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**MERRILYN PULVER**  
**Councilwoman, Town of Fort Edward**  
**R.D.1, Box 222**  
**Fort Edward, N.Y. 12828**  
**747-4985**

97 OCT -2 PM 12:00  
DIRECTOR'S OFFICE

September 29, 1997

Mr. Richard Caspe  
U.S. EPA, Region 2  
290 Broadway  
New York, N.Y. 10007

Dear Mr. Caspe:

I am writing as co-chairman of the Agricultural Liaison Committee of EPA's Hudson River PCB Superfund Reassessment and as a member of the Fort Edward Town Board. I have been closely involved in the Hudson River dredging and landfilling issue for nearly 20 years. I am strongly opposed to dredging and dumping and have made a public commitment to my constituents to do whatever is necessary to protect the interests of our community.

You are quoted in a Page 1 news story in the September 27, 1997, Post-Star newspaper (enclosed) as saying that EPA's consultant identified about 50 possible sites for a landfill for PCBs and sediment dredged from the Hudson River. Many communities, unlike Fort Edward, that have never even considered the possibility that they might be targeted for a PCB dump must now confront that awful prospect.

This revelation will provoke fear, anger and distrust. Local elected officials will be called upon to respond and take action even before they have all of the information to address the legitimate questions and concerns of constituents. We need accurate information from EPA, resources to evaluate this information, and an open line of communication with a top official at EPA.

I am writing to make three specific requests:

1. Please release the list of the 50 sites, with their specific locations and owners' names, right away. Delays only mean more anxiety for local residents.
2. Please notify the elected officials in the affected communities right away. They will need to communicate critical information to their constituents and address their immediate questions and concerns.
3. Please make arrangements to make special Technical Assistance Grants (at least \$50,000) to each of the affected communities so they can contract with technical and legal experts to protect their interests.

The affected communities should not be victimized twice -- first, by being secretly identified for possible PCB dump sites and then by having to shell out local taxpayers' dollars to participate in the highly technical Superfund Reassessment process. The Town of Fort Edward has already spent thousands of dollars fighting New York State's effort to site

Mr. Richard Caspe, Page 2.

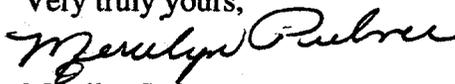
a dump here. Now that we may be facing the same fight again, we and other communities will need to retain professionals to help us evaluate the EPA's scientific and technical claims. There will be considerable public skepticism about anything EPA says in the future, so local officials will have a responsibility to get independent advice. Without TAGs, the local communities cannot be on an even playing field with EPA.

Thus far in the Hudson Reassessment, EPA has awarded only one TAG grant -- to Scenic Hudson, which does not represent the "public interest" but pushes the private opinions of its members who live predominantly downstate. Scenic Hudson makes no pretense of representing the interests of people who live in the Upper Hudson. Scenic has pushed for dredging for many years, regardless of the improvements in the river's condition and the changing scientific evidence on the issue. Local elected officials in the Upper River should at least have the same resources as Scenic Hudson in fulfilling their duty to represent the interests of their constituents.

EPA's intentional concealment of the dump study has done great damage to your credibility here. You mentioned rebuilding your credibility in today's Post-Star. A good way to start would be by giving all affected local communities the necessary funding to look over your shoulder.

I would appreciate a response to this request right away. You can reach me at home at (518) 747-4985. Thank you.

Very truly yours,



Merrilyn Pulver

cc: Congressman Solomon  
Gov. Pataki  
Sen. Moynihan  
Sen. D'Amato  
Sen. Stafford  
Assemblyman D'Andrea  
Assemblywoman Little  
EPA Liaison Committee members  
Elected officials -- Warren, Washington, Saratoga, Rensselaer counties  
News media

10.5631

September 26, 1997

# EPA admits secret search for PCB dumps

By David Blow  
Staff Writer

The U.S. Environmental Protection Agency since last October has been secretly looking for PCB dump sites in upstate New York where it could put sediment dredged from the Hudson River, agency officials revealed Wednesday.

