then evaluated the nine Consent Decree-Permit criteria for the remaining two technologies, along with three other Treatment/Disposition alternatives. Att. 5 [2014 Statement of Basis] at 35-39 and Att. 10, CA [2014 Comparative Analysis] at 59-78.

- As stated in the Statement of Basis, "EPA also expects the Proposed Remedial Action to . . . "(7) utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable; and (8) satisfy the preference for treatment as a principal element, or explain why the preference for treatment will not be met." Att. 5, [2014 Statement of Basis] at 11." [footnote omitted]

- EPA published an explanation for why it selected its final remedy of off-site disposal, with some incorporation of alternative technologies, in its CA [2014 Comparative Analysis] at 59-77 (Att. 10), Statement of Basis at 35-39 (Att. 5), and [2016 Response to Comments] Section III.F 234-273 (Att. 4).

**Comment II.B.3**: Several commenters stated that the Draft Revised 2020 Permit and 2020 Statement of Basis do not show that the landfill is more protective and cost effective than treating the contamination to the point where landfilling is not needed. The cost comparisons that EPA has conducted assume that treated soil/sediment will still require landfilling (or other treatment).

These commenters stated that EPA failed to consider alternative technologies that eliminate O&M costs of a landfill (and allows the soil/sediment to be re-used). Commenters state that the long-term O&M costs of the landfill need to be compared with the costs of each technology that treats PCB-contaminated soil and sediment.

**EPA Response II.B.3:** In the 2014 Comparative Analysis and 2014 Statement of Basis, EPA evaluated five treatment/disposition alternatives: off-site landfilling (TD 1); disposal in a local in-water Confined Disposal Facility (TD 2); disposal in a local on-site UDF or Facilities (TD 3); chemical extraction of PCBs from removed sediment/soil (TD 4); and thermal desorption of PCBs from removed sediment/soil (TD 5). 2014 Comparative Analysis at 59-60; 2014 Statement of Basis at 24-25 and 35-39. EPA evaluated the five alternatives against the nine decision making criteria in the 2000 Permit to identify the best suited alternative. 2014 Comparative Analysis, at 59-78; 2014 Statement of Basis at 25-28. The commenter's claim regarding protectiveness and cost effectiveness does not consider that EPA's analysis was to evaluate the alternatives on nine separate criteria, not just two. Treatment options to treat all the waste were not the best suited for a project of this scale. Also, in EPA's analysis, the cost comparison demonstrated that thermal desorption (TD 5), both with and without the reuse of material, had significantly greater cost estimates than TD 1 or TD 3. 2014 Statement of Basis at 39; Table 7, Footnote 9. Based on its analysis, in the 2016 Permit, EPA selected TD 1 as the treatment/disposition alternative. The EAB did not remand any aspect of EPA's analysis of either TD 4 or TD 5, the two treatment options under consideration. 17 E.A.D. at 577-582. Thus, as stated above, EPA is not required to respond to this comment.

In the Draft Revised 2020 Permit and related documents, EPA performed a comparative analysis of three treatment/disposition alternatives: TD 1, TD 3, and TD 6, which is the selected Hybrid Disposal approach that incorporates components of the on-site UDF alternative (TD 3), and the off-site disposal alternative (TD 1). EPA appropriately did not include comparison again of TD 4 or TD 5 given the analysis already performed and accepted by the EAB; EPA included

TD 3 in the 2020 analysis because of questions raised by the EAB. Footnote 9 of Supp. Comp. Analyses, July 2020.

**Comment II.B.4:** Some commenters stated that EPA has failed to require the use of alternative technologies for decades and has failed to take steps to actually implement alternative technologies. One commenter noted that pilot studies should have used materials in the River and Floodplains to determine the most effective method or combination of methods (some specifically identifying thermal desorption or biological treatment). One commenter noted that it may be best to use more than one method to address the PCB contamination, but EPA has ignored such options. The comments contended that after such pilot studies, EPA would then be able to better resolve questions of moisture content, how reliable a technology would prove to treat sediment, and whether the treated material would need to be transported to an off-site landfill for disposal or productively used for other purposes.

**EPA Response II.B.4**: Numerous challenges remain regarding the use of innovative treatment technologies. At present there is no proven and viable in-situ method that would avoid excavation of soil and sediment on the scale of the Housatonic River cleanup and allow for suitable reuse of all the material. These comments are similar to comments EPA received on the Draft 2014 Permit Modification and were responded to in the 2016 Response to Comments.

The Region is continuing its efforts to explore innovative technologies, as described below. In summary, for over two decades, EPA has explored the use of alternative technologies at the Site and in the Rest of River specifically. Examples include the following:

- Prior to the 2014 Draft Permit Modification, EPA undertook or required GE to undertake, a number of actions to evaluate innovative technologies as part of the Corrective Measures Study process, including the requirement for a pilot project on chemical extraction of PCBs.

- EPA itself performed a detailed analysis of chemical extraction and thermal desorption as potential treatment/disposal remedies in its 2014 Comparative Analysis (including an evaluation of protectiveness and reuse, along with other remedy evaluation criteria) and in the 2014 Statement of Basis.

- In the 2016 Permit, EPA required implementation of an adaptive management approach during design and implementation of the response action to account for, among other things, evaluations of the use of innovative technologies, results from pilot studies, if any, and additional opportunities that may present themselves over the duration of the project, including during periodic reviews (which take place after completion of the remedial action.) 2016 Permit, Section II.F.

- In the 2016 Permit, EPA required use of activated carbon or another amendment for remediation of Vernal Pools and certain Backwaters.

- In the Draft Revised 2020 Permit, EPA maintained the use of adaptive management, and included a pilot study for use of activated carbon or another amendment for Vernal Pools.

- In its 2020 Settlement Agreement, EPA made a commitment to 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. Settlement Agreement, IV.B.

For additional information on why additional innovative/alternative technologies were not incorporated into the 2016 Permit, see EPA's 2016 Response to Comments, Section III.F.3.ii.

Furthermore, as EPA explained more fully in its 2016 Response to Comments, EPA recognizes that there may be future advances in innovative or new technologies that could result in these technologies being appropriate for use in the Rest of River. 2016 Response to Comments, III.F.3.iii. Lastly, this issue was raised to the EAB in the appeal of the 2016 Permit and addressed in EPA's response brief. Section III.D of EPA's Response to HRI's petition (RCRA Appeal 16-02). EPA's decision not to require treatment as the primary TD alternative was upheld by the EAB after being specifically appealed. 17 E.A.D. at 577-582. In the Draft Revised 2020 Permit and the Revised Final Permit, EPA has not changed that decision. That being the case, EPA is not required to respond to this Comment.

**Comment II.B.5:** One commenter expressed concern that EPA did not properly evaluate the bioremediation project conducted at the New England Log Home Site in Great Barrington, Massachusetts.

**EPA Response II.B.5:** This issue was also was raised in the 2014 comments. EPA Response 60 et al., page 272. It was also raised to the EAB in the appeal of the 2016 Permit and addressed in EPA's response brief. Section III.D.2.a of EPA's response brief to HRI's petition (RCRA Appeal 16-02). EPA's decision not to require treatment was upheld by the EAB after being specifically appealed. 17 E.A.D. at 577-582. In the Revised Final Permit, EPA has not changed that decision. As stated above, EPA is not required to respond to this Comment.

**Comment II.B.6:** Commenters have advocated for EPA to construct a treatment facility at the same location proposed for the UDF. Commenters also suggested EPA re-evaluate the thermal desorption option considering the process used in Danang, Vietnam. One commenter noted that treated material could be reused as backfill in the floodplain or elsewhere making land disposal unnecessary.

**EPA Response II.B.6:** Although commenters recommended treatment at the UDF, including possibly the use of the in-pile thermal desorption process used in Danang, Vietnam, the information provided in the comments does not contradict EPA's conclusions made in 2016 on treatment, including the reuse of material and sequencing of operations. 2014 Statement of Basis and pages 59-78 of the 2014 Comparative Analyses. The in-pile thermal desorption process used in Danang is the same technology EPA assessed in these documents. The thermal desorption process at Danang was simply implemented in a large stockpile of excavated material with thermal probes into the material and capturing the off gases, whereas typical thermal desorption involves the excavation and placement of the material into a free-standing thermal desorption unit.

In addition, the Danang project resulted in the containment (that is, landfilling) of 67,974 cubic meters of low-level contaminated material. *Performance Evaluation of USAID's Environmental Remediation at Danang Airport*, page 15. Furthermore, treated sediment and soil was used as fill

material on site at the Danang Airport. *Environmental Remediation of Dioxin Contamination at Danang Airport Project Frequently Asked Questions*. The project required the excavation of contaminated soil and sediment. *Danang Performance Evaluation Report*, page 5.

There could be other significant drawbacks and issues regarding the use of in-pile thermal desorption at this Site that were not addressed by the comments. These are as follows:

- The need to excavate and transport the excavated River material to a single location for dewatering and treatment.

- Requirement to treat air emissions generated by the in-pile process and the collection and treatment of the leachate produced by the process. Danang FAQs.

- Effect on schedule and staging area capacity, as a slower throughput for treatment would slow the overall processing and final disposition of excavated soils and sediments, which could, in turn, necessitate a delay in excavation activities and, thus, completion of the project.

- Disposal of the treated material and the likelihood the material will ultimately need to be placed in the UDF. See comments in the 2014 Comparative Analysis on the limitations of reuse of thermally desorbed material. That is, for TD 5 (thermal desorption) with reuse, it was assumed that approximately 50% of the floodplain soil treated by thermal desorption would be reused on-site and that all remaining materials would be transported off-site for disposal. This is less than 40,000 cubic yards that could be reused in the floodplain versus a total volume expected to require local disposal of over 1 million cubic yards. Note that the treated material in the Vietnam project was used as fill for an airport.

- The community may not accept a thermal desorption facility operating for 15 years or more in the same location as the UDF.

In summary, it is not clear why similar (or additional) local concerns would not be raised by such an approach, which would likely entail a longer construction duration among other challenges. Ex-situ methods, like chemical extraction, thermal desorption, or even incineration, can often present operational challenges and leave treatment residuals that would still require land disposal after treatment. Even if treated materials were deemed suitable floodplain backfill, there are only an estimated 78,000 cubic yards of materials to be removed from the floodplain vs. a total volume expected to require local disposal of over 1 million cubic yards. No other viable reuse option exists for treated materials. Thus, it is likely that any innovative treatment approach would still require the disposal of treated soil/sediment in a landfill.

**Comment II.B.7:** One commenter noted that EPA should require GE to conduct a pilot study in the Housatonic River on the efficacy of activated carbon as a large-scale remedial tool, not just in Vernal Pools.

**EPA Response II.B.7:** The use of activated carbon, or other amendment, is included in several components of the cleanup plan, including the remediation of sediment in Reach 5B and some of the Backwaters. EPA notes that activated carbon, or other suitable amendment, is also expected to be a component of the subaqueous caps required for various reaches of the riverbed.

GE will be required to demonstrate the efficacy of activated carbon, or other amendments, during the Remedial Design process prior to implementing it full-scale in the River or Backwaters. This may or may not include a pilot-scale project.

**Comment II.B.8**: One commenter requested that EPA implement the principles of adaptive management and urged EPA, before it implements the provisions calling for an UDF to take another, more comprehensive look at the potential effectiveness of thermal desorption for this site. This and other commenters also provided examples of various thermal destruction and thermal desorption projects over the years, asserting that EPA has not fairly examined the new advances, demonstrated by the successful cleanup of the Danang dioxin site utilizing thermal desorption.

**EPA Response II.B.8:** As stated above in this Section II.B, none of the information provided by these commenters leads EPA to change its decision on the approach to remediation, including the use of the UDF. Nevertheless, adaptive management is a critical component of the Revised Final Permit. Section II.F of the Permit states:

> An adaptive management approach shall be implemented by the Permittee in the conduct of any of the Corrective Measures, whether specifically referenced in the requirements for those Corrective Measures or not, to adapt and optimize project activities to account for "lessons learned," new information, changing conditions, evaluations of the use of innovative technologies, results from pilot studies, if any, and additional opportunities that may present themselves over the duration of the project, including during periodic reviews. The Permittee shall modify the implementation of the Corrective Measures, with EPA approval, after a reasonable opportunity for review and comment by the States, through this process to minimize any adverse impacts of the response action, expedite the response, improve the Corrective Measures, and/or to ensure compliance with, or continued progress towards, achieving Performance Standards. To implement an adaptive management approach effectively, Permittee shall submit deliverables identified in Section II.H. (Rest of River SOW) in phases, where appropriate, and identify how any lessons learned and any new information will be incorporated into subsequent deliverables and/or other methods to optimize project activities.
>
> The Permittee shall perform the Corrective Measures in accordance with any modifications that are so identified by the Permittee (with EPA's approval), or that are identified and required by EPA, including, but not limited to, applying an adaptive management approach to the Rest of River SOW, or any other plans, specifications, schedules, or other documents. Any requirements identified by EPA pursuant to this provision cannot be inconsistent with the Consent Decree (including, but not limited to, Paragraphs 39, 162 and 163).

Thus, this process is already included, and no changes to the Revised Final Permit are warranted. With respect to thermal desorption generally, see the other Responses in this Section II.B, and regarding the Danang example, see in particular Response II.B.6.

**Comment II.B.9**: Some commenters, including the Municipal Committee, requested clarification of how they can be assured that the commitment to explore treatment technology

will be upheld and asked EPA to explain how it will facilitate GE having to propose innovative technologies. One commenter stated that EPA should be providing funding to different firms that have shown potential for destroying PCBs.

**EPA Response II.B.9:** EPA has a strong desire to look for technologies that will render the PCBs non-toxic or significantly reduce their toxicity. To that end, EPA committed in the Settlement Agreement to 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. EPA will begin discussions with stakeholders to design and issue a "Challenge" competition, see www.challenge.gov for examples, to identify innovative technology strategies and solutions that may have applicability to this Site. EPA's planned "Challenge" for PCB remediation solutions will likely be conducted in stages, with the first stage being a competition to identify potential technologies that meet the requirements. After evaluating potential solutions, the winning solutions will move on to the next stage, site-specific testing. Such testing could take place at or near the UDF location, or other appropriate location. Testing requirements will include treatment applicability to the specific soil/sediment from the River and evaluating implementability, cost-effectiveness, operational challenges, treatment residuals management, and/or other factors. EPA will incorporate steps for public involvement throughout this process. Additionally, the Revised Final Permit reiterates the adaptive management requirements of the 2016 Permit.

**Comment II.B.10:** Several commenters asked that, when the technologies are invented to render PCBs neutral, GE helps pay for that in this location, stating that GE should have to dedicate funds to Research and Development and work with scientists and organizations to use the toxic soils they have removed from the Housatonic River in their research.

**EPA Response II.B.10:** This concept is addressed by EPA's commitment to 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. If found to be appropriate for the Rest of River response action, it could be implemented through the adaptive management provisions discussed above.

**Comment II.B.11**: Several commenters asked EPA to delay its remedy decision until an appropriate treatment/destruction technology could be brought to bear.

**EPA Response II.B.11:** These comments are similar to comments received on the 2014 Draft Permit Modification. As EPA described in more detail in the 2016 Response to Comments, due to the unacceptable threats to human health and environment posed by the PCBs and the need to control the sources of releases of PCBs, EPA believes that the cleanup cannot be indefinitely delayed until a less invasive technology is found that is appropriate for all components of the cleanup. 2016 Response to Comments, Section III.F.3.i. Also see Section II.F of this Response to Comments.

As for the proposal of GE setting aside a fund for cleanup until new technologies are available, EPA responds below regarding the concept of setting aside a fund. As for waiting generally for

new technologies, see the response immediately above, and in the 2016 Response to Comments III.F.3.i.

**Comment II.B.12:** One commenter wants GE to store contaminated materials indoors until new technologies have been developed.

**EPA Response II.B.12:** Storing up to 1.3 million cubic yards of contaminated material in a building or temporary structure is not feasible. This would require clearing and leveling over 9 acres and constructing a building approximately 630 feet wide by 630 feet long and 90 feet high. It would require safety measures to control releases for an undetermined amount of time, with no guarantee that a successful and appropriate treatment technology can be developed.

**Comment II.B.13:** The Berkshire Natural Resources Council (BNRC) commented that the current method for handling unforeseen complications is referred to as a "reopener clause." BNRC continues that EPA can employ a reopener if it determines actions must be taken, and work done, that were not in the original plan or were unforeseen. New techniques for decontamination of PCBs can't now be foreseen. BNRC specifically requests that new and improved techniques and technologies for decontamination of dredge material and PCBs in situ be recognized as grounds for EPA to engage the reopener clause. BNRC requests that the landfill be constructed with the latest technologies and, wherever possible, incorporate designs that will allow the deployment of new technologies and/or bioremediation to reduce the PCB contamination in the landfill. BNRC requests that the reopener clause be used as needed to ensure that the landfill is secure and any material in it be decontaminated if feasible.

**EPA Response II.B.13**: In the event that unforeseen complications or new techniques arise during implementation of the actions required under the Revised Final Permit, EPA cannot commit presently to use of a particular approach whether under the Consent Decree, the Revised Final Permit, or another method. EPA can confirm that as part of its role overseeing the response action, EPA would evaluate the circumstances to determine if action is needed, and if so, how best to effectuate that action. Additionally, with respect to BNRC's request that the landfill be constructed with the latest technologies and, wherever possible, incorporate designs that will allow the deployment of new technologies and/or bioremediation to reduce the PCB contamination in the landfill, the landfill will be designed to protective specifications. Permit, II.B.5. In addition, design options to promote future innnovative technologies can be considered during Remedial Design, and if appropriate, incorporated into the final design.

## II.C Quality of Life and Operational Details of the Cleanup

**Comment II.C.1:** Several commenters expressed concerns regarding the transport of materials from the areas of excavation to the disposal site(s), including the potential for spills and material leaking from trucks. Many of these commenters asked for specific information regarding traffic, truck routes, the types of vehicles that would be used, staging areas, and road damage/repairs.

**EPA Response II.C.1:** The operational details regarding specific truck routes, transport methods, staging area locations, and design and traffic control will be developed as part of the design effort that will precede construction. The Permit has various requirements to address community impacts during remediation activities in submittals required under the Permit,

including the Quality of Life Compliance Plan (Quality of Life Plan). Permit, II.H.11. The Quality of Life Plan includes requirements to mitigate impacts related to noise, air, odor and lighting; minimize and mitigate traffic on residential streets and transportation-related impacts on neighborhoods; and coordinate work activities, scheduling, and traffic routes with affected residents and local governments. GE is required to submit the Quality of Life Plan for EPA's approval, and the community will have an opportunity to provide input on this Quality of Life Plan prior to EPA approval.

GE is also required to establish and maintain a system to identify and address community complaints during construction activities. See also Section IX.B of the 2016 Response to Comments.

In addition, the Permit requires GE to submit an Off-Site and On-Site Transportation Plan that will detail safety precautions for trucking. Based on previous remediation at the 1½-Mile Reach and other sites in New England and across the country, EPA expects GE to use sealed trucks and tarps to minimize the potential for releases of liquids or air emissions. Also, the UDF has the lowest estimated number of truck trips compared to all off-site disposal (TD1) or all disposal at Woods Pond (TD3). Supp. Comp. Analyses, pages 36-37.

Regarding road inspection and repair, beyond the Revised Final Permit, Section VI.A.3 of the Settlement Agreement also contains detailed commitments by GE to local municipalities regarding GE's obligations for road repair.

**Comment II.C.2:** A number of commenters expressed concern regarding the plan to hydraulically convey sediment from the River to the UDF. Many of these comments focused on concerns that, should hydraulic conveyance not be deemed feasible, this would require a substantial increase in truck traffic in the vicinity of the UDF for an extended period of time. Others suggested that hydraulic pumping may not work in this case.

**EPA Response II.C.2:** Based on experience at other sites in New England and across the country, EPA does believe that hydraulic conveyance of sediment is feasible for this project in Reaches 5C and Woods Pond. As part of the overall design effort, design details will be evaluated to determine the extent to which hydraulic conveyance can be relied upon (for example, over what distances sediment could be piped, whether sediment should be hydraulically dredged and piped, or mechanically dredged and then hydraulically piped to the disposal location, etc.). To the extent hydraulic pumping is not feasible in areas such as the Backwaters near Reach 5C, the mitigation efforts described above in this section are intended to limit impacts to the community.

**Comment II.C.3:** Several commenters expressed concerns about the volatilization of PCBs and impacts to air quality and asked about plans for air monitoring of contaminants during excavations, during operations of the UDF, and after closure of the UDF. One commenter suggested that air impacts were of particular concern in light of the COVID-19 pandemic.

**EPA Response II.C.3:** The Draft Revised 2020 Permit includes several provisions requiring air monitoring as part of the remedy, as did the 2016 Permit. Specific details of air monitoring locations, frequency, and other details, such as monitoring of other media, will be determined as

part of the plans to be submitted per the Permit. Based on the comments received, additional language has been added to the Revised Final Permit to clarify that air monitoring will be conducted at the UDF location.

With regard to remediation causing airborne PCBs, when the 1½ Mile Reach Removal was conducted, a notification level was set at 0.05 $\mu g/m^3$ and an action level was set at 0.1 $\mu g/m^3$ based on 24-hour average for PCB concentrations in air. Monthly air monitoring performed during work in that portion of the River between 2002 and 2006 indicated that there were no exceedances of the action level, and only one sample that exceeded the notification level. GE, *Final Completion Report, 1½ Mile Reach Removal Action*, March 2011, Section 7.1.2. Substantial air monitoring was also conducted in connection with the operation of the OPCAs. A discussion of that air monitoring program is outlined in Section II.A of this Response to Comments.

For Rest of River, at remediation areas, staging areas, and at the UDF, EPA anticipates that GE will be required to use engineering controls and best management practices to minimize the potential for airborne PCBs. EPA is not aware of any evidence linking airborne PCBs and COVID-19. In addition, GE will be required to propose an air monitoring plan with risk-based notification and action levels. While there may be an increase in airborne PCB concentrations in areas close to the remediation for a short period of time, GE will be required to meet action levels for airborne PCBs. If these levels are exceeded, then GE will be required to initiate additional evaluations and engineering controls. 2016 Response to Comments 98, 190, pages 37 and 38.

**Comment II.C.4:** One commenter expressed concern regarding the airborne combination of the gas emitted by creosote in railroad ties with a specific airborne PCB (Aroclor 1254), suggesting they form a poison far, far more toxic than PCBs themselves. The commenter asked that, before PCB excavation work, EPA ask the Commonwealth to replace the newly installed creosote-laden railroad ties in the Rest of the River, especially Lenoxdale, with concrete ties.

**EPA Response II.C.4:** This comment refers to requests for changes to existing railroad ties, which is outside the scope of the Permit. The Rest of River cleanup is associated with the unacceptable risks posed by PCBs and the remedy is being selected to address those risks, thus reducing the amount of PCBs in the environment at this site. Air emissions from sources outside of the cleanup are not within the purview of this process.

**Comment II.C.5:** Some commenters, including the Massachusetts Audubon Society, suggested that detailed design plans should include adequate protections and monitoring, including ongoing monitoring and maintenance of the integrity of the Upland Disposal Area, as well as contingency plans if containment is not functioning as intended.

**EPA Response II.C.5:** EPA agrees that continued operation, maintenance, and monitoring of the remedial measures will be required into the future, including operation, maintenance, and monitoring at the UDF. The Revised Final Permit includes Performance Standards and Corrective Measures for these activities which are required to be laid out in plans submitted by GE and approved by EPA. Permit, II.B.4 and II.C. Therefore, changes are not required for the Revised Final Permit.

**Comment II.C.6:** Several commenters asked about the phasing/sequencing of the work and recommended starting at Woods Pond.

**EPA Response II.C.6:** Revised Final Permit Section II.I requires GE to start concurrently at Woods Pond and Reach 5A, if feasible, unless GE proposes and EPA approves an alternate schedule.

**Comment II.C.7:** One commenter requested several modifications to the Draft Revised 2020 Permit concerning operational details, including time requirements and safety measures for the temporary stockpiling of materials, including covers, runoff control, and protection against storms, floods, high winds, snow and rain; and requiring interim updates and transparency, including online quarterly updates and annual in-person updates with representatives from EPA, GE, and a 3rd party monitor.

**EPA Response II.C.7**: GE is required to propose to EPA for review and approval all operational details in the applicable Remedial Design/Remedial Action Work. Permit, II.H. Concerning updates, the Revised Final Permit requires GE to maintain a web site to provide community access to reports and updates on current projects; and establish a system to identify and address community complaints. Permit, II.H.11. In addition, EPA intends to continue with quarterly CCC meetings, where EPA, State, and potentially GE, will provide updates.

## II.D Impacts of the UDF on Property Values and Tourism

**Comment II.D.1**: Many commenters are concerned that the cleanup and the construction of the UDF will decrease property values in the Lee and other local communities. Specific comments in this regard include, but are not limited to, concerns that the fear of health issues, the possibility of airborne contaminants, the stigma of Lee being associated with a PCB landfill, and the impact of truck traffic are factors that will decrease property values. Commenters also expressed a concern that the UDF is close to Tanglewood, Jacob's Pillow, and several wellness resorts and would harm tourism.

**EPA Response II.D.1:** First, these comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were changes in the Draft Revised 2020 Permit from the 2016 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit from the 2016 Permit. Accordingly, EPA is not required to respond to this comment. For more information, regarding out-of-scope comments, see Section I.D of this Response to Comments.

Furthermore, EPA's remedy selection regulations and policies do not expressly require an evaluation of the impact of proposed remedies on future property values or tourism. Both RCRA's and CERCLA's remedy selection processes consider the cost of proposed remedies, but not the impact on nearby property values or tourism. As for RCRA remedy selection, see 55 Fed. Reg. 30825 (July 27, 1990); 61 Fed. Reg 19449 (May 1, 1996); and *RCRA Corrective Measure Study Bulletin*, page 5, found at https://www.epa.gov/hw/documents-pertaining-evaluation-remedial-alternatives-corrective-action-sites. As for CERCLA remedy selection, see 42 U.S.C. § 9621; 40 C.F.R. § 300.430; *Guidance for Conducting Remedial Investigations and*

*Feasibility Studies Under CERCLA*, October 1988, pages 4-24 and 6-10; and *Role of Cost in Superfund Remedy Selection Process*, September 1996.

Accordingly, EPA did not conduct a property value or tourism impact evaluation for the Draft Revised 2020 Permit. Moreover, as many factors can affect property values and tourism, estimating the future impact of a remedy on property values or tourism is difficult.

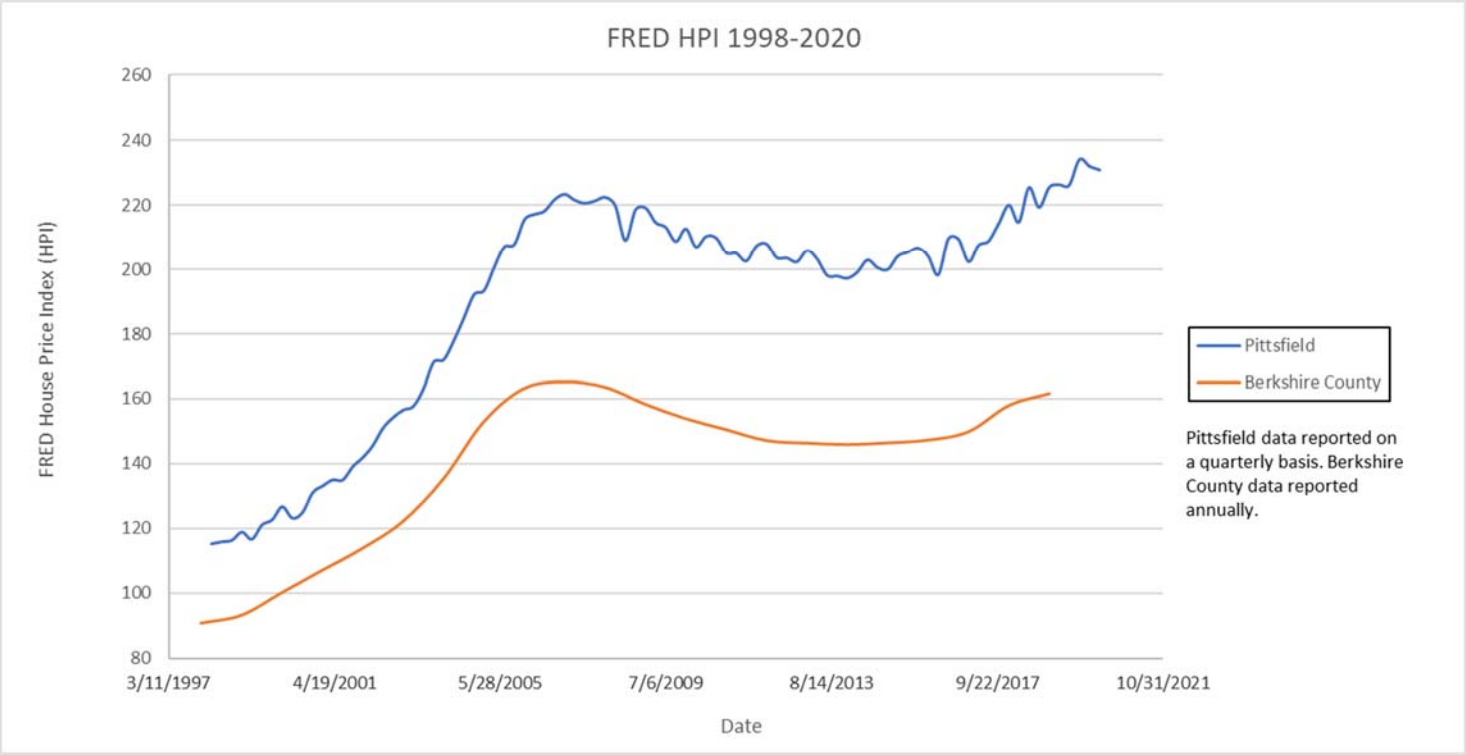
Even if the impact on property values were a consideration in EPA's remedy selection process, it would not change the Region's analysis of the best suited alternative. For the proposed UDF, a number of factors weigh against a significant decline in property values after the UDF is constructed, as described below. Available data do not indicate a decrease in nearby or City-of-Pittsfield-wide property values due to construction of two landfills in Pittsfield for the Consent Decree cleanup. Also, a number of specifics regarding the UDF and its location argue against a drop in nearby property values. The commenters' claims regarding property values and a drop in tourism are speculative, and the commenters did not provide any data in support of their arguments.

Pittsfield Property Values have not Decreased due to GE's On-Plant Consolidation Area (OPCA) Landfills

In the City of Pittsfield, pursuant to the Consent Decree, GE constructed two adjoining landfills for the disposal of PCB cleanup waste and building demolition materials. The landfills began receiving material in 1999, and both were capped and closed by the end of 2009. One of the landfills (Hill 78) was limited to material that contained on average less than 50 ppm PCBs and was not classified as hazardous waste. But the other landfill (Building 71) accepted material that contained more than 50 ppm PCBs and/or was classified as hazardous waste. The landfills are known as the On-Plant Consolidation Areas or "OPCAs." Additional information regarding the OPCAs has also been provided in Section II.A of this Response to Comments.

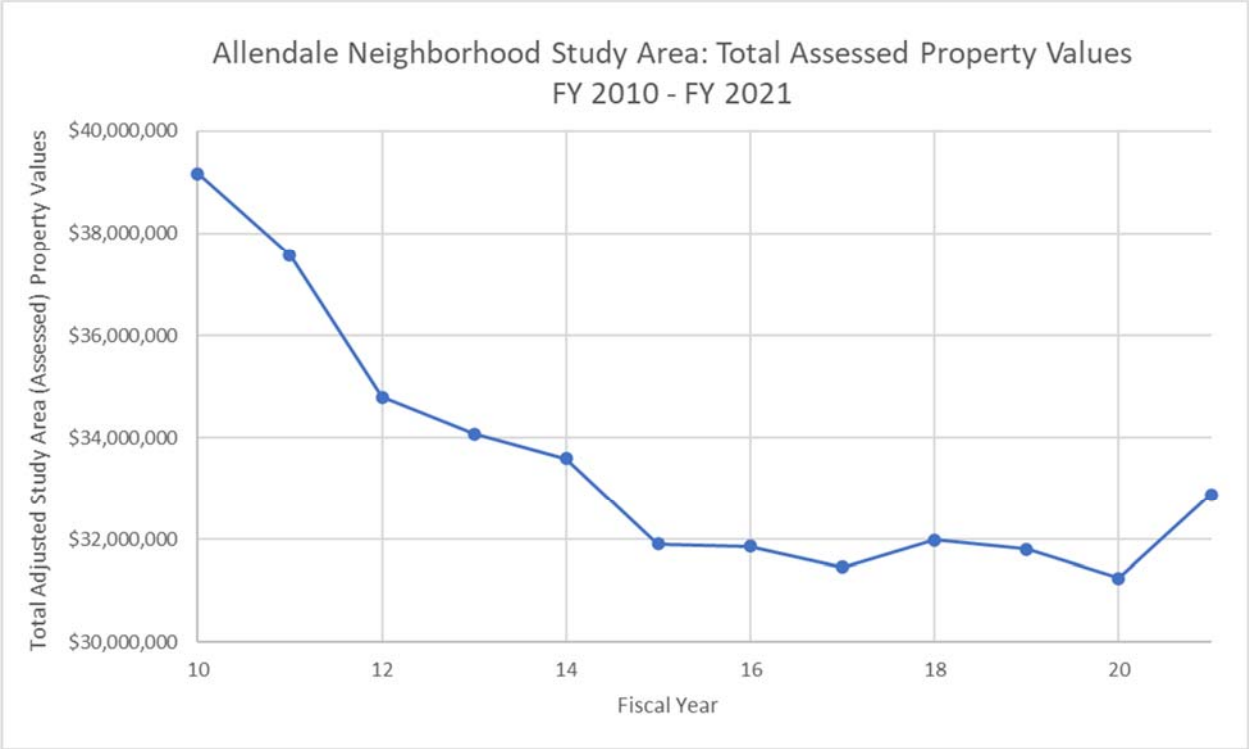
Recently, for this Response to Comments, EPA tasked a consultant, Skeo, to evaluate the impact of the OPCAs on property values in the City of Pittsfield overall and, more specifically, on the Allendale residential neighborhood abutting the OPCAs. "Memo on Property Data Analysis Related to Siting a New Landfill," November 2020 (Property Data Memo). Regarding the City-wide impact, the consultant found that there was "no city-wide decrease in property sales values following construction of the [OPCA] landfill." (page 7). In fact, in the years following construction of the OPCAs, property sales values increased throughout Pittsfield, consistent with Berkshire County trends, until the Great Recession in 2008. Then, prices tracked the decrease and subsequent rebound in prices countywide. Property trends in Pittsfield and Berkshire County are shown in the figure below. Prices in the City of Pittsfield track trends in Berkshire County.

