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

JAN 20 1999

Janet E. Salisbury, Town Clerk
Town of Schaghticoke
290 Northline Drive
Melrose, New York 12121-9707

Dear Ms. Salisbury:

This letter is in response to the resolution which was forwarded on November 20, 1998 to EPA Administrator Carol Browner, concerning the Hudson River PCBs Site Reassessment Study. The Town Board of the Town of Schaghticoke 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

10.5959



10.5960

November 20, 1998

State of New York
County of Rensselaer
Town of Schaghticoke

I, the undersigned Clerk of the Town of Schaghticoke, do hereby certify as follows:

1. A Regular Meeting of the Town Board of the Town of Schaghticoke, State of New York duly held on November 11, 1998 and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Board. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extracts.
2. Said Minutes correctly state the time when said Meeting was convened and the place where such Meeting was held and the members of said Board who attended said Meeting.
3. Public Notice of the time and place of the said Meeting was duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that the members of said Board had due notice of said Meeting and the Meeting was in all respects duly held and a quorum was present and acted throughout.
4. IN WITNESS THEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Schaghticoke this 20th day of November, 1998.

Janet E. Salisbury
Town Clerk
Town of Schaghticoke

TOWN BOARD RESOLUTION, November 11, 1998

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SCHAGHTICOKE
RENSSELAER COUNTY, OPPOSING 160 SQUARE MILE DUMP ZONE ALONG
HUDSON RIVER IN WASHINGTON, SARATOGA, AND RENSSELAER COUNTIES.

At a Regular Meeting of the Town Board of the Town of Schaghticoke, Rensselaer County, State of New York, held at 290 Northline Drive, Melrose, New York, in said Town on the 11TH day of November 1998. Said resolution was accepted. Complete resolution attached.

The meeting was called to order by Jean Carlson, Supervisor and upon roll being called, the following were:

	PRESENT	ABSENT
Helen Akin	X	
Michael Bayly	X	
Janice Bovat	X	
Jean Carlson	X	
Edwin Osterhout	X	

The following resolution was offered by Councilwoman Bovat who moved its adoption and seconded by Councilwoman Osterhout.

TO ACCEPT A RESOLUTION OPPOSING 160 SQUARE MILE DUMP ZONE ALONG
HUDSON RIVER IN WASHINGTON, SARATOGA, AND RENSSELAER COUNTIES.

Upon a roll call vote being called by the Town Clerk, the following votes were cast:

	AYE	NAY	ABSTAIN
Helen Akin	X		
Michael Bayly	X		
Janice Bovat	X		
Jean Carlson	X		
Edwin Osterhout	X		

Motion Carried.

RESOLUTION OPPOSING 160 SQUARE MILE DUMP ZONE ALONG HUDSON RIVER IN WASHINGTON, SARATOGA, and RENSSELAER COUNTIES

Resolution: Councilwoman Bovat

Second: Councilman Osterhout

WHEREAS, THE Town Board of the Town of Schaghticoke has previously expressed its steadfast opposition to the establishment of a PCB landfill necessitated by a Hudson River dredging project, and

WHEREAS, in 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 just 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 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, is the stigma no community wants, now, therefore,

BE IT RESOLVED, that the Town Board 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 Town Board 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 hereby transmits notice of such opposition and demand, in writing, to U.S. Environmental Protection Agency Administrator Carol Browner; Region II USEPA Administrator Jeanne M. Fox; US Senator Daniel Patrick

Moynihan and US Sen. Alfonse D'Amato; US Rep Gerald Solomon; New York Governor George Pataki; New York State Environmental Conservation Commissioner John Cahill; New York State Senator Ronald B. Stafford; New York State Assemblyman Bobby D'Andrea; New York State Assemblywoman Elizabeth O. Little; Washington County Board of Supervisors Chairman Peter Telisky, and Saratoga County Board of Supervisors Jean Raymond, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Schaghticoke 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 Town's effort to prevent an expansion of the Hudson River Superfund site.

Ayes: Akin, Bayly, Bovat, Carslon, Osterhout
Nays: None

OLD BUSINESS – SPEIGLETOWN FIRE DISTRICT COMMISSIONERS

Resolution: Councilwoman Bovat
Second: Councilman Bayly

To appoint as Fire Commissioners from the Town of Schaghticoke for the Speigletown Fire Commissioned District John Fogarty, Nick Nicholas, and Donald Fane.

Ayes: Akin, Bayly, Bovat, Carlson, Osterhout
Nays: None

ADJOURNMENT

Resolution: Councilwoman Bovat
Second: Councilwoman Akin

To adjourn. 8:18 PM.

Ayes: Akin, Bayly, Bovat, Carlson, Osterhout
Nays: None

Janet E. Salisbury
Town Clerk

List of Addresses

X Carol ^{Browner} Administrator
U.S. EPA
401M Street SW
Washington, D.C. 20460

Jeanne M. Fox
Regional Administrator
U.S. EPA
290 Broadway #1539
New York, N.Y. 10007-1823

Daniel Patrick Moynihan
Russell Senate Off. Bldg. - Room 464
Washington, D.C. 20510

Alfonse M. D'Amato
Hart Senate Off. Bldg., Rm 520
Washington, D.C. 20510

Gerald Solomon
Rayburn Off. Bldg. - Room 2206
Washington, D.C. 20515

Governor George Pataki
Executive Chamber, The Capitol
Albany, N.Y. 12224

John Cahill
Commissioner
NYS Dept. of Env. Conservation
50 Wolf Road
Albany, N.Y. 12233-4255

Ronald Stafford
The Capitol, Room 502
Albany, N.Y. 12247

Robert D'Andrea
Legislative Off. Bldg., Room 320
Albany, N.Y. 12248

Elizabeth Little
Legislative Off. Bldg., Room 324
Albany, N.Y. 12248