EPA Project Manager Douglas Tomchuk wouldn't name the location of the potential sites and refused to say when he would, according to people in attendance at a meeting in Latham where the secret search was revealed.

The revelation, prompted by a question from a Fort Edward farmer, outraged area residents and politicians who have consistently been told by the EPA that the agency hadn't

decided whether to dredge the river.

Discussion of the landfill search was also avoided during a recent EPA visit with *The Post-Star* editorial board, during which Tomchuk vehemently denied that the agency was leaning toward dredging.

U.S. Rep. Gerald B. Solomon, R-Queensbury, issued press releases Thursday blasting the EPA for withholding the information and saying he has called for the House Commerce Committee to subpoena all information related to the search for landfill sites.

"Last night's disclosure destroys whatever credibility the EPA had left in upstate New York," he wrote.

For years, Solomon said in the release, upstate residents have felt the EPA was on a mission to dredge the

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## PCB

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river and dump the PCBs in a local landfill, regardless of their opposition or the scientific evidence.

"Last night, their worst fears were realized," he wrote.

Area farmers and residents living along the Hudson River for years have fought to persuade the state and now the federal government not to dredge the river.

Residents like Fort Edward farmer Marilyn Pulver fear that the area will become known as a hazardous waste dumping ground and ruin those who make a livelihood from land along the Hudson.

Pulver, a town supervisor candidate whose farm bordered land previously proposed by state environmental officials as a PCB dump, said she learned of the EPA's plans from an anonymous letter sent last week.

She decided to put Tomchuk on the spot at Wednesday's meeting, called by the EPA as a public forum on the agency's reassessment of a 1984 decision to do nothing to the

September 26, 1997

PCB-contaminated river.

When confronted with an Oct. 7, 1996, work order sent to TAMS Consultants of New Jersey to locate suitable landfill sites, Tomchuk admitted to Pulver it was true — to the dismay of all in attendance, she said.

Tomchuk said the decision to keep the matter quiet was a mistake, and that the order to do so came from a high-ranking EPA official, according to Solomon's release.

"They outright lied," Pulver said Thursday. "What else is there we haven't found? That's what's scary."

Tomchuk, according to Pulver, told people at the meeting that even though the landfill search was undertaken, the EPA hasn't decided whether to dredge PCBs from the river.

Tomchuk was traveling Thursday and couldn't be reached for comment, but EPA spokeswoman Bonnie Bellow repeated his statement of Wednesday night.

"We have not made any decisions and I can say that comfortably," she said.

Bellow admitted, however, that she knew nothing of the landfill siting study.

A spokesman for General Electric

Co., the company responsible for most of the PCB contamination in the Hudson River, called the news shocking.

"They have misled the public," said Mark Behan. "GE questions whether the EPA can be trusted to produce a decision based on the facts."

"The disclosure last night put their credibility into very serious question."

GE, which has already spent millions cleaning up the river, would also probably have to pay for any further cleanup ordered by the EPA.

Sharon Ruggi's Kingsbury farmland was proposed by the state as a PCB dump before the EPA took over the project. EPA officials told her seven years ago that state environmental officials had abused her family and that things would be different with them at the helm, she said.

"They said you can trust us," she said. "And what do they do, they blatantly hide information. It's wrong."

The EPA isn't expected to announce a decision until 1999 on what, if anything will be done to clean the river.

September 26, 1997

## EPA secretly looks for PCB dump: critics

By LEE COLEMAN  
Gazette Reporter

Groups opposed to dredging PCBs from the Hudson River were shocked Thursday to learn that the federal government is quietly looking for hazardous waste dump sites along the river.

Anti-dredging factions, including General Electric Co. and many municipalities along the upper Hudson, criticized the Environmental Protection

Agency for looking for sites without notifying the press or public.

"The EPA's conscious decision to withhold information, especially from the people most affected by this issue, is unforgivable," said Fort Edward Councilwoman Merrilyn Pulver.

"The credibility of their entire study has been destroyed," Pulver said.