**Housing Price Index (HPI) for Pittsfield and Berkshire County, 1998 to 2020, Federal Reserve Economic Data (FRED)**

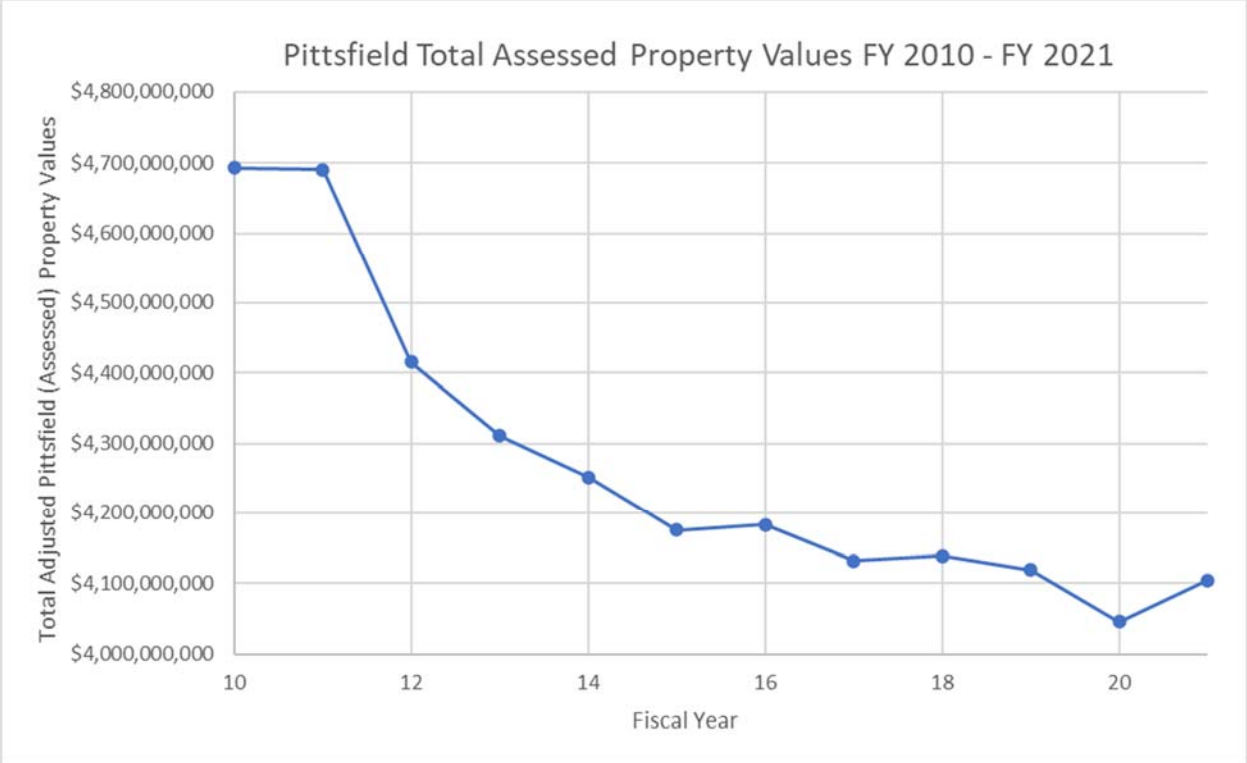



For the Allendale residential neighborhood that is located near the OPCAs (235 residential properties), the consultants evaluated inflation-adjusted, same-property sales data for properties in the neighborhood that sold more than once between 1981 and 2020. Their evaluation did not show that the OPCAs directly affected property sale values in the Allendale neighborhood. Property Data Memo, page 8. In fact, there was an overall increase in Allendale neighborhood inflation-adjusted property sales values since 1981. Property Data Memo, page 8. The Skeo study also reviewed City of Pittsfield property tax assessments for the Allendale neighborhood from 2009 through 2020; assessment data were not available for years prior to 2009. Although inflation-adjusted property tax assessments in the Allendale neighborhood decreased since 2009, such decrease is consistent with the decrease in City-wide assessed property values for the same time period. Both the Allendale neighborhood and the City at large have had a recent uptick in assessed property values. Accordingly, prices in the Allendale neighborhood track trends in the City of Pittsfield. These trends in tax assessed values are shown on the following figures.

**Changes in Assessed Annual Total Allendale Area Property Values, FY 2010 – FY 2021**




**Changes in Assessed Annual Total Pittsfield Property Values, FY 2010 – FY 2021**



Thus, the report concludes that "[t]he results confirm the absence of a significant decrease in Pittsfield property values following construction of the OPCA landfill." Property Data Memo, page 8.

Other Reasons why Property Value Decreases Should Not Occur due to the UDF

In addition to the lack of impact shown in Pittsfield, there are other reasons to believe that the UDF will not significantly affect nearby property values.

- The proposed UDF is located in an industrial area that contains an asphalt plant, a sand and gravel pit, an electrical substation, and several commercial/industrial facilities and is near two closed landfills. The UDF is bordered to the north and east by a large state forest. Figure 1.

- The closest residential areas to the west (homes along Brown Street and Crystal Street) are separated from the proposed UDF location by wooded areas and the Housatonic River. There is only one residence that abuts the proposed UDF location. Otherwise, the closest residential areas to the south are separated from the proposed UDF by a wooded area and the Lee Landfill, and homes along Woodland Road and Washington Mountain Road are separated from the proposed landfill location by wooded areas, two existing landfills, and an electrical substation. Figure 1. Photo renderings show that the UDF will not be highly visible from across the River.

- There are already two other landfills located immediately south of the proposed UDF location. One, the Town of Lee's municipal landfill, is 300 to 400 feet from the proposed UDF location. The other, Schweitzer-Mauduit International, Inc. paper sludge landfill (a former Kimberly-Clark industrial landfill), is 1,900 to 2,000 feet from the proposed UDF location. Figure 1. To the extent that these two landfills have any effect on property values, the addition of a new landfill in the same general area should not result in additional property value impacts. Also, the UDF is limited to PCB waste with an average concentration of 25 ppm or less, which is a much lower level of PCBs than was disposed of at the OPCAs in Pittsfield.

- The UDF may be able to be put into productive reuse like the nearby Schweitzer-Mauduit landfill, which now includes a solar array producing renewable power. According to newspaper articles, the solar farm reduces Lee's electricity costs. *Berkshire Eagle* articles dated July 31, 2017 and August 24, 2015.

- Regarding traffic, any River cleanup will require transportation of wastes. Whether the cleanup wastes are disposed of in the UDF or transported off-site, trucks will still need to drive through town roads. The Revised Final Permit, by establishing that, if feasible, materials from Reach 5C, Woods Pond, and associated Backwaters will be pumped directly from the River to the UDF, thus eliminating approximately 50,000 truck trips, could potentially mitigate significantly the impact of truck traffic.

- The UDF will be used only for cleanup wastes and will be closed when it is full or at the end of the river cleanup, whichever comes first. The UDF will not be like large municipal garbage landfills, which are often associated with ongoing significant truck and vehicle

traffic, and unpleasant sights and odors. EPA will also oversee GE's operation of the UDF to ensure GE's compliance with its short- and long-term obligations regarding the UDF.

- The UDF is not an untried or novel cleanup remedy. Capping is frequently used at Superfund sites and at many other types of hazardous waste and disposal sites across the nation. Capping has been a component of many Superfund cleanups within the six New England states, and of New England's 119 listed Superfund, almost 60 sites have caps or covers (and in some cases, multiple caps). EPA Region I Memo, "Research on Use of Capping at Superfund Sites in Region I," September 7, 2016. Some of these caps are being actively used as recreational fields and businesses. https://www.epa.gov/superfund-redevelopment-initiative/superfund-site-innovative-reuse-categories-capped-sites and *Reuse Opportunities at Capped Superfund Sites,* EPA Superfund Redevelopment Initiative, April 2017.

As discussed elsewhere in this Response to Comments, there will be protections to minimize impacts during construction, including a Quality of Life Compliance Plan, and EPA oversight of GE's operation and maintenance of the UDF. See Section II.C of this Response to Comments.

EPA notes that in 2012, EPA, separate from the remedy selection process, provided funding for a study requested by local municipalities titled *Cleanup of the Housatonic "Rest of River" Socioeconomic Impact Study*, by Skeo Solutions (September 2012) (the 2012 Skeo Report). Based upon a 2011 research paper evaluating 46 studies of the property value impact of landfills, Skeo estimated that there would be a 3.5% decline in property values near the Woods Pond potential landfill location. Skeo 2012 Report, page 53. The 2012 Skeo Report assumed all waste would be disposed of at the Woods Pond location. Given that the UDF will be used for disposal of only low-level PCBs and the other factors mentioned above, there are credible reasons to believe that the property value impact of the UDF would not occur or would be less than 3.5%. EPA also notes that the 2012 Skeo Report estimated that overall property values would increase as a result of the cleanup. Although not necessarily specific to property near landfills, a 2017 study concluded that cleaning up contaminated brownfield properties led to residential property value increases of 5 to 15% percent within 1.29 miles of the sites. Haninger, K., L. Ma, and C. Timmins. 2017. "The Value of Brownfield Remediation," *Journal of the Association of Environmental and Resource Economists* 4(1): 197-241. Gamper-Rabindran, S. and C. Timmins. 2013. "Does cleanup of hazardous waste sites raise housing values? Evidence of spatially localized benefits." *Journal of Environmental Economics and Management* 65 (2013) (345-360).

As for tourism, as stated above, EPA's remedy selection regulations and policies do not expressly require an evaluation of the impact of proposed remedies on tourism. Moreover, even if the impact on tourism was a consideration in EPA's remedy selection process, it would not change the Region's analysis of the best suited alternative. For further information, the 2012 Skeo Report contains a detailed evaluation of the potential impact of the Rest of River cleanup on tourism. 2012 Skeo Report, pages 20-28. That Report primarily analyzed the impact of contaminated material removal activities on tourism and stated that it was not possible to precisely quantify the impact that the Rest of River cleanup would have on tourism. 2012 Skeo Report, page 27. For many of the same reasons that EPA does not believe the UDF will harm property values, EPA also believes that the presence of the UDF will not harm or significantly impact tourism. The cleanup and associated UDF will remove the currently uncontrolled

PCB-contaminated sediments and soils and place them in a safe and protective facility that will effectively isolate PCBs. It will be located in an already disturbed area and will not be greatly visible. Other capped areas have been reused as solar fields or recreational areas. Thus, the UDF may be able to be reused in a similar manner, in which case the presence of the UDF may be neutral or even positive. If hydraulic pumping is feasible, the UDF will eliminate 50,000 truck trips, which will mitigate the impact of the cleanup work. Furthermore, the cleanup of the Housatonic River may lead to more river-based recreation after cleanup and offset any potential concerns or stigma regarding the UDF. GE will also include details in its work plans regarding how GE will prepare the UDF for reuse if the Town of Lee so desires. Permit, II.B.5.b. EPA notes that the six municipalities that expressed concerns about tourism in the 2012 Skeo Report recently joined in the Settlement Agreement and agreed not to appeal the Revised Final Permit, unless it is inconsistent with the terms of the Settlement Agreement. Settlement Agreement, page 3. Outside of the Revised Final Permit, the Settlement Agreement contains provisions that could aid tourism: GE agrees to facilitate enhancement of recreational activities in the Rest of River corridor (page 7); and GE agrees to donate the Rising Pond site to the Town of Great Barrington (page 13). Finally, GE will provide a total of $63 million to the municipalities, which they could use to promote tourism. Settlement Agreement, page 13.

## II.E Fairness of the Process

**Comment II.E.1:** Commenters raised concerns about the Settlement Agreement process, including the following: that town-wide votes should have been taken; that citizens had not been consulted; that it was unfair that negotiations had been private and citizens and communities who would be affected were not notified until they were finished; that a municipal representative had made representations to citizens; and there was no rationale in the monetary split between the towns for compensation provided in the Settlement Agreement.

**EPA Response II.E.1**: The scope of the public comment opportunity is the set of changes in the Draft Revised 2020 Permit from the 2016 Permit. These comments, however, are focused on the process for undertaking the negotiations for the Settlement Agreement, and the method of agreeing on the Settlement Agreement by individual parties, including its financial terms. Those topics are not part of the specific changes from the 2016 Permit to the Draft Revised 2020 Permit and are directed at other parties. That being the case, these comments regarding the Settlement Agreement are beyond the scope of the public comment opportunity. See Section I.D for more information.

The 2000 Permit, the Consent Decree, and 40 C.F.R. Part 124 provide for public comment and an EPA response regarding EPA's proposed remedy. However, they do not require or regulate an approval process for other parties or agreements.

**Comment II.E.2**: Green Berkshires expressed that in a situation with such far-reaching consequences, the appropriate process should have been for EPA to lay out the alternatives—with their outcomes—before any agreements were signed and let the people most affected weigh the risks and rewards through questions and consideration of the answers, followed by a town-wide vote in each affected community on a draft revised permit, with weighted preference given to the votes of those communities most adversely impacted: Lee, Lenoxdale, and Pittsfield.

**EPA Response II.E.2**: See EPA Response to Comment II.E.1 above.

**Comment II.E.3:** A commenter asserted that experts in environmental science were not consulted when negotiating the Settlement Agreement.

**EPA Response II.E.3**: As stated above, the scope of the public comment opportunity is the set of changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, the comment is beyond the scope of the public comment opportunity. See Section I.D for more information.

Notwithstanding, at all times in the process of EPA's development and issuance of the Draft Revised 2020 Permit and the Revised Final Permit, EPA's project team included multiple environmental engineers/scientists. Additionally, EPA notes that for the discussions leading up to the Settlement Agreement, the Rest of River Municipal Committee retained an environmental consultant to support them during their negotiations. EPA and Connecticut Department of Energy and Environmental Protection (CT DEEP) also relied on their technical experts during negotiations.

**Comment II.E.4**: The Housatonic Environmental Action League (HEAL) and another commenter asserted that HEAL was placed in untenable position with the mediation confidentiality agreement in 2018. HEAL asserts that it was asked to sign a strict confidentiality agreement that would preclude it from having any discussions or obtaining approvals from HEAL membership if HEAL was to compromise on matters that the organization had vigorously advocated for over many years. HEAL stated that it viewed this as a betrayal that would undermine the trust that HEAL had built up in the community.

**EPA Response II.E.4**: As stated above, the scope of the public comment opportunity is the set of changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, the comment is beyond the scope of the public comment opportunity.

**Comment II.E.5**: HEAL and others asked that that individual towns impacted in Massachusetts and Connecticut have a direct say through municipal votes on approval/disapproval of any future compromise reached.

**EPA Response II.E.5**: As stated above, the scope of the public comment opportunity is the changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, this comment is beyond the scope of the public comment opportunity.

Additionally, the comment is not directed at EPA. EPA has not mandated an approval process for any other party. The 2000 Permit, the Consent Decree, and 40 C.F.R. Part 124 provide for public comment and an EPA response regarding EPA's proposed remedy, and EPA followed these procedures. They do not require or regulate an approval process for other parties or agreements.

**Comment II.E.6**: A commenter expressed concern that the settlement was a rationalization after the EAB decision. Another commenter questioned EPA's statement in the spring public input meetings that off-site disposal was not fully supported, and the commenters asked who made this statement and in what context. Further, HEAL said that it was not necessary to change the remedy based on the direction from the EAB.

**EPA Response II.E.6**: Initially, as stated above, the scope of the public comment opportunity is the changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, the comment is beyond the scope of the public comment opportunity.

Notwithstanding, see the Introduction above at I.D and I.F. for a discussion of the EAB decision. The EAB decision responded to a number of appeals to the 2016 Permit. The EAB found that the Region's selection of off-site disposal was not fully supported by the Administrative Record and remanded it to the Region for further consideration. 17 E.A.D. at 569. That being the case, EPA did take into account the EAB decision in its decision making process. The remedy in the Revised Final Permit is the best suited alternative considering the remedy selection criteria and any other relevant information in the Administrative Record. For further details, see the Response to Comment II.K.27.

**Comment II.E.7**: HEAL asks that EPA reopen negotiations with GE and all parties involved in what HEAL refers to as a dubious settlement compromise as a result of a secretive and undemocratic mediation.

**EPA Response II.E.7**: As stated above, the scope of the public comment opportunity is the set of changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment refers to the negotiations among the parties to the Settlement Agreement, and the merits of that agreement; it does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, the comment is beyond the scope of the public comment opportunity.

Beyond that, EPA is issuing at this time the Revised Final Permit, as supported by the Administrative Record. EPA thus declines the request to reopen negotiations on the Rest of River at this time. As stated in the Administrative Record, EPA has determined that the cleanup plan represented in the Revised Final Permit is the best suited approach among different alternatives for sediment and floodplain remediation, and treatment/disposal of excavated materials. See the 2020 Statement of Basis and Supp. Comp. Analyses.

**Comment II.E.8**: A commenter expressed that due process "has not happened."

**EPA Response II.E.8**: Initially, as stated above, the scope of the public comment opportunity is the changes in the Draft Revised 2020 Permit from the 2016 Permit. This comment does not pertain to any specific change from the 2016 Permit to the Draft Revised 2020 Permit. That being the case, the comment is beyond the scope of the public comment opportunity.

With respect to the Revised Final Permit, EPA has provided all the process required by 40 C.F.R. Part 124 and significantly more process through the solicitation of public comments, the multiple virtual public hearings and the many avenues for receiving public comments. See Section I.C of this Response to Comments.

**Comment II.E.9**: Many commenters expressed opposition to the Draft Revised 2020 Permit and stated their intention to sue to stop the construction of the UDF. A number of commenters stated that EPA should revert to off-site disposal.

**EPA Response II.E.9**: EPA did receive comments in support of the remedy outlined in the Draft Revised 2020 Permit, as evidenced by the comments in support of the remedy, Section II.J of this Response to Comments, and as shown by the fact that the signatories to the Settlement Agreement have agreed not to appeal this Permit, unless it is inconsistent with the Settlement Agreement.

EPA acknowledges there is some community opposition to the remedy outlined in the Draft Revised 2020 Permit. However, and as shown by the fact that the signatories to the Settlement Agreement have agreed not to appeal this Permit, there is also some community support. EPA considered support for the Hybrid Disposal approach and the remedy in its Comparative Analyses. Supp. Comp. Analyses, page 39; Statement of Basis, page 34. The remedy in the Revised Final Permit also includes key benefits to River communities. See Supp. Comp. Analyses, page 40. See the response to Comment II.K.27 regarding reverting to off-site disposal.

As stated above, EPA has provided all the process required by 40 C.F.R. Part 124 and significantly more process. Provisions regarding petitions for review of EPA Permit decisions are in 40 C.F.R. Part 124. Responses to comments related to reverting to the original approach from the 2016 Permit are also included in Section II.G.

## II.F Requests for Delay of the Process

**Comment II.F.1**: Several commenters asserted that the EPA extension from a 45-day comment period to a 66-day comment period was not long enough due to competing obligations for citizens, the circumstances of COVID 19, the tornadoes in northwestern Connecticut, the concerns faced by families due to job loss and school starting in the fall. Among the requests were specific requests to extend the comment period to at least November 20, 2020. HEAL asked about specifics on outreach to Connecticut.

**EPA Response II.F.1**: Given the circumstances, an extension of time beyond the 66-day public comment period was not and is not necessary. EPA issued publicly the package for the Draft Revised 2020 Permit on July 9, 2020. EPA initiated the comment period on July 14, 2020, with a RCRA public hearing the evening of August 26, 2020, and an original closing date of the comment period of August 28, 2020. Based on requests from the public, EPA decided to extend the comment period to September 18, 2020, and to add two additional RCRA public hearings—one in the afternoon of August 26, 2020 and another the evening of September 15, 2020.

The time period for public comment exceeded the minimum period for RCRA permits under 40 C.F.R. 124. The 66-day period (plus the 5-day period after EPA had publicly issued the Draft Revised 2020 Permit package and before EPA started the formal comment period) provided commenters with a reasonable opportunity to comply with the public comment requirements. As described above, the scope of the public comment opportunity was limited to the significant new questions that caused EPA to issue the Draft Revised 2020 Permit, which EPA highlighted for the public by issuing the Draft Revised 2020 Permit in "redline/strikeout"

format. Additional time to comment was not necessary also because of information shared by EPA in the three public meetings over 11 hours in February and March 2020, when presenting to the public a Settlement Agreement among EPA and seven other entities. The Draft Revised 2020 Permit's revisions from the 2016 Permit are consistent with Sections I-III of the Settlement Agreement, which were discussed at length in the February and March public meetings.

The COVID-19 pandemic necessitated changes to the usual processes for public comments to be received, but EPA made a number of enhancements to the public process to ensure all had a reasonable opportunity to comment. Virtual public hearings and meetings are a permissible tool under the federal environmental statutes that EPA administers to provide for public participation in permitting, rulemaking, and similar regulatory actions, and when conducting public engagement at Superfund sites.

EPA held three virtual public hearings pursuant to RCRA during the public comment period, and 60 people commented at these three virtual public hearings. In addition, EPA allowed public comments to be submitted via many different media, including US mail, fax, email, and voice mail. Overall, EPA received comments from 428 commenters (people or entities).

EPA's decision to conduct the public engagement virtually and take other measures for the Rest of River project due to the current COVID-19 crisis are consistent with EPA's guidance regarding public engagement during the COVID-19 pandemic, including the following: EPA Office of General Counsel's April 16, 2020 memorandum, Virtual Public Hearings and Meetings; EPA's April 28, 2020, CERCLA Interim Guidance on Public Engagement During COVID-19; and EPA's May 12, 2020 notice, Notice Regarding "Hard Copy" Submissions to EPA During the COVID-19 National Emergency. With respect to specific outreach in Connecticut (and Massachusetts), see Section I.C of this Response to Comments.

For other citizen concerns such as the weather-related concerns in northwestern Connecticut, and employment and school concerns, EPA recognizes the issues people have been facing generally in 2020. EPA believes that additional time to comment beyond the period already granted to commenters was and is not necessary.

**Comment II.F.2:** A commenter asserted that the EPA virtual public hearings were inadequate due to problems with internet, cell, and land line connections. Others asked for instructions about the hearing.

**EPA Response II.F.2:** EPA made it possible for people to provide oral comments by having three virtual public hearings (a total of 10.5 hours), far beyond the regulatory minimum of one public hearing. EPA conducted the hearings via links both to computers and to phone and local access TV, to help ensure all people could attend. The participation of 60 commenters, some who spoke multiple times, demonstrates the adequacy of multiple safeguards taken to facilitate the public hearings. When requested, EPA contacted commenters to provide instructions about how to participate in the hearings. In addition, EPA allowed public comments to be submitted via many different media, including US mail, fax, email, and voice mail.

**Comment II.F.3**: Commenters asked for a delay until the pandemic is over.

**EPA Response II.F.3**: EPA's goal is to ensure that cleanup work on the Housatonic River and its Floodplains proceeds in a timely and effective manner to address the risks posed by the PCBs. Despite the issues related to the pandemic, EPA conducted a robust opportunity for all to comment on the Draft Revised 2020 Permit and received over 400 comments. The ability to conduct the virtual public participation activities successfully and the other avenues for public comment make it unnecessary to delay for an uncertain period until the pandemic is over.

**Comment II.F.4:** Some commenters stated their belief that the Permit is being rushed through, including commenters attributing the perceived rush to the EPA administration and upcoming election.

**EPA Response II.F.4:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments. Notwithstanding, EPA disagrees with that characterization. EPA has been moving forward on ensuring a protective Rest of River cleanup for many years, and this year has not been any different. During any administration, EPA has moved promptly and methodically through the process identified in the Consent Decree and the 2000 Permit to ensure a timely and protective cleanup for the River and Floodplains.

**Comment II.F.5:** A commenter asked why EPA does not put the current plan on hold and have five to six environmental firms use test site areas to do research.

**EPA Response II.F.5**: EPA has made a commitment to explore PCB treatment technologies as part of the design and cleanup of the Rest of River. Given EPA's concern about expediting removal of the PCBs posing risks from the River and Floodplains, EPA believes the remedial design work of the Draft Revised 2020 Permit does not need to be put on hold for EPA to implement the actions related to the technology commitment; the technology work can be developed during the same time as GE is submitting, and EPA and the public are reviewing, draft design deliverables for the cleanup. EPA's commitments regarding innovative technologies and responses to other related comments are discussed in Section II.B of this Response to Comments.

**Comment II.F.6:** Two U.S. Senators and one Congressperson from Connecticut requested an extension of the comment period. One basis for their request was a concern that not enough outreach to Connecticut had occurred. The U.S. Senators and one Congressperson from Connecticut also expressed concern about the "digital divide" in which certain citizens have less access to virtual events conducted solely via the internet.

**EPA Response II.F.6**: EPA respectfully disagrees about the sufficiency of the notifications provided to Connecticut residents. See Section I.C above for EPA's efforts in the recent public comment period, including significant outreach in Connecticut. Allowing a longer comment period was not necessary, due in part to these EPA actions.

With respect to the recent public comment period, EPA took several significant steps to minimize any "digital divide." EPA took several steps to help people with less access to the

internet or computers, such as having the virtual public hearings available on local cable access TV, phone connections for the hearings, multiple avenues to provide comments outside of the internet (voice mail, fax, USPS), notifications in newspapers, and on request, mailing to citizens physical copies of the Draft Revised 2020 Permit documents. Allowing a longer comment period was not necessary, due in part to these EPA actions.

## II.G EPA and GE Responsibilities and Payment of Cleanup Costs

**Comment II.G.1:** A number of commenters noted their belief that GE was not taking responsibility for the harm done to the River and surrounding towns, noting their belief that the cleanup plan proposed by EPA is to the benefit of GE and doesn't go far enough in cleaning up the contamination or punishing GE adequately for their actions. Others suggested that GE could not be trusted to do the cleanup properly.

**EPA Response II.G.1:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding**,** per the terms of the Consent Decree, GE has agreed to implement the Rest of River cleanup plan selected by EPA as part of this process. GE reaffirmed that commitment and agreed to an expanded cleanup and further agreed not to appeal so long as the revised cleanup remained consistent with the Settlement Agreement. The Draft Revised 2020 Permit and Revised Final Permit are fully consistent with the Settlement Agreement, which means that GE is required to move forward towards implementing that cleanup plan to protect the River, Floodplains, habitat, and local communities. EPA's "polluter pays" principles are firmly in effect in this case. GE will be responsible for all costs of design, construction, monitoring, and maintenance of the remedy and will remain so. EPA will oversee and verify the quality of GE's work, while GE will be required to reimburse EPA's costs for such oversight in accordance with the Consent Decree.

**Comment II.G.2:** Some commenters stated that GE's cleanup at the Hudson was a failure, and based on its performance at the Hudson, the public doesn't trust GE to implement a proper cleanup of the Housatonic. In addition, if GE is in charge of the work being done, they will do it as cheaply and as incompetently as they can possibly can, as they contend the Hudson River project was done.

**EPA Response II.G.2:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA notes that active remediation (dredging with limited capping) in the Upper Hudson River (Operable Unit 2 of the Hudson River PCBs Superfund Site) was completed between 2009 and 2015. GE, with EPA oversight in close coordination with various New York State Agencies (Department of Environmental Conservation, Department of Health, and Canal Corporation), has conducted the remediation in compliance with EPA's project requirements that were set forth in the Record of Decision for that Operable Unit, which included performance standards for engineering (for resuspension, production, and residuals) and quality of life (for air, odor, noise, and lighting). GE reportedly spent an estimated $1.7 billion related to this work.

The Upper Hudson River Record of Decision called for active remediation followed by natural recovery of the Hudson River. Therefore, as expected, human health and ecological remedial goals have not yet been achieved. The limited post-dredging data show that fish, water, and sediment concentrations are below the pre-dredge levels and declining. EPA has indicated that it expects that 8 or more years of post-dredging data will be necessary to determine trends in fish tissue concentrations. Because only 5 years of data are available, it is too early to determine the protectiveness of the remedy.

If the data from the long-term monitoring show that the recovery is not happening as anticipated in the Record of Decision, EPA will determine what, if any, additional steps can be taken to improve the recovery. The Superfund law and the legally binding Consent Decree between EPA and GE include provisions for taking such additional steps.

GE remains obligated to do much additional work in the Hudson River under the Consent Decree, including monitoring of PCBs in fish, sediment, and water, and monitoring and maintenance of caps placed on the river bottom. That work will continue for, at the least, five decades.

**Comment II.G.3:** Some commenters mentioned that New York State is suing EPA regarding the Hudson River cleanup. Specifically, one commenter stated, "After their second five-year review of the site, fish tissue sampling shows no downward trend in PCBs levels in the fish. The New York Attorney General has filed a suit against EPA to revoke the certificate of completion EPA provided to GE at the end of the partial dredging. Unless we're able to change the EPA norm, the Housatonic River site is destined for the same outcome."

**EPA Response II.G.3:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments. Also, as a general matter, EPA does not comment on pending litigation. The case referenced in the comment, State of New York v. EPA, docket number 1:19-CV-01029, is currently pending in the Northern District of New York.

**Comment II.G.4:** Several commenters implored EPA to "do the right thing" and change course on the cleanup plan to call for additional remediation and/or to ship all contaminated materials out of state, as in the 2016 Permit. Some comments along these lines suggested that the current

Administration was working to weaken environmental regulations and was favoring GE over the local communities. Other commenters asserted that EPA was corrupt and may have conflicts of interest.

**EPA Response II.G.4:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA has thoroughly evaluated the contamination at the Site and the range of alternatives for cleanup. The selected cleanup plan best meets the criteria EPA uses to select remedies and represents a cost-effective, protective solution to the risks posed by contaminated soils and sediments at the Site. Furthermore, the expanded cleanup scope outlined in the Revised Final Permit affords a more extensive cleanup than the 2016 Permit. As discussed in the responses to other comments elsewhere, the human health and environmental risks lie in the sediment, floodplain soils, fish, and other biota impacted by this contamination. Consolidation of the lower levels of this contamination in a secure on-site UDF will not pose an unacceptable risk and is part of the appropriate solution to the cleanup of the Site. EPA Region 1 has made the investigation and cleanup of the Housatonic River and the protection of the local communities that use the River a top priority for the last two decades, this commitment has not changed as federal administrations have changed, and the Region stands behind the cleanup plan outlined in the Draft Revised 2020 Permit as the best solution for the Site.

**Comment II.G.5:** Green Berkshires and others suggested that, rather than adopting the cleanup plan outlined in the Draft Revised 2020 Permit, EPA instead should direct GE to establish a fund with the $576 million estimated cost and rely upon the River's natural self-cleansing mechanisms and periodic dredging targeted to specific areas of the River and its Floodplains. Specifically, one commenter suggested that EPA administer this fund; using part of that money to periodically dredge PCBs collected at the Impoundments of Woods Pond and Rising Pond as well as at hotspots above those ponds; moving by train the contaminated material out of the region to a licensed site; studying methods of deactivating PCBs; and treating the PCB-contaminated soil and sediment collected from the river reaches. Another commenter suggested removing Woods Pond Dam and restoring the River as a natural channel.

**EPA Response II.G.5:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, as part of the process leading up to the 2016 Permit, EPA and GE evaluated a range of alternatives for cleanup to address the unacceptable risks posed by contamination in the River and floodplain. Limited solutions, such as the ones suggested by the commenter, were considered and rejected as not sufficient to meet the general standards or selection decision

factors by which EPA evaluated potential remedial alternatives. 2014 Statement of Basis; 2014 Comparative Analysis; 2016 Response to Comments Section II.E. In short, the scope of cleanup suggested by the comment could not be deemed sufficiently protective of human health and the environment. Instead, EPA has determined that the cleanup plan outlined in the Draft Revised 2020 Permit embodies the most appropriate alternative under the remedy selection criteria and any other relevant information in the Administrative Record; therefore, no substantive changes to the extent of cleanup are warranted. Except in two regards, the EAB has upheld EPA's 2016 remedy.

Additionally, as explained in EPA's Response II.G.6 below, in EPA's cleanup programs, EPA's preference is to have the responsible parties, not the government, perform the cleanup actions.

**Comment II.G.6**: The Rest of River Municipal Committee commented that there is a substantial chance that the sediment/soil remedy could cost GE much more than the cost estimate in the Statement of Basis because of the need to comply with new Performance Standards. The commenter states that this point is relevant to whether it would have been realistic for the Region to require GE to undertake additional soil and sediment removal outside the context of a settlement that included the UDF.

**EPA Response II.G.6**: The estimated cost of the remedy for remediating soil, sediment and floodplain is $398 million, and the cost for disposal is $178 million, for a total cost of $576 million (in 2020 dollars). As Permittee under the Revised Final Permit, GE is responsible for performing the Corrective Measures and meeting the Performance Standards in the remedy, not simply for the estimated cost of the remedy. Under EPA's Superfund program, the cost estimates at the remedy selection stage are estimated to be within a "plus 50, minus 30" range, meaning that a remedy can be expected to cost up to 50% more or 30% less than the stated cost estimate. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*, EPA, October 1988. GE's costs are not capped at $576 million. Having GE bear the responsibility for the unknown future costs ensures that the government/citizens do not bear that responsibility.

Having responsible parties perform the cleanup work is favored by EPA because in that situation EPA bears none of the costs if the remedy selection cost estimate ends up being significantly lower than the actual cost after implementation. *Enforcement First for Remedial Action at Superfund Sites*, EPA, September 20, 2002.

Here, per the Decree Paragraph 22 and the Revised Final Permit, the ultimate responsibility to complete the cleanup and attain Performance Standards is GE's, including for the additional soil and sediment cleanups provided in the Revised Final Permit.

**Comment II.G.7:** A commenter requested that GE be fined, and that the money be used to educate the community about contamination and safe practices, and also be applied to medical expenses associated with the contamination, rather than cleanup/removal conducted.

**EPA Response II.G.7**: This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. This comment does

not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, the PCB-contaminated sediments and soils in the Rest of River are presenting unacceptable risks to human health and the environment. The Draft Revised 2020 Permit requires GE, per the Decree, to implement and complete specific response actions designed to eliminate the unacceptable risks. EPA believes it is important to address those risks and protect human health and the environment. Additionally, the Decree does not provide a mechanism for substituting fines for cleanup responsibilities even for purposes such as mentioned by the commenter. See the response to Comment II.G.6 directly above for additional information on Consent Decree requirements.

**Comment II.G.8**: A number of commenters expressed concern that there was not sufficient assurance that GE would be financially able to complete the response action.

**EPA Response II.G.8**: This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. This comment does not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, please note that the court-ordered Consent Decree contains provisions regarding financial assurance, including the following: GE's requirement that it design and implement the Rest of River response action and operation and maintenance obligations; Decree, Paragraph 22; and GE's financial assurance obligations in Section XVII of the Decree, for which GE executed on January 17, 2019 a performance bond for $150,000,000.

**Comment II.G.9:** BNRC commented that a stronger surety bond than the existing $150 million performance bond is needed to ensure that GE has financial resources to complete the Rest of River response actions. BNRC asserts that the existing performance bond is not designed to ensure the long-term reliability and structural soundness of the landfill. BNRC is concerned that once PCBs are dredged and deposited in the landfill, GE can request that the entire surety bond be released back to them. Further, BNRC is concerned because GE's requests to EPA in regard to the surety bond do not trigger public comment and input.

BNRC requests that any request by GE having to do with the Surety Bond require that EPA seek public comment so that those most affected by the dredging and cleanup can weigh in with firsthand knowledge as to the impact of GE's request. BNRC also requests at a minimum of 33% ($50 million) of the surety bond be retained by EPA for the purpose of rapid response to any future PCB breach, structural failure or other unforeseen human health emergency related to the landfill. If new techniques for decontamination of the landfill are developed, the retained $50 million could be used to decontaminate the landfill and further reduce the long-term risk of PCBs breaching the landfill and reentering the River/environment.

**EPA Response II.G.9**: With respect to public comment and input on any GE request to reduce the amount of money in a performance bond during cleanup implementation, EPA intends to seek public input at that time prior to EPA determining whether to approve a GE request. Additionally, with respect to having a specific minimum surety bond amount or percentage retained for particular purposes, EPA is unwilling presently to speculate on the specifics of a potential future GE request or on the most appropriate response to such potential request.

## II.H Specific Comments on Provisions of the Draft Revised 2020 Permit

**Comment II.H.1:** One commenter made several comments throughout the Draft Revised 2020 Permit asking how each provision compared to the Settlement Agreement.

