

Meeting Minutes

General Electric/Housatonic River Natural Resource Restoration MA SubCouncil Public Meeting

October 25, 2004

Prepared for: Massachusetts SubCouncil
Prepared by: Woodlot Alternatives, Inc.
Location: Lee, Massachusetts (Lee Town Library)
Time: 5:30 pm – 7:30 pm

Public meeting began at 5:30 PM

I. INTRODUCTIONS

- Introduction of Massachusetts SubCouncil (MA SubCouncil):
 - Dale Young, Massachusetts Executive Office of Environmental Affairs
 - Veronica Varela, U.S. Fish and Wildlife Service (USFWS)
 - Rachel Fletcher, Housatonic River Restoration (HRR)
 - Tim Gray, Housatonic River Initiative (HRI)
- Introduction of Consultant Team:
 - John Lortie, Bill Stack, and Michael Chelminski, Woodlot Alternatives, Inc.
 - Robert Unsworth, Industrial Economics, Inc. (IEc).
- Personal introductions by members of the public.
- Inquiry from public about the withdrawal of National Oceanic and Atmospheric Administration (NOAA) from the MA SubCouncil. Responses from Dale Young and Veronica Varela that the NOAA representative (Ken Finkelstein) has chosen to withdraw from his decision-making role on the MA SubCouncil due to limitations in participating full-time. However, he would continue to act as an advisor to the MA SubCouncil. Public comments that NOAA did a “great job” as part of the initial settlement work on the Housatonic River and has expertise with fisheries, the public’s experience with NOAA was positive, NOAA is conspicuous in their absence, and their institutional involvement will be missed.

II. DESCRIPTION of PROJECT - NRD Process

- John Lortie explained the compensatory restoration process for the Housatonic River in Massachusetts and Connecticut, including the roles of the Trustees and the Massachusetts and Connecticut SubCouncils.
- Explanation of public participation in restoration process by John Lortie.

- Public comment and inquiry regarding ongoing work on the General Electric ½-Mile Reach, the 1 ½ -Mile Reach, Primary Study Area, and Rest of River areas.
- Explanation of difference between primary and compensatory restoration by John Lortie.

III. Draft Restoration Planning Strategy Document:

- Explanation by John Lortie of phased approach to restoration project implementation, as described in Section 3.2 of the Draft Restoration Planning Strategy (DRPS).
- General discussion on leveraging existing funds to acquire grants.
- Question from public regarding the evaluation of restoration project proposals and whether Woodlot would assist in reviewing proposals. Response that Woodlot would assist in reviewing proposals.
- Question from public regarding the role of IEc. Response that IEc brings experience and expertise to project.
- Comment from public regarding previous work by IEc in 1997 to identify potential restoration projects in Housatonic River watershed, stating that this work was not as thorough as other work, such as the HRR Restoration Plan, and noting that the DRPS should not treat the previous IEc work as a substantial guideline for future restoration work. Response by Robert Unsworth (IEc) that the referenced work was developed for case settlement purposes and was not intended to be comprehensive.
- Public comment to reconsider reference to Connecticut fisheries programs in DRPS, with consensus that this reference would be removed.
- Due date for public comments to be sent to Woodlot on the DRPS is November 15, 2004. Comments on the DRPS can be sent via email to mchelminski@woodlotalt.com or via post to:

DRPS Comments
Attn.: Mr. Michael Chelminski
Woodlot Alternatives, Inc.
30 Park Dive
Topsham, ME 04086

IV. Community Involvement

- MA SubCouncil Meeting Minutes will be posted on the project website (www.ma-housatonicrestoration.org) one week following the meeting.
- A press release requesting comments on the DPRS will be issued.
- Question from public inquiring whether the cost of the additional press release will come from the \$7.5 million fund for compensatory restoration. Response was “yes.”

- Explanation of National Environmental Policy Act and public participation in the Restoration Planning Process by John Lortie.

V. Q&A

- Question from public regarding phase restoration approach on page 10 of DRPS, and inquiring why a plan “put together by 2800 people” (HRR Restoration Plan) wasn’t explicitly referenced. The “huge” public effort associated with the HRR Restoration Plan should be acknowledged. Dale Young stated that pre-existing work will be used by the MA SubCouncil to maximize the use of funding for the implementation of restoration projects.
- Comment regarding potential offense to groups whose work is not explicitly referenced if other work is explicitly referenced.
- Note that project Memorandum of Agreement explaining the Trustee process is included in the appendices of the DRPS.
- Schedule:
 - Dale Young requested that a schedule of meetings and the project schedule be put on the project website.
 - The next deliverable milestone is a DRAFT Restoration Project Evaluation Criteria (DRPEC) document scheduled to be released to the public for review and comment on November 30, 2004.
 - The DRPEC will be discussed at the next MA SubCouncil meeting scheduled for December 16, 2004, at the Pittsfield Athenaeum. Comments on the DRPEC will be taken in writing from members of the public who are not able to attend the following public meeting.
- GE Oversight: Question from the public whether the results of oversight monitoring of General Electric (GE) projects, such as that associated with the ½-Mile Reach, can be presented at Citizens Coordinating Council (CCC) meetings. Response that Dale Young will address the results of monitoring work at the CCC meetings.
- Contracting:
 - Question from the public inquiring whether the contract awarded to Woodlot and the project schedule can be made public. Response was “yes” within limitations of Federal Acquisition Requirements.
 - Question from the public inquiring whether Woodlot, IEc, and Consensus Building Institute are independent companies. Response was “yes.”

