

70085



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 30 1997

Carrie A. Whitney, Clerk
Washington County Board of Supervisors
Building "B"
383 Broadway
Fort Edward, NY 12828

Dear Ms. Whitney:

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 a recent Resolution by the Washington County Board of Supervisors in which the County 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.

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

10.5438

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



Doug Tomchuk

**WASHINGTON COUNTY
BOARD OF SUPERVISORS**

WASHINGTON COUNTY MUNICIPAL CENTER
BUILDING 'B', 383 BROADWAY, FORT EDWARD, N.Y. 12828
TELEPHONE: (518) 746-2210 FAX: (518) 746-2219 TDD: (518) 746-2146

*My
minutes
re: ~~Carroll~~
cellular
below*

CLERK OF THE BOARD
Carrie A. Whitney

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R. Harry Booth, Chairman

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John R. LaPointe

SALEM
Bruce A. Ferguson

WHITE CREEK
Donald A. Cummings

MEMO

TO: Ms. Jeanne M. Fox, Administrator
Region II
U.S. Environmental Protection Agency

FROM: Carrie A. Whitney, Clerk

DATE: May 20, 1997

RE: Resolution No. 164

Please find enclosed a copy of the above mentioned
resolution adopted by the Washington County Board of
Supervisors.

dp
encl.

DIRECTOR'S OFFICE

97 MAY 27 AM 2:00

CLERK OF THE BOARD

97 MAY 23 AM 10:11

US EPA
97 MAY 23 AM 10:11
OPM/PEB

10.5440

TITLE: In Opposition to the Establishment within the Town of Fort Edward of a PCB Landfill Necessitated by a Hudson River Dredging Project

WHEREAS, the Washington County Board of Supervisors expresses its steadfast opposition to the establishment within the Town of Fort Edward 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 front, 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 an "impractically large containment facility" (Decision at Page 8), and

WHEREAS, the Fort Edward Town Board finds there is no demonstrated environmental benefit to a dredge-and-landfill project on the Hudson River and many unmitigated long-term negative environmental, economic and social consequences for the Town of Fort Edward, Washington County and all neighboring communities, and

WHEREAS, the Fort Edward Town Board finds that 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 Washington County Board of Supervisors hereby expresses 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 Gov. George E. Pataki; Acting New York State Environmental Conservation Commissioner John Cahill; New York State Sen. Ronald B. Stafford, New York State Assemblyman Robert D'Andrea and the Town of Fort Edward, and be it further

RESOLVED, that the Washington County Board of Supervisors 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.

BUDGET IMPACT STATEMENT: None.

STATE OF NEW YORK)
County of Washington) ss.:

This is to certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Washington have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Board of Supervisors of said County on the 16th day of May, 1997, a majority of all the members elected to the Board voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

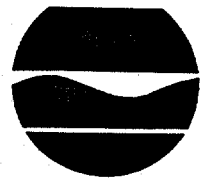
In Witness Whereof, I have hereunto set my hand and the official seal of the Board of Supervisors, this 20th day of May, 1997.

Cassie A. Whitman
Clerk of the Board of ~~Supervisors~~

New York State Department of Environmental Conservation

Regional Director
Route 86 - PO Box 296
Ray Brook, NY 12977 - 0296

(518) 897-1211
(518) 897-1394 (Fax)



John P. Cahill
Acting Commissioner

June 4, 1997

R. Harry Booth, Chairman
Washington County Board of Supervisors
Washington County Municipal Center
Building "B", 383 Broadway
Fort Edward, New York 12828

Re: **Resolution No. 164**

Dear Mr. Booth:

Commissioner Cahill asked me to respond to the County Board of Supervisors regarding Resolution No. 164, forwarded to him by a memorandum of May 20, 1997 from Carrie A. Whitney, Clerk of the Board.

The Department wishes to thank the Board for its continued concern, input and involvement in reaching final resolution on this long-standing and damaging contamination of one of the state's most treasured resources, the Hudson River.

As the Board is aware, the United States Environmental Protection Agency (EPA) is charged with the decision to dredge or not to dredge, albeit with our concurrence. At this time no decision has been made by EPA and it will be about two years before a decision is issued. The public is, and will continue to be, incorporated in EPA's decision making process so as to achieve a balanced solution by taking into account their perspectives, knowledge, and values. A decision by EPA will be preceded by the release of a preferred remedy (i.e., proposed decision) followed by a formal period of public comment. The intent of public participation is to accommodate the legitimate interests of individuals and groups that are truly representative of the affected community. However, as the Board is aware, public participation is not a referendum process due to the need to satisfy the extremely complex scientific and technical problems associated with addressing contaminated sites and balancing them with the interests of the public.

The decisions EPA must eventually make for the Hudson River may be among, if not their most complex, for any site across the United States. Thereby the input of the Board will help them to craft the best possible solution.

Again, I wish to thank the Board for its concern, input and involvement in finding the best solution for addressing the PCB contamination in the Hudson River.

Sincerely,

Stuart A. Buchanan
Regional Director - Region 5

SAB:DLS:krs

10.5444

R. Harry Booth

-2-

June 3, 1997

bc: D. Tomchuk, USEPA ✓
M. O'Toole
W. Demick
D. Steenberge

10.5445