**EPA Response II.H.1:** A number of provisions for which the commenter asked about consistency were provisions where the Draft Revised 2020 Permit was unchanged from the 2016 Permit. For those provisions, these comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to those comments. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA worked to ensure that the language in the Draft Revised 2020 Permit was consistent with the Settlement Agreement. Where specific comments led EPA to make additional language changes or clarifications to ensure consistency, those changes were made and noted in response to specific comments below. The Revised Final Permit is fully consistent with the applicable terms of the Settlement Agreement.

**Comment II.H.2:** One commenter suggested the inclusion of a number of new defined terms in the Definitions section of the Draft Revised 2020 Permit, including "volume-weighted average PCB concentration," "segregate" or "segregated," and "Woods Pond Headwaters area."

**EPA Response II.H.2:** EPA has reviewed these comments and determined that these concepts are adequately explained in the Draft Revised 2020 Permit, and no further definitions of these terms are necessary.

**Comment II.H.3:** One commenter questioned the specific reference in Section I.B.5.a. to Attachment C of Appendix E of the original Consent Decree regarding the Project Operations Plan.

**EPA Response II.H.3:** In response to this comment, EPA has deleted the references to the Consent Decree Appendix E in this section.

**Comment II.H.4:** One commenter asked about methods EPA would use regarding a confidentiality claim under Section I.B.13 of the Draft Revised 2020 Permit.

**EPA Response II.H.4:** Provisions regarding checking the validity of a claim are in the regulations at 40 C.F.R. Part 2 (see, e.g., "Final confidentiality determination by EPA legal office"), 40 C.F.R. 2.205. Section I.B.13. of the Draft Revised 2020 Permit provides that if a claim is asserted, the information will be treated in accordance with the procedures in 40 C.F.R.

Part 2. That being the case, the Draft Revised 2020 Permit already addresses the concern expressed by commenter, and no changes are necessary.

**Comment II.H.5:** A number of comments requested additional language and specificity regarding the roles of local and community representatives and the public in the review and comment on submittals under the Permit. Commenters asked for transparent and frequent communication and updates regarding the cleanup process.

**EPA Response II.H.5:** EPA has made specific commitments to coordinate and consult with stakeholders throughout the design and implementation of the actions described in the Draft Revised 2020 Permit, and has added a reference to that effect in the Revised Final Permit's Special Conditions in Section II.A. EPA has committed to soliciting input and working with all stakeholders as the cleanup design progresses, including the Quality of Life Plan and the design, construction, and operation of the UDF. EPA and/or GE will provide public updates regarding the design and implementation of the cleanup.

**Comment II.H.6:** Citizens for PCB Removal (CPR) noted the PCB mass ("average PCB flux") outlined in Section II.B.1.a. of the Draft Revised 2020 Permit allows limits that are too high to be protective.

**EPA Response II.H.6:** The Downstream Transport Performance Standard was at Section II.B.1.a. in the 2016 Permit and remained unchanged as Section II.B.1.a. in the Draft Revised 2020 Permit. These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, such Performance Standards are significant components of the EPA response action and in minimizing risks to human health and the environment. See, e.g., Section III.B.1.a of the 2016 Response to Comments, 62-74. Therefore, no changes are necessary in the Revised Final Permit.

**Comment II.H.7:** One commenter expresses concern about how "feasible" is defined under Section II.B.1.c. of the Draft Revised 2020 Permit.

**EPA Response II.H.7:** This language was used in the 2016 Permit and remains unchanged in the Draft Revised 2020 Permit. This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA believes the language in Section II.B.1.c. is clear and appropriate, and no changes are necessary in the Revised Final Permit.

**Comment II.H.8:** Under Section II.B.1.c.(2)(c), the Restoration Corrective Measures Coordination Plan (RCMCP), one commenter suggested a baseline road inventory was needed to assess impact of measures.

**EPA Response II.H.8:** No changes to the Draft Revised 2020 Permit language are necessary in response to this comment. Note that, outside the scope of the Revised Final Permit, Section VI.A.3 of the Settlement Agreement contains detailed provisions negotiated between GE and the municipalities regarding road inspection and repair.

**Comment II.H.9:** One commenter noted that many of the Performance Standards under Section II.B.2. of the Draft Revised 2020 Permit state that certain sediment "shall be removed" but makes no mention of what is to be done with the removed material.

**EPA Response II.H.9:** Subsequent sections of the Draft Revised 2020 Permit make clear how materials will be handled and disposed of either on-site or off-site, per the requirements in the Permit. Revised Final Permit, II.B.5 and II.B.6. Further clarification is not necessary. Therefore, no changes are necessary in the Revised Final Permit.

**Comment II.H.10:** Both GE and the Municipal Committee submitted comments regarding supplemental riverbank removal provisions under Sections II.B.2.a.(2)(c) and II.B.2.b.(2)(c). Specifically, the Municipal Committee requested that EPA be more explicit that any "supplemental bank removal" would occur in those portions of the Reach 5A and 5B banks that are not otherwise being remediated. GE noted that, the initial clause in each of these sections should change to read: "in addition, for reach 5A [or 5B] banks that do not otherwise require remediation pursuant to…" and the last clause requiring that GE "shall propose further actions as necessary" should be changed to read "GE will advise EPA of the results of its consideration of supplemental riverbank removal, with any proposed action that GE considers warranted."

**EPA Response II.H.10:** EPA has clarified the language in Sections II.B.2.a.(2)(c) and II.B.2.b.(2)(c) in the Revised Final Permit to address these comments.

**Comment II.H.11:** The Municipal Committee suggested the inclusion of a new paragraph under Reach 5C (similar to Woods Pond and Backwaters) stating that sediment shall be removed with either dredging or wet excavation techniques to be approved by EPA and, if feasible, conveyed hydraulically to the UDF location for processing.

**EPA Response II.H.11:** EPA has incorporated language in the Revised Final Permit under a new Section II.B.2.c.(1)(c) to address this comment.

**Comment II.H.12:** GE commented that Section II.B.2.c.(2)(a) specifies separate averaging areas and depth intervals, a level of detail they contend is not in the Settlement Agreement. GE suggested that these provisions should be deleted and specify only that "GE shall excavate sediment to achieve an average PCB concentration of 1 mg/kg or less."

**EPA Response II.H.12:** The approach outlined in this Section is consistent with other concentration-based approaches in the Draft Revised 2020 Final Permit. EPA has made no change to the language and does not consider this language to be inconsistent with the Settlement Agreement.

**Comment II.H.13:** Regarding the requirements for materials to be "conveyed hydraulically" under Sections II.B.2.c.(2)(d) through (e), the Municipal Committee noted that EPA did not refer specifically to hydraulic dredging but asked that EPA require GE to at least evaluate hydraulic dredging specifically, in order to ensure the Revised Final Permit conforms to the Settlement Agreement. Other commenters asked about the method of dredging and also asked that the term "if feasible" be removed from these sections or, if EPA does not believe it is feasible, then the comparative analysis should be revised to assume that it is not feasible and all transportation would be done via truck.

**EPA Response II.H.13:** No changes to the Draft Revised 2020 Permit language were necessary in response to this comment. EPA will require GE to evaluate hydraulic dredging and other removal techniques as well as methods for hydraulic conveyance as part of the design effort and pursuant to other plans required under Section II.H. of the Revised Final Permit.

**Comment II.H.14:** The Housatonic Valley Association (HVA) requested clarification regarding the reasoning behind the Performance Standards for Woods Pond under Section II.B.2.(e)(1), asking that EPA establish a Performance Standard specific to the level of PCB contamination rather than water depth in Woods Pond.

**EPA Response II.H.14:** This language was in the 2016 Permit and remained unchanged in the Draft Revised 2020 Permit. This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments. Notwithstanding, EPA responded to comments on the Woods Pond remediation in the 2016 Response to Comments, Section III.C.3.

**Comment II.H.15:** In Section II.B.2.f.(1)(c) and in in Section II.B.2.g.(1)(c), the Municipal Committee asked that EPA clarify that the "shall not exceed" language was intended solely to limit capping and not to limit sediment excavation.

**EPA Response II.H.15:** The Municipal Committee's reading is correct, the limitations on acreage outlined in these sections are intended to set out the maximum extent of capping allowed in each Impoundment, not to limit the extent of excavation in lieu of capping. EPA has removed the clause "and all actions" for clarification.

**Comment II.H.16:** Regarding the provisions for Reach 7 under Section II.B.2.f., the Municipal Committee stated that EPA should specifically identify the three coves/ponds that are covered by this part of the 2020 Permit and clarify how any contamination in these areas will be addressed. The Town of Lee's Historic Preservation Officer also referenced coves as well as other areas in and around the River as potential historic locations requiring special consideration and suggested that a Cultural Impact Statement be prepared for the project.

**EPA Response II.H.16:** EPA believes that the coves are adequately addressed by language in the Definitions section of the Draft Revised 2020 Permit as well as the references in Section II.B.2.f.(1)(d), thus no further changes were made to the Revised Final Permit. Historic

preservation issues will be addressed by cultural resource surveys and plans required under Section II.H. of the Revised Final Permit. EPA expects to provide the Town of Lee and its Historical Commission an opportunity to provide input on these plans and their findings.

**Comment II.H.17:** The Municipal Committee requests that the language in Section II.B.2.f.(1)(d) be changed to state that the sediments removed in Reaches 7B and 7C "shall include sufficient sediment, *including* in any areas with > 50 mg/kg total PCBs, to achieve a spatially weighted average concentration of 1 mg/kg total PCBs…." in order to be consistent with similar language applicable to Reach 5C. (emphasis added)

**EPA Response II.H.17:** EPA has clarified the language in Section II.B.2.f.(1)(d) of the Revised Final Permit to address this comment.

**Comment II.H.18:** One commenter expressed confusion over the cost-sharing provisions regarding dam removal in Section II.B.2.f.(1)(f) since the Settlement Agreement requires GE to remove certain dams at their own expense.

**EPA Response II.H.18:** Per the Settlement Agreement, GE has agreed to remove dams at Columbia Mill and Eagle Mill. The provisions referenced in the comment apply to the two other Reach 7 dams, at Willow Mill (Reach 7E) and Glendale Mill (Reach 7G). No changes to the language of the Revised Final Permit are necessary.

**Comment II.H.19:** HEAL commented that the provisions for Monitored Natural Recovery (MNR) in flowing subreaches in Reach 7 and throughout Reaches 9 through 16, Permit Section II.B.2.h., contradicts page C-12 (ARARs Tables) where it states that predictive modeling in Connecticut is uncertain.

**EPA Response II.H.19:** This language cited was in the 2016 Permit and remained unchanged in the Draft Revised 2020 Permit. That being the case, this comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, the language of Section II.B.2.h and the ARAR language is appropriate. See Section III.C.6 of the 2016 Response to Comments (189-197). The long-term monitoring required by the Revised Final Permit will measure the effectiveness of MNR. Permit, II.H.18. Therefore, no changes are required. See also EPA Response to Comment II.I.1.

**Comment II.H.20:** GE commented that Sections II.B.2.j.(1)(c), II.B.2.k.(1), II.B.2.l (1)(a), II.B.7.b.(1)(a), and II.B.7.c.(1)(b) include language under Corrective Measures regarding consistency with the Consent Decree, but that these provisions should be incorporated into the Performance Standards under these sections as well.

**EPA Response II.H.20:** EPA has clarified in the Revised Final Permit the Corrective Measures language in each section to address GE's comment. However, EPA has not incorporated those provisions into the Performance Standards, because the provisions are more appropriately

Corrective Measures. Also, the Settlement Agreement stated that the changes would be made to the Corrective Measures.

**Comment II.H.21:** GE requested that Section II.B.2.j.(2)(b) be clarified that Inspection, Monitoring, and Maintenance requirements do not apply to Eagle Mill Dam remnants since it is fully breached and currently not functioning as a dam, and thus cannot be maintained.

**EPA Response II.H.21:** In response to this comment, EPA has clarified the language in Section II.B.2.j.(2)(b) of the Revised Final Permit.

**Comment II.H.22:** GE commented that Section II.B.3.a.(1)(d) should say: "for the residential floodplain properties in Reach 5C that are identified in Table 5, Permittee shall, if the Town of Lenox determines that any of the property owners consents to such removal, excavate and replace soil at such property(ies) to achieve the Residential Performance Standards set forth in Table 3, with the costs thereof to be shared equally by Permittee and the Town of Lenox." The Municipal Committee added that EPA should change the language to require GE to work through the Town of Lenox to ensure that property owners are consulted about their options for additional cleanup, in conformity with the Settlement Agreement, noting that the Town is partially funding this cleanup work and must be involved in trying to obtain access to the properties.

**EPA Response II.H.22:** In response to these comments, EPA has clarified the language in Section II.B.3.a.(1)(d) in the Revised Final Permit. Furthermore, the cost sharing arrangement, outlined in the Settlement Agreement, is addressed in Table 5 of the Revised Final Permit.

**Comment II.H.23:** GE commented on Footnote 12 of the Permit noting that EPA has agreed that the procedures outlined in this footnote only apply to non-residential exposure areas and that residential properties will use spatial averaging from Attachment E to the SOW (Appendix E to the Consent Decree). GE suggested a new opening sentence to Footnote 12, "For the remaining exposure areas, the EPCs shall be calculated…" and to add an initial sentence stating that the EPCs for residential properties shall be calculated using the latter spatial averaging procedures.

**EPA Response II.H.23:** EPA has modified the language in Footnote 12 of the Permit to make this clarification.

**Comment II.H.24:** GE commented that a statement in Section I.A.3.b. was legally incorrect about GE's responsibilities for performing severable work, in light of the fact that GE's original appeal of the 2016 Permit has not been pursued to the United States First Circuit Court of Appeals.

**EPA Response II.H.24:** EPA has clarified the language in Section I.A.3.b. and c in response to GE's comment.

**Comment II.H.25:** For Section II.B.3.b.(1)(b)iii., HVA recommended including a Peer Review of the preferred method and approach for remediation that is decided upon following the pilot studies and a Peer Review for the submitted plans described in II.B.3.b.(2)(d) that includes the methods to be used and the criteria for success for both reduction of bioavailability/ concentration of PCBs and impact to ecological receptors.

**EPA Response II.H.25:** EPA has no plans for a formal Peer Review of work conducted under the Revised Final Permit but will coordinate with various stakeholders throughout the design and remediation process per Section II.A. of the Revised Final Permit. Additionally, a general statement about public input on documents has been added to the Revised Final Permit, and Section II.B.3.b.(2)(h) includes "…after providing an informal opportunity for public input."

**Comment II.H.26:** In Section II.B.5.a.(3), HVA asked that the wording be amended to allow for the existing property owner, if originally he/she refuses to be connected to a public water supply, as well as future property owners of existing construction, to have the ability to request for the installation to connect with public water to be paid for by GE, in the event that the well water is deemed contaminated and harmful to human health, upon presentation of valid data.

**EPA Response II.H.26:** EPA has modified the language in the Revised Final Permit to address this comment.

**Comment II.H.27:** The Massachusetts Audubon Society requested that in Sections II.B.5.b.(1) and II.C.1., in addition to the required groundwater monitoring, EPA should evaluate the potential need for air quality monitoring to detect any volatilization of PCBs during or post-remediation, to protect public health.

**EPA Response II.H.27:** In response to public comments, EPA has added provisions for air monitoring to both sections in the Revised Final Permit, the specifics of which will be outlined in future plans to be submitted per Section II.H. of the Revised Final Permit.

**Comment II.H.28:** Regarding Section II.B.5.b.(3), which references the use of innovative technologies, the Municipal Committee asked that EPA reiterate its commitments under the Settlement Agreement as part of this Response to Comments. One other commenter also noted that those commitments were not directly reflected in the Draft Revised 2020 Permit, and asked for clarification on how to ensure that these commitments will be upheld.

**EPA Response II.H.28:** EPA has been clear in its ongoing commitment to continue the exploration of innovative technologies; further information can be found in Section II.B of this Response to Comments dealing specifically with that subject.

**Comment II.H.29:** The Municipal Committee suggested that the minimum off-site disposal requirements in Section II.B.6. should be reflected as Performance Standards rather than Corrective Measures.

**EPA Response II.H.29:** EPA has relocated this language in the Revised Final Permit to address this comment.

**Comment II.H.30:** One commenter asked that PCB sampling be conducted in floodplain areas downstream of Woods Pond Dam.

**EPA Response II.H.30:** The Revised Final Permit does include provisions for additional floodplain soil sampling, including in areas below Woods Pond where PCBs have been identified in the Human Health Risk Assessment and CMS above risk-based concentrations. These

properties are generally within the 10-year floodplain or where flooding was likely to have occurred. No changes in the Revised Final Permit are required to address this comment.

**Comment II.H.31:** HVA commented regarding Section II.B.7.d. covering Institutional Controls for the UDF, that if the intent is to remediate the contaminated sediment in the UDF when technology becomes available, then language should be included under Sections II.B.7.d.(1) and (2) to allow for remediation of the sediment contained in the UDF. The commenter noted their belief that it is important to ensure that efforts towards bioremediation of the PCB contaminated sediment whether in the landfill or in the river system can occur.

**EPA Response II.H.31:** EPA does not believe any changes are required in the Revised Final Permit to address this comment. Standard Environmental Restriction and Easement (ERE) language does not restrict activities associated with the cleanup or response actions. EPA will ensure that any innovative technology investigation, demonstration, or implementation overseen by EPA would not be prohibited by an ERE.

**Comment II.H.32:** The Municipal Committee suggested that the Permit require GE consult with the Town of Lee about the ERE to be placed on the UDF site.

**EPA Response II.H.32:** No changes to the Revised Final Permit are required to address this comment. EPA will take the lead on coordination with the Town of Lee on the ERE for the UDF.

**Comment II.H.33:** The Municipal Committee asked EPA to clarify that stakeholders, including local officials, will be included in developing and evaluating the details of plans for collection and management of leachate, noting that these plans will comprehensively evaluate local impacts (including, but not limited to, noise, traffic, potential airborne transmission of PCBs, and potential roadside spills) and will propose steps to mitigate these impacts.

**EPA Response II.H.33:** As noted above and in Section II.A. of the Revised Final Permit, EPA will coordinate with local governments and other stakeholders regarding submittals under the Revised Final Permit.

**Comment II.H.34:** One commenter asked about the periodic reviews referenced in Section II.D., specifically who conducts such reviews and who pays for them.

**EPA Response II.H.34:** EPA is responsible for conducing these periodic reviews, typically referred to as "Five-Year Reviews." Pursuant to Section II.H. of the Draft Revised 2020 Permit, GE would be required to conduct studies or data collection deemed necessary by EPA in order for EPA to complete its independent evaluation. The Five-Year Review document would be produced directly by EPA or by contractors employed by EPA, subject to cost reimbursement from GE per the Consent Decree.

**Comment II.H.35:** One commenter suggested that the adaptive management provisions under Section II.F should be implemented immediately and call for treatment of soils and sediments at the Site using thermal desorption.

**EPA Response II.H.35:** No changes to the Revised Final Permit are required to address this comment. See Section II.B of this Response to Comments that specifically addresses comments regarding innovative technologies, and in particular Response II.B.8.

**Comment II.H.36:** HEAL questioned the deletion of certain expedited deliverables under Section II.H.1. proposed in the Draft Revised 2020 Permit, noting, in particular, concerns that EPA is not requiring "a plan to measure the effectiveness of MNR" in the Baseline Monitoring Plan.

**EPA Response II.H.36:** The requirement for a Baseline Monitoring Plan is still in Section II.H.1. of the Revised Final Permit. Moreover, a plan to measure the effectiveness of MNR is required under Permit Section II.H.18.a. Accordingly, no changes are required.

**Comment II.H.37:** One commenter suggested that, as part of the Quality of Life Plan under Section II.H.11., GE should be responsible for implementing actions that will improve the public's experience along the River, including greenway connection and open space recreation, citing examples such as walking/biking trails, canoe launches, expanding parks and open spaces, removal of invasive species along the riparian corridor, roadway improvement, and the development of an amphitheater/outdoor entertainment venue at the UDF location.

**EPA Response II.H.37:** While no changes to the Revised Final Permit are necessary to address this comment, Section II.H.11. does require GE to ensure that certain activities can continue during the project and to work cooperatively with the City of Pittsfield, the Towns of Great Barrington, Lee, Lenox, and Stockbridge, and the State of Massachusetts to facilitate their enhancement of recreational activities, such as canoeing and other water activities, hiking, and bike trails in the Rest of River corridor, on properties where remediation will occur and/or where temporary access roads are constructed. Furthermore, GE is required, per Section II.B.5.b of the Revised Final Permit, to include in its landfill design submissions, after consultation with the Town of Lee, one or more proposals on how GE will prepare the UDF for potential reuse, if the Town desires.

**Comment II.H.38:** One commenter noted a misspelling of Quirico Drive in Section II.H.11.c.

**EPA Response II.H.38:** The typographical error has been corrected in the Revised Final Permit.

**Comment II.H.39:** The Municipal Committee commented that GE is required to state in the Quality of Life Compliance Plan how it will coordinate with "local governments, affected residents or landowners" and noted that the "or" should be changed to "and." The Committee also asked that EPA make a commitment in the response to comments that residents and local officials will be given adequate time and opportunity to comment on all key deliverables, so that stakeholder input can have an actual effect on designs, plans, etc.

**EPA Response II.H.39:** In response to this comment, the text in Section II.H.11.d. has been changed from "or" to "and" in the Revised Final Permit. As noted above, EPA has added text to Section II.A. of the Revised Final Permit regarding specific commitments to coordination and consultation with stakeholders throughout the design and implementation of the actions described in the Revised Final Permit.

**Comment II.H.40:** Relative to plans for community health and safety under Section II.H.11.e., one commenter requested that GE be required to create a technical information center about PCBs to promote an informed citizenry that can competently advise the towns on the management of PCB removal from the Housatonic River and environments. The commenter also stated that GE should have to train citizen scientists in the best practices for independently measuring, monitoring, and reporting levels of PCBs in the Berkshires and should have to support the continuance of such a training program and the associated costs of monitoring kits as long as there are significant quantities of PCBs present anywhere in Berkshire County. Several commenters also requested funding for independent monitoring of GE's action.

**EPA Response II.H.40:** No changes to the Revised Final Permit are required to address this comment. EPA will oversee GE's work, and GE is required to reimburse EPA for these expenses per the Consent Decree. While the Revised Final Permit does not specifically address requiring GE to create a technical information center about PCBs, or requiring GE to train citizen scientists, related information and input can be considered during the preparation of the Quality of Life Plan, which will include a specific set of responsibilities for GE regarding community health and safety. Permit, II.H.11.e. Furthermore, assistance to communities and local governments is available from EPA via the Technical Assistance Grant (TAG) and the Technical Assistance Services for Communities (TASC) programs. EPA has already provided services under both of these programs at this site and very recently expanded the efforts to assist the Municipal Committee under the TASC program. The TASC program could also be used by the municipalities for independent monitoring efforts. Finally, local governments may wish to invest funds being provided by GE per the Settlement Agreement towards the goals outlined in this comment.

**Comment II.H.41:** One commenter submitted a lengthy comment requesting that Attachment E to the Draft Revised 2020 Permit be re-written with organized and comprehensive step-wise requirements applicable to each particular Reach so as to leave no doubt about the process, sequence and criteria to be used, Reach by Reach, and also suggested that additional detail should be added, such as definitions of key terms and a process flow-chart with reference to the Attachment E methods and criteria. The commenter suggested that, as drafted, the narrative invites misinterpretation, potential disagreements, and project delays. Other commenters expressed confusion regarding the planned disposal approach for materials with contamination between 25 and 50 mg/kg PCBs and also asked about the number of samples and the provisions to allow treatment of materials that might be characterized as Federal RCRA Hazardous Waste to render them non-hazardous, suggesting that GE could simply dilute samples rather than treating. Another commenter questioned how EPA arrived at the average of 20 to 25 mg/kg PCBs for materials destined for the UDF.

**EPA Response II.H.41:** EPA has determined that no changes to the Revised Final Permit are required to address this comment. EPA believes that the level of detail in Attachment E is sufficient to provide direction and requirements for GE in the Revised Final Permit. Additionally, specific application of these criteria will be further expanded upon and detailed in future GE submittals, which will be subject to EPA review and approval.

Regarding concentrations between 25 and 50 mg/kg PCBs, Attachment E is clear that materials containing less than an average of 50 mg/kg can be disposed of in the UDF. Based on data

collected to date, EPA estimates that using the approach outlined in Attachment E, the average concentration of all materials disposed of in the UDF will be approximately 20 to 25 mg/kg PCBs. GE will propose the number and location of additional samples during the design phase, subject to EPA review and approval. EPA will ensure that sampling is sufficient to prevent "dilution" and for decision-making. Regarding provisions for treatment of materials, the following is an example of how these provisions might apply for purposes of clarification: where sediments exceed non-PCB regulatory standards for potential leaching of metals such as lead, these provisions of the Revised Final Permit would allow these materials to be treated using a stabilization agent so that they no longer exhibit such characteristics.

**Comment II.H.42:** HEAL commented that EPA needs to build in Permit provisions for 1) a surety bond from GE for future remediation behind Connecticut dams when in-situ PCB destruction technology becomes available, and 2) annual testing of sediment, biota, and air monitors in the Connecticut section of the River to establish a new baseline.

**EPA Response II.H.42:** The Revised Final Permit provides requirements for GE to undertake remediation where necessary for future projects or work in Connecticut. Permit, II.B.2.l. The Revised Final Permit does not condition GE's responsibility in this regard to when destruction technology becomes available, but the Permit does include adaptive management provisions. Permit, II.F. Additionally, EPA has required GE to establish a performance bond for $150 million related to the cleanup. Response II.G.8 above. Baseline monitoring is discussed in Section II.K of this Response to Comments. That being the case, no Permit changes are necessary.

## II.I Applicable or Relevant and Appropriate Requirements (ARARs)

**Comment II.I.1:** HEAL commented that it viewed as ironic the language in the Action(s) to be Taken column of Attachment C to the Draft Revised 2020 Permit regarding the ability to attain the National Recommended Water Quality Criteria in Connecticut given the amount of data for Connecticut. HEAL also commented on the levels of contamination in fish in Connecticut.

**EPA Response II.I.1:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments. EPA included this ARAR in the 2014 Draft Permit Modification and solicited public comments. Following its review of public comments, EPA responded to multiple public comments on the proposed ARAR in the Response to Comments accompanying the 2016 Permit. 2016 Response to Comments, Section IV.B.1, pages 295-303. Following the petitions for review of the 2016 Permit, the EAB did not remand this issue to EPA for further consideration. In the Draft Revised 2020 Permit, EPA did not change the substantive analysis of this ARAR or EPA's intention to attain the ARAR. Monitoring will be required in Connecticut to measure progress towards achieving the Long-term Biota Monitoring Performance Standard. Permit, II.B.1.b.

Notwithstanding, EPA's position has not changed since the 2016 Permit. In the 2016 Response to Comments, EPA stated that it "recognizes the uncertainty and measurement difficulties with the ARAR" but "does not waive this criterion in Connecticut because the standard can potentially be met in the future, but in the [2016 Permit] EPA reiterates that EPA will consider establishment of alternative standards in the future if it becomes apparent that the criterion cannot be met based on technical impracticability." 2016 Response to Comments, IV.B.1. See also Response to Comment II.H.19.

**Comment II.I.2**: The Rest of River Municipal Committee supports the Region's ARARs approach including the Region's analysis of ARAR waivers.

**EPA Response II.I.2**: EPA acknowledges the support from the Rest of River Municipal Committee.

**Comment II.I.3:** The Rest of River Municipal Committee commended the Region on its analysis in Attachment B to EPA's Supp. Comp. Analyses. The Committee highlighted in its comment that Attachment B provides information about
(a) the value to human health and the environment of avoiding litigation and delay,
(b) why the extra soil and sediment removal is a "package deal" with partial on-site disposal, and
(c) how both (a) and (b) of these considerations bear on eliminating risks to human health and the environment. The Committee urged the Region to make this analysis more easily accessible and to draw attention to this analysis in its response to public comments.

**EPA Response II.I.3**: EPA acknowledges the support from the Rest of River Municipal Committee. Attachment B to the Supp. Comp. Analyses is part of the Administrative Record. Thus, this analysis is readily available and accessible as part of EPA's decision on the Rest of River.

**Comment II.I.4**: The Commonwealth of Massachusetts Department of Environmental Protection and Department of Fish and Game (Commonwealth) stated that it does not object to the cleanup plan as set forth in the documents referenced above, nor the waiver of ARARs when it is determined by EPA, pursuant to CERCLA § 121(d)(4)(B), that compliance with certain ARARs will result in greater risk to human health and the environment than other alternatives.

With respect to each of the ARAR-related comments by the Commonwealth below, the Commonwealth stated that it has no objection to the result EPA reached. Overall, the Commonwealth commented as follows:

> [B]ecause the Commonwealth does not object to EPA's application of the "greater risk to human health and the environment" waiver in the unique circumstances of this case, the status of these regulatory requirements as ARARs is not critical to implementation of the remedy. Put another way, the Commonwealth disagrees with certain aspects of the EPA's reasoning, but has no objection to the result EPA reached. Accordingly, while noting the Commonwealth's disagreement, the Commonwealth is not in this comment letter presenting as robust of an explanation of its position as it would if that disagreement made a difference to the remedy selection.

**EPA Response II.I.4**: EPA acknowledges the Commonwealth's position of not objecting to the Region's cleanup plan or waiver of ARARs.

**Comment II.I.5:** The Commonwealth asserted that 310 CMR 16.40(4)(d) of the State Solid Waste Facility Site Suitability Criteria is an applicable requirement and thus an ARAR. Therefore, 310 CMR 16.40(4)(d) must be complied with during implementation of the proposed cleanup or properly waived by EPA pursuant to CERCLA § 121(d)(4)(B).

**EPA Response II.I.5**: EPA acknowledges the Commonwealth's acceptance of EPA's approach to ensuring a protective remedy with respect to 310 CMR 16.40(4)(d), namely, that if necessary, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirements based on the greater risk to human health and the environment posed by alternatives other than the selected alternative that includes the UDF.

EPA's position is the following:

310 CMR 16.40(4)(d) is not an applicable requirement for the UDF because the on-site landfill selected in the Revised Final Permit is not a solid waste landfill, but rather is a PCB Remediation Waste landfill under TSCA. As explained in Attachment C to the Revised Final Permit, the TSCA Regulations on Cleanup of PCB Remediation Waste are applicable requirements for the UDF because the facility will be used for the disposal of PCB remediation waste. Attachment D to the Revised Final Permit provides EPA's determination pursuant to TSCA that the remedy, including design and use of the UDF, will not pose an unreasonable risk of injury to health or the environment so long as the remedy complies with all of the conditions set out in the TSCA Determination.

As to potential status as a relevant and appropriate requirement, 310 CMR 16.40(4)(d) is relevant; however, even if the material were considered solid waste, and the locations for disposal are within the Area of Critical Environmental Concern (ACEC) or nearby, the requirements are not appropriate because compliance will create a greater risk to human health and the environment than implementation of the remedy set forth in the Revised Final Permit. Attachment B, Applicable or Relevant and Appropriate Requirements – Significant Changes for Draft Revised 2020 Permit, Supp. Comp. Analyses. B-3–7.

Finally, if 310 CMR 16.40(4)(d) is deemed to be an ARAR, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirements of 16.40(4)(d) that would prohibit or restrict such disposal locations at the Upland Disposal Area during implementation of the remedy. *Id*. As stated in its public comment letter, that final position is acceptable to the Commonwealth.

**Comment II.I.6:** The Commonwealth asserted that the documents released for public comment by EPA do not demonstrate how full compliance with the Facility Specific Site Suitability Criteria and General Site Suitability Criteria for Solid Waste Facilities at 310 CMR 16.40(3) and (4) will be achieved. It is the Commonwealth's position that the requirements set forth in 310 CMR 16.40(3) and (4) are applicable requirements, and that therefore, the requirements set forth in these regulations must be complied with during implementation of the proposed cleanup or properly waived by EPA pursuant to CERCLA § 121(d)(4)(B).

**EPA Response II.I.6**: EPA acknowledges the Commonwealth's acceptance of EPA's approach to ensuring a protective remedy with respect to 310 CMR 16.40(3) and (4), namely, that if necessary, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirements based on the greater risk to human health and the environment posed by alternatives other than the selected alternative that includes the UDF. EPA has demonstrated its position in the documents released for public comment by EPA, including the Supp. Comp. Analyses, and will also summarize below in this Response. Supp. Comp. Analyses, Att. B.

EPA's position is the following:

EPA believes that the remedy can comply with all the substantive provisions of 310 CMR 16.40(3) and (4) except for the provisions of 310 CMR 16.40(4)(d) (which are discussed in Response II.I.5 above). Supp. Comp. Analyses, B-2.

To the extent the UDF component of the remedy cannot comply with a substantive provision of 16.40(3) or (4), 310 CMR 16.40(3) and (4) are not applicable requirements because the on-site landfill provided for in the Revised Final Permit is not a solid waste landfill, but is a PCB Remediation Waste landfill regulated under TSCA. As explained in Attachment C to the Revised Final Permit, the TSCA Regulations on Cleanup of PCB Remediation Waste are applicable requirements for the UDF because the facility will be used for the disposal of PCB remediation waste. Attachment D to the Revised Final Permit provides EPA's determination pursuant to TSCA that the remedy, including design and use of the UDF, will not pose an unreasonable risk of injury to health or the environment so long as the remedy complies with all of the conditions set out in the TSCA Determination.

As to the potential status as relevant and appropriate requirements, the regulations at 310 CMR 16.40(3) and (4) may be relevant; however, they are not appropriate because, similar to the analysis regarding 310 CMR 16.40(4)(d) in Response II.I.5, compliance will create greater risk to human health and the environment than implementation of the remedy set forth in the Revised Final Permit for several reasons, including the following:

- the already damaged and altered area surrounding the UDF location, including the two adjacent landfills;
- the existing contamination from current industrial uses at or near the UDF location;
- the multiple protectiveness safeguards built into the design of the UDF;
- the risks inherent to the disposal alternatives besides the UDF; and
- the fact that the remedy includes cleanup enhancements, mitigation of impacts to towns and residents, and results in an expedited cleanup, as described below.

Permit Att. C; Supp. Comp. Analyses, Att. B, B-3–7.

Finally, even if the requirements are deemed to be ARARs, EPA waives them pursuant to CERCLA § 121(d)(4)(B) because compliance with the prohibition of disposal at the UDF would pose a greater risk to human health and the environment than the remedy in the Revised Final Permit, for the reasons stated immediately above and in Attachment B, Applicable or Relevant

and Appropriate Requirements – Significant Changes for Draft Revised 2020 Permit, Supp. Comp. Analyses, B-3–7. As stated in its public comment letter, that final position is acceptable to the Commonwealth.

**Comment II.I.7:** The Commonwealth asserted that the State Solid Waste Facility Site Suitability Criteria at 310 CMR 16.40(3)(a)10 and 310 CMR 16.40(4)(a) are applicable requirements and ARARs, and that the requirements set forth in these regulations must be complied with during implementation of the proposed cleanup. The Commonwealth further asserts that the documents released for public comment by EPA do not demonstrate how compliance with these requirements will be achieved. As ARARs, the requirements set forth in these regulations must be complied with during implementation of the proposed cleanup or properly waived by EPA pursuant to CERCLA § 121(d)(4)(B).

**EPA Response II.I.7**: EPA acknowledges the Commonwealth's acceptance of EPA's approach to ensuring a protective remedy with respect to 310 CMR 16.40(3)(a)10 and (4)(a), namely, that if necessary, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirements for the UDF based on the greater risk to human health and the environment posed by alternatives other than the selected alternative that includes the UDF. EPA has demonstrated its position in the documents released for public comment by EPA, including the Supp. Comp. Analyses, and will also summarize below in this Response. Supp. Comp. Analyses, B-2.