EPA is currently re-evaluating its 1984 decision that the hundreds of

tons of PCBs (polychlorinated biphenyls, a suspected carcinogen) should remain in the Hudson down-river from the GE plants in Hudson Falls and Fort Edward. These plants legally discharged the hazardous waste from 1946 to 1977, when the practice was outlawed.

EPA officials have stressed in recent months that no decision on what

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to do with the PCBs in the river has been made and won't be made until 1999.

Douglas J. Tomchuk, project manager of EPA's seven-year re-evaluation of the Hudson River PCBs problem, was asked by Pulver about a landfill search at a citizens advisory committee meeting Wednesday night in Latham. Tomchuk responded that an EPA consultant has been looking at possible landfill sites near the Hudson River since last October, according to Pulver and others attending the meeting.

But, Tomchuk told Pulver that TAMS Consultants Inc. of New Jersey has not produced a written report on the landfill search. He would only say TAMS identified some sites near the Hudson River for a landfill but declined to say where they are.

Repeated calls to Tomchuk and other EPA officials at their New York City headquarters resulted in no official confirmation of the landfill study.

"I don't have any information for you on this," said Bonnie Bellow, an EPA spokeswoman.

Bellow did stress again that the EPA has "absolutely made no decision" on whether PCBs should be dredged from the Hudson.

"This is a very broad, extensive study and we are at a pretty early stage now," Bellow said.

Environmental organizations that favor PCB dredging — Scenic Hud-

son and the New York Public Interest Research Group — said Thursday they found nothing wrong with the EPA looking at possible landfill sites along the Hudson in the event a decision to dredge was made in two years.

Judith A. Enck, NYPIRG's senior environmental associate, said she had not heard of the EPA landfill search but noted that NYPIRG has endorsed dredging PCBs from the Hudson for 20 years.

"I think PCBs should be deposited on GE brownfield sites rather than contaminating good land," Enck said. She said locating a dredge spoil site on currently contaminated GE brownfield land might bring the anti-dredge and the pro-dredge factions together.

U.S. Rep. Gerald B. Solomon, R-Queensbury, whose 22nd District runs along the upper Hudson and is a long-time opponent of PCB dredging projects, said Thursday he is asking the House Commerce Committee, which has jurisdiction over the EPA, to subpoena all information related to the EPA's "secret" landfill search.

Pulver said Thursday night she was presented with a work document — by whom she would not say — showing that the EPA had ordered a six-month study from TAMS in October 1996, seeking possible dredge spoil sites that were not on active farmland and were, ideally, zoned industrial or commercial.

"It is especially appalling that, while EPA representatives have

been telling the public and the news media for months that no decision to dredge has been reached, they knew that their consultant was quietly picking out dump sites for a dredging project," Solomon said in a prepared statement.

"Last night's [Wednesday night] disclosures destroy whatever credibility the EPA had left in upstate New York," Solomon said.

"My constituents are angry and outraged and I share their sentiments completely," he said.

Mark L. Behan, a GE spokesman, said Thursday the disclosure of the landfill study "raises serious questions whether the current managers of the EPA should continue on the project."

"It appears the EPA has decided to dredge and is looking for a landfill. . . the credibility of their study is in serious question," Behan said.

GE has long been an opponent of PCB dredging, in part, at least, because the federal government could make the company pay for the multi-million dollar dredging project.

In a related matter, Secretary of the Interior Bruce Babbitt on Thursday said that GE and other corporations who have polluted the Hudson and other rivers should "live up to their moral obligation toward these rivers and the communities that depend upon them" to clean up and restore the damaged natural resources. Babbitt compared the PCB pollution of the Hudson to the Exxon Valdez pollution of Prince William Sound in Alaska.

September 26, 1997

# Upper Hudson River may be site of PCB dump, Solomon says

## But EPA has no immediate plans to dredge pollutants

By PAUL POST

The Saratogian

ALBANY — U.S. Environmental Protection Agency officials have admitted ordering a study to identify potential PCB landfill sites along the upper Hudson River, U.S. Rep. Gerald B. Solomon said Thursday.

The admission was made at a Hudson River PCB Steering Committee meeting Wednesday night in Albany.

