



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

10.5419

70082

JUN 30 1997

Linda Miles, Town Clerk
Town of Fort Edward
118 Broadway, P.O. Box 127
Fort Edward, NY 12828-0127

Dear Ms. Miles:

This is in response to your letters of May 20, 1997 to EPA Administrator, Carol Browner and myself, regarding the Hudson River PCBs site. Your letters forward a copy of two recent Resolutions by the Town of Fort Edward in which the Town expresses its opposition to any remediation measures for the site that involve the dredging of PCB-contaminated sediments from the Hudson River and the disposal of those sediments in a landfill, and the return of certain parcels in the Town of Fort Edward back to the Agricultural District.

EPA is aware of the concerns of a number of members of the Upper Hudson River community associated with potential dredging of PCB-contaminated sediments from the Upper Hudson River. As you know, EPA has not yet determined whether it will be appropriate or necessary to dredge Hudson River sediments in order to address PCB contamination in the Upper Hudson River. Such a decision will be made only after EPA completes its Reassessment study of the Hudson River PCBs site which, when completed, will include a detailed characterization of the PCB contamination in the Upper Hudson River and the risks associated with that contamination. EPA also will prepare and release for public comment a Feasibility Study in which the Agency will evaluate several remedial options for the River sediments, including "no-action" and various dredging alternatives. "Community acceptance" is one of the criteria that must be considered by EPA when the Agency ultimately makes a remedial decision for the Upper Hudson River sediments and, while EPA cannot sacrifice protection of human health and the environment in favor of community acceptance, public comments can play a significant role in EPA's ultimate remedial decision.

In March 1996, Doug Tomchuk and Ann Rychlenski of my staff made a presentation to the Washington County Board of Supervisors on the Hudson River PCBs Reassessment study. EPA is willing to make additional presentations to the Board of Supervisors, or a similar group, to keep you informed of the findings of the Reassessment. Please contact Ms. Rychlenski at (212) 637-3672 if you wish to arrange for such a briefing.

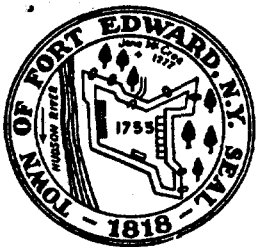
Sincerely,

Jeanne M. Fox
Regional Administrator

SYMBOL →	SP/CT	SP/CT	ORC	ERRD	ERRD	CD	DRA	RA
SURNAME →	TOMCHUK	HAUPTMAN	SIMON	MCCABE	CASPE	BELLOW	MUSZYNSKI	FOX
DATE →	DST 6/19/97	HA 6/24/97	6/25	6/25	6/25	6/26		6/27

cc: John Cahill, Acting Commissioner NYSDEC
Senator Daniel Patrick Moynihan
Senator Alphonse D'Amato
Congressman Gerald B. Solomon
Governor George Pataki
NYS Senator Ronald B. Stafford
NYS Assemblyman Bobby D'Andrea
NYS Assemblywoman Elizabeth Little
NYS Assemblyman Richard L. Brodsky

bcc: OEX
Ann Rychlenski, CD
Paul Simon, ORC



TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

30
Muskie
cc: Caspe/acting
callahan
Billow
Mel
Dwyer

May 20, 1997

Hon. Jeanne M. Fox, Regional Administrator
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, New York 10007-1866

Dear Hon. Jeanne M. Fox,

Enclosed please find a copy of Resolution Number 47 & 49 that were passed by the Fort Edward Town Board at their regular meeting held on Monday, May 12, 1997.

If you have any questions regarding Resolution Number 47 & 49, please contact me at my office.

Respectfully,

Linda A. Miles
Linda A. Miles, Town Clerk
Town of Fort Edward

DIRECTOR'S OFFICE

97 MAY 27 AM 2:00

RECEIVED
MAY 27 1997
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION II
NEW YORK, NEW YORK

US EPA
97 MAY 23 AM 10:12
OPM/PPFB

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TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

RESOLUTION NUMBER 47 of 1997

MOTION BY SUPERVISOR SEELEY

SECONDED BY COUNCILWOMAN PULVER

TITLE: RETURNING PARCELS IN THE TOWN OF FORT EDWARD BACK
AGRICULTURAL DISTRICT.