EPA's position regarding 310 CMR 16.40(3)(a)10 (*related to potentially productive aquifers*) is the following.

310 CMR 16.40(3)(a)(10) is not an applicable requirement because the UDF provided for in the Revised Final Permit is not a solid waste landfill but is a TSCA PCB Remediation Waste landfill. Permit, Att. C; Att. D.

As to potential status as a relevant and appropriate requirement, 310 CMR 16.40(3)(a)(10) is relevant but is not appropriate for the UDF because the groundwater flow from the site is away from the nearest residences, and the contamination of the area due to two existing landfills makes use of the groundwater as a productive drinking water aquifer unlikely (groundwater flow is discussed further in Section II.A of this Response to Comments). The remedy includes restricting use of the already-contaminated groundwater. Sampling in 2019 demonstrated many exceedances of drinking water standards for contaminants such as cyanide, 1, 4-dioxane, volatile organic contaminants, metals, and total dissolved solids. Supp. Comp. Analyses, B-2.

Given those circumstances, EPA has determined that even if 310 CMR 16.40(3)(a)10 were deemed relevant and appropriate, an exception at 310 CMR 16.40(3)(a)10 would apply.

Finally, if it were deemed to be an ARAR and not meet an exception, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirement based on the greater risk to human health and the environment. Supp. Comp. Analyses, B-2–7. As stated in its public comment letter, that final position is acceptable to the Commonwealth.

EPA's position regarding 310 CMR 16.40(4)(a) (*Agricultural Land*) is the following:

310 CMR 16.40(4)(a) is not an applicable requirement because the UDF provided for in the Revised Final Permit is not a solid waste landfill but is a TSCA PCB Remediation Waste landfill. Permit, Att. C; Att. D.

As to potential status as a relevant and appropriate requirement, 310 CMR 16.40(4)(a) is relevant but is not appropriate for the UDF because any agricultural or horticultural values have been largely eliminated by long-term gravel mining activities and the land is not actively devoted to agricultural or horticultural uses. In addition, there is no, or at best, minimal forested area present at the proposed landfill area. Current Massachusetts Geographic Information System (GIS) mapping designations do not identify any land as Prime Forest 1, Prime Forest 3, Unique or of State and local Importance. Prime Forest 2 land is mapped as only 0.66 acre of the 20 acres designated for land disposal. The remedy will include restoration of the UDF operational area after closure and the 0.66 acre plus any disturbed areas can be appropriately restored or mitigated.

If, despite this information, the provision was deemed an ARAR, EPA has determined that the purposes of the provision have been met by the remedy provided for in the Revised Final Permit.

Finally, if the provisions were deemed an ARAR and it is determined that the purposes have not been met, EPA, under CERCLA § 121(d)(4)(B), waives the requirement based on greater risk to human health and the environment. Supp. Comp. Analyses, B-3–7. As stated in its public comment letter, that final position is acceptable to the Commonwealth.

**Comment II.I.8**: The Commonwealth asserted that the requirements set forth in the State Hazardous Waste Regulations at 310 CMR 30 including, without limitation, 310 CMR 30.708 (Areas of Critical Environmental Concern), are applicable requirements and ARARs. Therefore, the Commonwealth asserts that the requirements set forth in these regulations must be complied with during implementation of the proposed cleanup or properly waived by EPA pursuant to CERCLA § 121(d)(4)(B).

**EPA Response II.I.8:** EPA acknowledges the Commonwealth's acceptance of EPA's approach to ensuring a protective remedy with respect to 310 CMR 30, namely, that if necessary, EPA, pursuant to CERCLA § 121(d)(4)(B), waives the requirements for the UDF component of the remedy based on the greater risk to human health and the environment posed by alternatives other than the selected alternative that includes the UDF. See responses above in this Section II.I.

EPA's position is the following:

310 CMR 30 provisions, including 310 CMR 30.708, are not applicable requirements because the UDF provided for in the Revised Final Permit is not a hazardous waste landfill under 310 CMR 30, but is a PCB Remediation Waste landfill under TSCA. Additionally, the remedy does not include disposal of hazardous waste on site so this provision does not apply to the disposal of materials at the UDF. The regulations are not applicable to the construction and use of the UDF as a component of the remedy in the Revised Final Permit because they do not specifically address the disposal of PCB remediation waste containing less than an average of 50 ppm of

PCBs. The cleanup plan is designed to have all PCB-contaminated materials greater than or equal to an average of 50 ppm disposed of off-site at licensed TSCA chemical waste landfills.

As to potential status as a relevant and appropriate requirement, the regulations may be relevant, to the extent any material averaging less than 50 ppm is deemed to be Massachusetts hazardous waste solely because of the presence of PCBs; however, EPA has determined that the requirements are not appropriate because compliance will create greater risk to human health and the environment than implementation of the remedy set forth in the Revised Final Permit for reasons similar to the analysis for 310 CMR 16.40(3) and (4) in EPA's Response II.I.6 above. Permit, Att. C; Supp. Comp. Analyses, Att. B (description of state solid waste site assignment ARAR), B-3–4.

Finally, even if the provision is deemed to be an ARAR, EPA, pursuant to CERCLA § 121(d)(4)(B), waives it because compliance with the prohibition of disposal at the UDF would pose a greater risk to human health and the environment than the remedy in the Revised Final Permit, for the reasons stated in the Administrative Record and in this Response to Comments. Supp. Comp. Analyses, B-3–7. As stated in its public comment letter, that final position is acceptable to the Commonwealth.

**Comment II.I.9:** The Commonwealth stated that, with respect to 301 CMR 12 (Area of Critical Environmental Concern regulations), in the 2016 permit, EPA determined that these regulations were ARARs, and characterized the regulations as applicable. The Commonwealth continued that the requirements set forth in these regulations must be complied with during implementation of the proposed cleanup or properly waived by EPA pursuant to CERCLA § 121(d)(4)(B).

**EPA Response II.I.9**: As part of the Draft Revised 2020 Permit package issued in July 2020 for public comment, EPA stated as follows:

> Upon further review of the regulations, EPA has identified that virtually all the provisions in 301 CMR 12 are procedural, and thus are not substantive requirements that could be ARARs. The provisions of 301 CMR 12.11(1)(c) are substantive and may be relevant and appropriate. The remedy in EPA's Draft Revised 2020 Permit thoroughly advances the seven values described in that provision (marine and aquatic productivity; surface and groundwater quality or quantity; habitat values and biodiversity; storm damage prevention or flood controls; historic and archaeological resources; scenic and recreational resources; and other natural resource values of the area). Additionally, the Hybrid Disposal approach portion of the Draft Revised 2020 Permit does not affect those values adversely.
>
> Supp. Comp. Analyses, Att. B, B-2.

EPA's analysis regarding this regulation has not changed since issuance of the Draft Revised 2020 Permit.

**Comment II.I.10**: With respect to 314 CMR 4.05(5)(e) - Numeric Massachusetts Water Quality Criteria for PCBs - Massachusetts Surface Water Quality Standards, the Commonwealth asked EPA to explain why it was reclassified as an Action-Specific ARAR.

**EPA Response II.I.10**: EPA reclassified this requirement from a Chemical-Specific ARAR to an Action-Specific ARAR because the remedy is removing sediments and monitoring water quality to gauge the performance of the response action, not directly remediating the surface water. As stated in Attachment C to the Revised Final Permit, "the remedy includes, among other components, excavation and capping of PCB contamination from the riverbed, riverbanks, Floodplains and Backwaters. The remedy will include excavation technology and multiple engineering controls to minimize resuspension of any PCB-contaminated water."

**Comment II.I.11**: GE commented that it agrees with EPA on the following ARAR-related items: first, that PCB-contaminated sediment and soil in the Rest of River constitute "PCB remediation waste" and thus "are regulated for cleanup and disposal … under 40 C.F.R. Part 761"; second, GE also agrees with EPA's TSCA 761.61(c) risk-based determination in Attachment D to the Draft Revised 2020 Permit for both off-site and on-site disposal activities specified in the Draft Revised 2020 Permit, including the disposal of PCB remediation waste in the UDF in accordance with Attachment E to the Draft Revised 2020 Permit; and third, that any state regulatory requirements that would otherwise interfere with the on-site disposal of PCB remediation waste in the UDF as specified in the Revised Final Permit are inappropriate because compliance with those state regulatory requirements would cause greater risk to human health and the environment than the proposed remedy, and therefore any such state regulatory requirements should be waived under CERCLA § 121(d)(4)(B).

**EPA Response II.I.11**: EPA acknowledges the agreement by GE. Regarding the first point, Attachment C to the Revised Final Permit, includes 40 C.F.R. 761.61(c) as an ARAR. Revised Final Permit, Att. C. Second, Attachment D to the Revised Final Permit provides EPA's risk-based determination for both on-site and off-site disposal activities, and provides that the cleanup method will not pose an unreasonable risk of injury to human health or the environment so long as conditions specified in Attachment D are met. Permit, Att D. Third, with respect to GE's view that any state regulatory requirements that would otherwise interfere with the on-site disposal of PCB remediation waste in the UDF are inappropriate and therefore should be waived pursuant to CERCLA § 121(d)(4)(B), EPA has provided its determination on such provisions in the Draft Revised 2020 Permit Attachment C and in Attachment B to the Supp. Comp. Analyses. EPA invokes the CERCLA waiver that GE cites, but only if the state regulatory provision is deemed to be an ARAR. If a provision is not "applicable," or "relevant and appropriate," it would not be an ARAR, and thus would not need to be waived pursuant to CERCLA § 121(d)(4)(B).

**Comment II.I.12**: GE asserted that since the UDF will not meet certain of the criteria in 310 CMR 16.40 and/or the hazardous waste facility location standards at 310 CMR 30 in addition to the ACEC prohibition, EPA must clarify that any such requirements that would interfere with the on-site disposal in the UDF of any material that meets the criteria in Attachment F to the Draft Revised 2020 Permit, including any PCB remediation waste, are waived under CERCLA § 121(d)(4)(B) for reasons identified by EPA.

**EPA Response II.I.12**: EPA believes that GE's comment is consistent with EPA's intent in the Draft Revised 2020 Permit; additionally, EPA in the Revised Final Permit has made language adjustments to clarify EPA's intent that if any provision of 310 CMR 16 or 310 CMR 30 is deemed to be an ARAR, that EPA has determined that compliance would pose a greater risk to

human health and the environment and accordingly, EPA waives the provision pursuant to CERCLA § 121(d)(4)(B).

Specifically, with respect to 310 CMR 16, the Draft Revised 2020 Permit provided as follows:

> For each provision of 310 CMR 16, to the extent that they are deemed to be an ARAR but cannot be met at the Upland Disposal Facility, EPA determines that compliance would pose a greater risk to human health and the environment and accordingly, EPA would invoke a waiver of the provision, pursuant to CERCLA 121(d)(4)(B).
>
> Draft Revised 2020 Permit, C-5.

In response to this comment, for the Revised Final Permit, EPA has modified the above language to provide as follows:

> For any provision of 310 CMR 16, to the extent they are deemed to be an ARAR but cannot be met at the Upland Disposal Facility, EPA determines that compliance would pose a greater risk to human health and the environment and accordingly, EPA waives the provisions pursuant to CERCLA 121(d)(4)(B)… (emphasis added)
>
> Permit, C-10.

For 310 CMR 30, the Draft Revised 2020 Permit provided as follows:

> However, if the provision is deemed to be an ARAR, EPA proposes to waive it pursuant to CERCLA 121(d)(4)(B), because compliance with the prohibition of disposal at the Upland Disposal Facility would pose a greater risk to human health and the environment than the proposed remedy.
>
> Draft Revised 2020 Permit, C-7.

In response to this comment, for the Revised Final Permit, EPA has modified the language to provide as follows:

> However, if any provision of 310 CMR 30 is deemed to be an ARAR, EPA waives it pursuant to CERCLA 121(d)(4)(B), because compliance with the prohibition of disposal at the Upland Disposal Facility would pose a greater risk to human health and the environment than the proposed remedy… (emphasis added)
>
> Permit, C-13.

**Comment II.I.13**: GE asserted that EPA should clarify that, insofar as the UDF will manage state hazardous waste due to the presence of PCBs, the locational requirements of the state hazardous waste regulations do not apply to the UDF. GE asserts that the reason is that the state hazardous waste regulations exempt facilities regulated under 40 C.F.R. Part 761, except for certain provisions relating to a location within an ACEC, and those ACEC provisions will be waived under CERCLA § 121(d)(4)(B). GE also asserts that EPA should clarify that, to the extent that the UDF will manage state hazardous waste, the solid waste site assignment regulations would not apply at all to the UDF, because they exclude facilities that manage hazardous waste.

**EPA Response II.I.13**: EPA believes that the Attachment C provisions for 310 CMR 16 and 310 CMR 30 are clear, given the revisions made since the Draft Revised 2020 Permit, including the revisions in response to above comments made by GE, and thus do not need further clarification.

**Comment II.I.14**: EPA's Draft Revised 2020 Permit Attachment C provided that there is no change in status from the 2016 Permit with respect to the application of the state solid waste site assignment regulations to temporary management of excavated materials. GE asserted that EPA's reference in the Draft Revised 2020 Permit's Attachment C with respect to the technical impracticability waiver at CERCLA § 121(d)(4)(C) to only the ACEC prohibition in 310 CMR 16.40(4)(d) is too limited. GE provided as examples the prohibition on temporary management of solid waste in a Riverfront Area in 310 CMR 16.40(3)(d).6, and other locational provisions in 310 CMR 16 that will similarly prohibit or restrict certain temporary waste management areas. GE asserted first that EPA should not refer only to off-site disposal, and second that EPA should refer also to the additional provisions of 310 CMR 16.40(3)(d).6, and possibly other locational provisions that were part of the 2016 Permit's provisions.

GE's proposed formulation is as follows:

> The remedy may necessarily include temporary management of excavated material, some of which may constitute solid waste under these regulations, in portions of the ACEC (or at locations outside but adjacent to the ACEC) or at a Resource Area or Riverfront Area or at other types of areas subject to 310 CMR 16.40 (3)(d) or 16.40(4). EPA considers as waived, pursuant to CERCLA 121(d)(4)(C) any of the requirements of these regulations that would prohibit or restrict such temporary management.

**EPA Response II.I.14**: In the 2016 Permit, EPA stated as follows:

> To the extent: 1. the provisions of [310 CMR] 16.40 apply to the temporary management of materials during implementation of the remedy after excavation and prior to off-site disposal; 2. the materials temporarily managed on-site during implementation of the remedy constitute solid waste under this regulation; and 3. the location for management of the material are within the ACEC (or, the locations are outside but adjacent to the ACEC and such locations fail to protect the outstanding resources of the ACEC) or in a Resource Area or Riverfront Area; EPA, in consultation with the Commonwealth considers as waived, pursuant to CERCLA 121(d)(4)(C), the requirements of 16.40 that prohibit or restrict such temporary solid waste management locations during implementation of the remedy.
>
> 2016 Permit, Att. C.

That determination in the 2016 Permit was not remanded to EPA Region 1 by the EAB. EPA did not intend to place any new limitation on the availability of that waiver; EPA intended for the waiver determination to apply to the temporary management of materials prior to disposal, just as with the 2016 Permit. Of course, in the Hybrid Disposal approach, the temporary management of materials is followed by disposal of excavated material either on-site or off-site and restoration of any area disturbed by the temporary management of materials.

EPA's Draft Revised 2020 Permit indicated that there was no intent to change the determination regarding the temporary management of excavated materials with respect to 310 CMR 16. However, in drafting Attachment C to the Draft Revised 2020 Permit, EPA inadvertently made the reference narrower than intended, by leaving out the references to provisions regarding Resource Areas and Riverfront Areas and not referencing on-site disposal, which is a component of the Draft Revised 2020 Permit. For the Revised Final Permit, EPA has revised this language to make clear that with respect to the application of the state solid waste site assignment regulations to temporary management of excavated materials the status is not narrower than in the 2016 Permit.

GE's comment also appeared to suggest that the ARAR waiver from the 2016 Permit also be extended to include "or at other types of areas subject to 310 CMR 16.40(3)(d) or 16.40(4)." (GE comment at 11). EPA did not intend to modify the 2016 Permit's reference to temporary management of materials except with respect to referencing off-site and on-site disposal in light of the disposal change from the 2016 Permit to the Revised Final Permit. That being the case, EPA has not modified the requirement except as provided above.

**Comment II.I.15:** As to temporary management of excavated materials that constitute hazardous waste under state regulations, GE pointed out that the Draft Revised 2020 Permit's Attachment C states that there is no change in status from the 2016 Permit. GE asserted that EPA makes too limited a statement in that regard in the description of the scope of the waiver of requirements that prohibit such management as technically impracticable under CERCLA § 121(d)(4)(C). GE proposed to broaden the waiver with language along the lines of the following:

> EPA's risk-based TSCA determination in Attachment D to the Permit applies to the temporary management of excavated materials that constitute hazardous waste under these regulations. To the extent that (a) the remedy would involve temporary management of such excavated materials that are not subject to an exemption (such as the exemptions for dredged material) and (b) the locations for such temporary management are within (or could affect) the ACEC or are within the other types of areas subject to the provisions of 310 CMR 30.700-708 and are not subject to the TSCA exemption in 310 CMR 30.501(3)(a), EPA considers as waived, pursuant to CERCLA 121(d)(4)(C), the requirements that prohibit or restrict such temporary management.

**EPA Response II.I.15**: With respect to temporary management of materials and 310 CMR 30, Attachment C to the 2016 Permit, at C-12–13, provides as follows:

> The remedy portions in the ACEC may necessarily include temporary management of material excavated during implementation prior to off-site disposal. . . . For each area in which hazardous waste is temporarily managed during remedy implementation, including those within the ACEC, the remedy includes provisions for restoration of what is disturbed by the temporary management of materials, and for final disposition of materials through off-site disposal. To the extent: 1. The provisions of 310 CMR 30 apply to the temporary management of materials during implementation of the remedy

> after excavation and prior to off-site disposal; 2. The materials temporarily managed on-site during implementation of the remedy constitute hazardous waste under this regulation, and are not subject to any regulatory exemption such as 310 CMR 30.104(3)(f) exempting dredged materials; and 3. The locations for temporary management of the materials are within the ACEC (or, the locations are outside but adjacent to or in close proximity to the ACEC and such locations are not protective of the outstanding resources of the ACEC); EPA, in consultation with the Commonwealth, considers as waived, pursuant to CERCLA 121(d)(4)(C), the requirements of 310 CMR 30 that prohibit such temporary hazardous waste management locations during implementation of the remedy.

As GE notes, EPA had, in the Draft Revised 2020 Permit, expressed that its position on the temporary management of excavated materials with respect to 310 CMR 30 had not changed. The change to the language in Attachment C from the 2016 Permit to the Revised Final Permit regarding this provision is based not on a change in temporary management of materials, but on the Draft Revised 2020 Permit's change in the eventual disposal of the excavated material—from complete off-site disposal to a combination of off-site and on-site disposal.

As for GE's request for a change in this language to something along the lines of its proposal, EPA declines to modify the provision from the 2016 Permit except to acknowledge that temporary management of materials can occur prior to either on-site or off-site disposal. See Revised Final Permit, C-12 through C-14.

**Comment II.I.16**: GE asserted that EPA should clarify that the Massachusetts Dam Safety Standards, 302 CMR 10, do not apply to dams regulated by the Federal Energy Regulatory Commission—Willow Mill and Glendale Dams—because, for these dams, the state regulations are preempted by Federal Energy Regulatory Commission (FERC) regulation under the Federal Power Act. GE pointed out that EPA had clarified the preemption in the 2016 Response to Comments.

**EPA Response II.I.16:** EPA reiterates from the 2016 Response to Comments that if responsibilities for a particular dam are subject to preemption by FERC, the state dam safety ARAR would not be applicable, and that other than Woods Pond and Rising Pond Dams, if in the future, GE becomes owner or operator of any Rest of River dam for which FERC does not preempt dam safety regulations, the ARAR would be applicable for such dams. 2016 Response to Comments, IV.B.13, page 313.

**Comment II.I.17:** GE suggested that EPA note that, under 40 C.F.R. 261.4(g), dredged material that is subject to the requirements of Section 404 of the Clean Water Act does not constitute a hazardous waste (regardless of testing results), and that thus the RCRA hazardous waste requirements would not apply to the temporary management of any such material.

**EPA Response II.I.17**: This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. This comment does not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. The RCRA ARARs regarding the characterization of waste were contained in the 2016 Permit and

were not remanded by the Environmental Appeals Board. Accordingly, the scope of the public comment period for the Draft Revised 2020 Permit did not include these provisions. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments. Attachment E to the Draft Revised 2020 Permit describes how GE will characterize, including compliance with RCRA, removed materials during implementation of the cleanup.

## II.J Support for the Proposed Cleanup Plan

**Comment II.J.1:** A number of commenters, including Berkshire Environmental Action Team (BEAT), Mass Audubon, and the Municipal Committee, expressed support for the Draft Revised 2020 Permit. Mass Audubon also expressed support for the cleanup enhancements afforded by the Draft Revised 2020 Permit. GE provided a detailed letter in support. HVA supported numerous changes in the Draft Revised 2020 Permit, noting their belief that the Hybrid Disposal approach was a necessary compromise to get a better cleanup and work done sooner. BNRC supported cleanup and restoration plans for the river and floodplain that will remove as much PCB contamination as possible while minimizing damage to the ecosystems and surrounding communities.

**EPA Response II.J.1:** EPA acknowledges the support for the remedy being proposed in the Draft Revised 2020 Permit.

**Comment II.J.2**: The Rest of River Municipal Committee commended the Region on its analysis in Attachment B to EPA's Supp. Comp. Analyses. The Committee highlighted in its comment that Attachment B provides information about the value to human health and the environment of avoiding litigation and delay, about why the extra soil and sediment removal is a package deal with partial on-site disposal, and about how both of these considerations bear on eliminating risks to human health and the environment. The Committee urged the Region to make this analysis more easily accessible and to draw attention to this analysis in its response to public comments.

**EPA Response II.J.2**: EPA acknowledges the support from the Rest of River Municipal Committee. Attachment B to the Supp. Comp. Analyses is part of the Administrative Record for the Revised Final Permit.

**Comment II.J.3**: Multiple commenters recommend no more delays and that a cleanup begin immediately.

**EPA Response II.J.3:** EPA concurs and believes finalizing this Permit is the best approach to expedite a cleanup.

## II.K Other Comments

**Comment II.K.1:** Some commenters stated that EPA did not provide enough detail (maps, data, other documentation) in the proposed documents to allow a thorough review.

**EPA Response II.K.1:** EPA has compiled an extensive Administrative Record to support this Permit, and the level of documentation is sufficient under the regulations and the Consent Decree.

**Comment II.K.2:** One commenter suggested that any property owner, including those in Connecticut, should be entitled to additional cleanup work if they so desired.

**EPA Response II.K.2:** The Revised Final Permit provides for cleanup of all floodplain properties posing an unacceptable risk. EPA has not identified any floodplain properties that pose an unacceptable risk beyond those in the various Exposure Areas (EAs) in the Primary Study Area (PSA) along the River adjacent to Reaches 5 through 7. As such, there is currently no remediation required on any floodplain properties in Connecticut. Notwithstanding, the Revised Final Permit does include provisions for future work, should contamination be discovered at a later time above certain risk-based concentrations.

**Comment II.K.3:** A number of commenters expressed concern that the cleanup plan relies on old data, suggesting that sampling had not been conducted since 1999 or earlier, calling into question its accuracy or reliability. One commenter asked how EPA would map out the PCB hot spots and control the movement of contaminants. Some of these commenters requested that EPA provide more detail on the proposal, including additional sampling, analysis, and a thorough examination of our decision-making. One commenter noted their belief that the cleanup plan had originally been expected to take 15 years to complete, but now is estimated to be 10 years.

**EPA Response II.K.3:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, the Draft Revised 2020 Permit represents a culmination of a study initiated pursuant to the 2000 Consent Decree involving thousands of samples of surface water, sediment, soil, fish tissue, and other biota. This study included peer-reviewed human health and ecological risk assessments and a peer-reviewed modeling effort for contaminant bioaccumulation, fate and transport. Though some sampling data were collected prior to the 2000 Consent Decree, the Rest of River study included sampling conducted primarily between 1998 and 2003. Additional data have continued to be collected since that date under the terms of the Consent Decree, including floodplain sampling in Reach 5A. Furthermore, the 2016 Permit and the Draft Revised 2020 Permit call for substantial baseline monitoring, including sampling of sediment, biota, and surface water, and additional sampling to further refine the limits of areas requiring cleanup. This is a typical approach for remedies such as this, where the cleanup plan sets forth the general cleanup approach and criteria, and then pre-design and design investigations and sampling are conducted to determine how the remedy will specifically be carried out. The data collected that have been relied upon in issuing this Revised Final Permit are sufficient for EPA's decision-making process. The EAB upheld and did not remand the portions of the permit regarding the extent of sediment and floodplain cleanup. 17 E.A.D. at 435.

GE, in its Pre-Design Investigation Reports and Remedial Design Work Plans, will map out the existing PCB concentrations and will propose methods to control the spread of contaminants through the excavation, transportation, and disposal of material. The public will be offered the opportunity to provide input on these documents.

Regarding the expected duration of cleanup, EPA has not changed its estimate of 13 years for cleanup construction. This estimate is the same for the Draft Revised 2020 Permit as it was for the 2016 Permit.

**Comment II.K.4:** Specific comments were received advocating use of rail transportation rather than trucks to move materials from the excavation areas to the disposal site(s). Comments included requesting more detail on the location of the rail loading facility, and a recommendation to change the Permit language from requiring rail "to the extent practicable" to requiring rail when feasible. Lastly, specific technical details were provided by the Housatonic Railroad regarding potential rail connections to the UDF.

**EPA Response II.K.4:** EPA concurs with several commenters that it is preferable if the waste could be transported to off-site facilities via rail. As such, the Revised Final Permit requires GE to use rail, to the extent practicable, for disposal of waste off-site. As with other operational details, the potential use of rail for transport of materials will be evaluated in more detail during the remedial design effort. As was the case in the 2016 Permit, the Revised Final Permit does express a preference for the use of rail specifically for the off-site disposal of materials, but consideration will also be given regarding the potential use of rail to transport materials to the UDF. The technical information provided by Housatonic Railroad will be shared with GE for their consideration in developing their work plans.

**Comment II.K.5:** Several commenters proposed the use of rail for the on-site disposal of waste at the UDF. The Housatonic Railroad provided options on how to extend the current rail lines to the UDF.

**EPA Response II.K.5:** Before the use of rail can be selected as the mode of transportation, to either the UDF or off-site disposal facilities, an evaluation of a location(s) for the construction of rail spurs to load the material onto rail cars needs to be thoroughly conducted. Also, if there is only one or two suitable locations for a rail loading facility, then the benefits of rail to minimize truck traffic will be less than may be anticipated, especially for local travel, because of the need to transport the waste from the point of generation to the rail loading facility, primarily via trucks.

Therefore, EPA believes the current language for off-site disposal is appropriate and that the use of rail for disposal into the UDF or for off-site disposal should be further evaluated during the design phase.

**Comment II.K.6:** One commenter raised a concern that although GE is required to inspect the GE-owned Woods Pond Dam every 2 years and that repairs were recommended, GE has never followed through with those repairs according to the reports. The commenter stated that the downstream residents are at the mercy of GE for preventing a breach in this faulty dam. A breach would cause a serious flood, dumping toxic PCBs throughout these downstream

homes. The commenter also questioned why underwater inspections were completed at the Rising Mill Dam, but never at the Woods Pond Dam.

**EPA Response II.K.6:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA's role in reviewing inspections and reports regarding dams expanded in 2017 when EPA determined that dam inspection and maintenance requirements outlined in the 2016 Permit became effective. EPA's requirements for GE's inspection, maintenance activities, and emergency response planning for dams are contained in GE's Operations, Monitoring, and Maintenance Plan Woods Pond Dam – MA 00250 (OM&M Plan), which was finalized in June 2019 and amended in September 2020 after a number of EPA reviews and incorporation of EPA comments. The OM&M Plan documents GE's procedures in relation to the requirements of the 2016 Permit as a well as guidance provided in the Federal Emergency Management Agency (FEMA) publication entitled *Dam Safety: An Owner's Guidance Manual*. The OM&M Plan also outlines GE's inspection requirements, which include:

- Routine Quarterly Inspections (four per year).
- Biennial Engineering Phase I Inspection/Evaluations (every other year) in accordance with The Massachusetts Dam Safety Regulations (302 CMR 10.00).
- Pre-Storm Inspections when forecasts indicate possible flows exceeding 2,454 cubic feet per second (cfs) at the U.S. Geological Survey (USGS) flow gage at Coltsville (Pittsfield) or 5,830 cfs at the USGS flow gage at Great Barrington.
- Post-Storm Inspections when flows exceed 1,500 cfs at the Coltsville gage or 3,650 cfs at the Great Barrington gage.
- Ice-Out Observations each spring.
- Bedrock Scour Inspections of a low-lying area of bedrock downstream of the dam.
- Post-Earthquake Inspections in the event that there is an earthquake with reported damage in Berkshire County.

GE has conducted numerous inspections at the Woods Pond Dam over the last several years including, but not limited to, the Routine Quarterly Inspections and a Biennial Engineering Phase I Inspection/Evaluation in November 2019. Since the fall of 2019, EPA's contractors have been conducting oversight of GE's inspections, and EPA has been providing advance notice of upcoming inspections to Lee/Lenox town representatives.

The 2019 Phase I and subsequent quarterly inspection reports identified several conditions that require continued monitoring in future inspections but not immediate repair, as well as some

needed maintenance items, including vegetation clearing, installation of safety signs and a staff gage, repairing a water table observation well's protective casing, and filling small holes in the raceway embankment with slush grout. As of the date of this response, all required maintenance items have been completed, and conditions requiring monitoring continue to be evaluated and documented during routine inspections.

The OM&M Plan for Rising Pond Dam in Great Barrington, MA, includes an inspection component consisting of an underwater dive inspection at least every 5 years. The Rising Pond Dam is a historic dam structure dating back to the 1800s, which has undergone numerous modifications and upgrades in construction and materials throughout its life. The complexity of the dam's construction history merited periodic dive inspections. Conversely, the Woods Pond Dam is a modern dam structure constructed in 1991 of cellular steel sheet piling and concrete. Based on the age and construction methods, routine dive inspections were not deemed necessary as part of the OM&M Plan but could be conducted in the future if observations by dam safety engineers merit underwater inspection.

EPA will continue to ensure that GE meets its Revised Final Permit obligations related to the Woods Pond Inspection and Maintenance requirements by participating in inspection events, and reviewing and approving GE's inspection reports.

**Comment II.K.7**: One commenter requested clarification regarding the reasoning behind the Performance Standard for the remediation of Woods Pond and urged EPA to establish a Performance Standard containing a specific PCB concentration rather than selecting a post-remediation water depth in Woods Pond.

**EPA Response II.K.7:** The Woods Pond remediation was a component of the 2016 Permit and has not been changed for the Draft Revised 2020 Permit. This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA did respond to similar comments in its 2016 Response to Comments. Section III.C.3, pages 159 to 168.

**Comment II.K.8:** Several commenters, including BEAT, noted their concern for wildlife impacts from contamination, noting their belief that much of what appears to be "thriving" is just surviving. The commenters asked EPA to consider that many of the fish develop tumors, mink pups can't survive, and osprey and eagles that prey on the fish from Woods Pond are harmed. Also, people living along the River have developed cancers that they believe were caused by PCB exposure. The commenters stated that part of the River does not have the macroinvertebrates that make great trout food and that although the River looks a lot better than 60 years ago, the remaining PCBs are deadly.

**EPA Response II.K.8:** As outlined in EPA's response to other comments, detailed studies have been conducted documenting the human health and ecological risks posed by the contamination, necessitating the cleanup plan embodied in the Draft Revised 2020 Permit. EPA concurs that

there are unacceptable ecological risks currently at the Site. The remedy is intended to mitigate those risks. Comments regarding cancer and other diseases are addressed below in this Section II.K of this Response to Comments. The EAB upheld and did not remand the portions of the permit regarding the extent of sediment and floodplain cleanup. Accordingly, these comments are beyond the scope of the current comment period.

**Comment II.K.9:** HRI commented that, historically, EPA and Massachusetts were wrong on the amount of PCBs in River and that HRI was correct.

**EPA Response II.K.9:** This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA believes that this comment relates to reports submitted prior to the Consent Decree signature in 1999. As discussed in response to other comments, additional investigations were conducted between 1998 and 2003 to characterize the river contamination, and extensive additional sampling will occur under the Revised Final Permit.

**Comment II.K.10:** Some commenters asked about conducting blood tests on nearby residents. One such commenter stated: "We have an opportunity to continue the work of this case study of the Housatonic River and I believe GE should have to work with the department of health to conduct blood tests of people to establish a baseline of PCBs in the population. After the cleanup we will be able to test again and compare the difference from community to community along the river." Another commenter stated that here have been no blood tests to measure the relative toxicity of those living near the River compared to others, stating that there have been no controlled studies by health departments at the state nor the local level to measure the correlation between PCBs and cancer and other ailments. Lastly, a commenter stated no blood testing has been done of residents living along the properties that are from Lenox all the way down to Lee.

**EPA Response II.K.10:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, blood tests or a blood serum study for residents adjacent to the River or in proximity to the UDF are not required for the Rest of River cleanup. The Rest of River remedy is designed to be protective of human health without such studies. RCRA and Superfund cleanup decisions are based upon a risk assessment (calculation) of current and potential future risks from the site contamination and do not require blood test or serum studies as part of the evaluation. RCRA and Superfund remedy selection processes include an analysis of the human health and environmental risks associated with contamination and actions designed to address unacceptable risks. As one EPA guidance states, "EPA's strategy for corrective action

implementation incorporates risk-based decision-making throughout the corrective action process." 61 Fed. Reg. 19450; Decree, Paragraph 22.b-f; 2000 Permit, II.C.

For the Rest of River, EPA conducted risk assessments of the human health and ecological risks posed by contaminated media, and the cleanup is moving forward based upon a finding of potential risks that are beyond acceptable levels. EPA provided for independent scientific peer review of those risk assessments. This is the process set by the 2000 RCRA Permit and is part of a court-ordered Consent Decree. Decree, Paragraph 22.b-f.

For health-related questions about PCBs, including information about blood (serum) testing for PCBs in the Housatonic River area, please contact the Massachusetts Department of Public Health (MA DPH) at 617-624-5757 or DPHToxicology@mass.gov.

**Comment II.K.11:** Many commenters mentioned that they know someone who had cancer or other illnesses who lived in the area or worked at GE and thought the cancers or other illnesses may be related to PCBs. Several commenters stated they believe the Berkshires, Lee, Lenox, and Pittsfield in particular, have elevated levels of cancer compared to other communities. For example, one commenter stated ". . . for example, is Berkshire County ranked #14 out of 15 Counties in Massachusetts in health outcomes? (Robert Wood Johnson Counties Study) Why is Pittsfield, Lenox, Lee a bladder cancer hotspot?"

**EPA Response II.K.11:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, PCBs are a probable human carcinogen. However, epidemiological or community-wide cancer incidence studies are beyond the scope of the Draft Revised 2020 Permit. The cleanup of individual RCRA and Superfund sites does not require studies evaluating whether the site contamination has caused cancer or other illness in the nearby community. RCRA and Superfund cleanups occur based upon a risk assessment or calculation of current and potential future risks from the site contamination and do not require such health studies. In fact, many RCRA and Superfund cleanups occur without community-wide health studies.