- NRD Project Selection & Funding:
 - Comment that MA SubCouncil and its consultant team must help the public understand the law and the mandate for restoration project solicitation and implementation. The public acknowledges that while restoration goals sound “great,” how is the public to know what constitutes an eligible restoration project? Response that specifics for restoration projects will be detailed in future documents developed as part of the restoration planning process.
 - Question from the public inquiring whether there is a deadline for spending Natural Resource Damage Assessment (NRDA) funds. Response was “no.”
 - Question from the public inquiring whether spending of NRDA funds could be apportioned over time. Response was “yes.”
 - Question from the public inquiring whether there are specific legal requirements for spending NRDA funds geographically within watershed. Response was “no.” Restoration work is bound to address identified injuries without reference to geography.
 - Comment from public that restoration projects should be selected based on science and merit.
 - Question from the public inquiring whether NRDA funds could be used to create an endowment for future projects. Response was “no,” that funds must be held by the Trustees.
 - Question from the public inquiring whether NRDA funds accrue interest. Response was “yes.”
 - Question from the public inquiring whether the consultant team has members experienced in grant bundling. Response was “yes.”
 - Rachel Fletcher stated that it will be a difficult task to establish protocol for project selection since a wide range of factors must be taken into account. With so little money available, projects must be “stellar” (i.e., have exceptional merit) in the first place.
 - John Lortie stated that a quantitative assessment process would be applied in the selection of restoration projects to the extent possible.
 - Question from the public inquiring whether additional NRDA funding would be available following the U.S. Environmental Protection Agency’s (EPA) determination regarding the “Rest of River” section of the Housatonic River. Dale Young responded that the only avenue for securing additional NRDA money

would be from negotiations resulting from the failure of dams on the Housatonic River in Massachusetts and subsequent remobilization of PCBs.

- Public inquiry on the current balance of funds available to the MA SubCouncil. Response was “approximately \$8M.”
- Question from the public inquiring how joint funds for Connecticut and Massachusetts would be spent. Response was that this has not been discussed, but will be determined by the Trustees
- GE/EPA Remediation Related Issues:
 - Question from the public inquiring whether on-going remediation work in the vicinity of the Elm Street Bridge in Pittsfield would change the upstream floodplain delineation and whether NRDA funds could be used to enhance the enforcement of wetland regulations.
 - Question from the public regarding storm drainage systems under and adjacent to Hill 78, and whether these were being evaluated.
 - Dale Young and John Lortie responded to the two previous questions by stating that these issues are the responsibility of the EPA.
 - Tim Gray noted that GE’s National Pollution Discharge Elimination System permit is up for renewal, and that concerns associated with drainage from Hill 78 might be addressed as part of the permit renewal process. The Hill 78 stormwater collection and drainage system is complex.
 - Question from the public inquiring what is the threshold for PCBs in stormwater. Response that those levels are established as part of the permitting process.
 - Public expressed concern regarding the Hill 78 drainage system and whether the placement of additional fill at this site could result in the collapse of underlying drainage systems. Response was that this concern should be expressed to the EPA.
 - Public comment that GE’s engineering analysis did not indicate a hydrologic (groundwater) connection between groundwater under Hill 78 and the Housatonic River.
 - Tim Gray noted that some of the GE sites have a potentially large volume of contaminated stormwater runoff, and that surface runoff is not treated.
 - Public comment that contaminant plumes have been identified in the groundwater adjacent to GE facilities.

- John Lortie stated that decisions on remediation and restoration work to date have been made based on available data.
- Question from the public on who would be responsible if land acquired for a restoration project was found to be contaminated with PCBs. Response that the owner/responsible party would be liable for clean-up. Veronica Varela indicated that the USFWS performs pre-acquisition surveys to avoid accepting contaminated sites. The Trustees would conduct a similar survey.
- CT Issues:
 - Question from the public regarding the role of the Schaghticoke Tribal Nation, which became a federally-recognized tribe, and the Trustees. Response that the Schaghticoke Tribal Nation, if they indeed are federally-recognized and if they have natural resources that have been affected by the contamination in the river, would qualify as natural resource trustees and the Trustees should coordinate with them.
 - Question from the public inquiring whether the downstream limit for the application of NRDA funds on the Housatonic River is Long Island Sound or Derby Dam in Derby/Shelton, Connecticut, and statement that the public wants funds spent on the main stem of the river. Veronica Varela responded that she does not have knowledge of NRD projects in Connecticut, but that the restoration planning process could work to have projects concentrated within the Housatonic River watershed.
- Wrap-Up:
 - Statement that effort will be made to coordinate public notice and meetings with the release of draft documents.
 - Comments due to Woodlot on DRPS by November 15, 2004.
 - Next MA SubCouncil Meeting: December 16, 2004, at the Pittsfield Athenaeum.

Meeting adjourned.