The EPA has said that no decision on whether to dredge polychlorinated biphenyls from the river would be reached for another two years. But the fact the agency hired a consulting firm to locate



Solomon

landfill sites has dredging opponents up in arms.

"Are they predisposed to doing this?" Fort Edward Councilwoman Merrielyn Pulver said. "When they're telling you to trust them, that's the time to trust them the least."

EPA officials were not available for comment on Thursday.

Pulver has spearheaded a campaign against dredging, and thus far 54 town, village and county governments, including the Saratoga County Board of Supervisors, have approved a resolution stating their opposition to such work.

"It really disrupts the credibility of the whole project," Pulver said. "What else haven't they told us?"

Pulver said the TAMS consulting firm has been examining potential landfill sites for the EPA since last October. She said she learned about this from an EPA document that was sent to her anonymously in the mail.

"I don't know who it was from," she said. "I have a lot of friends up and down the Hudson River."

Pulver said that when she confronted EPA official Douglas Tomchuk about the landfill study on

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Wednesday, he admitted that such work had taken place. But the actual landfill report was verbal only, which she said was done on purpose so that dredging opponents couldn't learn about or examine it.

"That way I cannot demand to see it on a Freedom of Information Law request," she said.

In response to Wednesday's disclosures by the EPA, Solomon has asked the House Commerce Committee, which oversees the EPA, to subpoena all information related to a possible landfill study.

"EPA's consultants reportedly identified a number of 'favorable

sites' for a landfill, but the EPA officials refused to identify the locations of the sites," Solomon said in a prepared statement. "This means that the prospect of a PCB landfill now hangs over every community in upstate New York, a terrifying prospect for my constituents."

On Wednesday, Solomon called on all local officials to approve resolutions designating the Hudson Valley as a landfill-free zone.

PCB dredging opponents say a landfill built to contain these contaminants would pose serious environmental threats, along with negative social and economic consequences.

September 27, 1997

# EPA says 50 sites identified for PCB dumps

## Regional chief calls deception a mistake

By David Blow  
Staff Writer

Environmental consultants hired by the U.S. Environmental Protection Agency secretly identified about 50 potential PCB dump sites along the Hudson River for contaminated river soils, an EPA official said Friday.

But area residents will have to wait a "few

## PCB

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behind the backs of their people. He said he also realizes the credibility of the agency has been severely damaged.

"But I don't think it's a fatal mistake," he said. "We'll have to work harder to regain our credibility, but I think we can do it."

The first thing being done to put a positive light on the matter is to release the report as quickly as possible, he said.

The issue came to a head Wednesday night at an EPA meeting with concerned residents when Fort Edward farmer Marilyn Pulver asked about the study. Pulver said she received an anonymous letter with an Oct. 7, 1996, EPA work order to TAMS to begin the siting study.

After her question, Tomchuk admitted that the landfill study had been done, calling it a "big mistake."

The revelation infuriated those attending the Latham meeting and led U.S. Rep. Gerald B. Solomon, R-Queensbury, to blast the EPA in a press release Thursday and call for the House Commerce Committee to subpoena all EPA information on the matter.

On Friday, Solomon sent a letter to EPA Administrator Carol Browner

to learn whether their back yards are among those deemed suitable for a dump, said Richard L. Caspe, EPA regional Superfund director.

Caspe said there are "probably" some sites in Warren, Washington and Saratoga counties, but he said he wasn't at the meeting at which the sites were discussed. He did say sites were identified on agricultural, commercial and industrial lands "up and down the Hudson."

Douglas J. Tomchuk, EPA's manager of Hudson River PCB investigation who knows where the sites are, was traveling Friday and

in Washington, D.C., requesting information, including the locations of all potential landfill sites, the contract with TAMS, and all EPA notes and documents concerning the issue.

David Cohen, a spokesman for Browner, said the office had yet to review the request, but takes all inquiries "very seriously" and will be responding "as soon as we can."

Wednesday's news had General Electric Co. officials wondering out loud whether the EPA can be trusted to make a scientific determination on what — if anything — should be done to PCBs in the Hudson.