For the Rest of River, EPA conducted risk assessments of the human health and ecological risks posed by contaminated media, and EPA then provided for independent scientific peer review of those risk assessments. The Rest of River cleanup is moving forward based upon a finding of potential risks that are beyond acceptable levels. This is the process set by the 2000 Permit and included in the Consent Decree. Notwithstanding, these questions have been referred to the MA DPH.

Additionally, with respect to PCB toxicity and epidemiology, EPA responded in detail in the 2016 Response to Comments, Section II.F.

With regard to cancer studies in the Berkshires, EPA received the following information from MA DPH:

MA DPH's 2008 GE/Housatonic River Public Health Assessment (PHA) includes a summary of the descriptive cancer incidence evaluations completed for the Housatonic River community in 2002, which includes data for the towns of Pittsfield, Lenox, Lee, Stockbridge, and Great Barrington and for smaller geographic areas within each community. The 2008 PHA summarizes evaluations of cancer incidence data for bladder, liver, breast, non-Hodgkin's lymphoma (NHL), thyroid, and Hodgkin's disease from 1982-1994 and a supplemental update for 1996-2000. This document is available on the MA DPH web page at: https://www.mass.gov/doc/general-electric-site-housatonic-river-public-health-assessment-final-release-0/download. Earlier reports relating to bladder cancer (e.g., incidence evaluations and occupational epidemiology investigation) were finalized between 1988-2003.

The most recent cancer incidence data for all regions of Massachusetts are available on the MA DPH, Bureau of Environmental Health, Environmental Public Health Tracking (EPHT) website located at: https://matracking.ehs.state.ma.us. Cancer incidence data can be viewed on the EPHT website.

**Comment II.K.12:** Comments provided by HEAL, HVA, and others expressed concern about the reliance on MNR, especially in the Connecticut Reaches of the River. HEAL questioned the sufficiency of existing data to support EPA's remedy selection and asked that MNR not be considered as a remedy in any portion of the Housatonic River Basin in either CT or MA until more precise measurements of PCB sediment cores have been established (especially in the Impoundment areas above the dams, which they view as having been inadequate to date); and that any future consideration of MNR be predicated on detailed planning, inclusive of costs, and all vague terminology be eliminated.

**EPA Response II.K.12:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA did respond to similar comments in its 2016 Response to Comments. Section III.C.6, pages 189 through 197, of the 2016 Response to Comments. EPA's decision regarding MNR was upheld by the EAB. 17 E.A.D. at 437. No new information has arisen since that time to call into question this approach. Section II.H.18 of the Permit requires GE to submit an Inspection, Monitoring, and Maintenance Plan, which will include a plan to monitor effectiveness of MNR. EPA expects to provide stakeholders an opportunity to provide input on such plan. See also Response II.H.19 above regarding MNR.

**Comment II.K.13:** HVA asked that, in addition to CT DEEP, organizations such as theirs should be involved in the development, review, and comment on the long-term monitoring strategy, noting their belief that it is essential to build capacity to conduct abiotic and biotic PCB monitoring among stakeholders other than state environmental agencies, including not-for-profit organizations with proven water quality monitoring capabilities. This should include development of standard language for Quality Assurance Project Plans, technical support, and

development of funding opportunities to build monitoring programs that provide high-quality data suitable for regulatory action.

**EPA Response II.K.13:** EPA has committed to providing the public, including environmental groups, with the ability to review and provide comments on deliverables under the 2020 Permit Modification. Permit, II.A. This commitment will include providing an opportunity to provide comments on monitoring plans prepared for the Connecticut reaches of the River. In the Settlement Agreement, EPA has agreed to provide support to local governments under the TASC program and expects to continue to provide funding under the TAG program. Building capacity for non-profit organizations to conduct sampling is beyond the scope of the Revised Final Permit and this comment period.

**Comment II.K.14:** Some commenters, including HVA, expressed concern regarding the reliance on capping in the cleanup plan, especially in a riverine environment such as Reach 5A and where dams are to be removed, and urged that capping be minimized as much as possible as the cleanup proceeds. HVA is in favor of greater sediment removal to be contained in the UDF rather than being left in the river substrate under an Engineered Cap where it has the potential to be suspended and redistributed downstream. HVA also noted their contention that there is no good resolution for capturing the PCB-contaminated sediment if an engineered cap fails.

**EPA Response II.K.14:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, as outlined in EPA's 2020 Statement of Basis, the remedy outlined in the Draft Revised 2020 Permit reduces the reliance on capping in the riverbed by approximately one-third. Also, the availability of the UDF for disposal of lower-level contaminated sediment creates an incentive to further maximize removal of sediment from the River rather than capping. Properly designed, constructed, and maintained caps can be a protective, reliable component of the remedy for river sediment. The Draft Revised 2020 Permit, similar to the 2016 Permit, contains provisions for the design and construction of these caps as well as requirements for ongoing OM&M. For additional information on EPA's selection for capping, see Sections II and III of the 2016 Response to Comments.

**Comment II.K.15:** Some commenters, including HEAL and HRI, expressed their belief that insufficient contamination is being removed from the River, riverbanks, residential, or commercial properties, leaving most of the PCBs in the River, riverbanks and Floodplain. Thus, the commenters state that the remedy is not protective of human health or the environment. The commenters argue that EPA has not analyzed the impact of the remedy changes sufficiently or provided any data or analysis of the details. HEAL also questioned the use of the word "cleanup," when containment is part of the remedy.

**EPA Response II.K.15:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of

proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to these comments. For more information, see Section I.D of this Response to Comments.

Notwithstanding, while the remedy does leave some levels of PCBs in the River and/or Floodplain, no contamination above the risk-based standards outlined in the Draft Revised 2020 Permit is left unaddressed by one or more of the remedial measures (for example, either by excavation, capping, MNR, or other measures). Containment is a method of cleanup because containment minimizes risks through sequestering contamination from exposure. The Draft Revised 2020 Permit represents a more extensive cleanup scope (more removal, less reliance on capping) than that of the 2016 Permit. EPA did respond to similar comments regarding the sufficiency of the cleanup in its 2016 Response to Comments. Section II.D, pages 30 through 32, of the 2016 Response to Comments. The EAB upheld the Permit regarding the removal of sediment and soil. 17 E.A.D. at 435.

**Comment II.K.16:** Some commenters, including HVA, supported the inclusion of pilot studies regarding Vernal Pools adjacent to Reaches 5 through 8. HVA recommended including a peer review of the preferred method and approach for remediation that is decided upon following the pilot studies and a peer review for the submitted plans.

**EPA Response II.K.16:** EPA appreciates the support for the remedial approach relative to Vernal Pools. EPA has elected not to include a formal peer review process as part of the Vernal Pool pilot study. EPA has committed to providing the public the opportunity to provide input on plans such as this. EPA will endeavor to involve interested stakeholders, especially those with expertise in the area of Vernal Pool protection and restoration, in this process. Permit, II.A. and II.B.3.b.

**Comment II.K.17:** Some commenters expressed a preference to leave PCBs in place as opposed to placing them in the UDF and/or to leave them in place regardless of ultimate disposal method chosen. Some commenters expressed concerns that disturbing PCBs in an attempt to remediate them would increase resuspension and cause downstream transport. Green Berkshires stated that the cleanup would devastate the River and not make the River fit for fishing or swimming. Some commenters also referenced studies that showed a low half-life of PCBs coupled with naturally occurring biodegradation and recommended no action remediation.

**EPA Response II.K.17:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, alternatives other than excavation and removal, including a "no action alternative" and MNR, were evaluated as part of the process leading up to the 2016 Permit. EPA responded to similar comments that the remedy selected was too extensive in its 2016 Response to Comments. Section II.E., pages 32 through 38, of the 2016 Response to Comments. EPA

determined MNR was appropriate for some sections of the River but not other sections. Permit, II.B.2. There are no current unacceptable risks from swimming, and the selected remedy will decrease risks from fish consumption.

**Comment II.K.18:** One commenter expressed concern regarding the extent of source control at the Site in Pittsfield and Silver Lake, stating that material continues to seep into the River in Pittsfield, the buildings were simply razed, and the millions of cubic yards of toxic waste under the buildings were never addressed.

**EPA Response II.K.18:** Concerns regarding ongoing releases from the GE Facility and Silver Lake were addressed in Section XI.F of the 2016 Response to Comments, Comment 480, page 377. As EPA concluded in the 2016 Response to Comments, the totality of these actions provides adequate control of sources of releases from the areas upstream of the Rest of River and, accordingly, did not propose additional measures in the 2016 Permit.

**Comment II.K.19:** One commenter expressed a preference for EPA to include cleanup in two Impoundments above Rising Pond in Housatonic or Stockbridge, noting a belief that contaminated sediment would have accumulated there.

**EPA Response II.K.19:** EPA is not certain which dams/Impoundments are being referred to by the commenter. However, the Draft Revised 2020 Permit and Revised Final Permit address contamination in each Impoundment from Woods Pond to Rising Pond—this includes sediment behind the dams at Columbia Mill, Eagle Mill, Willow Mill, Glendale (Stockbridge), and Rising Pond (Housatonic/Great Barrington). EPA believes there are no additional Impoundments containing significant quantities of sediments in Housatonic or Stockbridge.

**Comment II.K.20:** The Rest of River Municipal Committee asserts that the law requires the Region to evaluate the cleanup under the criteria that EPA uses to select corrective action at other RCRA sites. Even though the criteria that EPA relied upon are similar to the RCRA criteria, the commenter believes the Region should determine whether the cleanup is the appropriate choice under the RCRA criteria as well.

**EPA Response II.K.20**: This comment is beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were changes in the Draft Revised 2020 Permit from the 2016 Permit. These comments do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit from the 2016 Permit. In the Draft Revised 2020 Permit and Revised Final Permit processes, the Region has followed the same remedy selection criteria as it followed in preparing the 2014 Draft Permit Modification and the 2016 Permit. That 2016 Permit decision, applying the remedy selection criteria, was evaluated and sustained by the EAB, with the exception of two permit conditions, which were remanded on bases that do not call into question the remedy selection criteria used. The remedy selection process did not change between the 2016 Permit and the Draft Revised 2020 Permit. That being the case, the topic was not within the scope of the public comment period for the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

Notwithstanding, EPA's RCRA remedy selection is appropriate here. The Court-ordered Decree includes the process for selecting a remedy that is consistent with RCRA and the RCRA guidance on remedy selection criteria. That consistency between the Consent Decree and RCRA is more than sufficient given the RCRA guidance's emphasis on flexibility for RCRA remedy selection.

First, the remedy selection process and decision in the Revised Final Permit is appropriate because it was undertaken pursuant to a court-ordered Consent Decree. The Region selected the Revised Final Permit remedy in consideration of the factors and process set forth in the Consent Decree, including the 2000 Permit, which is Appendix G to the Decree. The Decree is a binding court order prescribing the process for how EPA shall select the cleanup for the Rest of River that is consistent with RCRA. The U.S. District Court, through the Consent Decree and the 2000 Permit, established a specific set of criteria, consistent with RCRA, with which EPA shall consider selection of the recommended cleanup together with any other relevant information in the Administrative Record. "2000 Permit Nine Evaluation Criteria," Decree, App. G, 20-23; 17 E.A.D. at 459-461. EPA has followed the process set forth in the Consent Decree to select the cleanup in the Revised Final Permit.

Second, the remedy selection process here is fully consistent with RCRA, because the process used, and the criteria and factors applied by the Region, are consistent with RCRA, its implementing regulations (40 C.F.R. § 264.101), and the relevant guidance documents. The 1990 EPA *Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities,* 55 Fed. Reg. 30798 (proposed July 27, 1990)(1990 Subpart S Proposal) identifies nine criteria for evaluating alternatives under consideration for RCRA corrective action, including four threshold "General Standards for Remedies" for corrective action to achieve and five "Remedy Selection Decision Factors" that EPA should consider when selecting among corrective action alternatives that meet the threshold standards ("RCRA Guidance Nine Evaluation Criteria"). 1990 Subpart S Proposal, 55 Fed. Reg. at 30823-25. The 2018 EAB decision provides a detailed summary of the relevant RCRA corrective action remedy selection guidance, including the 1990 Subpart S Proposal, the Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities, 61 Fed. Reg. 19432, 19434 (proposed May 1, 1996) (1996 ANPR), and Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities, 64 Fed. Reg. 54604, 54606 (October 7, 1999) which, in part, withdrew much of the Subpart S Proposal. 17 E.A.D. at 448-452.

The 2000 Permit Nine Evaluation Criteria are consistent with the RCRA Guidance Nine Evaluation Criteria. All these criteria are strikingly analogous to each other, and sometimes identical.

The clear consistency between the 2000 Permit Nine Evaluation Criteria and the RCRA Guidance Nine Evaluation Criteria are sufficient given RCRA's clear objective of flexibility for individual circumstances. As the EAB pointed out, the Agency's desire in withdrawing the Subpart S Proposal was to take "a more flexible approach to RCRA corrective action, recognizing that 'no one approach to corrective action is likely to be appropriate for all sites.'" 17 E.A.D. at 451. Additionally, EPA has repeatedly emphasized that the corrective action program guidance should be applied flexibly, as appropriate to individual sites. See, e.g., 64 FR

54604, 54605-06 (Oct. 7, 1999). To the extent that the 2000 Permit Nine Evaluation Criteria are not an exact mirror of the RCRA Guidance Nine Evaluation Criteria, the individual differences are not material in light of the clear Agency direction toward a flexible RCRA corrective action process.

In sum, the process for selecting the remedy in the Revised Final Permit is consistent with RCRA and its implementing guidance.

**Comment II.K.21:** One commenter suggested that dams not be removed from Eagle Mill and Columbia Mill and, instead, dams should be fitted with hydroelectric power generating capability.

**EPA Response II.K.21:** As noted elsewhere, the Eagle Mill Dam is better characterized as "dam remnants," having already been breached and in serious disrepair. The dam at Columbia Mill has also been characterized as being at a high risk for failure. *Columbia Mill Dam - Phase II Inspection/Evaluation Report*, Tighe & Bond, February 2008; *Columbia Mill Dam Sediment Management Study*, Tighe & Bond, June 2011. Converting dams to hydroelectric power generation is outside the scope of this action. Such work would need to be conducted by others, and EPA is not aware of any proposals to do so.

**Comment II.K.22**: Some commenters, including HEAL, expressed concerns that the process for conducting the public comment period was not fair to certain populations, and that having the UDF in the Town of Lee is unfair for environmental justice reasons.

**EPA Response II.K.22**: As EPA defines it, environmental justice involves the fair treatment and meaningful involvement of all people in the implementation of environmental laws and regulations. https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.

Regarding public involvement, in the Rest of River decision-making, the opportunity for public comment was meaningful and fair. The use of online resources in the comment period was appropriate, particularly because of the COVID-19 pandemic. There was ample opportunity to comment (via regular mail, email, voicemail, and verbally during three separate hearings) and ample notice and publicity regarding the comment period and an extension to the comment period. See Sections II.E and II.F of this Response to Comments for responses related to the fairness of the process and requests for delay. See Section I of this Response to Comments regarding the opportunity to comment.

Regarding fair treatment, EPA's proposed remedy was not based upon the socioeconomic makeup of the community surrounding the UDF. As discussed in Section II.A of this Response to Comments and the Supp. Comp. Analyses, the location of the UDF was based partially upon screening done in the Revised Corrective Measures Study, and was based upon additional factors such as the ability, if feasible, to hydraulically pump material from the River to avoid a significant amount of traffic to and from the UDF, the fact that the UDF is near the locations of large-scale removal of PCB material, and the ability to site a consolidation area without affecting non-denuded land. See EPA responses in Section II.A of this Response to Comments for more details. The selection of the Hybrid Disposal option and the location of the UDF was determined

by the applicable remedy selection criteria and by following the prescribed remedy selection process.

Also, the Revised Final Permit includes measures to ensure that areas near the UDF do not suffer disproportionate impacts due to the UDF. The Permit has a number of restrictions to ensure protectiveness, such as a prohibition from accepting hazardous waste or higher-level PCB waste, and the UDF includes design features to prevent releases of PCBs. In addition, GE will be required to monitor and maintain the cap, including groundwater and air monitoring. See Section II.A for further details regarding the safety of the UDF.

EPA Region 1 is strongly committed to ensuring that environmental justice is integrated into all of our programs, policies, and activities in order to achieve environmental and public health improvements for communities in New England that may be disproportionately burdened by environmental harms and risks, such as minority, low-income, and tribal communities. With respect to the issue of the Town of Lee as an environmental justice community, EPA uses a screening tool, "EJScreen," to identify potential environmental justice areas and the extent to which such areas may be candidates for further environmental justice review, including additional consideration, analysis, or outreach. See *EJSCREEN Environmental Justice Mapping and Screening Tool, EJSCREEN Technical Documentation* (September 2019), page 8. Screening reports for the Lenoxdale and the East Lee areas located near the UDF show that none of the 11 EJ Indices for those areas are above the 80$^{th}$ percentile level that EPA uses to identify potential environmental justice areas. EJSCREEN Technical Documentation, Appendix H.

Also, the Commonwealth of Massachusetts, in its 2018 letter to EPA on the Rest of River, identified the Rising Pond location as a potential environmental justice area but made no such assertion regarding the Town of Lee location. The Commonwealth did not raise environmental justice in its comments on the 2020 Revised Permit.

**Comment II.K.23**: A commenter requested that Massachusetts Department of Environmental Protection (MassDEP) be required to conduct review of this proposal and future proposals.

**EPA Response II.K.23:** The Commonwealth of Massachusetts is a co-Plaintiff with the United States and Connecticut in the Consent Decree and has consulted with EPA on all the response actions undertaken per the Decree, including the Rest of River. MassDEP has a strong interest in the Rest of River response actions and has provided EPA its input on the Draft Revised 2020 Permit. The 2000 Consent Decree gives the Commonwealth (and Connecticut) rights to reasonable opportunity for review and comment on site-related submittals. Decree at Section XV. Though EPA cannot formally require them to do so, EPA fully expects that MassDEP will continue to provide EPA its input on future proposals.

**Comment II.K.24:** One commenter suggested that rather than locate the UDF in the proposed location that the soil/sediment from Rest of River should be consolidated at the former GE Facility in Pittsfield.

**EPA Response II.K.24:** GE's Corrective Measures Study evaluated three locations for on-site disposal, none of which were in Pittsfield. As discussed in the response to other comments, the proposed location of the UDF in Lee has the benefit of being located adjacent to the largest areas

of planned sediment removal (Woods Pond and adjacent areas), making it ideal for the potential hydraulic pumping of materials to the UDF, eliminating substantial truck traffic from the project. Locating the UDF at the GE Facility would make this portion of the cleanup plan unimplementable and is not the best suited approach for the Site.

**Comment II.K.25:** CPR expressed concern over references in the SOW submitted by GE in June 2020 that the UDF operation and maintenance activities will continue until GE proposes and EPA approves a modification.

**EPA Response II.K.25:** EPA will consider this comment in its preparation of a response to GE's submittal on the SOW. However, EPA cannot foresee eliminating all operational and maintenance requirements as long as waste remains in the UDF.

**Comment II.K.26:** With respect to the enforcement mechanism of the Settlement Agreement, one commenter questioned the process for interpreting consistency with the Settlement Agreement. Additionally, the commenter strongly suggested that the Settlement Agreement be incorporated into the Consent Decree to assure that the U.S. District Court has jurisdiction.

**EPA Response II.K.26:** These comments are beyond the scope of the current public comment period for the Draft Revised 2020 Permit. The scope of such public comment is the set of proposed changes to the 2016 Permit, which were in the Draft Revised 2020 Permit. These comments pertain to the Settlement Agreement and do not pertain to any specific change to the 2016 Permit in the Draft Revised 2020 Permit. Accordingly, EPA is not required to respond to this comment. For more information, see Section I.D of this Response to Comments.

**Comment II.K.27**: A number of commenters stated that EPA should go back to the all off-site disposal remedy that EPA selected in 2016 and asked why EPA abandoned that approach.

**EPA Response II.K.27**: The commenters are correct that EPA selected a remedy in 2016 that included off-site disposal of all material. That remedy, however, was appealed to the EAB, including the portion of the remedy involving off-site disposal. In 2018, the EAB remanded for further consideration by the Region the selection of off-site disposal at existing licensed facilities. In response to that remand order, the Region issued for public comment the Draft Revised 2020 Permit, together with the Supp. Comp. Analyses and 2020 Statement of Basis. The reasons why the Region did not again propose off-site disposal of all material are described in the Region's Supp. Comp. Analyses and the 2020 Statement of Basis. Without limitation, for more information, see pages 5-6 and 37-40 of the Supp. Comp. Analyses and pages 1-3, 17-18, and 28-35 of the 2020 Statement of Basis.

**Comment II.K.28:** One commenter asked if the additional cost of shipping all materials off-site was the driving factor for selecting the Hybrid Disposal approach.

**EPA Response II.K.28**: As discussed in the Supp. Comp. Analyses that accompanied the Draft Revised 2020 Permit, and other responses in this Response to Comments, cost was only one factor in determining the remedy best suited to meet the General Standards in the 2000 Permit in consideration of the decision factors in the 2000 Permit, including the balancing of factors. For

more information on the reasons why the Region selected Hybrid Disposal, see the 2020 Statement of Basis and the Supp. Comp. Analyses.

**Comment II.K.29:** One commenter asked what percent of the cleanup is in Lee.

**EPA Response II.K.29:** Based on the total estimated volume of material to be excavated, and assuming that 50% of the material in Woods Ponds is in Lee, then approximately 20% of the overall cleanup volume is in Lee.

**Comment II.K.30:** One commenter asked what the mean annual depth to the water table is in the area of the UDF.

**EPA Response II.K.30:** EPA estimates that the water table in the area of the UDF is at an approximate elevation of 950 feet AMSL. The current ground elevation in the proposed disposal area ranges from 950 to 1049 feet AMSL. Thus, the depth to groundwater in the area proposed for disposal ranges from the water table to 99 feet below the current ground elevations. See Figure 11. Note that GE will have to regrade the area to ensure that the bottom liner in the disposal area is installed a minimum of 15 feet above a conservative estimate of the seasonally high groundwater elevation (or water table). Permit, II.B.5.a.

# TABLES

**Table 1**
**GE–Pittsfield/Housatonic River Site**
**2019 EPA Allendale School PCB Air Sample Results**

| Collection Date | Total PCB Concentration (µg/$m^3$) Allen 1 | Total PCB Concentration (µg/$m^3$) Allen 1 Co-location | Total PCB Concentration (µg/$m^3$) Allen 2 | Temperature Range ° F | Validation Status |
|---|---|---|---|---|---|
| July 16-17, 2019 | 0.0006 | 0.0006 J[1] | 0.0007 | 60.9 – 88.7 | Tier II |
| September 10-11, 2019 | 0.0004 J[1] | 0.0004 J[1] | 0.0004 | 56.4 – 71.6 | Tier II |
| Notification Level (ug/$m^3$) | 0.0500 | 0.0500 | 0.0500 | | |
| Revised Action Level (ug/$m^3$) | 0.0500 | 0.0500 | 0.0500 | | |
| Original Action Level (ug/$m^3$) | 0.1000 | 0.1000 | 0.1000 | | |
| EPA Screening Level (ug/$m^3$)* | 0.0049 | 0.0049 | 0.0049 | | |

*The screening levels (SLs) presented on this site are developed using risk assessment guidance from the EPA Superfund program and can be used for Superfund sites. They are risk-based concentrations derived from standardized equations combining exposure information assumptions with EPA toxicity data. SLs are considered by the Agency to be protective for humans (including sensitive groups) over a lifetime; however, SLs are not always applicable to a particular site and do not address non-human health endpoints, such as ecological impacts.

Notes:
All samples collected by Avatar on behalf of EPA and analyzed by Test America. The Reporting Limit is 0.1 micrograms (ug) per sample medium for all Aroclors and a corresponding volume-weighted Reporting Limit of 0.0003 ug per cubic meter ($m^3$).
J - The value is an estimated concentration based on data validation.
[1] - Detected sample result qualified as estimate ("J") due to surrogate recovery below QC limits and potential low bias.

**October 2019**

**Table 2**
**GE–Pittsfield/Housatonic River Site**
**2020 EPA Allendale School PCB Air Sample Results**

| Collection Date | Total PCB Concentration (µg/m$^3$) Allen 1 | Total PCB Concentration (µg/m$^3$) Allen 1 Co-location | Total PCB Concentration (µg/m$^3$) Allen 2 | Temperature Range ° F | Validation Status |
|---|---|---|---|---|---|
| July 15-16, 2020 | 0.0003 J[1] | 0.0002 J[1] | 0.0002 J[1] | 60.5 - 81.0 | Tier II |
| September 1-2, 2020 | 0.0002 J[1] | 0.0002 J[1] | 0.0002 J[1] | 57.7 - 75.5 | Tier II |
| Notification Level (ug/m$^3$) | 0.0500 | 0.0500 | 0.0500 | | |
| Revised Action Level (ug/m$^3$) | 0.0500 | 0.0500 | 0.0500 | | |
| Original Action Level (ug/m$^3$) | 0.1000 | 0.1000 | 0.1000 | | |
| EPA Screening Level (ug/m$^3$)* | 0.0049 | 0.0049 | 0.0049 | | |

*The screening levels (SLs) presented on this site are developed using risk assessment guidance from the EPA Superfund program and can be used for Superfund sites. They are risk-based concentrations derived from standardized equations combining exposure information assumptions with EPA toxicity data. SLs are considered by the Agency to be protective for humans (including sensitive groups) over a lifetime; however, SLs are not always applicable to a particular site and do not address non-human health endpoints, such as ecological impacts.

Notes:
All samples collected by Bluestone/Weston on behalf of EPA and analyzed by Eurofins/Test America. The Reporting Limit is 0.1 micrograms (ug) per sample medium for all Aroclors and a corresponding volume-weighted Reporting Limit of 0.0003 ug per cubic meter (m$^3$).
J - The value is an estimated concentration based on data validation.
[1] - Detected sample result qualified as estimate ("J") due to concentration below Reporting Limit (RL).

**September 2020**

## Table 3

## Sites Where On-Site or Local Disposal of PCB-Containing Soils and/or Sediments Has Been Part of EPA-Selected Remedy

| Site | Location | Program (Agency(ies)) | Source/Basis | Primary Contaminant | Volume (cubic yards) | Type of Disposal |
|---|---|---|---|---|---|---|
| GE-Pittsfield/ Housatonic River, incl. Upper ½ Mile and 1½ Mile Reaches of Housatonic River | Pittsfield, MA | Superfund, RCRA (EPA and MassDEP) | Federal Consent Decree (2000) | PCBs | 245,000 | • Placement in two on-site consolidation areas at GE Plant – a new one for TSCA- and RCRA-regulated material and an existing one for other material |
| New Bedford Harbor | New Bedford, MA | Superfund (EPA) | ROD (1998); Fourth ESD for ROD 2 (2011) | PCBs | up to 550,000 | • Disposal of sediments in on-site CAD in Lower Harbor |
| Norwood PCBs – OU 1 | Norwood, MA | Superfund (EPA) | ROD Amendment (1996) | PCBs | 20,000 | • Consolidation of soils and sediments into portion of site to be covered with TSCA-compliant multi-layer cap |
| Sullivan's Ledge – OU 1 and OU 2 | New Bedford, MA | Superfund (EPA) | ROD for OU 1 (1989); ROD for OU 2 (1991) | PCBs | 26,100 (OU 1) + 5,200 (OU 2) | • Disposal of excavated soils and sediments (after solidification of OU 1 soils) in on-site disposal area to be capped |
| Silresim Chemical Corp. | Lowell, MA | Superfund (EPA) | ROD (1991) | VOCs, PCBs, metals, PAHs | 18,000 | • After in-situ treatment for VOCs, removal of soil with non-VOC contamination, solidification, and on-site disposal under RCRA cap |
| Alcoa Grasse River | Massena, NY | Superfund (EPA) | ROD (2013) | PCBs | 109,000 | • Disposal in on-site landfill |
| Onondaga Lake | Syracuse, NY | Superfund (EPA and NYSDEC) | ROD (2005) | Mercury, chlorobenzene, PAHs, VOCs (BTEX), PCBs | 2,650,000 | • Disposal of dredged sediments in on-site upland sediment consolidation areas (except for pure-phase chemicals, e.g., NAPL) |
| Lower Ley Creek Subsite of Onondaga Lake Site | Syracuse & Salina, NY | Superfund (EPA) | ROD (2014) | PCBs | 160,000 total (~ 140,000 non-TSCA & non-RCRA) | • Disposal in on-site local landfill(s) (if available) for soils and sediments with PCBs < 50 ppm and not RCRA hazardous waste<br>• Off-site disposal for TSCA/RCRA material |
| Grand Calumet River | Gary, IN | RCRA, CWA (EPA) | AOC under RCRA (1998); Consent Decree under CWA (1998) | PCBs | ~800,000 | • On-site disposal of sediments in a RCRA CAMU |
| Fox River – SMU 56/57 | Green Bay, WI | Superfund (EPA and WDNR) | AOC (2000); see also Final Report on Project (2001) | PCBs | 81,000 | • Disposal at local industrial landfill owned by PRP located approximately 6 miles away |

## Table 3
## Sites Where On-Site or Local Disposal of PCB-Containing Soils and/or Sediments Has Been Part of EPA-Selected Remedy (Continued)

| Site | Location | Program (Agency(ies)) | Source/Basis | Primary Contaminant | Volume (cubic yards) | Type of Disposal |
|---|---|---|---|---|---|---|
| Ashtabula River | Ashtabula, OH | Great Lakes Legacy Act (EPA and Ohio EPA) | Ashtabula Legacy Act Cleanup (2005-07) | PCBs | 500,000 | • On-site disposal on PRP's property |
| Ottawa River | Toledo, OH | Great Lakes Legacy Act (EPA) | Ottawa River Legacy Act Cleanup (2010) | PCBs, PAHs, lead, oil, grease | 250,000 | • Disposal of sediments (except from limited "hot spots") in nearby landfill |
| River Raisin | Monroe, MI | Great Lakes Legacy Act (EPA and MDEQ) | River Raisin Legacy Project (2012) | PCBs | 109,000 | • On-site disposal of less contaminated sediment (106,000 cy) at CDF 2 miles north of river mouth<br>• Off-site disposal of the most contaminated sediment (3,000 cy) |
| Outboard Marine Corporation Site, Waukegan Harbor – OU 2 | Waukegan, IL | Superfund (EPA) | ROD Amendment (2009) | PCBs | 124,000 | • On-site disposal at Outboard Marine Corporation Plant 2 property at newly constructed sediment consolidation facility |
| Kinnickinnic River | Milwaukee, WI | Great Lakes Legacy Act (EPA and WDNR) | Kinnickinnic River Legacy Act Cleanup (2009); see also Remedial Action Report (2011) | PCBs, PAHs | 167,000 | • Disposal at newly constructed cell within the already existing on-site CDF |
| Allied Paper/Portage Creek/Kalamazoo River – OU 3 | Kalamazoo, MI | Superfund (EPA) | ROD (1998) | PCBs | 4,000+ | • Consolidation of soil/sediment into existing on-site landfill to be capped |
| Bryant Mill Pond (portion of Portage Creek) | Kalamazoo, MI | Superfund (EPA) | Time Critical Removal Action (1999) | PCBs | ~ 150,000 | • Disposal in on-site former dewatering lagoons on PRP property |
| Willow Run Creek | Ypsilanti and Van Buren Townships, MI | Superfund and state law (EPA and MDEQ) | EE/CA (1994) | PCBs | 450,000 | • Disposal in newly constructed on-site dedicated TSCA landfill |
| Fields Brook – Sediment OU | Ashtabula, OH | Superfund (EPA) | ROD (1986); ESDs (1997, 1999, 2001) | PCBs, radionuclides | 14,000 | • Off-site thermal treatment of most contaminated sediments (3,000 cy)<br>• Disposal of other excavated sediments (11,000 cy) at on-site TSCA-equivalent landfill |
| Ormet Corporation (backwater sediments) | Hannibal, OH | Superfund (EPA) | ROD (1994) | PCBs, PAHs | Not specified | • On-site consolidation of sediments with PCBs < 50 ppm under cap<br>• Off-site disposal of sediments with PCBs > 50 ppm |

## Table 3
## Sites Where On-Site or Local Disposal of PCB-Containing Soils and/or Sediments Has Been Part of EPA-Selected Remedy (Continued)

| Site | Location | Program (Agency(ies)) | Source/Basis | Primary Contaminant | Volume (cubic yards) | Type of Disposal |
|---|---|---|---|---|---|---|
| Twelve Mile Creek – OU 2 | Pickens, SC | Superfund (EPA) | ESD (2009) | PCBs | Not specified | • On-site disposal of sediments dredged from behind dams at upland SMU proximate to site |
| St. Lawrence River - Reynolds Metals Co. | Massena, NY | Superfund (EPA) | Decision Document Amendment (1998) | PCBs, PAHs, TDBFs | 77,600 | • On-site disposal of sediments with PCBs < 50 ppm at industrial landfill on PRP property with RCRA cap<br>• Off-site disposal of sediments with PCBs > 50 ppm |
| Thea Foss/Wheeler Osgood Waterway – part of Commencement Bay | Tacoma, WA | Superfund (EPA) | ROD (1989); ESD (2000) | PAHs, PCBs, metals, phthalates, pesticides, phenols | 620,000 | • Disposal of contaminated sediments in on-site near-shore fill area (St. Paul near-shore fill area) |
| Hylebos Waterway – part of Commencement Bay | Tacoma, WA | Superfund (EPA) | ROD (1989); ESD (2000) | Metals, PCBs, PAHs | 940,000 | • Disposal of contaminated sediments at local near-shore man-made slip (Blair Slip 1) converted to CDF and at upland regional landfill |

Abbreviations:

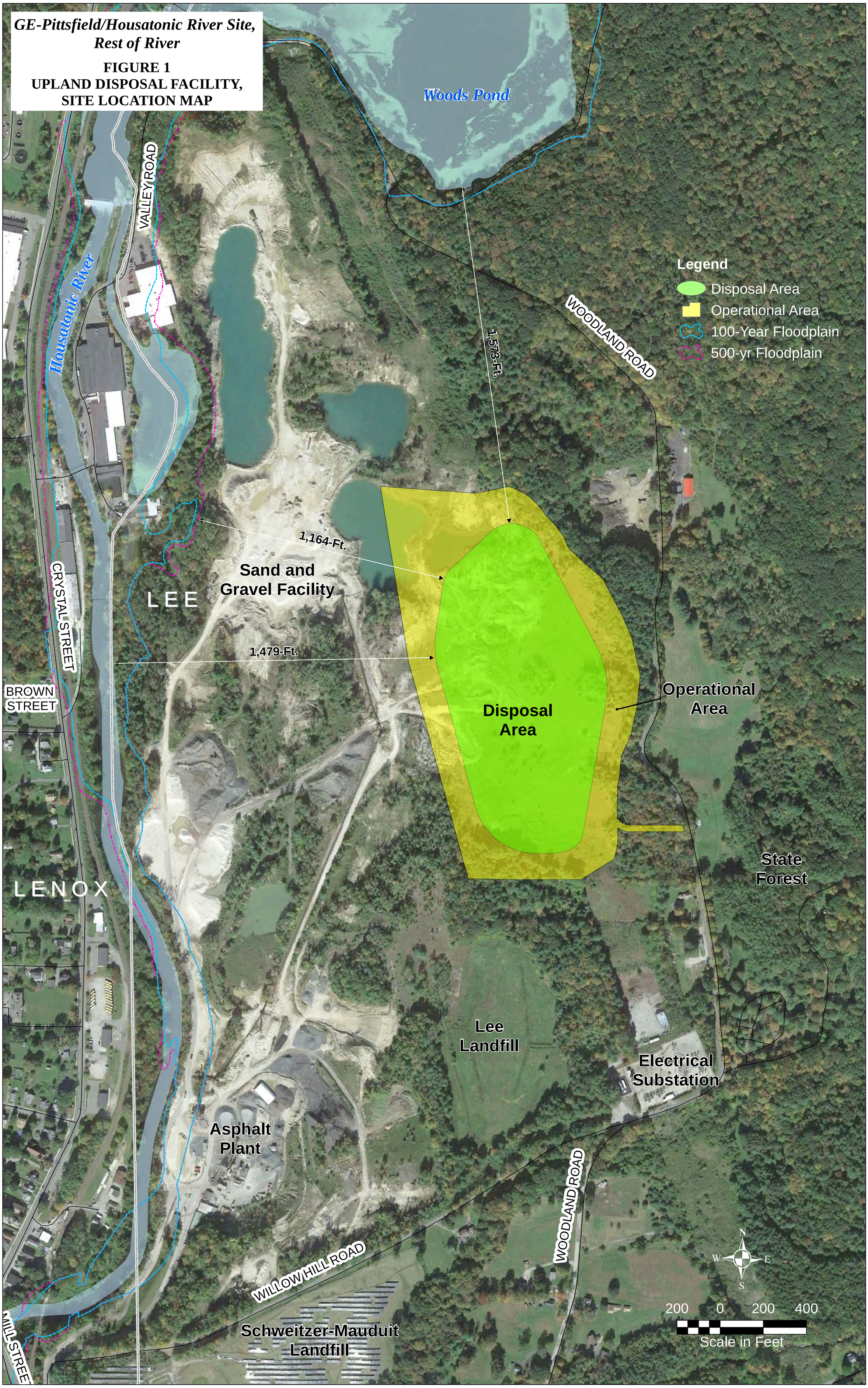
AOC = Administrative Order on Consent
BTEX = benzene, toluene, ethylbenzene, and xylenes
CAD = confined aquatic disposal
CAMU = corrective action management unit
CDF = confined disposal facility
CWA = Clean Water Act
cy = cubic yards
EE/CA = Engineering Evaluation/Cost Analysis
EPA = U.S. Environmental Protection Agency
ESD = Explanation of Significant Differences
MassDEP = Massachusetts Department of Environmental Protection
MDEQ = Michigan Department of Environmental Quality
NAPL = non-aqueous-phase liquid
NYSDEC = New York State Department of Environmental Conservation
Ohio EPA = Ohio Environmental Protection Agency
OU = operable unit
PAHs = polycyclic aromatic hydrocarbons
PCBs = polychlorinated biphenyls
ppm = parts per million
PRP = potentially responsible party
RCRA = Resource Conservation and Recovery Act
ROD = Record of Decision
SMU = sediment management unit
TCSA = Toxic Substances Control Act
TDBFs = total dibenzofurans
VOCs = volatile organic compounds
WDNR = Wisconsin Department of Natural Resources

Source: COMMENTS OF THE GENERAL ELECTRIC COMPANY ON U.S. ENVIRONMENTAL PROTECTION AGENCY NEW ENGLAND REGION'S DRAFT RCRA PERMIT MODIFICATION AND STATEMENT OF BASIS FOR PROPOSED REMEDIAL ACTION FOR THE HOUSATONIC RIVER - REST OF RIVER, October 27, 2014

# FIGURES

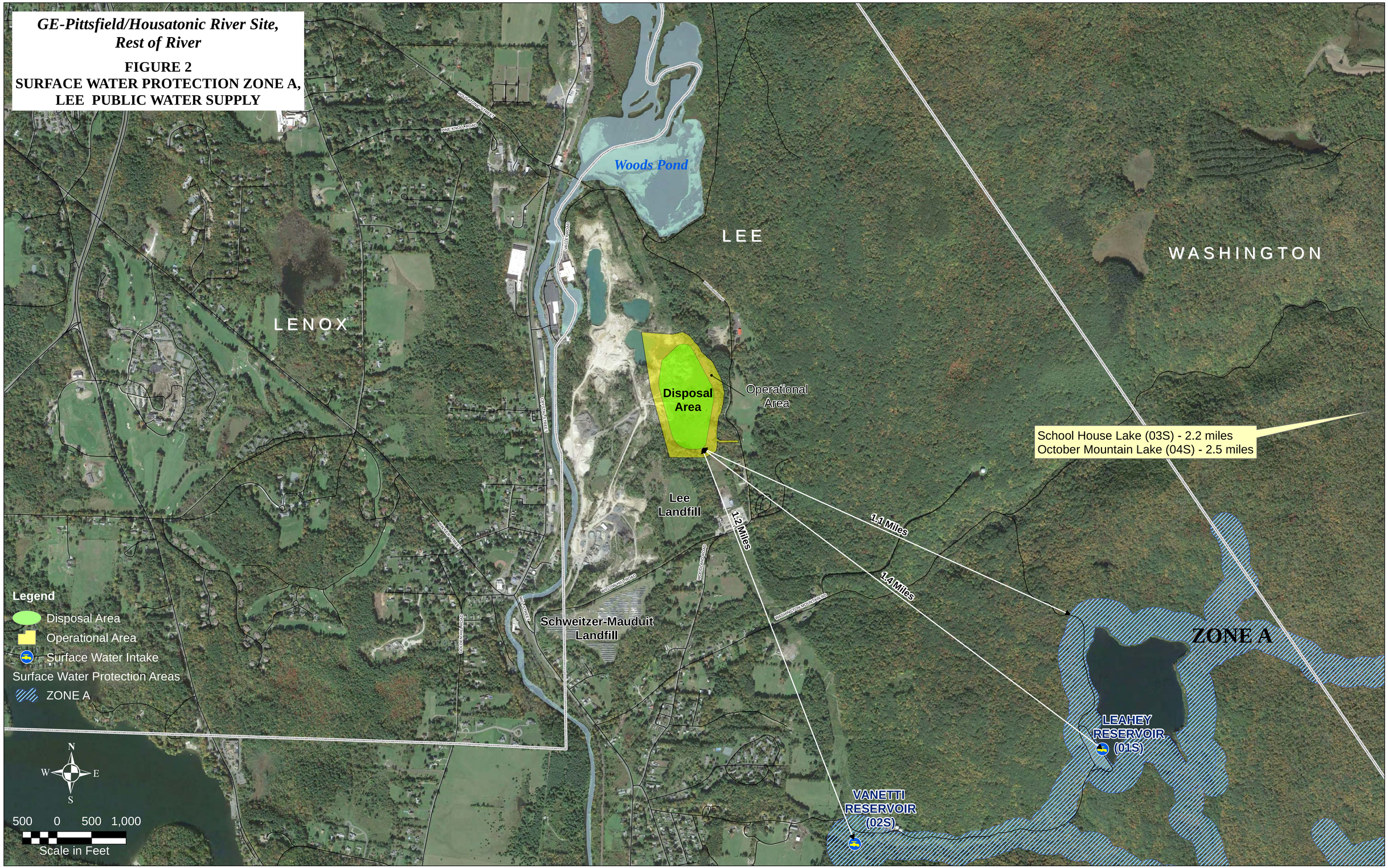
*GE-Pittsfield/Housatonic River Site, Rest of River*

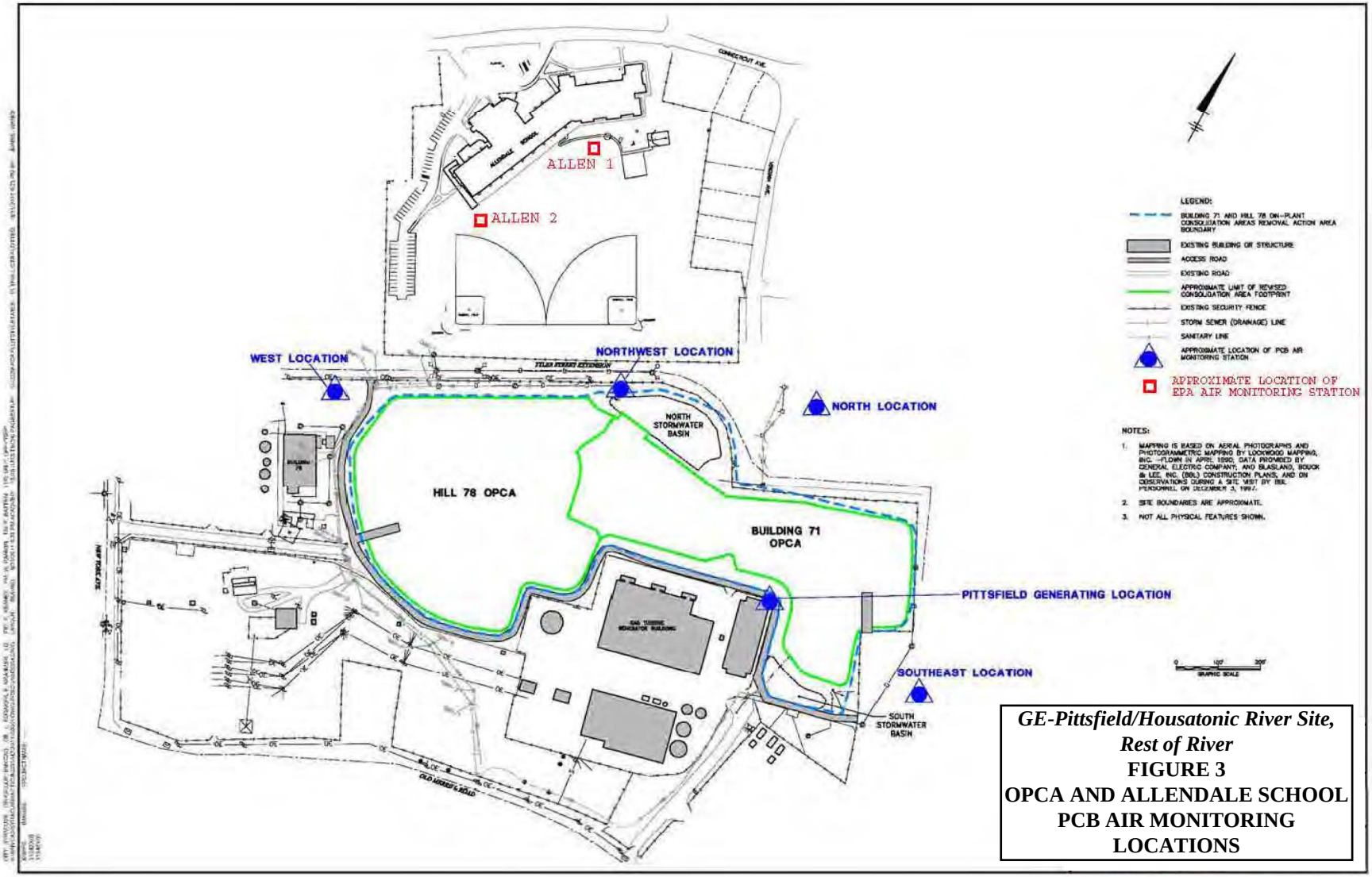
**FIGURE 1**
**UPLAND DISPOSAL FACILITY,**
**SITE LOCATION MAP**



*GE-Pittsfield/Housatonic River Site,*
*Rest of River*

**FIGURE 2**
**SURFACE WATER PROTECTION ZONE A,**
**LEE PUBLIC WATER SUPPLY**



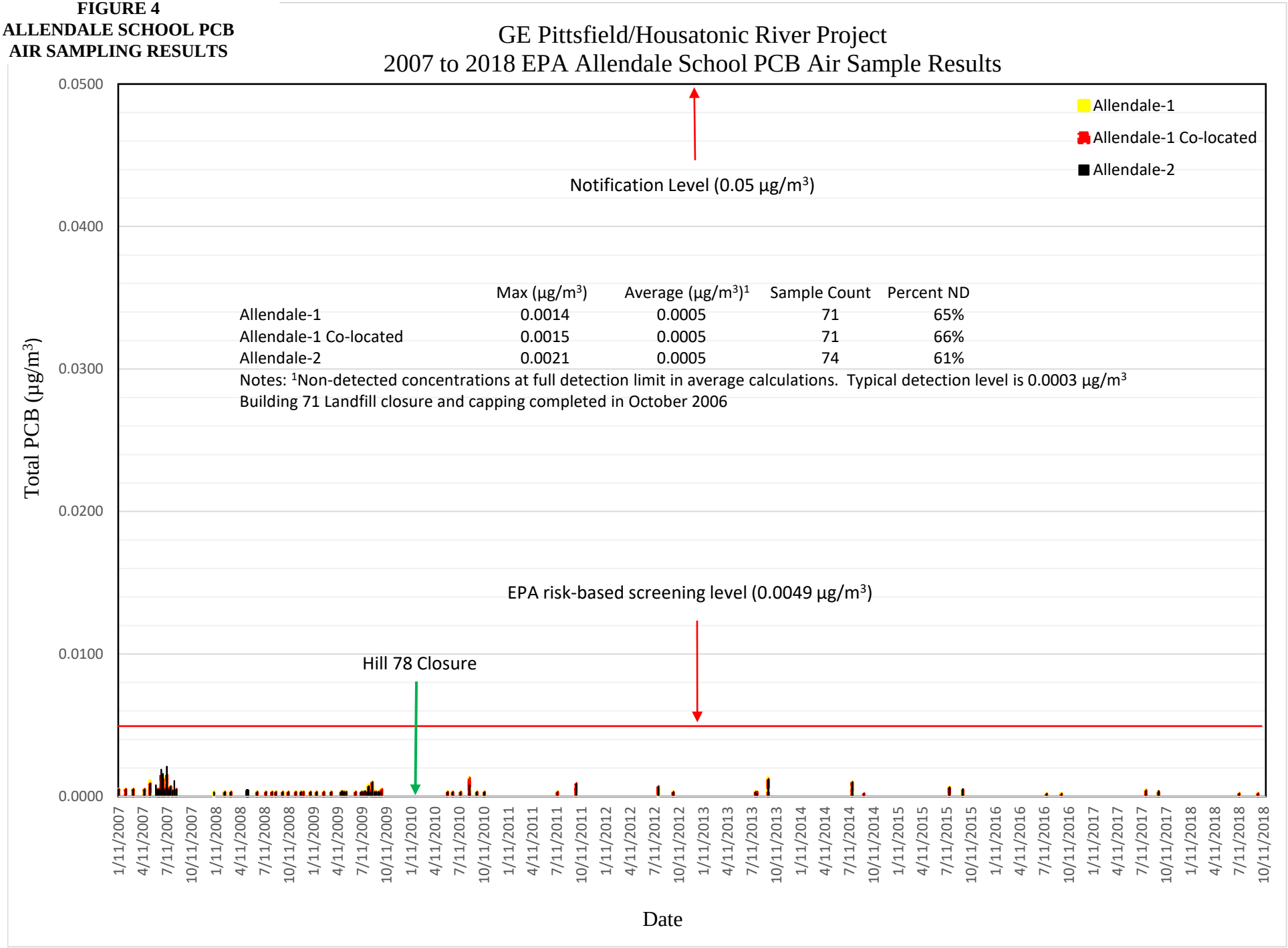


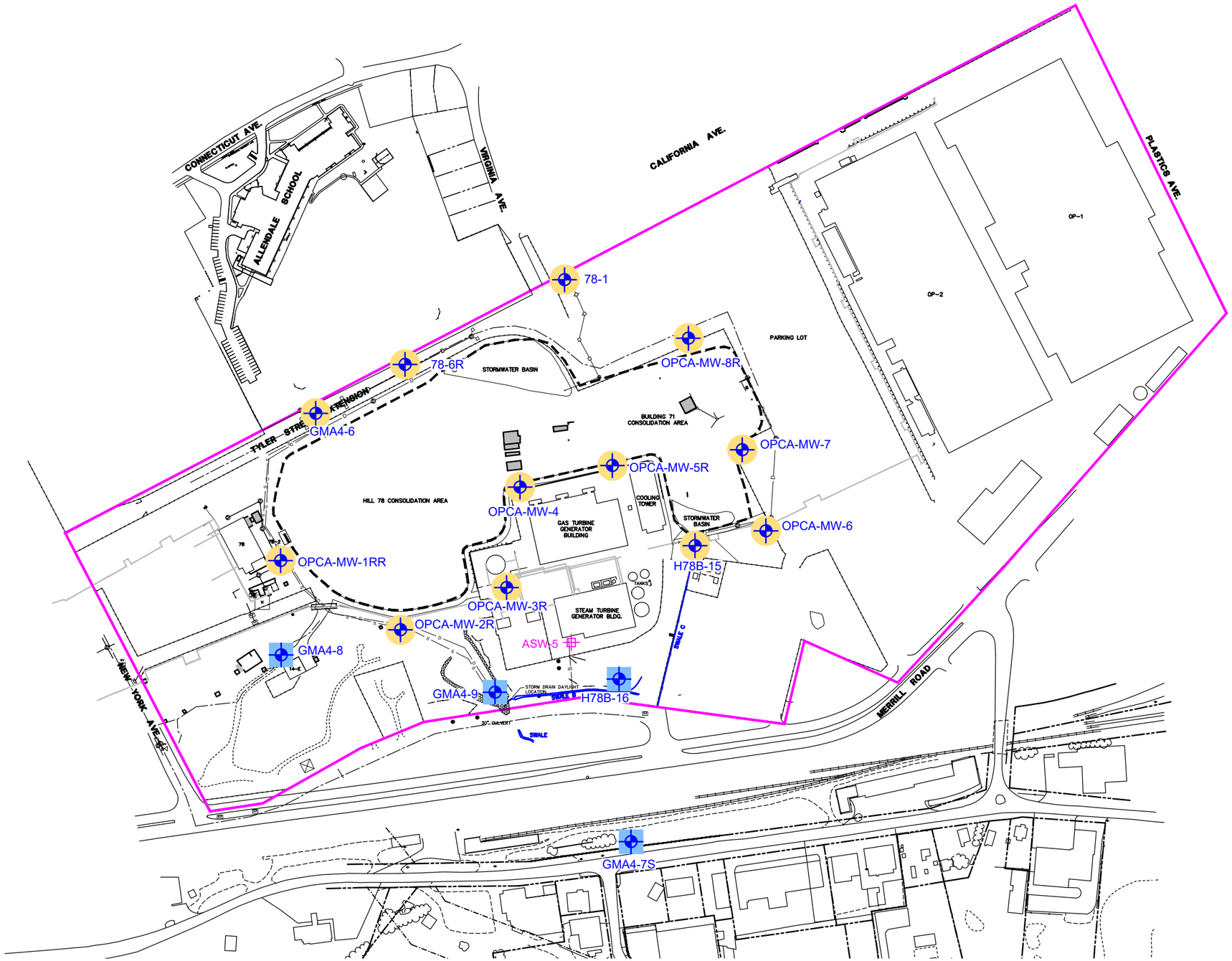

***GE-Pittsfield/Housatonic River Site, Rest of River***

**FIGURE 3**

**OPCA AND ALLENDALE SCHOOL PCB AIR MONITORING LOCATIONS**

**GE-Pittsfield/Housatonic River Site,**
**Rest of River**
**FIGURE 4**
**ALLENDALE SCHOOL PCB**
**AIR SAMPLING RESULTS**






LEGEND

- APPROXIMATE GROUNDWATER MANAGEMENT AREA 4 BOUNDARY
- MONITORING WELL
- ASW-5 — INDUSTRIAL WELL SUPPLY
- WELL SAMPLED AS PART OF THE OPCA PROGRAM
- WELL SAMPLED AS PART OF THE GMA 4 PROGRAM

NOTES

1. MAPPING IS BASED ON AUTOCAD DRAWING FILE (PLANT3.CAD) AS PROVIDED BY GE AND ADDITIONAL INFORMATION FROM THE MCP PHASE II SCOPE OF WORK AND PROPOSAL FOR THE RCRA FACILITY INVESTIGATION O'BRIEN & GERE ENGINEERS, INC., FEBRUARY 1996) AS WELL AS SUPPLEMENTAL SITE SURVEY INFORMATION OBTAINED BY HILL ENGINEERS, PLANNERS & ARCHITECTS (WEEK OF MAY 29,1997). LOCATIONS EAST OF THE PARKING LOT DIGITIZED FROM MARCH 2000 AIR PHOTO AND ARE APPROXIMATE.
2. NOT ALL PHYSICAL FEATURES SHOWN.
3. SITE BOUNDARY IS APPROXIMATE.
4. ALL MONITORING WELL LOCATIONS ARE APPROXIMATE.

0 300' 600'

GRAPHIC SCALE

***GE-Pittsfield/Housatonic River Site, Rest of River***

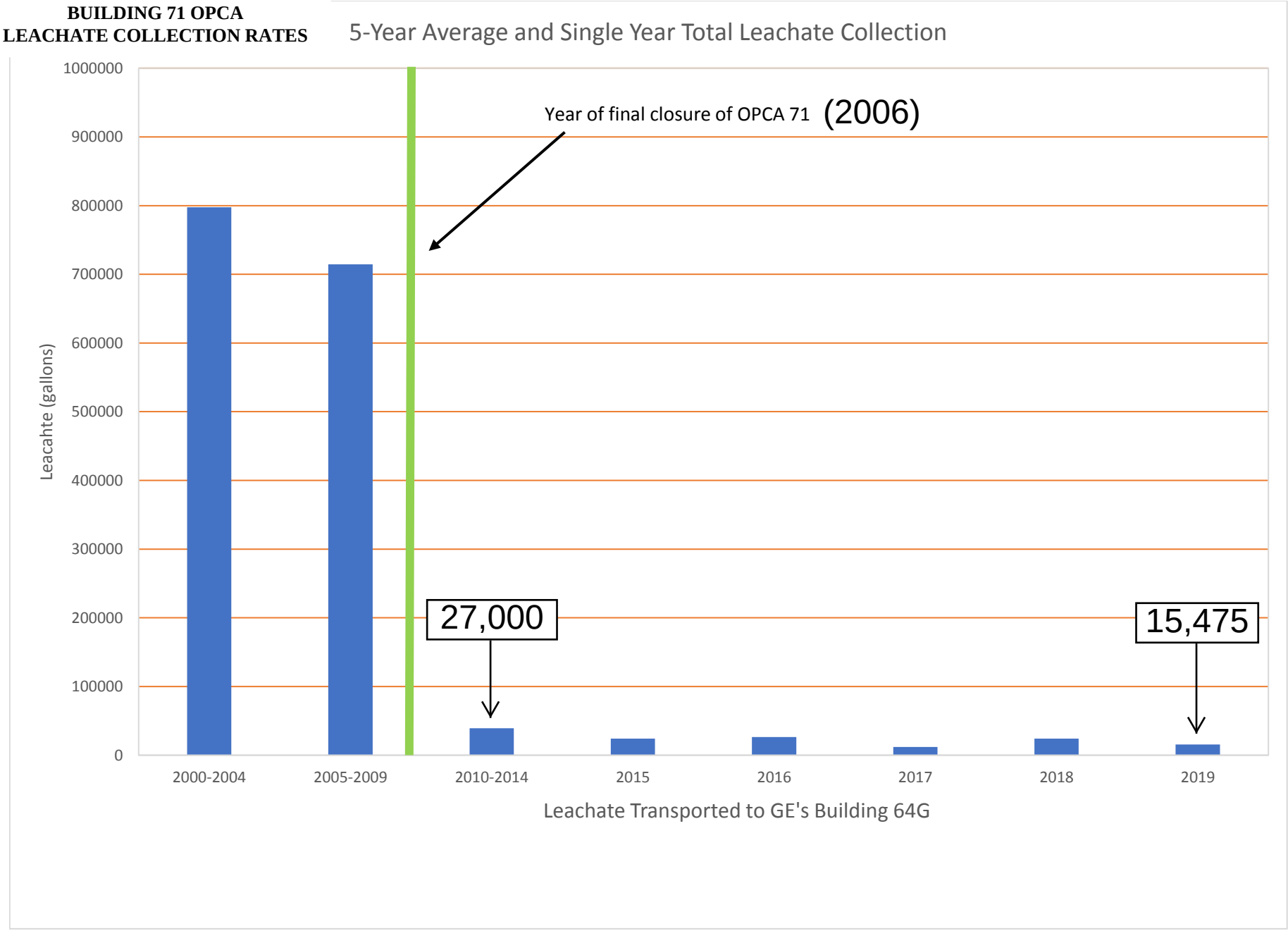
**FIGURE 5**

**OPCA/GMA-4 GROUNDWATER MONITORING WELLS**

C:\Users\lposenauer\BIM 360\Arcadis\ANA - GE CORP ENV PROG\Project Files\GE PITTSFIELD GW AND NAPL MONITORING\2020\30043763.404NB\01-DWG\GE PD FIG 1 SEL MW LOCS.dwg LAYOUT: 1 SAVED: 11/20/2020 1:47 PM ACADVER: 23.1S (LMS TECH) PAGESETUP: --- PLOTSTYLETABLE: PLTFULL.CTB PLOTTED: 11/20/2020 1:53 PM BY: POSENAUER, LISA
XREFS:
31202X07
31202X02
31202X40

*GE-Pittsfield/Housatonic River Site, Rest of River*

**FIGURE 6**
**BUILDING 71 OPCA**
**LEACHATE COLLECTION RATES**

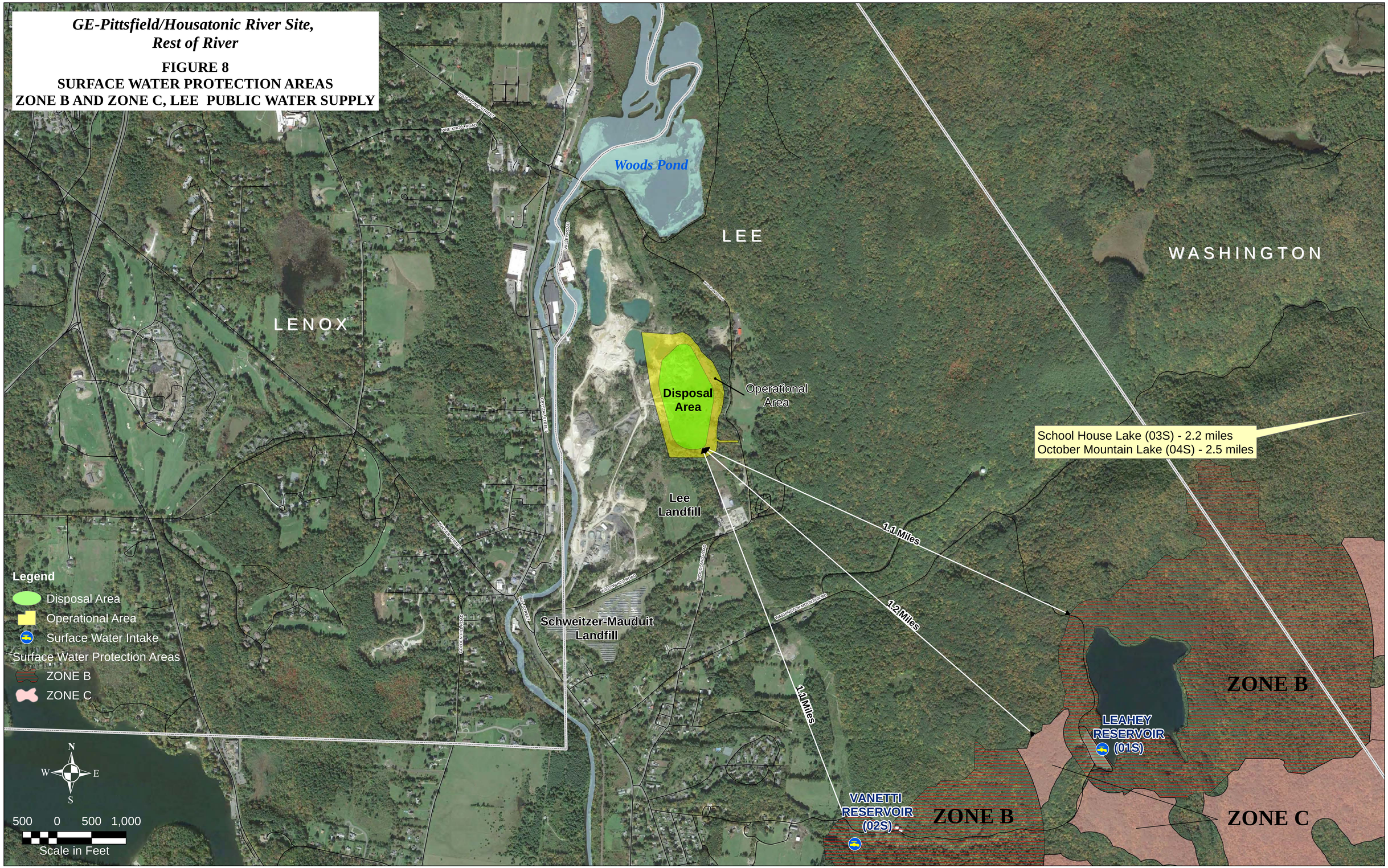


*GE-Pittsfield/Housatonic River Site, Rest of River*

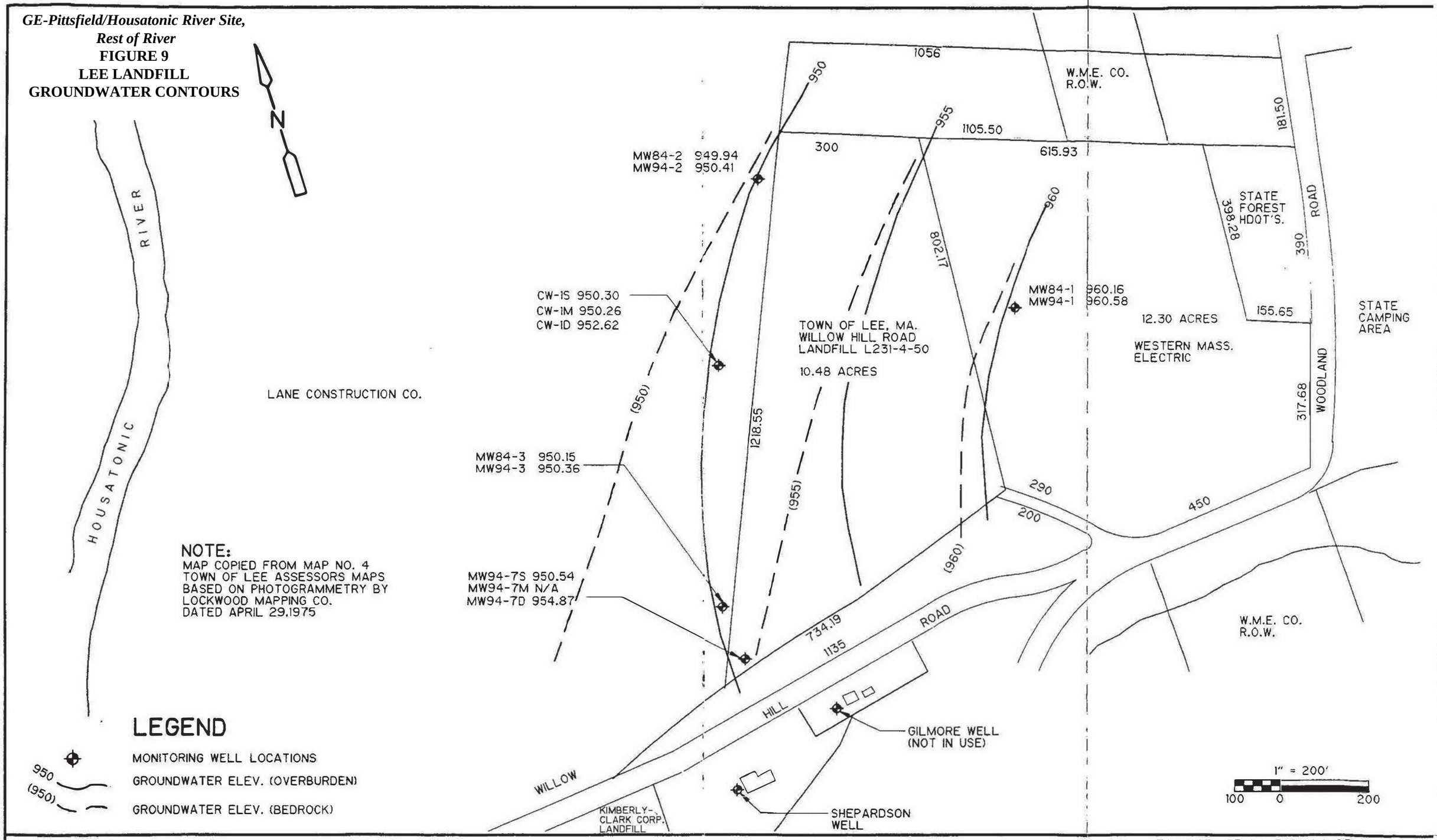
**FIGURE 7**
**SURFACE WATER ELEVATIONS AND WATERSHED SUBBASINS**

*GE-Pittsfield/Housatonic River Site,*
*Rest of River*

**FIGURE 8**
**SURFACE WATER PROTECTION AREAS**
**ZONE B AND ZONE C, LEE PUBLIC WATER SUPPLY**



*GE-Pittsfield/Housatonic River Site,*
*Rest of River*
**FIGURE 9**
**LEE LANDFILL**
**GROUNDWATER CONTOURS**




NOTE:
MAP COPIED FROM MAP NO. 4
TOWN OF LEE ASSESSORS MAPS
BASED ON PHOTOGRAMMETRY BY
LOCKWOOD MAPPING CO.
DATED APRIL 29,1975

## LEGEND

- MONITORING WELL LOCATIONS
- 950 — GROUNDWATER ELEV. (OVERBURDEN)
- (950) — GROUNDWATER ELEV. (BEDROCK)

P:\0146-110\CIVL\CSTPL01.DWG

CDM
*environmental engineers, scientists, planners, & management consultants*

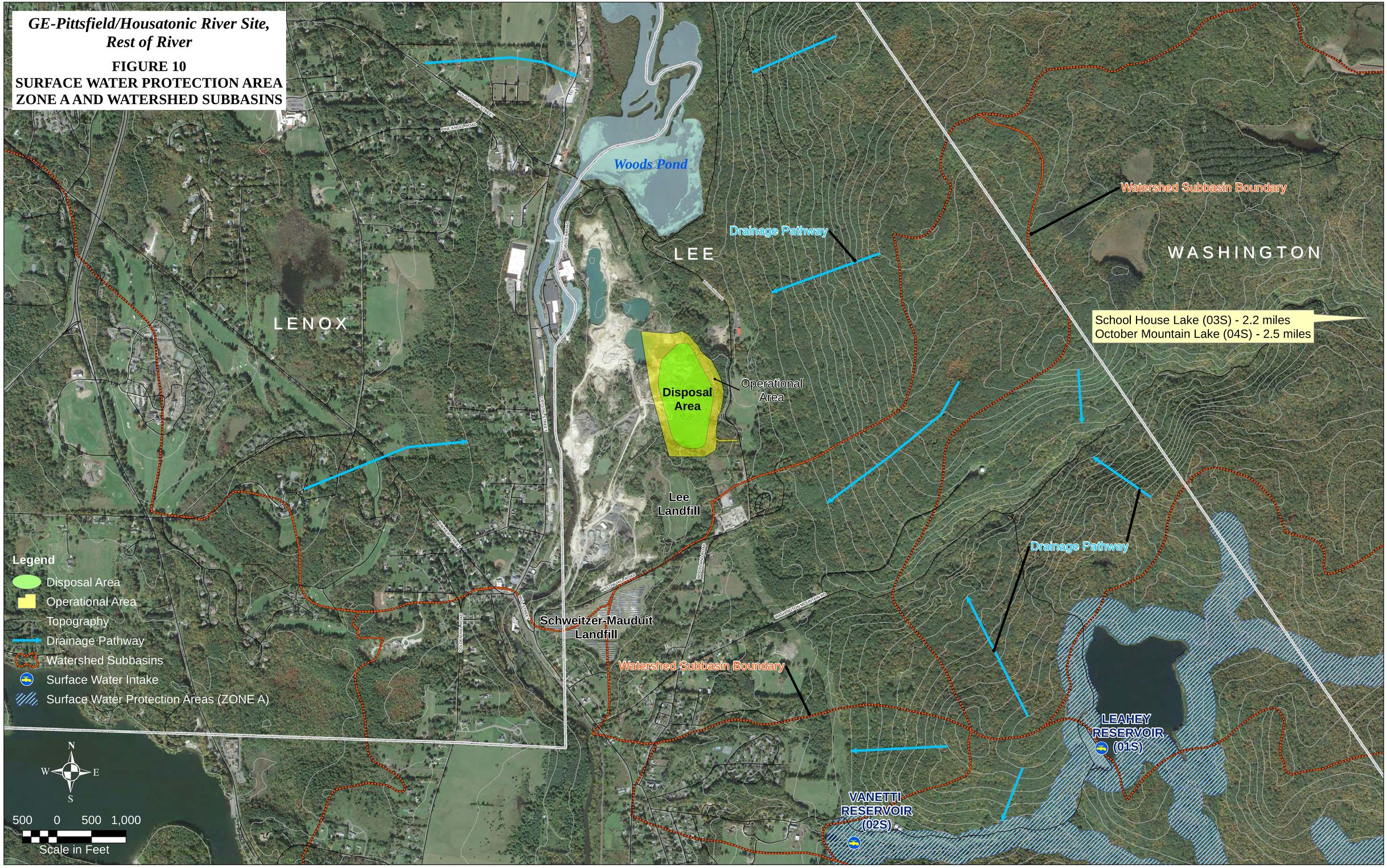
TOWN OF LEE SANITARY LANDFILL

**BEDROCK AND OVERBURDEN GROUNDWATER CONTOURS JANUARY 30, 1995**

MAY 1995 Figure No.?

