



70185

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

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.

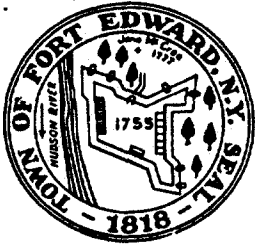
The above-referenced resolution appears to be based on a misunderstanding of certain statements in the Feasibility Study Scope of Work, which EPA released in September 1998. Please see the enclosed letter of November 5, 1998, which EPA sent to interested parties in an effort to clarify this issue.

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



TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

December 15, 1998

Hon. Carol Browner, Administrator
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Dear Ms. Browner,

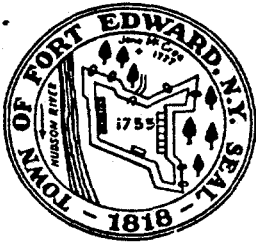
Enclosed please find Resolution Number 69 of 1998 passed by the Town Board of the Town of Fort Edward at the regular meeting of December 14, 1998.

Sincerely,

Linda A. Miles

Town Clerk

Town of Fort Edward



TOWN OF FORT EDWARD

118 BROADWAY

P.O. BOX 127

FORT EDWARD, N.Y. 12828-0127

RESOLUTION NUMBER 69 of 1998

MOTION BY COUNCILWOMAN PULVER

SECONDED BY COUNCILWOMAN RUGGI

TITLE: RESOLUTION OPPOSING 160 SQUARE MILE DUMP ZONE ALONG HUDSON RIVER IN WASHINGTON, SARATOGA AND RENSSELAER COUNTIES.

WHEREAS, the Town Board of the Town of Fort Edward 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 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 and 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, U.S. Sen. Daniel Patrick Moynihan and U.S. Senator Alfonse D'Amato; U.S. Rep. Gerald Solomon; New York Governor George E. Pataki; New York State Environmental Conservation Commissioner John Cahill; New York State Sen. Ronald B. Stafford; New York State Assemblyman Bobby D'Andrea; New York State Assemblyman Elizabeth O. Little, Washington County Board of Supervisors Chairman Peter Telisky, and Saratoga County Board of Supervisors Chairman Jean Raymond, and

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

DATED: December 14, 1998

VOTE: Councilman Nichols - AYE
Councilwoman Ruggi - AYE
Councilwoman Pulver- AYE
Councilman D'Angelico- AYE
Supervisor Seeley - NAY

I, LINDA A. MILES, CERTIFY THAT THE ABOVE RESOLUTION WAS PASSED
BY THE FORT EDWARD TOWN BOARD AT THE REGULAR MEETING OF DECEMBER 14, 1998.

DATED: DECEMBER 15, 1998


LINDA A. MILES, TOWN CLERK