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D. PABST

# Town of Kingsbury

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April 14, 2000

Honorable Jeanne M. Fox, Regional Administrator  
U.S. Environmental Protection Agency, Region II  
290 Broadway  
New York, NY 10007-1866

*Fox  
Muszynski  
ec. Callahan  
Cape  
Bellon  
Anton*

Dear Ms. Fox:

Enclosed please find a copy of Resolution No. 2 of 2000 adopted by the Kingsbury Town Board at their regular meeting conducted on Monday, April 10, 2000. Our town is in full agreement that the future of the Hudson River and the surrounding communities will rest on the decisions made by the EPA.

Sincerely yours,

*Holly E. Mabb*

Holly E. Mabb, RMC  
On behalf of the Kingsbury Town Board

ENVIRONMENTAL PROTECTION AGENCY  
00 APR 18 PM 3:27  
DIV ENV. PLNG. & PROT.

US EPA  
00 APR 17 AM 11:25  
OPM/PPFB

10.6076

## **RESOLUTION NO. 2 OF 2000**

### **A resolution Opposing the Dredging of the Upper Hudson River and Creation of a Toxic Waste Landfill**

WHEREAS, the U.S. Environmental Protection Agency is reassessing its 1984 decision not to dredge the Upper Hudson River to remove buried sediment containing PCB's, and

WHEREAS, the EPA has recently released a report that suggests the Agency may be preparing to reverse its position and order dredging, and

WHEREAS, PCB landfill projects have twice before been proposed for agricultural properties in the Town of Fort Edward and have twice been stopped through legal action, political action and the vigilance of citizens of Fort Edward, Washington County and surrounding communities, and

WHEREAS, the Town Board of the Town of Fort Edward has steadfastly opposed Upper Hudson River remediation options that involve PCB dredge-and-landfill projects of any kind, and has asked other municipalities to join Fort Edward in opposition to such projects based on their negative regional impacts, and

WHEREAS, a PCB dredge-and-landfill project would have significant, long-term adverse environmental, economic, and social consequences for all Upper Hudson River communities, especially affecting the agricultural industry, which depends on consumer confidence in the purity of its products, confidence likely to be undermined by the presence of a hazardous waste landfill; and especially impairing the continuing efforts to make local communities attractive places to live, work and raise families because a PCB landfill would destroy forever the pastoral quality of life that is our greatest asset, and

WHEREAS, a Hudson River dredging project would disrupt normal recreational use of the river and jeopardize future public and private investments in river-related amenities affecting the entire Upper Hudson region, and

WHEREAS, the mere possibility of a PCB dredge-and-landfill project adversely affects land values throughout the Upper Hudson and discourages private investment that might lead to the creation of new jobs, and

WHEREAS, representatives of Washington County and many local governments have taken an active role in EPA's public meetings and have repeatedly asked EPA to evaluate all the adverse impacts of a PCB landfill on the resources and economy of the county, and

WHEREAS, EPA has conducted no such evaluation and has made no commitment to conduct such an evaluation before any decision to establish a PCB landfill is reached, and

WHEREAS, a significant body of scientific evidence demonstrates that conditions in the Hudson River are improving, with PCB levels declining in water, sediments and fish, such that the State of New York has reopened the catch-and-release fishery in the Upper River, and

WHEREAS, dredging contaminated sediments has been shown to be ineffective in improving environmental conditions elsewhere, and

WHEREAS, there is no credible scientific evidence that dredging sediments from the bottom of the Hudson River would significantly accelerate the improvements already taking place as a result of ongoing remediation work and the river's natural recovery processes, and

WHEREAS, EPA itself determined in 1984 that a major dredging project "could be environmentally devastating to the river ecosystem and cannot be considered to adequately protect the environment," (USEPA, Superfund Record of Decision at Page 8) and determined that "the actual reliability and effectiveness of current dredging technologies in this particular situation is subject to considerable uncertainty," (Decision at Page 11), and

WHEREAS, EPA recognized that the many tons of material to be removed in a dredging project would require an "impractically large containment facility" (Decision at Page 8), and

WHEREAS, the Kingsbury Town Board finds there is no demonstrated environmental benefit to a dredge-and-landfill project on the Hudson River and may result in unmitigated long-term negative environmental, economic and social consequences affecting the entire region, and

WHEREAS, the Kingsbury Town Board finds that a dredge-and-landfill project would be a gross, unwarranted and unnecessary insult to the Hudson River itself and the communities of the Upper Hudson region,

NOW, THEREFORE, BE IT RESOLVED, that the Kingsbury Town Board, in concert with the Town Board of the Town of Fort Edward, hereby expresses its opposition to Hudson River remediation measures that involve dredge-and-landfill efforts of any kind and hereby transmits notice of such opposition, in writing, to U.S. Environmental Protection Agency Administrator Carol Browner; Region II USEA Administrator Jeanne M. Fox; U. S. Senator Daniel Patrick Moynihan and U. S. Senator Charles Schumer; U. S. Representative John E. Sweeney; New York Governor George E. Pataki; New York State Environmental Conservation Commissioner John Cahill; New York State Senator

Ronald B. Stafford; New York State Assemblyman Robert D'Andrea and New York State Assemblywoman Elizabeth Little.

Dated this 10<sup>th</sup> day of April, 2000.

By Order of the Town of Kingsbury Town Board.

Supervisor Gould - aye  
Councilman Collins - aye  
Councilman Linindoll - aye  
Councilman Vaughn - aye  
Councilman Freebern - absent