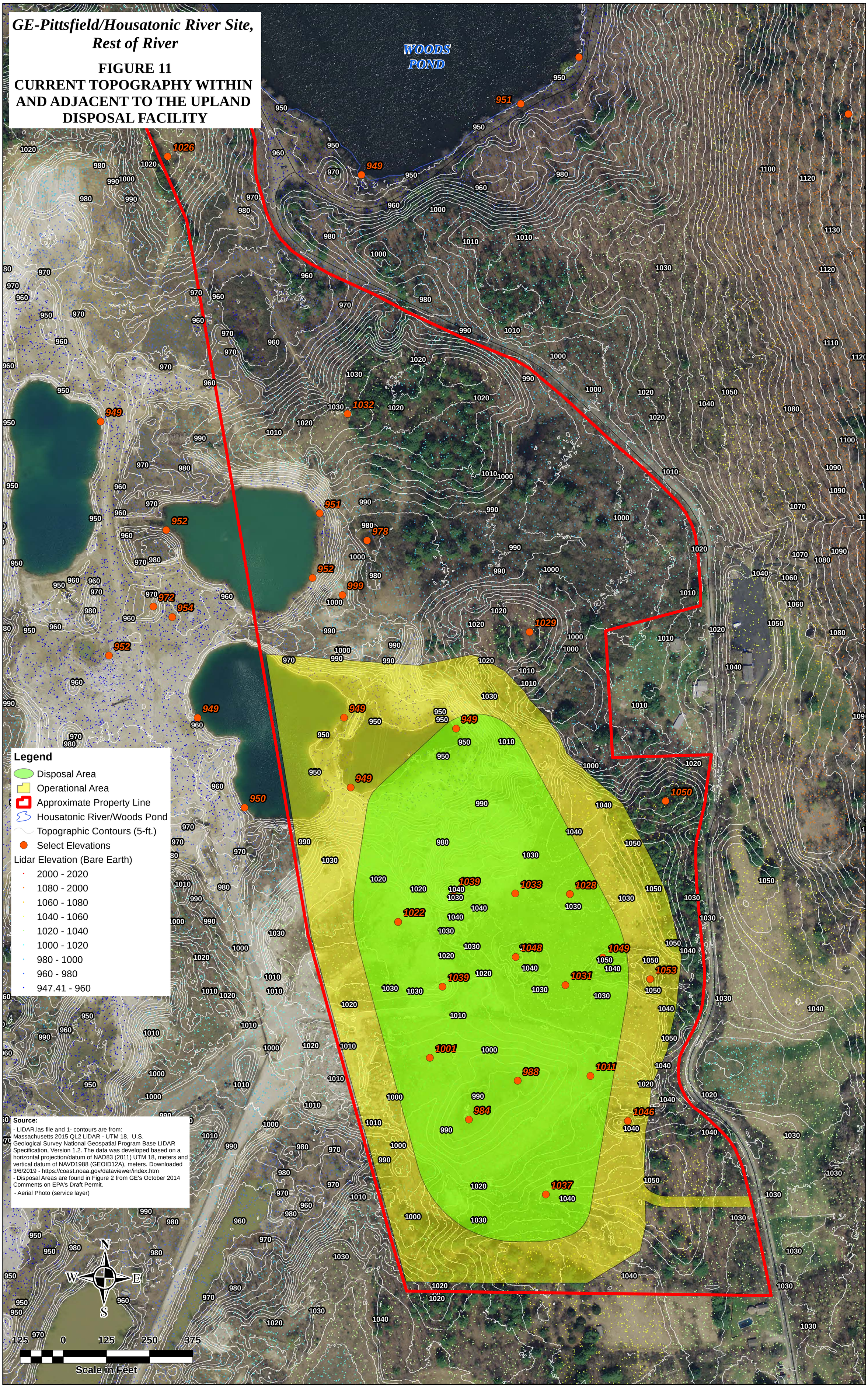
*GE-Pittsfield/Housatonic River Site, Rest of River*

**FIGURE 10**
**SURFACE WATER PROTECTION AREA ZONE A AND WATERSHED SUBBASINS**



*GE-Pittsfield/Housatonic River Site, Rest of River*

# FIGURE 11
# CURRENT TOPOGRAPHY WITHIN AND ADJACENT TO THE UPLAND DISPOSAL FACILITY



# ATTACHMENT A
# CHANGES FROM DRAFT REVISED 2020 PERMIT TO REVISED FINAL PERMIT

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

**Changes to Permit Text and Tables**

| Change(s) | Reason for Change(s) |
|---|---|
| Modified the Definitions section to add definitions of the Revised Final Permit, 2020 Settlement Agreement, and the 2016 Permit. Used this terminology elsewhere in the Permit and Attachments for clarity. | Added to provide additional clarity in references to the 2020 Permit vs. prior versions throughout the Permit, tables, figures, and attachments. |
| Modified Section I.A.3.b. regarding Appeals of the permit by adding that EPA's position is that this Revised Final Permit is not inconsistent with the terms of the Settlement Agreement, and accordingly the Permittee and other settling parties' obligation to not challenge the Revised Final Permit remains in force, and deleting that "The draft Revised Permit is not inconsistent with the terms of the 2020 Settlement Agreement;" | This sentence has been added to update the reference to EPA's position from the Draft Revised 2020 Permit, which has been superseded by the Revised Final Permit. |
| For Section I.A.3.b. regarding Appeals of the permit, deleted the following phrase: "however, if based on public comments received on the draft Revised Permit, the Revised Final Permit issued by EPA is inconsistent with the terms of the 2020 Settlement Agreement," | This clause has been deleted because it referred to a potential inconsistency that did not occur. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| For Section I.A.3.c. regarding Appeals of the permit, deleted: ", or for which EPA's original permit modification decision was upheld previously by the EAB, and if appealed from the EAB, by the United States Court of Appeals for the First Circuit ("First Circuit Court of Appeals")." | This clause has been deleted in response to a comment from GE to clarify its responsibilities under Paragraph 22.u in that event. |
| For Section I.A.3.b. regarding Appeals of the permit, deleted: the phrase "to be". | This phrase was deleted because the Rest of River SOW has already been developed and submitted by GE for EPA review. |
| For Section I.A.3.c. regarding Appeals of the permit, deleted: The draft Revised Permit is not inconsistent with the terms of the 2020 Settlement Agreement;" | This clause has been deleted because it was in reference to the Draft Revised 2020 Permit, which has been superseded by the Revised Final Permit. |
| For Section I.A.3.c. regarding Appeals of the permit, deleted: 'however, if based on public comments received on the draft Revised Permit, the Revised Final Permit issued by EPA is inconsistent with the terms of the 2020 Settlement Agreement," | This clause has been deleted because it referred to a potential inconsistency that did not occur. |
| In Section I.B.5.a, deleted reference to Attachment C to the Statement of Work for Removal Actions Outside the River (which is Appendix E to the Consent Decree). | This reference was deleted in response to a comment questioning the appropriateness of this specific reference. |
| In Section II.A, added a reference to Section VI of the Settlement Agreement to the Permit's Special Conditions. | In response to several comments regarding specific commitments for coordination and consultation with stakeholders throughout the design and implementation of the actions described in this Revised Final Permit, a specific reference to the language outlined in Section VI of the Settlement Agreement was added. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| Clarified text in Section II.B.2.a.(2)(c) regarding supplemental riverbank evaluation and removal. | This clarification was in response to comments from GE and the Municipal Committee requesting clarifying language regarding supplemental riverbank removal provisions under Sections II.B.2.a.(2)(c) and II.B.2.b.(2)(c). |
| Clarified text in Section II.B.2.b.(2)(c) regarding supplemental riverbank evaluation and removal. | This clarification was in response to comments from GE and the Municipal Committee requesting clarifying language regarding supplemental riverbank removal provisions under Sections II.B.2.a.(2)(c) and II.B.2.b.(2)(c). |
| Added a new Section II.B.2.c.(1)(c) to note that sediment from Reach 5C shall be removed with either dredging or wet excavation techniques to be approved by EPA and, if feasible, conveyed hydraulically to the Upland Disposal Facility location for processing. | This change was in response to comment from the Municipal Committee, to make language consistent with similar provisions for Backwaters and Reach 6. |
| Removed the clause "and all actions" from Section II.B.2.f.(1)(c). | This change was in response to comment from the Municipal Committee requesting clarification that the "shall not exceed" language in this section was intended solely to limit capping and not to limit sediment excavation. |
| Revised the language in Section II.B.2.f.(1)(d) to clarify the need to address areas with > 50 mg/kg total PCBs while also achieving a spatially weighted average concentration of 1 mg/kg total PCBs. | This change was in response to comment from the Municipal Committee requesting clarification that the cleanup included, but was not limited to, areas exceeding 50 mg/kg PCBs. |
| Removed the clause "and all actions" from Section II.B.2.g.(1)(c). | This removal was in response to comment from the Municipal Committee requesting clarification that the "shall not exceed" language in this section was intended solely to limit capping and not to limit sediment excavation. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| Modified Section II.B.2.j.(2)(b) to exclude Eagle Mill Dam remnants. | This modification was in response to a request from GE to clarify that Inspection, Monitoring, and Maintenance requirements do not apply to Eagle Mill Dam remnants since it will be removed under the Revised Final Permit. |
| Modified Section II.B.2.j.(2)(e) to clarify that the language regarding consistency with the Consent Decree applied to the entire Section, not just this Paragraph. | This modification was in response to comment from GE requesting that this language re: consistency with the Consent Decree be included in the Performance Standards as well as the Corrective Measures. |
| Modified Section II.B.2.k.(2)(a) to clarify that the language regarding consistency with the Consent Decree applied to the entire Section, not just this Paragraph. | This modification was in response to comment from GE requesting that this language re: consistency with the Consent Decree be included in the Performance Standards as well as the Corrective Measures. |
| Modified Section II.B.2.l.(2)(d) to clarify that the language regarding consistency with the Consent Decree applied to the entire Section, not just this Paragraph. | This modification was in response to comment from GE requesting that this language re: consistency with the Consent Decree be included in the Performance Standards as well as the Corrective Measures. |
| Changed language in Section II.B.3.a.(1)(d) to reflect the role of the Town of Lenox in the process for residential floodplain properties in that Town. | This modification was in response to comments from GE and the Municipal Committee to better explain the Town of Lenox's role and ensure the need to coordinate this effort. |
| Changed Footnote 12 (to Section II.B.3.a.(2)) to clarify different spatial averaging methods for residential and non-residential cleanups. | This change was in response to GE comment requesting EPA clarify that the procedures outlined in Footnote 12 only apply to non-residential exposure areas and that residential properties will use spatial averaging from Attachment E to the SOW. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| Modified Section II.B.5.a.(3) to allow for a well owner to consent at a later date. | This change was in response to HVA asking that the wording be amended to allow for the existing property owner, if originally he/she refuses to be connected to a public water supply, as well as future property owners of existing construction, to have the ability to request for the installation to connect with public water to be paid for by the Permittee. |
| Added provision for air monitoring in Section II.B.5.b.(1). | This change was in response to a comment from Mass Audubon requesting clarification that requirements included air monitoring. |
| Relocated the provision for the off-site disposal of a minimum of 100,000 cubic yards of soil and/or sediment from Section II.B.6.b.(3) to II.B.6.a. | This change was in response to a comment from the Municipal Committee to move this provision from a Corrective Measure to a Performance Standard. |
| Modified Section II.B.7.b.(2)(b), (b)i., (b)ii.e., (b)iii, and (c) to clarify that the language regarding consistency with the Consent Decree applied to the entire Section II.B.7.b. not just this Paragraph. Corrected internal reference in II.B.7.c.(2) to refer to Sections II.B.7.c.(2)(a) through (c) | This change was in response to comment from GE requesting that this language re: consistency with the Consent Decree be included in the Performance Standards as well as the Corrective Measures. The internal cross reference was changed to rectify a typographical error in the 2016 Permit. |
| Modified Section II.B.7.c.(2)(c) to clarify that the language regarding consistency with the Consent Decree applied to the entire Section II.B.7.c., not just this Paragraph. | This change was in response to comment from GE requesting that this language re: consistency with the Consent Decree be included in the Performance Standards as well as the Corrective Measures. |
| Added provision for air monitoring in Section II.C.1. | This change was in response to a comment from Mass Audubon requesting clarification that requirements included air monitoring. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| Fixed typographical error on spelling of Quirico Drive in Section II.H.11.c. | This change was in response to public comment noting the error. |
| Changed "or" to "and" in Section II.H.11.d. | This change was in response to request for clarification from Municipal Committee regarding coordination with local governments, affected residents and landowners regarding the Quality of Life Compliance Plan. |
| Edited the header in the second part of Table 5 regarding Reach 5C Floodplain Properties Subject to Residential Performance Standards to note the Town of Lenox's role in determining that any of the property owner's consent to such soil removal, and the related cost sharing agreement. | This change was in response to comments from GE and the Municipal Committee to better explain the Town of Lenox's role and ensure the need to coordinate this effort. |

**Changes to Attachment C – Summary of ARARs**

| Change(s) | Reason for Change(s) |
|---|---|
| Added the word "revised" to Connecticut Remediation Standards Regulations, Direct Exposure Criteria for Soil; Actions to be Taken | This word was added to distinguish between the 2016 Permit and the Revised Final Permit. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| Moved the parenthetical "(For purposes of this Attachment C, "remedy" includes the corrective measures, remedial design and remedial action activities, and operation and maintenance activities undertaken pursuant to the revised modification to the RCRA permit.)" in Connecticut Remediation Standards Regulations, Direct Exposure Criteria for Soil; Actions to be Taken. | The parenthetical was moved to an endnote at the end of the ARAR table to make clearer that the definition of "remedy" applied to all of Attachment C. |
| For 310 CMR 16, in the description of temporary management of materials, changed from reference to the 2016 Permit's statement on temporary management of materials and a statement that the Agency's position had not changed since the 2016 Permit, to a description of the Agency's position in the Revised Final Permit. | The clause from the Draft Revised 2020 Permit was to assist public commenters in knowing that EPA had not intended its position to have changed since the 2016 Permit. The change was to have the Revised Final Permit reflect the actual description of the Agency's position, in part in response to a comment. |
| In the "EPA believes…" paragraph of 310 CMR 16, changed from "each provision" to "any provision" in line 3 and "provision" to "provisions" in line 7. | The changes were made to make clear that it applies to all provisions, not just one. |
| In the "For the provisions…" paragraph of 310 CMR 16, deleted the term "off-site", | The term was deleted because the remedy, and the determination in Attachment D to the Revised Final Permit, include not only off-site disposal but also on-site disposal. |
| In "For disposal of material on-site…" paragraph of 310 CMR 30, changed from "… if the provision…" to "… if any provision of 310 CMR 30…" | The term was changed to make clearer that it applies to any provision of 310 CMR 30. |

**Attachment A**
**Changes from the Draft Revised 2020 Permit to the Revised Final Permit Modification to the 2016 Reissued RCRA Permit**
***Response to Comments Housatonic River "Rest of River"***

| Change(s) | Reason for Change(s) |
|---|---|
| In "For disposal of material on-site…" paragraph of 310 CMR 30, changed from "…EPA proposed to waive…" to "… EPA waives…". | The change was because in the Draft Revised 2020 Permit, EPA was proposing to invoke a waiver in that situation; in the Revised Final Permit, EPA is invoking the waiver. |
| In "The remedy portions…" paragraph of 310 CMR 30, deleted the term "off-site". | The term was deleted because the remedy includes not only off-site disposal but also on-site disposal. |
| In the "To the extent…" paragraph of 310 CMR 30, deleted the term "off-site". | The term was deleted because the remedy includes not only off-site disposal but also on-site disposal. |
| In the Toxic Substances Control Act Regulations on Cleanup of PCB Remediation Waste, deleted the terms "draft" and "proposed." | The terms were deleted to distinguish the Revised Final Permit from the Draft Revised 2020 Permit, and the proposed revised TSCA risk-based determination from the final such determination. |
| In the Numeric Massachusetts Water Quality Criteria for PCBs – Massachusetts Surface Water Quality Standards, deleted the sentence that the action had not changed since the 2016 Permit. | That sentence from the Draft Revised 2020 Permit was to assist public commenters in knowing that the action had not changed since the 2016 Permit. As the public comment period has closed, that sentence is not needed for the Revised Final Permit. |
| In the Connecticut Water Quality Standards for PCBs, deleted the phrase, "As in the 2016 Permit,". | That clause from the Draft Revised 2020 Permit was to assist public commenters in knowing that the action had not changed since the 2016 Permit. As the public comment period has closed, that clause is not needed for the Revised Final Permit. |
| In endnote b, deleted the phrase, "As in the 2016 Permit,". | That clause from the Draft Revised 2020 Permit was to assist public commenters in knowing that the action had not changed since the 2016 Permit. As the public comment period has closed, that clause is not needed for the Revised Final Permit. |

| Change(s) | Reason for Change(s) |
|---|---|
| Moved: c. For purposes of this Attachment C, "remedy" includes the corrective measures, remedial design and remedial action activities, and operation and maintenance activities undertaken pursuant to the revised modification to the RCRA permit. | The parenthetical was moved to endnote c at the end of the ARAR table to make clearer that the definition of 'remedy' applied to all of Attachment C. |

# ATTACHMENT B
# PUBLIC COMMENT INVENTORY: WRITTEN COMMENTS (EMAILS, LETTERS, AND FAXES)

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

*Note: The categorization of comments contained in the "RTC Section" column are for the reader's convenience. Responses to individual comments may be contained in responses to comments not listed in the RTC Section column.*

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Agler, Joel | Private Citizen | 9/15/2020 | II.A, II.G |
| Allison, Erica | Private Citizen | 9/7/2020 | II.A, II.B, II.G |
| Alsop, Denny | Private Citizen | 9/17/2020 | II.A, II.B, II.C, II.G, II.K |
| Anderson, Reed | Private Citizen | 9/18/2020 | II.A, II.B, II.E |
| Anonymous | Private Citizen | 9/16/2020 | II.A, II.E |
| Atkin, Jeffrey | Private Citizen | 9/13/2020 | II.B |
| Attoumo, Jessica | Private Citizen | 9/19/2020 | II.A, II.B, II.D |
| Baccoli, Holly | Private Citizen | 9/18/2020 | II.A, II.E, II.G |
| Barrett, Ben | Private Citizen | 9/15/2020 | II.G |
| Barrett, Margaret | Private Citizen | 9/14/2020 | II.A, II.B |
| Bass, Iris | Private Citizen | 7/29/2020 | II.A, II.E, II.G, II.K |
| Bazelle, Andy | Private Citizen | 9/14/2020 | II.A, II.C, II.D, II.E, II.F |
| Bellow, Daniel | Private Citizen | 9/15/2020 | II.A, II.E, II.G |
| Bergins, Toni | Private Citizen | 9/7/2020 | II.A, II.B, II.G |
| Berkshire Environmental Action Team (by Winn) | Non-Governmental Organization | 9/15/2020 | II.K |
| Berkshire Natural Resources Council (Hansel) | Non-Governmental Organization | 8/7/2020 | II.A, II.B, II.J, II.G |
| Berrick, Jesie | Private Citizen | 9/9/2020 | II.A |
| Biasin, Aaron | Private Citizen | 9/15/2020 | II.A, II.B, II.D, II.F, II.G, II.K |
| Blaisdell, Cheryl and Jack | Private Citizen | 9/5/2020 | II.A, II.D, II.E |
| Blau, Diane and Michael | Private Citizen | 9/15/2020 | II.A, II.D, II.K |
| Bloesch, Jen | Private Citizen | 9/14/2020 | II.A, II.B |
| Bosworth Tom and Lorita | Private Citizen | 9/14/2020 | II.A |
| Bragdon, Teresa | Private Citizen | 9/11/2020 | II.A |
| Braim, Janice | Private Citizen | 7/24/2020 | II.F |
| Braim, Janice | Private Citizen | 7/25/2020 | II.A, II.E, II.G |
| Braim, Janice | Private Citizen | 8/2/2020 | II.E, II.F |
| Branch, Rachel | Private Citizen | 9/18/2020 | II.A, II.E, II.G |
| Bross, Daniel and Cundall, Robert | Private Citizen | 9/9/2020 | II.A |
| Brown, Jean and Liebowitz, Jeffrey | Private Citizen | 9/15/2020 | II.A, II.B |
| Browne, Lynn | Private Citizen | 8/4/2020 | II.K |
| Burger, Michelle | Private Citizen | 9/12/2020 | II.A, II.K |
| Buttacavoli, Ma | Private Citizen | 9/14/2020 | II.A, II.B |
| Caluori, Mario and Laurel | Private Citizen | 9/9/2020 | II.A, II.D, II.E, II.G |
| Campbell, John and Grace | Private Citizen | 9/17/2020 | II.A, II.G, II.K |
| Carroll, Moriah | Private Citizen | 9/18/2020 | II.A, II.C, II.D, II.E, II.G, II.K |
| Casey, Michael | Private Citizen | 9/7/2020 | II.A, II.B, II.D |
| Castegnaro, James | Private Citizen | 8/19/2020 | II.A, II.B, II.E, II.G |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Castegnaro, James | Private Citizen | 8/26/2020 | II.A, II.C, II.D |
| Cavalcanti, Mario | Private Citizen | 9/14/2020 | II.A, II.B, II.C, II.D, II.E |
| Ceresia, Gail | Private Citizen | 9/17/2020 | II.A, II.B, II.C, II.G, II.K |
| Chartock, Roselle | Private Citizen | 9/12/2020 | II.A |
| Chiappone, Michael | Private Citizen | 9/12/2020 | II.A |
| Childs, Abigail | Private Citizen | 9/15/2020 | II.A, II.D, II.G |
| Childs, Mary | Private Citizen | 9/15/2020 | II.A, II.E, II.F, II.G |
| Chiquoine, Jody and Tim | Private Citizen | 9/9/2020 | II.A, II.E |
| Cimini, Jill | Private Citizen | 9/14/2020 | II.A, II.E, II.G |
| Citizens for PCB Removal (by Cianfarini) | Non-Governmental Organization | 7/27/2020 | II.F |
| Citizens for PCB Removal (by Cianfarini) | Non-Governmental Organization | 9/12/2020 | II.F, II.K |
| Clarke, Neil | Private Citizen | 9/7/2020 | II.G |
| Clarke, Neil | Private Citizen | 9/10/2020 | II.A, II.E, II.F, II.G |
| Clarke, Neil | Private Citizen | 9/13/2020 | II.E, II.H, II.K |
| Clarke, Neil | Private Citizen | 9/15/2020 | II.A, II.B, II.C, II.E |
| Clough, David | Private Citizen | 9/12/2020 | II.A, II.E |
| Commonwealth of Massachusetts (by Suuberg and Amidon) | State Government | 9/18/2020 | II.I |
| Consolati, Diedre | Private Citizen | 8/3/2020 | II.A, II.G, II.K |
| Consolati, Diedre | Private Citizen | 8/3/2020 | II.F |
| Cooney, Jess | Private Citizen | 9/15/2020 | II.A |
| Coty, John | Private Citizen | 9/17/2020 | II.C, II.J, II.K |
| Coulehan, Kate | Private Citizen | 9/17/2020 | II.A, II.B, II.G |
| Crews, Jennifer | Private Citizen | 9/18/2020 | II.A, II.G |
| Cullen, Noreen | Private Citizen | 7/14/2020 | II.A, II.B, II.G |
| Daley, Jenifer | Private Citizen | 9/18/2020 | II.D, II.K |
| Davidson, Henry | Private Citizen | 9/14/2020 | II.A |
| Davis, Emmy | Private Citizen | 9/15/2020 | II.A, II.E, II.F |
| Dawson-Macchi, Michele | Private Citizen | 9/18/2020 | II.A, II.B, II.E, II.F |
| Deely, Phil | Private Citizen | 9/8/2020 | II.A, II.D, II.G |
| DeLorme, Dayton | Private Citizen | 7/15/2020 | II.A, II.B, II.C, II.E, II.F, II.K |
| Derouin, Marcy | Private Citizen | 9/17/2020 | II.A, II.B, II.E, II.G |
| DeSantis, Margaret | Private Citizen | 9/17/2020 | II.A, II.B, II.D, II.F, II.G |
| Devereaux, Denise | Private Citizen | 9/18/2020 | II.A |
| DeZess, Justin | Private Citizen | 9/17/2020 | II.A, II.D, II.E, II.F |
| Dezess, Sarah | Private Citizen | 9/17/2020 | II.A, II.D, II.E, II.F |
| Dick, Alison | Private Citizen | 9/11/2020 | II.A, II.E, II.K |
| Dixon, Sarah | Private Citizen | 9/17/2020 | II.A, II.G |
| Domby, Alice | Private Citizen | 9/17/2020 | II.H |
| Domby, Art | Private Citizen | 8/26/2020 | II.A, II.E, II.H, II.I, II.K |
| Domby, Art | Private Citizen | 9/16/2020 | II.A, II.C, II.E, II.G, II.H, II.I, II.K |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Dougherty, Daniel | Private Citizen | 9/3/2020 | II.A, II.E, II.G |
| Douglas, Norman | Private Citizen | 9/14/2020 | II.A, II.B, II.G |
| Dowling, Paula | Private Citizen | 7/31/2020 | II.D, II.E, II.F, II.K |
| Dowling, Paula | Private Citizen | 9/18/2020 | II.A, II.B, II.E, II.F, II.G |
| Eckert, Mal | Private Citizen | 9/4/2020 | II.A, II.G |
| Egnaczak, Keneth | Private Citizen | 8/7/2020 | II.K |
| Eliot, Winslow | Private Citizen | 7/27/2020 | II.A, II.B, II.D, II.F, II.G |
| Elsbach, Bart | Private Citizen | 9/10/2020 | II.A, II.B, II.E, II.G |
| Environmental Stewardship Concepts (by deFur on behalf of HRI/TAG Recipient) | Technical Assistance Group | 9/18/2020 | II.A, II.B, II.G, II.K |
| Feldman, Henry | Private Citizen | 9/15/2020 | II.A, II.B |
| Feltser, Sharon and Furgal, Joe | Private Citizen | 9/14/2020 | II.A, II.D |
| Fennell, Patrick | Private Citizen | 8/28/2020 | II.G |
| Field, Dennis | Private Citizen | 8/6/2020 | II.A, II.G |
| Filip, David and Lorraine | Private Citizen | 9/17/2020 | II.A, II.B, II.G |
| Foxx, Tammy | Private Citizen | 9/18/2020 | II.A |
| Fraser, David | Private Citizen | 7/31/2020 | II.A, II.F |
| Fraser, Susie | Private Citizen | 7/31/2020 | II.F |
| Frawley, Jim | Private Citizen | 9/14/2020 | II.A, II.C, II.D |
| Friedman, Benno | Private Citizen | 9/18/2020 | II.A, II.E, II.K |
| Friedman, Mickey | Private Citizen | 9/17/2020 | II.A, II.B, II.H, II.K |
| Gagne, Merrilyn A | Private Citizen | 8/19/2020 | II.F |
| Gaherty, Daniel | Private Citizen | 9/17/2020 | II.A, II.G |
| Garofoli, Meghan | Private Citizen | 9/4/2020 | II.A, II.G |
| Garzone, Margaret | Private Citizen | 9/17/2020 | II.G |
| General Electric Company (by Silfer) | Permittee | 9/18/2020 | II.H, II.I, II.J |
| Gluck, Henry | Private Citizen | 9/18/2020 | II.A, II.D |
| Gniadek, Paul | Private Citizen | 9/4/2020 | II.A |
| Gordon, Andy | Private Citizen | 9/17/2020 | II.A, II.B, II.E, II.G |
| Gordon, Kathleen | Private Citizen | 9/13/2020 | II.A |
| Graham, Andrew | Private Citizen | 7/24/2020 | II.A, II.G |
| Graham, Andrew | Private Citizen | 9/8/2020 | II.A |
| Green Berkshires, Inc. (by Tillinghast) | Non-Governmental Organization | 9/18/2020 | II.A, II.C, II.E, II.G, II.K |
| Greene, Jamie and Madeline | Private Citizen | 9/14/2020 | II.A |
| Grigg, Katherine | Private Citizen | 9/18/2020 | II.A, II.D, II.G |
| Grigoropoulos, Spiro | Private Citizen | 8/25/2020 | II.A, II.D |
| Grosser, Anne | Private Citizen | 9/17/2020 | II.A |
| Guenther, James | Private Citizen | 9/18/2020 | II.A, II.C, II.D, II.G |
| Guenther, Martha | Private Citizen | 9/18/2020 | II.A, II.C, II.D, II.G |
| Gukowsky, Phil and Carol | Private Citizen | 9/10/2020 | II.A, II.C, II.G |
| Gustafson, Kaitlyn | Private Citizen | 9/5/2020 | II.A, II.G |
| Hale, Harrison | Private Citizen | 9/15/2020 | II.A, II.B, II.C, II.E |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Haley, Justin | Private Citizen | 9/14/2020 | II.A, II.G |
| Haley, Krista | Private Citizen | 9/13/2020 | II.A, II.C, II.G |
| Hardman, Holly | Private Citizen | 9/18/2020 | II.A, II.B, II.C, II.E, II.F, II.G |
| Harris, Thais | Private Citizen | 9/17/2020 | II.A |
| Hayes, Roberta | Private Citizen | 9/15/2020 | II.E, II.F, II.G |
| Heinzman, Robert | Private Citizen | 9/15/2020 | II.A, II.K |
| Herman, Ellen | Private Citizen | 9/20/2020 | II.A, II.C, II.D, II.K |
| Hershman, Anne | Private Citizen | 9/13/2020 | II.A, II.G |
| Hewitt, Kristen | Private Citizen | 9/15/2020 | II.A, II.G |
| Hilis, Linda | Private Citizen | 9/14/2020 | II.A, II.D |
| Hofman, Peter | Private Citizen | 9/18/2020 | II.A, II.B, II.C, II.G, II.H, II.K |
| Holt, Andrew | Private Citizen | 9/14/2020 | II.C, II.D, II.H |
| Hopp, Richard | Private Citizen | 9/18/2020 | II.A, II.D |
| Hopp, Robert | Private Citizen | 9/18/2020 | II.A, II.D |
| Hotaling, Caitlin | Private Citizen | 9/14/2020 | II.A |
| Housatonic Environmental Action League (by Cole) | Non-Governmental Organization | 8/18/2020 | II.F |
| Housatonic Environmental Action League (by Cole) | Non-Governmental Organization | 9/18/2020 | II.E, II.F, II.I, II.K |
| Housatonic Environmental Action League (by Herkimer) | Non-Governmental Organization | 9/15/2020 | II.A, II.B, II.C, II.E, II.G, II.H, II.K |
| Housatonic Environmental Action League and HRI (by Cole, Audrey and Gibbs, David) | Non-Governmental Organization | 7/23/2020 | II.E, II.F |
| Housatonic Environmental Action League and HRI (by Herkimer, Gray) | Non-Governmental Organization | 9/18/2020 | II.A, II.B, II.D, II.H, II.I, II.K |
| Housatonic Railroad Company (by Assoc Gen Counsel Rodriguez, Parker) | Industry | 8/21/2020 | II.K |
| Housatonic Railroad Company (by Assoc Gen Counsel Rodriguez, Parker) | Industry | 9/15/2020 | II.K |
| Housatonic Rest of River Committee (Email by Provencher, Letter signed by Committee) | Housatonic Rest of River Committee | 9/18/2020 | II.B, II.G, II.H, II.I, II.J |
| Housatonic Rest of River Committee (Matuszko ) | Housatonic Rest of River Committee | 7/22/2020 | II.F |
| Housatonic River Commission (Tingley, transmitted by Ayer) | Non-Governmental Organization | 9/18/2020 | II.B, II.H, II.J, II.K |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Housatonic Valley Association (Dixon, Jastremski) | Housatonic Valley Association | 9/18/2020 | II.B, II.H, II.J, II.K |
| House, Leah | Private Citizen | 9/14/2020 | II.A, II.B, II.C |
| Houston, Bobby | Private Citizen | 9/7/2020 | II.J |
| Hunt, Suzanne and Wilbur | Private Citizen | 9/18/2020 | II.A, II.B, II.E, II.K |
| Irvine, Dennis | Private Citizen | 7/31/2020 | II.E, II.F |
| Irvine, Dennis | Private Citizen | 9/15/2020 | II.A, II.G |
| Jarek, Crystal | Private Citizen | 9/4/2020 | II.B |
| Jones, Greg | Private Citizen | 9/15/2020 | II.K |
| Kain, Deborah | Private Citizen | 9/11/2020 | II.A |
| Kalischer, Cornelia | Private Citizen | 9/13/2020 | II.A, II.B, II.C, II.D, II.E, II.F, II.G, II.K |
| Kelley, Lisa | Private Citizen | 9/15/2020 | II.A, II.B, II.D, II.G |
| Kellogg, Deborah | Private Citizen | 9/18/2020 | II.A, II.B, II.E, II.G |
| Kelly, Debra | Private Citizen | 8/7/2020 | II.A, II.E, II.G |
| Kelly, Donna | Private Citizen | 9/17/2020 | II.A, II.G, II.K |
| Kelly, Jonathan | Private Citizen | 7/24/2020 | II.A, II.B, II.G, II.K |
| Kelly, Robert | Private Citizen | 9/13/2020 | II.A, II.D, II.G |
| Kinnas, Lisa | Private Citizen | 9/14/2020 | II.A, II.E |
| Kinnas, Randy | Private Citizen | 9/14/2020 | II.A, II.E |
| Kinne, Caren | Private Citizen | 9/15/2020 | II.A |
| Klapes, Chad | Private Citizen | 9/15/2020 | II.A, II.G |
| Kollman, Frances | Private Citizen | 9/16/2020 | II.A, II.C |
| Kosakoff, Esther | Private Citizen | 9/7/2020 | II.A, II.E |
| Kosek, Kateri | Private Citizen | 9/15/2020 | II.A, II.B, II.G |
| Kousch, John | Private Citizen | 9/18/2020 | II.G, II.K |
| Kruger, Pamela | Private Citizen | 9/5/2020 | II.A |
| Kuhn, Jacob | Private Citizen | 9/18/2020 | II.A, II.G |
| Kurzyca, Krysia | Private Citizen | 9/15/2020 | II.A, II.G |
| Kuzia, Michelle | Private Citizen | 9/7/2020 | II.A, II.B |
| Langlais, Ann | Private Citizen | 9/16/2020 | II.A, II.B, II.E, II.F, II.G |
| Laning, Jane | Private Citizen | 9/12/2020 | II.A |
| Larkin, Jeanne and George | Private Citizen | 9/14/2020 | II.A |
| Larrow, Christine | Private Citizen | 9/16/2020 | II.A, II.C |
| Lassoe, Allison | Private Citizen | 9/5/2020 | II.A, II.B |
| LeClair, Peg | Private Citizen | 9/5/2020 | II.A, II.E, II.G |
| Lee Historical Commission (by Mathews) | Lee Historical Commission | 9/17/2020 | II.H |
| Leeper, Barry | Private Citizen | 9/15/2020 | II.A |
| Legere, Elizabeth | Private Citizen | 9/18/2020 | II.G, II.K |
| LePrevost, Holly | Private Citizen | 8/12/2020 | II.A, II.B, II.D, II.E, II.G |
| LePrevost, Jane | Private Citizen | 7/15/2020 | II.A, II.B, II.D, II.E |
| Leslie, Allan | Private Citizen | 9/15/2020 | II.A, II.C, II.H, II.K |
| Levine, Arlene | Private Citizen | 9/14/2020 | II.A |
| Littman, Ruby | Private Citizen | 9/8/2020 | II.A |
| Lombardi, John | Private Citizen | 9/18/2020 | II.A, II.F |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Lorge, Roz and Richard | Private Citizen | 9/15/2020 | II.A |
| Loring, Dolores | Private Citizen | 9/9/2020 | II.A, II.D, II.E |
| Lotto, David | Private Citizen | 8/1/2020 | II.C, II.K |
| Louis, Jean | Private Citizen | 9/4/2020 | II.A, II.D |
| Lucy, Christine Arment | Private Citizen | 9/13/2020 | II.A, II.D, II.E |
| Lundgren, Dylan | Private Citizen | 9/4/2020 | II.A |
| Markham, David | Private Citizen | 9/8/2020 | II.H, II.K |
| Markham, Deanna | Private Citizen | 9/17/2020 | II.A, II.B, II.C, II.D, II.E, II.K |
| Markwith-Padgett, Sara | Private Citizen | 8/16/2020 | II.A, II.B, II.G |
| Marlow, Gail | Private Citizen | 9/13/2020 | II.A, II.D, II.K |
| Marlow, Gail | Private Citizen | 9/13/2020 | II.A, II.D |
| Marlow, Steven | Private Citizen | 9/13/2020 | II.A, II.D |
| Maron, Jack | Private Citizen | 9/13/2020 | II.A |
| Maschmeyer, Elizabeth | Private Citizen | 9/15/2020 | II.A |
| Massachusetts Audubon (by Ricci) | Non-Governmental Organization | 9/18/2020 | II.C, II.H, II.J |
| Mathews, William | Private Citizen | 9/17/2020 | II.H |
| Mathias, Cindy | Private Citizen | 9/16/2020 | II.A, II.C, II.E, II.F, II.G, II.K |
| Mayer, Elizabeth and Allen | Private Citizen | 9/12/2020 | II.A, II.C |
| McCabe, Catherine | Private Citizen | 9/6/2020 | II.A, II.B, II.C, II.E |
| McIntosh, Margit | Private Citizen | 9/17/2020 | II.A, II.B, II.C, II.H |
| McMahon, Jean | Private Citizen | 8/19/2020 | II.A, II.B, II.D |
| McManmom, Dan | Private Citizen | 9/15/2020 | II.A, II.D, II.G |
| McManmom, Kasey | Private Citizen | 9/15/2020 | II.A |
| McManmom, Michael | Private Citizen | 9/15/2020 | II.A |
| Melle, Jonathon | Private Citizen | 7/16/2020 | II.A, II.E, II.G, II.K |
| Melle, Jonathon | Private Citizen | 8/11/2020 | II.A, II.G |
| Melle, Jonathon | Private Citizen | 8/27/2020 | II.D, II.G |
| Melle, Jonathon | Private Citizen | 8/28/2020 | II.E, II.F, II.G |
| Mercier, Paul | Private Citizen | 8/4/2020 | II.A, II.D, II.G, II.K |
| Merrit, Mary Elizabeth | Private Citizen | 9/14/2020 | II.A, II.B |
| Miller, Harriet and Bob | Private Citizen | 9/14/2020 | II.A |
| Minkler, Timothy | Private Citizen | 9/8/2020 | II.A |
| Mitts, Marybeth | Private Citizen | 8/3/2020 | II.C, II.G, II.H, II.K |
| Mix, Ryan | Private Citizen | 9/18/2020 | II.A, II.B, II.F |
| Monachina, Janis | Private Citizen | 8/22/2020 | II.A, II.E, II.G, II.K |
| Monachina, Judith | Private Citizen | 9/14/2020 | II.A, II.B, II.D, II.E, II.G |
| Morel, Elaine | Private Citizen | 9/17/2020 | II.A, II.B, II.D |
| Morin, John | Private Citizen | 9/17/2020 | II.A, II.K |
| Mosca, Joanne | Private Citizen | 9/14/2020 | II.A |
| Msimonesr | Private Citizen | 9/14/2020 | II.A |
| Murphy, Laura | Private Citizen | 9/15/2020 | II.A, II.D, II.E, II.G |
| Murphy, Stone | Private Citizen | 7/13/2020 | II.A, II.E, II.K |
| Murphy, Stone | Private Citizen | 8/21/2020 | II.A, II.D, II.E |
| Murray, Steve | Private Citizen | 9/6/2020 | II.A |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Nardacci, Judith | Private Citizen | 9/3/2020 | II.A, II.B, II.K |
| Nathanson, Bob and Janie | Private Citizen | 8/4/2020 | II.A, II.B, II.E |
| Neil, Keith and Lori | Private Citizen | 9/8/2020 | II.A, II.C |
| Nelson, Holden | Private Citizen | 9/18/2020 | II.B, II.J, II.K |
| Nicholas, Deborah | Private Citizen | 8/17/2020 | II.A, II.B, II.C, II.G |
| O'Brien, Dana Olivia | Private Citizen | 9/14/2020 | II.A |
| O'Brien, Geri and Klapes, Chad | Private Citizen | 8/23/2020 | II.A, II.G |
| O'Brien, Robert | Private Citizen | 8/6/2020 | II.A, II.B, II.D |
| O'Neil, Logan | Private Citizen | 9/14/2020 | II.A, II.B, II.C, II.E, II.G |
| O'Neil, Logan | Private Citizen | 9/17/2020 | II.A, II.B, II.C, II.E, II.G |
| O'Neill, Timothy | Private Citizen | 9/15/2020 | II.A |
| Oski, Babs | Private Citizen | 9/7/2020 | II.A, II.G |
| Paradiso, JoAnn | Private Citizen | 9/18/2020 | II.A, II.B, II.C, II.D, II.E, II.K |
| Paradiso, Linda | Private Citizen | 9/12/2020 | II.A, II.K |
| Paradiso, Linda | Private Citizen | 9/18/2020 | II.A, II.G, II.K |
| Parker, Jay | Private Citizen | 9/16/2020 | II.A |
| Pastori, Martin | Private Citizen | 9/8/2020 | II.A, II.G |
| Pastori, Rhonda | Private Citizen | 9/8/2020 | II.A, II.E, II.G |
| Patti | Private Citizen | 9/14/2020 | II.A, II.B, II.C, II.D, II.E, II.F, II.K |
| Peck, Nick | Private Citizen | 9/18/2020 | II.A, II.C, II.D, II.G, II.H |
| Peplowski, Steven | Private Citizen | 8/28/2020 | II.C, II.K |
| Perkins, Kelly | Private Citizen | 9/15/2020 | II.A, II.G |
| Pill, Dave | Private Citizen | 8/27/2020 | II.A, II.G |
| Pixley, Jodie | Private Citizen | 9/18/2020 | II.A, II.B, II.E, II.G, II.K |
| Prema, Pooja | Private Citizen | 9/15/2020 | II.A, II.B, II.E, II.G, II.K |
| Pryjma, Luke | Private Citizen | 7/30/2020 | II.A, II.G |
| Pryjma, Luke | Private Citizen | 9/15/2020 | II.A, II.G |
| Radachowsky, Sage | Private Citizen | 9/15/2020 | II.A, II.B, II.C, II.E, II.G |
| Rave, Edgar | Private Citizen | 9/15/2020 | II.A, II.E |
| Re, Laurence | Private Citizen | 8/31/2020 | II.C, II.H |
| Reed, Marjore | Private Citizen | 8/26/2020 | II.A |
| Regen, H. Hass | Private Citizen | 9/4/2020 | II.A |
| Regnier, Sean | Private Citizen | 9/18/2020 | II.B, II.C, II.G, II.H |
| Rettman, Ann | Private Citizen | 9/15/2020 | II.A |
| Rivlin, Reuben | Private Citizen | 9/15/2020 | II.A |
| Rizzardini, Edward and Karen | Private Citizen | 9/7/2020 | II.A, II.G |
| Roche, Lucy | Private Citizen | 9/18/2020 | II.A, II.E |
| Root, Christina | Private Citizen | 9/18/2020 | II.A, II.F |
| Ruth, Julie | Private Citizen | 9/11/2020 | II.A, II.B |
| Ryan, Monica | Private Citizen | 9/19/2020 | II.A, II.E, II.G |
| Salinetti, Kalei | Private Citizen | 9/9/2020 | II.A, II.G |
| Salinetti, Suzanne | Private Citizen | 9/17/2020 | II.A, II.G, II.K |
| Schantz, Jim | Private Citizen | 9/17/2020 | II.A, II.B |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Schenkel, Edna and Robert | Private Citizen | 9/14/2020 | II.A, II.C |
| Schoen, Robin | Private Citizen | 9/18/2020 | II.A, II.B, II.H, II.K |
| Schwerin, Virginia S. | Private Citizen | 9/15/2020 | II.A, II.E |
| Sheena, Jane | Private Citizen | 9/16/2020 | II.A, II.C, II.D |
| Sheena, Robert | Private Citizen | 9/16/2020 | II.A, II.E, II.G |
| Sheena, Robert | Private Citizen | 9/16/2020 | II.A, II.D, II.G |
| Sheltry, Philip | Private Citizen | 9/5/2020 | II.A, II.G |
| Shepardson, Dee (Diane) | Private Citizen | 8/14/2020 | II.C, II.D, II.H |
| Shohan, Doug | Private Citizen | 9/14/2020 | II.A, II.G |
| Shorr, Nancy | Private Citizen | 9/15/2020 | II.A, II.G |
| Shulman, Tamara | Private Citizen | 9/15/2020 | II.A, II.K |
| Sible, Jean | Private Citizen | 9/4/2020 | II.A |
| Simonds, Nancy | Private Citizen | 8/27/2020 | II.K |
| Sloane, Lisa and Nason, Robert | Private Citizen | 9/18/2020 | II.A, II.D, II.E, II.F, II.G, II.H |
| Southard, Elijah | Private Citizen | 9/17/2020 | II.A, II.B, II.E, II.F, II.K |
| Stanton, Anna | Private Citizen | 7/27/2020 | II.A, II.D, II.E, II.F, II.G, II.H |
| Stern, Danielle | Private Citizen | 9/11/2020 | II.A |
| Stewart, Virginia (Ginger) | Private Citizen | 9/8/2020 | II.A |
| Stier, Eliot | Private Citizen | 7/28/2020 | II.A, II.D, II.E, II.F, II.G |
| Stier, Samantha | Private Citizen | 7/28/2020 | II.A, II.B, II.E, II.F, II.G |
| Stier, Tom | Private Citizen | 7/25/2020 | II.A, II.D, II.E, II.F, II.G |
| Sweet, Tina | Private Citizen | 9/18/2020 | II.A, II.C, II.G |
| Talbert, David | Private Citizen | 9/14/2020 | II.A, II.B, II.D, II.E, II.K |
| Talbot, Andy | Private Citizen | 9/13/2020 | II.A, II.G |
| Terziev, Marijka | Private Citizen | 8/25/2020 | II.A, II.E, II.G |
| Tinsley, Kristen | Private Citizen | 7/24/2020 | II.A, II.G |
| Unknown | Private Citizen | 9/8/2020 | II.A, II.G |
| Valleri, Mary Theresa | Private Citizen | 7/28/2020 | II.A, II.B, II.D, II.E, II.G |
| Vaughn, Jean | Private Citizen | 9/15/2020 | II.A, II.B, II.D, II.F |
| Villetto, Elle | Private Citizen | 9/16/2020 | II.A, II.E, II.G |
| Waldman, Michele | Private Citizen | 9/15/2020 | II.A |
| Walker, David | Private Citizen | 9/13/2020 | II.A, II.E, II.G |
| Walker, Denise | Private Citizen | 9/13/2020 | II.A, II.E, II.G |
| Warner, Amy | Private Citizen | 9/18/2020 | II.A, II.B, II.C, II.E, II.F, II.G |
| Warner, Janet | Private Citizen | 8/9/2020 | II.A, II.B, II.E, II.G, II.H |
| Washabaugh, Sally | Private Citizen | 9/14/2020 | II.A, II.G |
| Wesley, Gloria | Private Citizen | 9/15/2020 | II.A, II.C, II.G, II.H, II.I, II.K |
| Wespiser, Diane | Private Citizen | 8/20/2020 | II.A, II.C, II.D, II.E |
| Wespiser, Robert | Private Citizen | 9/17/2020 | II.B, II.G |
| Wheeler, Jane | Private Citizen | 9/10/2020 | II.A, II.E, II.G |
| Whitehead, Gregory | Private Citizen | 9/9/2020 | II.D, II.E, II.H, II.K |
| Whittaker, William | Private Citizen | 9/15/2020 | II.A, II.E, II.G |
| Williamson, Stuart | Private Citizen | 9/15/2020 | II.A, II.K |

