



**TOWN OF LENOX**  
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Christopher J. Ketchen  
Town Manager

May 17, 2024

Mr. Dean Tagliaferro  
EPA New England  
10 Lyman Street, Suite 2  
Pittsfield, MA 01201

[VIA EMAIL: R1Housatonic@epa.gov]

**RE: Town of Lenox Comments – UDF Final Design Plan, Revised Final Pre-Design Investigation Summary Report for UDF, and UDF Operation, Monitoring and Maintenance Plan**

Dear Mr. Tagliaferro:

The purpose of this letter is to convey comments and concerns of the Town of Lenox regarding the remediation of polychlorinated biphenyls (PCBs) in the Housatonic River. Specifically, we submit the forgoing comments on three plans submitted by General Electric for the design, construction, and ongoing maintenance of the Upland Disposal Facility (UDF).

Lenox has reviewed the GE proposals and accompanying data submitted. Lenox has also engaged a consulting engineer (Weston & Sampson) to provide technical analysis (see three attached technical memorandums). There are 71 total comments on the three submissions covering landfill engineering, hydrogeology and environmental assessment, and geotechnical engineering. Finally, Lenox has reviewed the comments (37) provided under the Technical Assistance Services for Communities (TASC) filing dated April 5, 2024.

This letter and accompanying attachments constitute the Town's response to the Environmental Protection Agency (EPA) as approved by the Lenox Select Board on May 15, 2024, in advance of the formal comment deadline on May 20, 2024.

While all of the comments by Weston & Sampson and the TASC filing should be addressed by EPA, in this letter the Town has the following points of emphasis:

1. Weston & Sampson's comments highlight multiple aspects of the plans that require verification of standards – e.g. aerodynamic diameter of particulate matter, centimeters per second permeability, millimeters of geomembrane thickness, etc. While these critiques and recommendations regarding UDF specifications are highly technical in nature, they illustrate the overarching concerns that Lenox has repeatedly voiced for this project – namely, the need for independent monitoring of contractors as stated in multiple prior filings. **Lenox again implores EPA to maximize third-party oversight of all cleanup activities.** It is self-evident that human nature causes contractors to behave differently when there is oversight. Therefore, the presence and independence of oversight monitors are crucial given the permit holder's incentive to minimize cleanup costs.

2. As pointed out on page 5 of the TASC comments, the SOW for the Final Design Plan does not include roles, responsibilities, and hierarchy of key personnel, nor is there disclosure of the process for selecting contractors or scheduling work. There is no Construction Quality Assurance Plan, project closeout requirements, or post-construction closure activities. Lenox draws EPA's attention to these deficiencies and requests an amended plan that includes these absent components.
3. While the UDF is located in Lee, the top portion will be visible from Lenox. Therefore, Lenox supports the Town of Lee's proposed revegetation of the landfill cap with a grassland cover and plant-pollinator species. We are pleased to see the inclusion of this element in the UDF plan. However, we draw EPA's attention to TASC comment #15 regarding steps to eliminate and prevent the presence of invasive species, which has also been a concern expressed by Lenox in previous filings.
4. Hydraulic conveyance is a key component of Lenox's requirements under the 2020 Settlement Agreement, which led to the Revised Final Permit for this project. As such, we draw EPA's attention to Weston & Sampson's UDF Final Design Plan memorandum comment #10 and TASC comment #13, as well as our own observations that the plan does not describe the element of the site that will enable hydraulic transport. Obviously, this requires an amendment to the plan as submitted.
5. Lenox requests that EPA consider the suitability of the UDF itself as a location for hybrid disposal averaging area as opposed to the Woods Pond headwaters contemplated in the Revised Final Permit. We believe the UDF is a suitable site for these activities, making their removal from the river corridor more efficient and less disruptive. Therefore, we see an opportunity here to improve upon the Permit in a mutually beneficial way.
6. Lenox is concerned about the disjointed nature of the UDF plans relative to other operational aspects of the project. This has been a general thread of concern in several previous filings. As it relates to the UDF Final Design Plan, for example, Weston & Sampson's UDF Final Design Plan memorandum (comment #10) states that "The handling, dewatering, placement, and compaction of hydraulically dredged sediment is intrinsic to the design and operation of the UDF. ...[T]he final Design Report suggests that slurry will be placed directly into the UDF cells, however, the means and methods for this approach is lacking in specifics... If dewatering of slurry is proposed for outside the UDF cells, the operational support areas to conduct slurry dewatering have not been identified in the Final Design Plan." Similarly, TASC comment #11 states that "[a] required component of the UDF Final Design Plan is an understanding of the UDF Operations Areas. The UDF Final Design Plan does not provide clarity on the use of the Operations Areas, which remains uncertain regarding use." Examples such as this abound throughout these and other submissions and, while it would be cumbersome to enumerate them all in this space, they have been documented by the Town of Lenox as well as other third-party reviewers. This is a problem – and represents a pattern of deficiency that EPA must address.
7. As the public comment filings become more numerous, we request that EPA develop a system of correspondence that addresses community and citizen submissions. The Town of

Lenox has made many filings over the last 10 months and expects to continue doing so throughout the project. We would like to see a process where explanation is provided for how various comments have been (or will be) incorporated into final work plans. Alternatively, we would like to see explanations provided as to why comments that have been submitted cannot be included based on EPA's review.

8. Lenox has made frequent mention of the need for online resources to keep the public informed of daily cleanup activities. Expanding upon these previous requests, Lenox would like to see the inclusion of statistical data to the maximum extent possible. Moreover, Weston & Sampson have made several comments regarding the establishment of action thresholds based on air quality monitoring and other data collected. EPA must include all of these recommendations in a public communication plan – whether part of an approved quality-of-life compliance plan, one or more UDF plans, or transportation and disposal plan. Here again, Lenox observes examples of real-time, online displays of statistical measures (dust, noise, other contaminants) via dedicated project websites in other parts of the country (e.g. East Palestine, Ohio Train Derailment – Air Sampling Data dashboard). Again, we demand a reporting system that is just as robust – and preferably better – as part of this cleanup project.

Thank you in advance for your consideration of these comments and we look forward to your favorable response.

Sincerely,



Christopher J. Ketchen, ICMA-CM  
Town Manager

cc: The Honorable Edward Markey, U.S. Senate  
The Honorable Elizabeth Warren, U.S. Senate  
The Honorable Richard Neal, U.S. House of Representatives  
Her Excellency Maura Healey, Governor of Massachusetts  
The Honorable Paul Mark, State Senator  
The Honorable Smitty Pignatelli, State Representative, 3<sup>rd</sup> Berkshire  
Select Board members, Town of Lenox