WHEREAS, the Town of Fort Edward is desirous to keep our
Agricultural District to the uses it presently allows, and

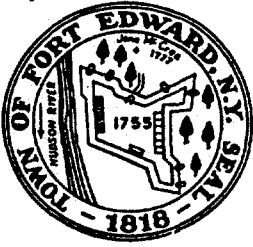
WHEREAS, Parcel Nos. 179.-1-14.2 , 187.-1-3.2 , 187.-1-3.1 , and
187.-4.9, owned by Hemmert Profit Sharing in the southern part of the
Town of Fort Edward, in the past have been removed from the
Agricultural District for the purpose of being used as a dump site at
the request of New York State Department of Environmental Conservation,
and

WHEREAS, this would be a detriment to the Town of Fort Edward,

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of
Fort Edward does hereby request the Washington County Board of
Supervisors return the above parcels to Agricultural District status.

DATED: May 12, 1997

Voted: ALL AYES



TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

RESOLUTION NUMBER 49 of 1997

MOTION BY SUPERVISOR SEELEY

SECONDED UNANIMOUSLY

WHEREAS, the Town Board of the Town of Fort Edward has previously expressed its steadfast opposition to the establishment with the town of a PCB landfill necessitated by a Hudson River dredging project, and

WHEREAS, the U.S. Environmental Protection Agency is reassessing its 1984 decision not to dredge the Hudson River and has recently released a report that suggests the Agency may be preparing to reverse its position and order dredging, and

WHEREAS, PCB landfill projects have twice before been proposed for agricultural properties in the Town of Fort Edward and have twice been stopped through legal action, political action and the vigilance of citizens of Fort Edward, and

WHEREAS, a PCB dredging and landfill project would inflict significant, long-term damage to the Town of Fort Edward, especially affecting:

--the agricultural industry, which depends on consumer confidence in the purity of its products, confidence likely to be undermined by the presence of a hazardous waste landfill,

--tourism development efforts, especially redevelopment of our scenic and historic river from, which would be marred by a decade-long dredging project, and

--on our continuing efforts to make the Town of Fort Edward an attractive community to live, work and raise a family because a PCB landfill would destroy forever the pastoral quality of life that is our greatest asset, and

WHEREAS, a Hudson River dredging project would disrupt normal recreational use of the river and jeopardize future public and private investments in river front amenities in the Town of Fort Edward, and

WHEREAS, the mere possibility of a PCB landfill adversely affects land values in the town and discourages private investment that might lead to the creation of new jobs in the town, and

WHEREAS, representatives of the Town of Fort Edward have taken an active role in EPA's public meetings and have repeatedly asked EPA to evaluate all of the adverse impacts of a PCB landfill on the resources and economy of the Town of Fort Edward, and

WHEREAS, EPA has conducted no such evaluation and has made no commitment to conduct such an evaluation before any decision to establish a PCB landfill is reached, and

WHEREAS, a significant body of scientific evidence demonstrates that conditions in the Hudson River are improving, with PCB levels declining in water, sediment and fish, such that the State of New York has reopened the catch-and-release fishery in the Upper River near Fort Edward, and

WHEREAS, dredging contaminated sediments has been shown to be ineffective in improving environmental conditions elsewhere, that there is no evidence that dredging sediments from the bottom of the Hudson River would significantly accelerate the improvements already taking place as a result of ongoing remediation work and the river's natural recovery processes, and

WHEREAS, EPA itself determined in 1984 that a major dredging project "could be environmentally devastating to the river ecosystem and cannot be considered to adequately protect the environment," (USEPA, Superfund Record of Decision at Page 8) and determined that "the actual reliability and effectiveness of current dredging technologies in this particular situation is subject to considerable uncertainty," (Decision at Page 11), and

WHEREAS, EPA recognized that the many tons of material to be removed in a dredging project would require and "impractically large containment facility" (Decision at Page 8), and

WHEREAS, the Town Board finds there is no demonstrated environmental benefit to a dredge-benefit to a dredge-and-landfill project would be a gross, unwarranted and unnecessary insult to the Hudson River and to Fort Edward, now, therefore,

BE IT RESOLVED, that the Town Board hereby reiterates its total opposition to Hudson River remediation measures that involve dredge-and-landfill efforts of any kind and hereby transmits notice of such opposition, in writing, to U.S. Environmental Protection Agency Administrator Carol Browner; Region II USEPA Administrator Jeanne M. Fox; U.S. Sen. Daniel Patrick Moynihan and U.S. Sen. Alphonse D'Amato; U.S. Rep. Gerald B. Solomon; New York Governor George E. Pataki; Acting New York State Environmental Conservation Commissioner John Cahill; New York State Sen. Ronald B. Stafford, New York State Assemblyman Bobby D'Andrea, and Washington County Board of Supervisors Chairman Harry Booth, and

BE IT FURTHER RESOLVED, that the Town Board implores its federal and state representatives and local government colleagues in other communities to join in support of the town's effort to prevent a dredge-and landfill project on the Upper Hudson River.

DATED: May 12, 1997

ALL AYES