**Attachment B**
**Public Comment Inventory**
**Written Comments (Emails, Letters, and Faxes)**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | RTC Section |
|---|---|---|---|
| Winkler, Martin | Private Citizen | 9/17/2020 | II.A, II.D, II.E, II.G |
| Wise, Terry | Private Citizen | 9/17/2020 | II.A, II.B, II.D, II.K |
| Wislocki, Alice and George | Private Citizen | 9/18/2020 | II.G, II.K |
| Wolf, Susan | Private Citizen | 9/14/2020 | II.C, II.D, II.G, II.H |
| Wood, Benjamin | Private Citizen | 9/10/2020 | II.A |
| Young, Caroline | Private Citizen | 8/19/2020 | II.A, II.B, II.G, II.K |
| Zaccardo, Dan | Private Citizen | 9/14/2020 | II.A |

# ATTACHMENT C
# PUBLIC COMMENT INVENTORY: COMMENTS RECEIVED DURING PUBLIC HEARINGS

**Attachment C**
**Public Comment Inventory**
**Comments Received During Public Hearings**
***Response to Comments Housatonic River "Rest of River"***

*Note: The categorization of comments contained in the "RTC Section" column are for the reader's convenience. Responses to individual comments may be contained in responses to comments not listed in the RTC Section column.*

| Commenter | Affiliation | Date of Comments | Hearing Session No. | RTC Section |
|---|---|---|---|---|
| Abatelli, Daniel (Lucy on his behalf) | Private Citizen | 9/15/2020 | 3 | II.A, II.G |
| Anderson, Valerie | Private Citizen | 9/15/2020 | 3 | II.A, II.E, II.K |
| Berger, Michelle | Private Citizen | 9/15/2020 | 3 | II.A, II.K |
| Berkel, Brian | Private Citizen | 8/26/2020 | 2 | II.C, II.K |
| Bertocci, Bonita | Private Citizen | 8/26/2020 | 1 | II.D |
| Braim, Janice | Private Citizen | 8/26/2020 | 2 | II.A, II.D, II.E |
| Braim, Janice | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.E, II.F, II.G |
| Bray, Brandon | Private Citizen | 9/15/2020 | 3 | II.G |
| Brooks, Brenda | Private Citizen | 8/26/2020 | 2 | II.A |
| Callageri, Elaine | Private Citizen | 9/15/2020 | 3 | II.A, II.E |
| Castegnaro, James | Private Citizen | 9/15/2020 | 3 | II.A, II.B, II.E |
| Ceresia, Gail | Private Citizen | 8/26/2020 | 2 | II.A, II.D, II.F, II.G |
| Ceresia, Gail | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.B, II.K |
| Citizens for PCB Removal (by Cianfarini) | Non-Governmental Organization | 8/26/2020 | 1 | II.F, II.K |
| Citizens for PCB Removal (by Cianfarini) | Non-Governmental Organization | 8/26/2020 | 2 | II.E, II.F |
| Citizens for PCB Removal (by Cianfarini) | Non-Governmental Organization | 9/15/2020 | 3 | II.A, II.C, II.F, II.G, II.H, II.K |
| Clarke, Neil | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.E |
| Consolati, Deidre | Private Citizen | 8/26/2020 | 2 | II.G |
| Consolati, Deidre | Private Citizen | 9/15/2020 | 3 | II.A, II.E, II.F, II.G |
| Cook, C. Jeffrey | Private Citizen | 8/26/2020 | 2 | II.D, II.J |
| Cusack, Matthew | Private Citizen | 9/15/2020 | 3 | II.A, II.E, II.G |
| Dowling, Paula | Private Citizen | 8/26/2020 | 2 | II.C, II.D, II.E |
| Dowling, Paula | Private Citizen | 9/15/2020 | 3 | II.F, II.K |
| Environmental Stewardship Concepts (by deFur on behalf of HRI/TAG Recipient) | Technical Assistance Group | 8/26/2020 | 1 | II.A, II.B, II.D, II.E, II.G, II.K |
| Field, Dennis | Private Citizen | 8/26/2020 | 1 | II.E, II.G |
| Field, Marie | Private Citizen | 8/26/2020 | 1 | II.A, II.E, II.F, II.G |
| Field, Rebecca | Private Citizen | 8/26/2020 | 1 | II.A, II.D, II.E, II.G |
| Hardman, Holly | Private Citizen | 8/26/2020 | 1 | II.A, II.B, II.D, II.F, II.G |
| Housatonic Environmental Action League (by Cole) | Non-Governmental Organization | 9/15/2020 | 3 | II.E, II.H, II.K |
| Housatonic Environmental Action League (by Herkimer) | Non-Governmental Organization | 9/15/2020 | 3 | II.A, II.C, II.B, II.G, II.H, II.K |
| Housatonic Railroad Company (by Assoc Gen Counsel Rodriguez, Edward) | Industry | 8/26/2020 | 1 | II.K |

**Attachment C**
**Public Comment Inventory**
**Comments Received During Public Hearings**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | Hearing Session No. | RTC Section |
|---|---|---|---|---|
| Housatonic Railroad Company (by Assoc Gen Counsel Rodriguez, Parker) | Industry | 8/26/2020 | 1 | II.K |
| Housatonic River Initiative (by Gray) | Non-Governmental Organization | 9/15/2020 | 3 | II.A, II.B, II.E, II.K |
| Jones, Robert | Private Citizen | 8/26/2020 | 1 | II.E |
| Kalischer, Cornelia | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.E |
| Kalischer, Cornelia | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.H, II.K |
| Kellogg, Deborah | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.F, II.K |
| Kelly, Deborah | Private Citizen | 8/26/2020 | 1 | II.A, II.B, II.E, II.F |
| Kelly, Matthew | Private Citizen | 9/15/2020 | 3 | II.G, II.K |
| Kozourek, Nicole | Private Citizen | 8/26/2020 | 2 | II.A, II.D, II.E, II.K |
| Kropcowski, Laurie | Private Citizen | 9/15/2020 | 3 | II.G, II.K |
| Kurtz, Robert | Private Citizen | 9/15/2020 | 3 | II.A, II.E, II.H, II.K |
| Lahey, Clare | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.D, II.G, II.K |
| Lahey, Clare | Private Citizen | 9/15/2020 | 3 | II.C, II.D, II.E, II.G, II.K |
| Langlais, Ann | Private Citizen | 8/26/2020 | 2 | II.A, II.B, II.C, II.E, II.F |
| Langlais, Ann | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.E, II.F |
| Leahy, Ed | Private Citizen | 9/15/2020 | 3 | II.A, II.D, II.E, II.G |
| Liscombe, Glenn | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.E, II.G |
| Matthias, Cindy | Private Citizen | 8/26/2020 | 2 | II.A, II.B, II.C, II.D, II.E, II.F, II.K |
| Matthias, Cindy | Private Citizen | 9/15/2020 | 3 | II.A, II.E, II.F, II.G |
| McCabe, Catherine | Private Citizen | 9/15/2020 | 3 | II.C |
| Mendel, Ellen | Private Citizen | 8/26/2020 | 2 | II.A, II.E |
| Murphy, Laura | Private Citizen | 8/26/2020 | 2 | II.A, II.D |
| Murphy, Stone | Private Citizen | 8/26/2020 | 1 | II.A, II.D, II.E, II.K |
| Nathanson, Bob | Private Citizen | 9/15/2020 | 3 | II.D, II.E, II.K |
| Paradiso, Linda | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.K |
| Perilli, Chris | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.D, II.G |
| Proto, Andrew | Private Citizen | 9/15/2020 | 3 | II.A, II.G |
| Radachowsky, Sage | Private Citizen | 8/26/2020 | 1 | II.B, II.D |
| Ryan, Monica | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.D, II.E, II.G |
| Ryan, Monica | Private Citizen | 9/15/2020 | 3 | II.C, II.E, II.G |
| Salinetti, Suzanne | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.G, II.K |
| Shenklel, Robert and Edna | Private Citizen | 9/15/2020 | 3 | II.A, II.G |
| Shulman, Kemra | Private Citizen | 9/15/2020 | 3 | II.A, II.C, II.K |
| Smith, Emily (Ryan on her behalf) | Private Citizen | 9/15/2020 | 3 | II.A, II.C |
| Stern, Dan and Danielle | Private Citizen | 9/15/2020 | 3 | II.A, II.K |
| Thomas, Joanie | Private Citizen | 8/26/2020 | 1 | II.G |
| Thomas, Joanie | Private Citizen | 8/26/2020 | 2 | II.C |
| Traponi, Michael | Private Citizen | 9/15/2020 | 3 | II.D, II.G, II.K |
| Tyer, Gail | Private Citizen | 8/26/2020 | 2 | II.A, II.D, II.E |
| Valerri, Mary Teresa | Private Citizen | 9/15/2020 | 3 | II.E, II.G |
| Winston, Amy | Private Citizen | 8/26/2020 | 2 | II.A, II.C, II.D, II.K |

# ATTACHMENT D
# PUBLIC COMMENT INVENTORY: COMMENTS RECEIVED BY VOICE MAIL

**Attachment D**
**Public Comment Inventory**
**Comments Received by Voice Mail**
***Response to Comments Housatonic River "Rest of River"***

*Note: The categorization of comments contained in the "RTC Section" column are for the reader's convenience. Responses to individual comments may be contained in responses to comments not listed in the RTC Section column.*

| Commenter | Affiliation | Date of Comments | Transcript Volume | RTC Section |
|---|---|---|---|---|
| Alincolaki, Jean | Private Citizen | 9/5/2020 | Volume I | II.C, II.K |
| Anderson, Glenda | Private Citizen | 9/6/2020 | Volume I | II.A |
| Atfell, Ellen | Private Citizen | 9/7/2020 | Volume I | II.A, II.C, II.D |
| Attoumo, Jessica | Private Citizen | 9/13/2020 | Volume III | II.A, II.E |
| Bacowski, Gail | Private Citizen | 9/9/2020 | Volume II | II.A, II.E |
| Bacowski, Gail | Private Citizen | 9/9/2020 | Volume II | II.A, II.E |
| Baker, Ril | Private Citizen | 9/12/2020 | Volume III | II.A |
| Baldman, Michelle | Private Citizen | 9/13/2020 | Volume IV | II.A |
| Balfanz, James | Private Citizen | 9/5/2020 | Volume I | II.J |
| Bennett, Annie | Private Citizen | 9/6/2020 | Volume I | II.A, II.G |
| Bergman, Laura and John | Private Citizen | 9/13/2020 | Volume III | II.A, II.D |
| Bradley, Paula | Private Citizen | 9/11/2020 | Volume III | II.A |
| Braim, Janice | Private Citizen | 9/5/2020 | Volume I | II.A, II.C, II.D, II.F, II.G |
| Bresnick, William | Private Citizen | 9/12/2020 | Volume III | II.A, II.D |
| Bretton, Sophie | Private Citizen | 9/4/2020 | Volume II | II.A |
| Burke, Sarah | Private Citizen | 9/5/2020 | Volume I | II.A |
| Carroll, Diane | Private Citizen | 9/8/2020 | Volume VII | II.A, II.C |
| Carroll, Diane | Private Citizen | 9/16/2020 | Volume V | II.A |
| Casey, Tim | Private Citizen | 9/18/2020 | Volume VI | II.A, II.C, II.E, II.K |
| Chelli, Elizabeth | Private Citizen | 9/18/2020 | Volume VI | II.A, II.B |
| Chicmanter, Barbara | Private Citizen | 9/15/2020 | Volume V | II.G |
| Cicchetti, Nancy | Private Citizen | 9/10/2020 | Volume III | II.A |
| Cimini, Jill | Private Citizen | 9/14/2020 | Volume IV | II.A, II.B, II.E, II.G |
| Clark, Andy | Private Citizen | 9/4/2020 | Volume I | II.A |
| Coleman, Anne | Private Citizen | 9/11/2020 | Volume III | II.A, II.E |
| Cruz, Jennifer | Private Citizen | 9/4/2020 | Volume II | II.A |
| Cuene, Ronald | Private Citizen | 9/15/2020 | Volume VII | II.A |
| Cusack, Matthew | Private Citizen | 9/8/2020 | Volume VII | II.A, II.G |
| Davidson, Henry | Private Citizen | 9/14/2020 | Volume IV | II.A |
| Devereaux, Denise | Private Citizen | 9/18/2020 | Volume VI | II.A, II.E |
| Diel, Carol | Private Citizen | 9/18/2020 | Volume VI | II.A |
| Dietric, Patricia | Private Citizen | 9/18/2020 | Volume VI | II.A, II.C |
| Downs, Jennifer | Private Citizen | 9/10/2020 | Volume III | I.A, II.B, II.C, II.J, II.K |
| Drury, Jody and Tim | Private Citizen | 9/18/2020 | Volume VI | II.A |
| Feinman, Debbie | Private Citizen | 9/9/2020 | Volume II | II.A |
| Finlay, Kathy | Private Citizen | 9/15/2020 | Volume V | II.A, II.E |
| Fopay, Nina | Private Citizen | 9/9/2020 | Volume II | II.A |
| Frectman, Aleta | Private Citizen | 9/11/2020 | Volume III | II.A, II.G |
| Fuchs, TJ | Private Citizen | 9/9/2020 | Volume II | II.A |

**Attachment D**
**Public Comment Inventory**
**Comments Received by Voice Mail**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | Transcript Volume | RTC Section |
|---|---|---|---|---|
| Gelpi, Melissa | Private Citizen | 9/4/2020 | Volume I | II.A, II.E, II.G, II.K |
| Giancola, Ronald | Private Citizen | 9/5/2020 | Volume I | II.A, II.K |
| Glasser, Michael | Private Citizen | 9/4/2020 | Volume I | II.A, II.K |
| Goldman, Barry | Private Citizen | 9/12/2020 | Volume III | II.A, II.D |
| Goodwin, Ariane | Private Citizen | 9/4/2020 | Volume I | II.A, II.C, II.E, II.G |
| Goodwin, Ariane | Private Citizen | 9/16/2020 | Volume V | II.A, II.C |
| Grossman, Floyd | Private Citizen | 9/14/2020 | Volume IV | II.A |
| Gutierrez, Terry | Private Citizen | 9/18/2020 | Volume VI | II.A, II.B |
| Hall-Whitfield, Margaret | Private Citizen | 9/6/2020 | Volume I | II.A |
| Hanley, Patricia and Joseph | Private Citizen | 9/6/2020 | Volume I | II.A |
| Hiller, Jean | Private Citizen | 9/6/2020 | Volume I | II.A, II.B |
| Hobbs, David | Private Citizen | 9/15/2020 | Volume V | II.A |
| Housatonic Environmental Action League (by Cole) | Non-Governmental Organization | 9/15/2020 | Volume V | II.H, II.K |
| Jacobs, Richard | Private Citizen | 9/6/2020 | Volume I | II.A |
| Jacobsen, Andrea | Private Citizen | 9/16/2020 | Volume V | II.A |
| Jacobson, Eileen; Bacharach, Joyce | Private Citizen | 9/14/2020 | Volume IV | II.A, II.B |
| Karina, Pooja | Private Citizen | 9/16/2020 | Volume V | II.A, II.B, II.C, II.G |
| Kearin (Carron), Linda | Private Citizen | 9/18/2020 | Volume VI | II.A |
| Kearin, William | Private Citizen | 9/18/2020 | Volume VI | II.A, II.C |
| Kelley, Debbie | Private Citizen | 9/17/2020 | Volume VI | II.A, II.B, II.G, II.K |
| Kelly, Lisa | Private Citizen | 9/15/2020 | Volume V | II.A, II.B, II.D, II.G |
| Kenwood, Ellen | Private Citizen | 9/8/2020 | Volume VII | II.A, II.E, II.G |
| Kochman, Jeffrey | Private Citizen | 9/11/2020 | Volume III | II.A, II.G |
| Lapalm, Carolyn | Private Citizen | 9/10/2020 | Volume III | II.A, II.B, II.G |
| Leahey, James | Private Citizen | 9/14/2020 | Volume IV | II.A, II.K |
| Leahey, Jennifer | Private Citizen | 9/6/2020 | Volume I | II.A, II.E |
| Leahey, Phil | Private Citizen | 9/14/2020 | Volume IV | II.A, II.E |
| Lipscomb, Glen | Private Citizen | 9/18/2020 | Volume VI | II.A, II.B, II.E, II.K |
| Lipscomb, Glen | Private Citizen | 9/18/2020 | Volume VI | II.A |
| Luca, Eugene | Private Citizen | 9/10/2020 | Volume III | II.A, II.E |
| Lundgren, Dylan | Private Citizen | 9/4/2020 | Volume I | II.A, II.G |
| Lundgren, Dylan | Private Citizen | 9/15/2020 | Volume V | II.A, II.G |
| Lupsis, Magdev | Private Citizen | 9/11/2020 | Volume III | II.A |
| Marini, Thomas | Private Citizen | 9/16/2020 | Volume V | II.A, II.G, II.J |
| Marlow, Gail | Private Citizen | 9/13/2020 | Volume III | II.A |
| McDermitt, Michael | Private Citizen | 9/13/2020 | Volume III | II.K |
| McDermitt, Terry | Private Citizen | 9/13/2020 | Volume III | II.K |
| Melville, Tom | Private Citizen | 9/17/2020 | Volume VI | II.A |
| Mendes, Charles | Private Citizen | 9/16/2020 | Volume V | II.A |
| Merritt, Mary Elizabeth | Private Citizen | 9/14/2020 | Volume IV | II.A, II.G |
| Miller, Sam | Private Citizen | 9/8/2020 | Volume VII | II.G |
| Miller, Trilby | Private Citizen | 9/8/2020 | Volume VII | II.A |
| Morin, John | Private Citizen | 9/16/2020 | Volume V | II.A |

**Attachment D**
**Public Comment Inventory**
**Comments Received by Voice Mail**
***Response to Comments Housatonic River "Rest of River"***

| Commenter | Affiliation | Date of Comments | Transcript Volume | RTC Section |
|---|---|---|---|---|
| Nalepa, John | Private Citizen | 9/18/2020 | Volume VI | II.A, II.E |
| O'Brien, Janet M. | Private Citizen | 9/7/2020 | Volume I | II.A |
| O'Neil, Victoria | Private Citizen | 9/7/2020 | Volume I | II.A |
| O'Shaunessey, Laura | Private Citizen | 9/14/2020 | Volume IV | II.A, II.D, II.E, II.G |
| Paradiso, Linda | Private Citizen | 9/12/2020 | Volume III | II.A |
| Parker, Fay | Private Citizen | 9/12/2020 | Volume III | II.A |
| Passmore, Karen | Private Citizen | 9/7/2020 | Volume I | II.A, II.K |
| Perrault, Barbara | Private Citizen | 9/4/2020 | Volume II | II.A, II.K |
| Polizzi, John | Private Citizen | 9/18/2020 | Volume VI | II.A, II.G |
| Robel, Greg | Private Citizen | 9/4/2020 | Volume I | II.A, II.B |
| Salvagio, Jackie | Private Citizen | 9/18/2020 | Volume VI | II.A |
| Schillinger, Will | Private Citizen | 9/4/2020 | Volume I | II.A |
| Sheena, Jane | Private Citizen | 9/16/2020 | Volume V | II.A, II.E, II.B |
| Shepardson, Diane | Private Citizen | 9/18/2020 | Volume VI | II.A, II.C, II.K |
| Simpson, Joanne | Private Citizen | 9/14/2020 | Volume IV | II.A, II.E |
| Singer, Eric | Private Citizen | 9/18/2020 | Volume VI | II.A, II.G |
| Smatchetti, Henry | Private Citizen | 9/5/2020 | Volume I | II.A, II.K |
| Speth, Theresa | Private Citizen | 9/4/2020 | Volume I | II.A |
| Sterlin, Ann | Private Citizen | 9/4/2020 | Volume I | II.F |
| Stern, Dan | Private Citizen | 9/11/2020 | Volume III | II.A, II.G |
| Stern, Danielle | Private Citizen | 9/11/2020 | Volume III | II.A |
| Thompson, Barbara | Private Citizen | 9/15/2020 | Volume V | II.A, II.B, II.D, II.G |
| Thorn, Ryan | Private Citizen | 9/14/2020 | Volume IV | II.A, II.D, II.E |
| Towle, Flora Marie | Private Citizen | 9/17/2020 | Volume VI | II.A, II.E, II.G |
| Unknown Caller (male) | Private Citizen | 9/13/2020 | Volume III | II.A |
| Unnamed Caller (female) | Private Citizen | 9/5/2020 | Volume I | II.G |
| Unnamed Caller (male) | Private Citizen | 9/4/2020 | Volume I | II.A, II.G, II.K |
| Valleri, Mary Teresa | Private Citizen | 9/15/2020 | Volume V | I.A, II.G |
| Vogel, Alexander | Private Citizen | 9/4/2020 | Volume I | II.A |
| Wadress, Georgia | Private Citizen | 9/18/2020 | Volume VI | II.A, II.B |
| Waldmen, Michelle | Private Citizen | 9/14/2020 | Volume IV | II.A |
| Walker, David | Private Citizen | 9/13/2020 | Volume III | II.A, II.B, II.E, II.G |
| Wampler, Kathryn | Private Citizen | 9/4/2020 | Volume I | II.A |
| Wohl, Alice | Private Citizen | 9/15/2020 | Volume V | II.A |
| Zimmer, Dee and Steve | Private Citizen | 9/15/2020 | Volume V | II.A, II.C |