



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

10.5446

JUL 16 1997

70086

Holly E. Mabb
Town Clerk
Town of Kingsbury
210 Main Street
Hudson Falls, NY 12839-1814

Dear Ms. Mabb:

This is in response to your letters of June 6, 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 Town of Kingsbury 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.

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,

/s/ Jeanne M. Fox

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 →	7/9/97 DOT	7/9/97	7/9/97	7/9	7/9			

cc: John Cahill, 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 Kingsbury

SUPERVISOR
COMPTROLLER
TOWN CLERK
ZONING ADMINISTRATOR

210 Main Street
Hudson Falls, New York 12839-1814

ASSESSOR
(518) 747-7233

HIGHWAY SUPERINTENDENT
(518) 747-6231

TELEPHONE (518) 747-2188

FACSIMILE (518) 747-9115

RECEIVER OF TAXES
(518) 747-3826

June 6, 1997

- Hon. Carol Browner, Administrator
- U.S. Environmental Protection Agency
- 401 M Street SW
- Washington, D.C. 20460

Dear Ms. Browner:

Enclosed you will find a copy of a resolution in opposition of the dredge-and-landfill project that is being considered by NYS D.E.C.

This resolution was passed unanimously by the Kingsbury Town Board at their second regular meeting conducted on Tuesday, May 27, 1997.

Sincerely yours,

Holly E. Mabb

Holly E. Mabb
Kingsbury Town Clerk

/hm
Enc.

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**RESOLUTION IN OPPOSITION TO THE ESTABLISHMENT
WITHIN THE TOWN OF FORT EDWARD OF A PCB LANDFILL
NECESSITATED BY A HUDSON RIVER DREDGING PROJECT**

WHEREAS, the Kingsbury Town Board 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, 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 and the Town of Kingsbury 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," (USEAP, 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 Kingsbury 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 Kingsbury 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 and all neighboring communities; now, therefore, be it

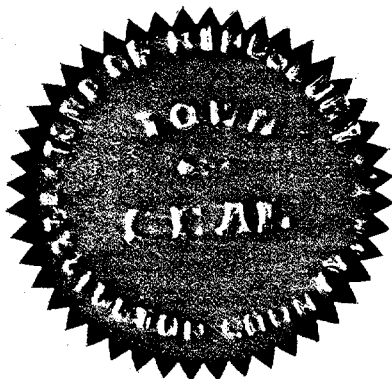
RESOLVED, that the Kingsbury Town Board hereby expresses its total opposition to Hudson River remediation measures that involve dredge-and-landfill efforts of any kind and hereby transmits notice of such opposition, in writing, to U.S. Environmental Protection Agency Administrator Carol Browner; Region 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 Assemblyman Robert D'Andrea and the Town of Fort Edward, and be it further

RESOLVED that the Kingsbury 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.

BY ORDER OF THE KINGSBURY TOWN BOARD:

Holly E. Mabb
Holly E. Mabb, Town Clerk

Dated: June 6, 1997 at
Kingsbury, New York.



Terry B. Gould

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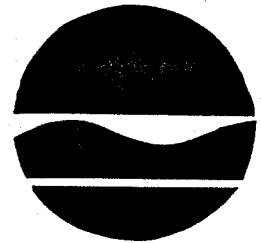
June 19, 1997

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

10.5451

New York State Department of Environmental Conservation
Regional Director
P.O. Box 296, Route 86
Ray Brook, NY 12977-0296

(518) 897-1211
(518) 897-1394 FAX



John P. Cahill
Acting Commissioner

June 20, 1997

Terry B. Gould, Supervisor
Town of Kingsbury
210 Main Street
Hudson Falls, NY 12839-1814

Dear Supervisor Gould:

Commissioner Cahill asked me to respond to the Town of Kingsbury regarding their resolution, forwarded to him by letter dated June 6, 1997 from Holly E. Mabb, Town Clerk.

The Department wishes to thank the Board for its continued concern, input and involvement in reaching final resolution on this longstanding 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 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