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FEB 16 1999

Linda A. Miles, Town Clerk  
Town of Fort Edward  
118 Broadway  
P. O. Box 127  
Fort Edward, New York 12828-0127

Dear Ms. Miles:

This letter is in response to the resolution which was forwarded on December 15, 1998 to EPA Administrator Carol Browner, concerning the Hudson River PCBs Site Reassessment Study. The Town of Fort Edward Town 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

bcc: A. Rychlenski, CD  
D. Fischer, ORC ✓



# TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

Fox 12/17/99  
Muszynski  
cc: Callahan/Acting  
Bellow  
Mugden

fyi: Kent Simon  
Dy Frick

## RESOLUTION NUMBER 80 OF 1999

### MOTION BY Councilman Nichols

### SECONDED BY Councilman Dangelico

WHEREAS, it has been asserted by the New York State Attorney General that New York State has been unable to dredge the Champlain Canal because river sediments contain PCB's, making disposal of such material expensive, and that this portion of the Hudson river must be dredged; and

WHEREAS, the New York State Canal Corporation, a division of the New York State Thruway Authority, has the legal responsibility for maintaining the navigability of the Canal System; and

WHEREAS, the New York State Canal Corporation has been given the responsibility for determining if, where and when navigational dredging should occur; and

WHEREAS, the New York State Canal Corporation official has said the Canal Corporation has chosen to conduct two small navigational dredging projects in the past five years, but sees no need for a larger navigational dredging project at this time; and

WHEREAS, a 1998 report issued by the New York State Canal Corporation stated that pleasure and commercial traffic on the Champlain Canal has increased and increasing short-term trends are indicated in the future; and

WHEREAS, if boat traffic on the Champlain Canal was impeded or decreasing, the New York State Canal Corporation would decide to undertake a larger navigational dredging project; and

WHEREAS, there is public disagreement right now whether navigational dredging is necessary or desirable; and

WHEREAS, the question regarding navigational dredging in the Champlain Canal is of vital importance to the Town of Fort Edward and other municipalities in the Upper

OPM/PPB

US EPA

Hudson River region and must be answered by the appropriate agency in the appropriate manner;

WHEREAS, a lawsuit may in fact lay the groundwork for a much larger and destructive environmental dredging project to which the Town of Fort Edward has been steadfastly opposed for many years; and

WHEREAS, the New York State Attorney General is not the right state representative for determining whether navigational dredging in the Champlain Canal is needed or desirable;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Fort Edward opposes the lawsuit filed by the New York State Attorney General related to navigational dredging in the Champlain Canal and respectfully urges the New York State Attorney General to withdraw the claim; and

BE IT FURTHER RESOLVED, that the Town of Fort Edward urges the New York State Canal Corporation to work with other interested parties, including but not limited to local elected officials, the U.S. Environmental Protection Agency, local marina interests and businesses along the Champlain Canal to evaluate, as they normally evaluate such matters for the entire Canal system, whether navigational dredging is necessary and desirable, and, if so, when such dredging should occur, and hereby transmits notice of such opposition, in writing, to New York State Attorney General Eliot Spitzer; New York State Governor George E. Pataki; New York State Environmental Conservation Commissioner John Cahill; New York State Canal Corporation Director Matthew Behrmann; Region II USEPA Administrator Jeanne M. Fox; U.S. Rep. John Sweeney; New York State Sen. Ronald B. Stafford; New York State Assemblyman Robert D'Andrea; and New York State Assemblywoman Elizabeth Little.

DATED: December 13, 1999

ROLL CALL: Councilman Nichols - AYE  
Councilwoman Ruggi - AYE  
Councilwoman Pulver - AYE  
Councilman Dangelico - AYE  
Supervisor Seeley - NO

I, LINDA A. MILES, CLERK OF THE TOWN OF FORT EDWARD, DO HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE FORT EDWARD TOWN BOARD AT THE REGULAR MEETING OF DECEMBER 13, 1999.

DATED: DECEMBER 17, 1999

  
LINDA A. MILES, TOWN CLERK