Spokesman Mark Behan said, "It appears the EPA is looking for landfill sites even before completing their study."

But Caspe, as an EPA spokesman did Thursday, again assured the public that no decision had been made.

The landfill siting study was done to address the environmental and human impact of a PCB landfill as has been repeatedly asked for by residents, he said.

"A decision won't be made for two years," he said.

In response to Caspe's comments, Pulver said "what else did you expect them to say?"

"They had no intention of telling us, but we caught them," she said. "It just makes you wonder what else they haven't told us that we will have to find out through a lawsuit."

unable to be reached for comment, according to Caspe.

Al DiBernardo, principal associate from TAMS Consultants Inc., the New Jersey-based engineering firm that did the study, confirmed that about 50 sites were selected in the study, but would not name them.

Caspe said Friday he would take the blame for ensuring that the landfill siting study be kept quiet.

He said it was a mistake to undertake the secret study, but explained that it was done to avoid backlash from concerned citizens and politicians who would think the agency had a

predisposition to dredge the river.

Caspe called the work nothing more than "preliminary data gathering."

It was discussed whether it should be released, but because tensions were already running high over the PCB dredging issue, it was decided it would be best to keep it quiet.

"Our fear was that if we said what we were doing, it would be characterized by some people as much more than it was," he said. "We were afraid of the reaction."

In hindsight, Caspe said he now realizes that government entities can't do things

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September 27, 1997

# EPA: PCB dump study secrecy a mistake

By LEE COLEMAN  
Gazette Reporter

The U.S. Environmental Protection Agency made a serious mistake in not informing the public it was looking for PCB dump sites along the upper Hudson River, an EPA official said Friday.

"We lost credibility," said Richard L. Caspe, the EPA's Region II Superfund director.

"We blew it, we made a mistake," he said.

Groups opposed to the dredging of PCBs (polychlorinated biphenyls, a suspected carcinogen) from the upper Hudson River expressed shock and betrayal this week when they learned of the "secret" landfill study.

Caspe said the EPA paid TAMS Consultants

of New Jersey \$88,000 to do a "very, very preliminary" study of possible PCB landfill sites near the river between Fort Edward in Washington County and Mechanicville in Saratoga County.

A total of 50 sites were listed by the consultant in areas along the river, some of them up to 10 miles from the river, he said.

Caspe and other EPA officials have stressed that no decision will be made until 1999 on what to do with the hundreds of tons of PCBs legally discharged into the Hudson between 1946 and 1977 by General Electric Co. capacitor manufacturing plants in Hudson Falls and Fort Edward. The hazardous waste discharges were outlawed in 1977.

"If you look at the worth of dredging, you have to weigh the environmental negatives of

where you might put that material," Caspe said during a telephone conversation from his New York City office.

He said up until now the consultants have only given unofficial, verbal reports of the landfill study. Caspe promised that the company's findings will be put into written form and released to the public in two weeks.

"We are going to rush to get this information into print," he said.

He said he doesn't blame those people following the EPA's multimillion-dollar Hudson River PCB re-evaluation project for being angry at the EPA.

U.S. Rep. Gerald B. Solomon, R-Queensbury, wrote a letter to EPA Administrator Carol Browner on Friday asking for the "names

and locations" of possible PCB dump sites identified in the landfill study.

"I am still deeply troubled by revelations that EPA was secretly conducting a PCB landfill siting study in the Hudson River valley and that agency officials took steps in advance to conceal the information from the public," Solomon said in his letter to Browner.

Solomon is also seeking the name of the "high ranking EPA official who made the decision to conduct the study and the decision to conceal the information from the public, and the names of all EPA officials who were involved in any way in these decisions."

The congressman pledged to turn over all information from the EPA to the public in order to "give everyone a more complete accounting of what is really going on."

The landfill study came to light on Wednesday during a meeting of the citizen Hudson River Steering Committee in Latham. Fort Edward Councilwoman Marilyn Pulver asked EPA project manager Douglas J. Tomchuk if a landfill study was being done and he confirmed that a study was, indeed, conducted.

