

OCT 27 1997

10.5731

Mary J. Pearson  
Town Clerk  
Town of Halfmoon  
191 Harris Road, P.O. Box 4700  
Halfmoon, New York 12065

70116

Dear Ms. Pearson:

This is in response to your letters of August 25, 1997 to EPA Administrator Carol Browner and EPA Region 2 Administrator Jeanne M. Fox regarding the Hudson River PCBs site. Your letters forward a copy of a recent Resolution by the Town of Halfmoon 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, EPA 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 Ann Rychlenski at (212) 637-3672 if you wish to arrange for such a briefing.

Sincerely yours,

Richard L. Caspe, Director  
Emergency and Remedial Response Division

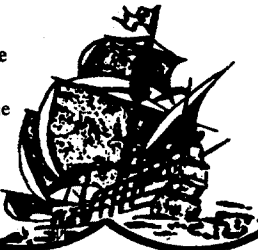
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cc: John Cahill, Commissioner NYSDEC  
Senator Daniel Patrick Moynihan  
Senator Alphonse D'Amato  
Congressman Gerald B. Solomon  
Governor George Pataki  
NYS Senator Ronald B. Stafford  
NYS Assemblyman Bobby D'Andrea  
NYS Assemblywoman Elizabeth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

bcc: OEX  
Ann Rychlenski, CD  
Paul Simon, ORC

**SUPERVISOR**  
**Lawrence W. DeVoe**

**COUNCIL**  
Kathleen A. Marchione  
Timothy H. Reilly  
Walter F. Polak  
A. James Bold



## **TOWN of HALFMOON**

**"SOLARTOWN U.S.A."**

191 HARRIS ROAD, P.O. BOX 4700 HALFMOON, NEW YORK 12065  
COUNTY OF SARATOGA

**FROM: TOWN BOARD TOWN OF HALFMOON**  
**DATE: August 25, 1997**

**RESOLUTION OPPOSING DREDGING OF THE UPPER HUDSON RIVER AND  
CREATION OF A TOXIC WASTE LANDFILL**

The Town Board of the Town of Halfmoon approved the referenced at the August 19, 1997 regular Board meeting. A certified copy of the resolution is enclosed.

Should you require anything further, please do not hesitate to contact the Town.

**RESOLUTION**

WHEREAS, it has been brought to the Town of Halfmoon's attention concerning whether or not to dredge the Hudson River to remove PCBs and

WHEREAS, the Town is familiar with numerous and varied studies and investigations pertaining thereto, and

WHEREAS, the Town believes that the dredging of the Hudson River will only disturb the sediment beds and disturb the PCBs and make them cellular and put them into solution and increase the amount of PCBs in the water, and

WHEREAS, the Town believes that the River is just available for sport fishing and that the dredging will adversely affect that recreational activity, and

WHEREAS, the Town believes that the dredging will disturb the River and the river bed for no benefit and that the dredging will not positively improve the quality of water but will negatively impact the quality of the water, and

WHEREAS, the Town does not believe that the dredging is a viable or appropriate means to remove PCBs from the River,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Halfmoon opposes the dredging of the Hudson River for the removal of PCBs.

2. That a copy of this Resolution be forwarded to the Hon. George E. Pataki, Governor; U.S. Senator, Daniel Patrick Moynihan; U.S. Senator Alphonse D'Amato; U.S. Senator Ronald B. Stafford; U.S. Representative Gerald B. Solomon; Assemblyman Robert D'Andrea; Assemblywoman Elizabeth Little; Acting

Commissioner Department of Environmental Conservation John  
Cahill; Regional Administrator U.S. Environmental Protection  
Agency, Region II Jeanne M. Fox; and Administrator U.S.  
Environmental Protection Agency, Carol Browner.

DATED: August 21, 1997

MARY PEARSON  
TOWN CLERK, TOWN OF HALFMOON

STATE OF NEW YORK  
COUNTY OF SARATOGA  
OFFICE OF THE CLERK OF THE  
TOWN OF HALFMOON

This is to certify, that I, MARY J. PEARSON, Town Clerk of the Town of Halfmoon in the said County of Saratoga have compared the foregoing copy of RESOLUTION OPPOSING DREDGING OF THE UPPER HUDSON RIVER AND CREATION OF A TOXIC WASTER LANDFILL, with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 25th day of August, 1997.

  
Town Clerk of the Town of Halfmoon, Saratoga County

**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  
Commissioner

September 5, 1997

Mr. Lawrence W. DeVoe, Supervisor  
Town of Halfmoon  
191 Harris Road - PO Box 4700  
Halfmoon, NY 12065

Dear Mr. DeVoe:

Commissioner Cahill asked me to respond to the Board regarding their resolution in "Opposition to the Dredging of the Hudson River" dated August 25, 1997.

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

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