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

10.5480

70091

JUL 16 1997

Pauline D. Levo
Town Clerk
Town of Greenfield
P.O. Box 10
Greenfield Center, NY 12833

Dear Ms. Levo:

This is in response to your letters of June 12, 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 Greenfield 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~~ ASCHER	McCABE	~~CASPE~~	BELLOW	MUSZYNSKI	FOX
DATE -->	DOT 7/8/97	7/8/97	7/9/97	7/9/97	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

BILL MCCABE

Doug T

Town of Greenfield

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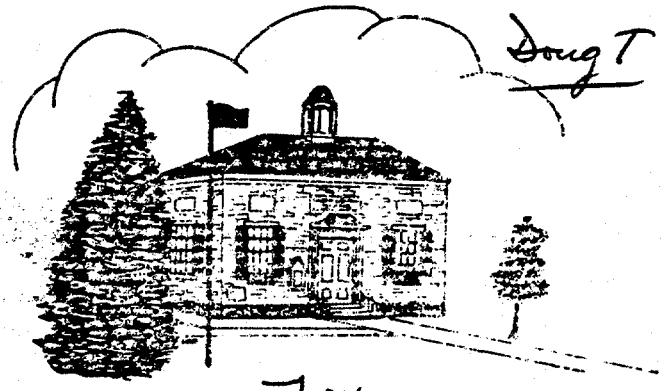
DIRECTOR'S OFFICE



TOWN HALL
P.O. BOX 10
GREENFIELD CENTER, N.Y. 12833
PHONE (518) 893-7432
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Fax
Muszynski
cc Caspi
Bellow

RESOLUTION NO. 91

Opposing Dredging of the Upper Hudson River and Creation of a Toxic Waste Landfill

WHEREAS, the U.S. Environmental Protection Agency is reassessing its 1984 decision not to dredge the Upper Hudson River to remove buried sediment containing PCBs, and

WHEREAS, the EPA 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, Washington County and surrounding communities, and

WHEREAS, the Town Board of the Town of Fort Edward has steadfastly opposed Upper Hudson River remediation options that involve PCB dredge and landfill projects of any kind, and has asked other municipalities to join Fort Edward in opposition to such projects based on their negative regional impacts, and

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US EPA

WHEREAS, a PCB dredge-and-landfill project would have significant, long-term adverse environmental, economic and social consequences for all Upper Hudson River communities, 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; and especially impairing the continuing efforts to make local communities attractive places to live, work and raise families 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 related amenities affecting the entire Upper Hudson region, and

WHEREAS, the mere possibility of a PCB dredge-and-landfill project adversely affects land values throughout the Upper Hudson region and discourages private investment that might lead to the creation of new jobs, and

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WHEREAS, representatives of Washington County and many local governments 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 county, 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, and

WHEREAS, dredging contaminated sediments has been shown to be ineffective in improving environmental conditions elsewhere, and

WHEREAS there is no credible scientific 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 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 affecting the entire region, and

WHEREAS, the TOWN BOARD finds that a dredge-and-landfill project would be a gross, unwarranted and unnecessary insult to the Hudson River itself and the communities of the Upper Hudson region, now, therefore,

BE IT RESOLVED, that the TOWN BOARD in concert with the Town Board of the Town of Fort Edward, hereby expresses its 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. Hugh T. Farley and New York State Assemblyman James N. Tedisco.

THIS IS TO CERTIFY that the above Resolution was duly adopted by the Town Board on the 12th day of June, 1997.

Pauline D. Levo, Town Clerk

Pauline D. Levo, Town Clerk
Town of Greenfield

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New York State Department of Environmental Conservation
Environmental Quality
Route 86 - PO Box 296
Ray Brook, NY 12977 - 0296

(518) 897-1241
(518) 897-1245 (Fax)

John P. Cahill
Acting Commissioner

July 1, 1997

Robert A. Stokes, Supervisor
Town of Greenfield
PO Box 10
Greenfield Center, NY 12833

Re: **Resolution**

Dear Supervisor Stokes:

Commissioner Cahill asked me to respond to the Town Board regarding their Resolution No. 91 dated June 12, 1997, as forwarded to him by Town Clerk Pauline D. Levo.

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.

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 effected community.

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,

Wiley W. Lavigne, P.E.
Regional Engineer

WWL:DLS:krs

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