Solomon this week also called on all local government officials along the Hudson to approve resolutions that would designate "the Hudson River valley a landfill-free zone."

"Residents of the southern part of the Hudson valley are fearful of proposals to bury thousands of tons of dredged waste from the Port of New York and the citizens from the mid- and upper Hudson valley are opposed to establishing a landfill for Hudson River dredged sediments (in their region)," Solomon said in a prepared statement.

September 27, 1997

# EPA admits mistake in hiding study

Says agency should  
have made search for  
PCB dump site public

By PAUL POST

The Saratogian

NEW YORK — The Environmental Protection Agency made a mistake by hiding from the public a PCB landfill study it authorized, an agency official said Friday.

The agency said it paid the TAMS consulting firm more than \$80,000 to identify potential landfill sites for polychlorinated biphenyls, even though a decision on whether to dredge the toxic materials won't be made for another two years.

Dredging opponents, including U.S. Rep. Gerald B. Solomon, say the EPA misled the public by keeping secret a report that lists more than 50 possible landfill sites along the upper and lower Hudson River.

"I made a mistake," said Richard Caspe, the EPA's Region 2 director of emergency and remedial response. "Everybody probably thinks we're a little slimy. It hurts our credibility. We won't make that mistake again. We'll make sure that everything is extremely open."

Caspe said the EPA didn't make public its landfill report because it didn't want dredging opponents to misinterpret the study's purpose.

"It's very preliminary," he said. "Although no decision on dredging is expected for another two years, we thought it would be wise to see what potential sites might be available. We probably should have announced that when we did it."

"Our concern was that everybody would take it the wrong way, and think that the EPA has already made a decision," he said. "We didn't want to fuel the fires."

But that's exactly what has happened following this week's revelation that a landfill study had indeed been made.

Fort Edward Councilwoman Marilyn Pulver, who is leading a campaign against dredging, got an anonymous note in the mail informing her about the EPA study.

She confronted EPA officials, who admitted the report was done, during a meeting of the Hudson River PCB Steering Committee in Albany on Wednesday.

Pulver also is upset that the consulting firm's report was strictly verbal, with no written documentation. She said this indicates intent by the EPA to keep its report secret so that documents can't be made public through a Freedom of Information Act request.

"They have swamped us with volumes and volumes of documents," Pulver said. "Then something that's so important to people of the region, they do a verbal report? It's a coverup. That's all there is to it."

Caspe said the report was kept verbal because it only involved a briefing of EPA officials, a session at which he was not present. Also, he said written documentation wasn't thought necessary because of the report's preliminary nature.

But the EPA paid roughly \$85,000 for information contained in the report, and originally allocated more than \$100,000 for the study, Caspe said.

An official for General Electric Co., which is opposed to dredging the PCBs it dumped in the

river, says the EPA's admittance is proof that independent oversight of the study is needed.

"They had a predetermined answer to the Hudson River, and they tried to make science fit that answer," said Mark Behan, a GE spokesman. "The critical question here is whether there's going to be independent oversight."

GE officials have said the toxic chemicals originate from the company's Hudson Falls plant site

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*Everybody probably  
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Richard Caspe,  
EPA official

September 27, 1997

## EPA: Opponents now wonder what else is kept secret

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where PCBs were discharged  
into the river for more than 30  
years from the early 1940s to the  
mid-1970s.

GE has thus far spent more  
than \$130 million on PCB reme-  
diation, and since last Novem-  
ber, levels near Hudson Falls  
have been nearly undetectable.

Behan has said dredging  
would worsen the problem by  
stirring up PCBs that are now  
buried by more than a foot of  
sediment.

Solomon has asked the  
House Commerce Committee,  
which oversees the EPA, to sub-  
poena all information related to  
a landfill study.

"The big problem is that the  
congressman has asked them  
repeatedly, 'Are you going to  
have a landfill?' " Solomon  
spokesman William Teator said.  
"The EPA said, 'We aren't look-  
ing at that, because we haven't  
made a decision on dredging  
yet.' They totally misled the  
public."

