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

JAN 13 1999

Barbara J. Plummer, Clerk
Saratoga County Board of Supervisors
40 McMaster Street
Ballston Spa, New York 12020

Dear Ms. Plummer:

This letter is in response to the resolution which was forwarded on November 17, 1998 to EPA Administrator Carol Browner, concerning the Hudson River PCBs Site Reassessment Study. The Saratoga County Board recently passed a resolution opposing EPA's creation of a 160 square-mile dump zone along the Hudson River in Washington, Saratoga, and Rensselaer Counties.

The above-referenced resolution appears to be based on a misunderstanding of certain statements in the Feasibility Study Scope of Work, which EPA released in September 1998. Please see the enclosed letter of November 5, 1998, which EPA sent to interested parties in an effort to clarify this issue.

If you have any questions, please feel free to contact Ann Rychlenski at 212-637-3672.

Sincerely yours,

Richard L. Caspe, Director
Emergency and Remedial Response Division

Enclosure

11/17/98

RESOLUTION 160 - 98

Introduced by Supervisors Hall, Guthell, Hunter, Johnson, King, LeRoy and Trieble

**OPPOSING 160-SQUARE MILE DUMP ZONE
ALONG HUDSON RIVER IN WASHINGTON,
SARATOGA AND RENSSELAER COUNTIES**

WHEREAS, the County of Saratoga has previously expressed its steadfast opposition to the establishment of a PCB landfill necessitated by a Hudson River dredging project, and

WHEREAS, the U.S. Environmental Protection Agency (EPA) is reassessing its 1984 decision not to dredge the Hudson River and has released several documents that suggest the Agency may be preparing to reverse its position and order dredging, and

WHEREAS, in the Scope of Work for its upcoming Feasibility Study, EPA has created a 160-square-mile federal dump zone along the Hudson River between Hudson Falls and Troy by redefining the term "on-site" as it relates to dredging projects to mean "a corridor including the Upper River and extending two miles from either bank," and

WHEREAS, EPA originally listed the Hudson River Superfund site as including only the river itself, not any adjacent lands, and

WHEREAS, this zone, 40 miles long and 4 miles wide, encompasses more than 100,000 acres of land within two miles of either bank of the Hudson and includes hundreds of private properties in Washington, Saratoga and Rensselaer counties, and

WHEREAS, by creating this zone, EPA appears to be preparing to use a loophole in the federal Superfund law to get around the need for New York State and/or local reviews and permits to site a massive dump to hold river sludge--permit reviews that stopped the two prior Hudson River dredge-and-dump projects, and

WHEREAS, EPA did not inform the public, elected officials or the news media of its latest plan to circumvent local and state approval, and

WHEREAS, EPA has refused to explain the need for a 160-square-mile dump zone from Fort Edward to the Troy Dam, and

WHEREAS, a sludge dump, which is unnecessary, permanent and very damaging to the surrounding area, and stigmatizes the community in which it is located, now, therefore, be it

RESOLVED, the Saratoga County Board of Supervisors hereby announces its complete opposition to EPA's attempts to circumvent local and state environmental laws that are designed to protect local communities by creating a new definition for the Hudson River Superfund site, and, be it further

RESOLVED, that the Saratoga County Board of Supervisors hereby demands that EPA discontinue its unwarranted attempt to create a 160-square-mile dump zone along both banks of the Upper Hudson River, and be it further

RESOLVED, that the Saratoga County Board of Supervisors hereby reiterates and reasserts its opposition to any dredging of PCBs in the Hudson River, and it is further

RESOLVED, that the Chair of the Board be and she is hereby authorized and directed to seek support for the above positions from the NYSAC, and it is further

RESOLVED, that the Saratoga County Board of Supervisors urges its federal and state representatives and local government colleagues in other communities that fall within this newly-classified landfill zone to join in support of the County of Saratoga's effort to prevent an expansion of the Hudson River Superfund site, and it is further

RESOLVED, that the Clerk of the Board forward a copy of this resolution 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. Alfonse D'Amato; U.S. Rep. Gerald B. Solomon; New York Governor George E. Pataki; New York State Environmental Conservation Commissioner John Cahill; New York State Sen. Joseph L. Bruno; Sen. Hugh T. Farley, New York State Assemblyman Sheldon Silver, New York State Assemblyman Robert D'Andrea; New York State Assemblyman James N. Tedisco; Assemblyman Robert G. Prentiss; Assemblyman Pat M. Casale, Saratoga County Board of Supervisors Chair Jean Raymond.

BUDGET IMPACT STATEMENT: No budget impact.