



**TOWN OF LEE**  
32 Main Street, Lee, MA 01238  
www.lee.ma.us

R. Christopher Brittain,  
Town Administrator

October 24, 2025

Mr. Josh Fontaine  
EPA New England  
10 Lyman Street, Suite 2  
Pittsfield, MA 01201

Dear Mr. Fontaine:

On behalf of the Select Board and PCB Advisory Committee, please see the following comments from the Town of Lee regarding the *Upland Disposal Facility Site Preparation Supplemental Information Package (Arcadis and J.H. Maxymillian, 2025)*

**OVERVIEW:** This document provides construction-related information pertaining to the planned site preparation activities to be performed by the selected construction contractor (J.H. Maxymillian, Inc.). Items included in the document:

- Construction of the two access locations to the UDF (one from Woodland Road in the southern end in the vicinity of the former residential property, and one in the northern end near the vernal pool, which will specifically be used for limited work related to the vernal pool area prep);
- Equipment staging areas;
- Tree clearing procedures;
- Soil stabilization and erosion control procedures;
- Installation of new fencing and gates (with some relocation of existing fences/gates);
- Installation of the new water main in Woodland Road and into the UDF;
- Demolition of the residential property to facilitate the construction of the temporary southern entrance;
- Dust control procedures;
- Noise control procedures;
- Specifics regarding the sampling of backfill material;
- Multiple related specifications;
- Project HASP
- Piezometer/mw decommissioning which took place last month (they provided logs); and,
- Stockpile debris sampling.

## COMMENTS:

1. The report states that the former residential property has a heating oil tank and that asbestos-containing materials (ACM) were identified during the hazardous building materials (HBM) survey. The Town of Lee has the following questions and comments related to demolition of the residential property:

- Strategic Inc. is doing the HBM abatement, then the demolition of the structure, but there is no mention of who is completing the project monitoring during the abatement. Who is completing the monitoring and inspection work (inspection of containment, perimeter air monitoring during the work, final visual and air clearance, etc.)?
- The document does not clearly state that the foundation will be removed. Design drawing sheet UP-3 indicates that the foundation material will be demolished and removed but it should be explicitly stated in the text of the document.
- The document states that the residence had a heating oil tank, but there is no mention of whether it was a UST or AST. The document should state which and, if a UST, provide a plan for soil assessment and remediation following removal.
- Will there be any required rodent control procedures for the demolition of the residence? Will they follow state regulations?

2. The health and safety (HASP) provided in the attachments is for J.H. Maxymillian. Is Arcadis overseeing the work? If so, will they work under J.H. Maxymillian's HASP, or will their own HASP? If using their own HASP, will it be submitted for EPA review?

3. Section 2.1.7.2. allows that "where necessary, other truck travel routes beyond the project-established truck travel routes may be used to access specific disposal facility locations. (These other truck travel routes will be routes routinely used by waste disposal vendors to access disposal facilities)." This seems **overly broad**. Can it be limited to avoid truck travel in residential areas and Lee's Main Street? Can the term "were necessary" be specifically described (what circumstances would be considered necessary, who decides when it becomes necessary)?

4. Section 3.3 Spill Prevention and Control should also address spills during transport of waste materials (i.e., outside of the work site).

5. Section 4.1 QOL Protection Measures: The plan says variously that the work will go from 7 a.m. to 6 p.m. (p. 11 only during daylight hours (pp. 12 and 13), and up to 10 hours per day (p. 15). Sunrise and sunset in December in Lee is about 7:10 a.m. to 4:20 p.m., and it's already getting dark before the sun goes down. Hours of work should be harmonized and acknowledge these constraints.

6. The Town would also like to see statements explicitly committing to **adhere** to procedures for responding to community concerns, especially outside of working hours, rather than just referring to the QOL Plan, as on p. 13.

7. The American Bittern (*Botaurus lentiginosus*) and Common Gallinule (*Gallinula galeata*) are mentioned in the report. Surveys were completed according to proper SOP (standard operating procedure), but at minimum levels to be significant. Also, the locations of the points were along the edge habitat, and not within the core of the habitat, where critical habitat would be present. Increasing the number of points and introducing random points into the survey would decrease the amount of bias possible in the experiment and ensure that no species were missed, as they are secretive marsh birds. Regarding the Northern Long Eared Bat (*Myotis septentrionalis*), only one study period was completed, where 8 out of 9 days had ideal weather. The town feels that there should be additional study periods to ensure that the absence/presence data is accurate. Regarding both surveys, the town questions if there will be a replacement of suitable habitat for these species. There are no suitable, replicable marsh locations nearby for these animals. What is the plan for habitat compensation? Also, were there any studies completed looking for herptiles, such as Wood Turtles (*Glyptemys insculpta*) , or Jefferson Salamanders (*Ambystoma jefferson*)?

8. The document references testing of soils and other materials on the UDF site. The Town requests copies of all reports related to testing performed on the site be sent electronically to the town upon their completion.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Brittain', with a stylized flourish at the end.

R. Christopher Brittain  
Town Administrator