Caspe said, "I can under-  
stand the congressman being  
upset. If I had to do it over again,  
we would announce it up front,  
and still do it. At least we  
wouldn't look like we're hiding  
something."

Despite the incident, Caspe  
said he doesn't believe the  
EPA's decision-making process  
about dredging will be changed  
at all.

"In no way, shape or form  
does it change our stance that  
no decision will be made on

dredging for another two  
years," he said.

Caspe said all information  
contained in the consulting  
firm's report will be put into  
written form during the next few  
weeks to allow for public review.

The EPA has considered a  
landfill site off Route 4 near Pul-  
ver's Washington County dairy  
farm. But Caspe said the latest  
report considers a variety of  
commercial and industrial sites  
as well, not just agricultural  
land.

"I think the intent was right,"  
he said. "Unfortunately, we  
tripped along the way."

Pulver said she hopes the  
situation brings attention to  
some of the frustrations dredg-  
ing opponents have dealt with  
for more than two decades. She  
has spearheaded a campaign  
against dredging, and thus far,  
54 village, town and county gov-  
ernments have passed a resolu-  
tion, which she has circulated,  
stating their opposition to such  
work.

"It brings validity to our con-  
cerns," she said. "This has cast  
a dark, dark shadow on the in-  
tegrity of this entire process."

"We found out about this  
study, and they owned up to it,  
but what else is there out there  
they haven't owned up to?" Pul-  
ver said. "Do they really think  
we're that naive? 'What did they  
think would happen when we  
found out anyway?' she said  
"You just wonder, what are they  
really up to?"

September 28, 1997

## EDITORIALS

# EPA untrustworthy in secret search for dump

**W**hen the Environmental Protection Agency got actively involved in the Hudson River PCB problem, it promised an open and objective analysis of potential solutions.

Instead, what it embarked on was a covert mission to find prospective sites for a PCB landfill that would hold contaminants dredged from the river bottom.

The agency's action — which flies in the face of everything its representatives have said to date — destroys the agency's credibility with the public and casts a pall over any conclusions it ultimately reaches.

General Electric Co. dumped thousands of pounds of PCBs, polychlorinated biphenyls, into the Hudson from its capacitor plants in Hudson Falls and Fort Edward from the 1940s through 1977.

In the 20 years since the dumping was halted, state and federal officials have been grappling with a solution that would most help the environment while keeping GE out of bankruptcy.

There are basically three options available — leave the contaminated soil in the river alone; treat it where it lies; or dredge the river and dump the polluted sediment in a landfill.

It's that third option that gives most local residents the willies, and it's an option the EPA has consistently maintained was on equal par with the others.

Yet now we hear the agency, while insisting it's still evaluating data, was embarking on a secret campaign to identify as many as 50 possible landfill sites along the Hudson.

It wasn't just secret, as in, "No one asked, so we didn't offer." This was a

well-thought out act of deception specifically designed to prevent public backlash. It was so deceptive that the EPA entered into an oral agreement with the company doing the site search so as to avoid any paper trail.

The secret dump search lends itself to the belief among many in the community that a decision to dredge — pushed largely by downstate environmentalists — is a foregone conclusion.

The EPA might have avoided the mess by going public with the search in the first place. The agency could have justified it by saying they were saving time by doing work that might have to be done should the dredging option be chosen.

Even that argument doesn't hold water. It's been decades since the dumping stopped, and it will be at least several more years before the agency is ready to initiate a solution.

The siting of a landfill could be done in conjunction with the permitting process or while companies are bidding for the work.

The EPA, in one fell swoop, has undermined its objectivity in pursuing this critical research, made people doubt what it says in the future, and raised suspicion about what it's doing now. If they've lied to the public about this, one might ask, what else are they lying about?

There is a silver lining in this.

The deception has raised people's awareness that no one — even the EPA — can be trusted in this matter, and that any conclusions the agency reaches deserve even closer scrutiny.

Because of this, citizens may be left in a permanent state of angst. And that could lead to a solution that will serve the public best.