

Pittsfield Economic Development Authority wary of tough new standards for Silver Lake stormwater

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PITTSFIELD — New federal regulations on stormwater discharge into Silver Lake contain tough standards that local officials fear will be costly and potentially impossible to meet.

Cory Thurston, executive director of Pittsfield Economic Development Authority, said complying with the standards could cost PEDA an additional \$50,000 annually — a sum he said could bankrupt the quasi-public agency, which has a limited amount of revenue.

PEDA is responsible for the development of the 52-acre William Stanley Business Park of the Berkshires, which includes Silver Lake.

"The standard set for releases and what's mandated now as numerical standards for compliance are much greater than what the current permit is for and much greater than the requirements of the soils and remediation that is initially required under the consent decree," Thurston said.

The new standards are included in a draft version of a new permit issued by the U.S. Environmental Protection Agency to monitor PEDA's stormwater discharge into Silver Lake. Among the changes is a much tighter restriction on PCBs. The standards apply only to the discharge into the lake from the Stanley Business Park, and do not pertain to material that goes into the water from other outfall sites.

The Stanley Business Park is located on the site of General Electric's former power transformer facility, which used PCBs, or, polychlorinated biphenyls, at the site until they were banned in 1977. In 2000, the EPA and GE finalized a settlement, known as the consent decree, that requires the corporate giant to clean up PCB contamination in Pittsfield at sites that include the Stanley Business Park and Silver Lake.

The EPA has scheduled a public hearing and public information session on the draft permit for Tuesday, May 19 at its Pittsfield field headquarters on 10 Lyman St.

Thurston said PEDA will craft a formal response to the EPA's recommendations, but that the document won't be presented at the public hearing. He said PEDA's response will be sent to the EPA before the period to submit written comments to the agency expires on June 6.

The original permit was granted to the General Electric Co. in 1992, and expired in 1997. However, the stipulations in the original permit have remained in effect, and jurisdiction was transferred to PEDA in 2005 when it began obtaining the ownership of park property from GE.

PEDA has upgraded the park's stormwater system substantially since taking ownership of the property, constructing a water quality basin and two forebays that hold the runoff before it is discharged into the lake.

According to Thurston, PEDA originally applied to renew the permit 10 years ago. David Webster, the chief of EPA Region 1 water permit's branch, didn't know why it has taken so long for EPA to address the issue of renewing the permit. "I don't have a really good answer for that," he said.

But he added that Massachusetts is one of only four states where these types of permits are issued by



New federal regulations dealing with stormwater discharge could cost Pittsfield Economic Development Authority an additional 50,000 a year to keep Silver

the federal government.

"In Region 1 we have a number of permits, and only a limited amount of staff and they (the permits) are getting increasingly complex," he said

In a recent interview at PEDDA headquarters on Kellogg Street, Thurston said he believes the EPA has acted "unilaterally" in crafting the draft permit, despite PEDDA's offer to help solve the issue.

Establishing a new standard is not the issue, he said, noting "everybody wants to improve where we can."

But he said the requirements in the new permit are untenable.

"I don't like mandates," he said, "and I don't like mandates that are, No. 1, impossible to meet. I've been told by our consultants that we would be out of compliance on Day One with this kind of permit and probably never, ever, be able to achieve it."

"I don't mind there being goals and objectives at all," Thurston said. Instead, the EPA has set standards that will be difficult to meet on a quasi-public agency that wasn't involved in the development of the consent decree.

"Wee just got the land for redevelopment," he said. "We haven't done anything to make it worse. We've done everything we can to make it better. We would be more than happy to engage in a process discussion on how we can make it better over time."

Webster said the EPA has been in touch with Thurston about this matter for "over a year." He said the EPA's "mandate" is the standards that are contained in the federal Clean Water Act. PEDDA's permit is regulated by the National Pollution Discharge Elimination System, which is overseen by the EPA.

"What's in the permit are the limits and standards for safe levels for PCBs," Webster said. "They are just handed to me. They are very stringent standards."

Webster said he agrees with Thurston that the standards contained in the draft permit require extremely low limits of PCBs to be detected in PEDDA's stormwater discharge into Silver Lake. He said complying with those standards would be "a challenge" but not impossible.

"Once the permit is in effect it could also be possible to schedule a time schedule or measures to come into compliance," Webster said.

Another issue is the fact that two-thirds of the stormwater that discharges through PEDDA-owned property originates in 91 acres of city property that is located outside of the Stanley Business Park.

In order to alleviate the administrative and financial burden on PEDDA that would be caused if the draft permit is adopted, both Thurston and Pittsfield Mayor Daniel L. Bianchi have suggested transferring responsibility for the stormwater discharge system from PEDDA to the city of Pittsfield, which has a similar permit that is regulated by a different agency.

In a letter sent to the EPA in January, Thurston and Bianchi, who is also a PEDDA board member, stated they were also "exploring an option" that would allow the city to disconnect its 91 acres of stormwater discharge from PEDDA's stormwater system so that it would no longer run through the park. PEDDA is also exploring the option of completely disconnecting the teens complex in the business park from the current stormwater system, and designing a low-impact system that would allow the water to either infiltrate into the ground, be re-used on site, or be used in other options that are allowed on brownfield sites, the letter states.

The EPA has yet to respond to Thurston and Bianchi's letter. Webster said the letter contained some "very interesting formal ground" and if a firmer proposal was put "on the table" we can "discuss it."

The permit renewal process will not effect the construction of the Berkshire Innovation Center at the Stanley Business Park, Thurston said.

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If you go ...

What: EPA public hearing and information session on the draft permit

When: Tuesday, May 19. The information session begins at 6:30 p.m., followed by the public hearing at 7:30.

Where: Pittsfield field headquarters, 10 Lyman St.