

GERALD B. SOLOMON

MEMBER OF CONGRESS  
22D DISTRICT, NEW YORK  
ROOM 2206 RAYBURN BUILDING  
WASHINGTON, DC 20515-3222  
(202) 225-5614

MEMBER  
HOUSE TASK FORCE ON AMERICAN  
PRISONERS OF WAR AND  
MISSING IN SOUTHEAST ASIA

70313

RULES COMMITTEE  
CHAIRMAN

MEMBER  
HOUSE TASK FORCE ON  
CHILD CARE, DRUGS,  
EDUCATION AND THE ELDERLY

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3222**

February 25, 1998

Mr. William Muszynski  
Deputy Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway #1539  
New York, NY 10007-1823

Dear Mr. Muszynski:

I am writing regarding the Environmental Protection Agency's January 21, 1998, Hudson River Oversight Committee meeting in Latham.

I was pleased that EPA's Bill McCabe committed the Agency to making several sound changes that should help make your Community Interaction Program more accessible and responsive to the interests and concerns of the residents of the Hudson Valley. I was advised that you intend to make a proposal on peer review and I look forward to this. The Agency's public credibility which was damaged as a result of the secret landfill study will benefit if its scientific analyses are scrutinized and confirmed by independent experts.

As pleased as I was to see progress on these issues, I was dismayed at the substandard quality of the Agency's analysis of potential landfill sites. The conclusion presented at the meeting is, essentially, that none of the many other sites EPA considered is as good as site 10 in the Town of Fort Edward. As you will recall, during the hearings on the secret landfill study TAMS official Al DiBernardo's stated that "site 10 is not acceptable from a professional and community standpoint."

This conclusion assumes that Site 10 is a suitable place for a toxic waste landfill, yet there is no objective scientific analysis to support this assumption. EPA performed no independent evaluation of Site 10 to investigate this assumption, and EPA made no determination that Site 10 is appropriate. Therefore, there is no rational basis for your assumptions about Site 10 or your use of Site 10 as a model against which to rate other sites.

It is incomprehensible that EPA, knowing well the long history of vigorous local opposition to Site 10 as a dump site and the absence of independent evidence of Site 10's suitability, would nevertheless hold it up as some kind of model. This has served only to make my constituents even more angry and skeptical.

Site 10 is not a model landfill site by anybody's definition. It should never have been used as a reference. It is a prime agricultural property close to populated areas and a beautiful stretch of the Hudson River, with incomparable scenic, recreational, cultural and historical resources. The site is an important wildlife habitat and a favorite spot for local birders. To turn site 10 into a dump would be to destroy forever the economic and social values and psychic pleasures it provides today or might ever provide to the agricultural community and the residents of Washington County.

DISTRICT OFFICES

GASLIGHT SQUARE  
SARATOGA SPRINGS, NY 12866  
518-587-9800

RENSSELAER COUNTY  
518-477-2703

P.O. Box 71  
RHINEBECK, NY 12572  
914-876-2200

21 NORTH SEVENTH STREET  
HUDSON, NY 12534  
518-828-0181

21 BAY STREET  
GLENS FALLS, NY 12801  
518-792-3031

10.6238

EPA's study notes that the federal Toxic Substances Control Act requires a 50-foot barrier between the base of a landfill and the seasonal high groundwater table, an important requirement that Site 10 is not likely to meet. Incredibly, your study dismisses this serious problem, saying: "near-river lowland areas where the federal requirement for depth to groundwater would likely not be met were not excluded from consideration previously by NYSDEC or by TAMS in this survey." (See Page 8) I see absolutely no justification for EPA's assumption that federal requirements that ensure protection of the environment and public health can be waived for Site 10.

I will not, and most assuredly my constituents will not, accept an EPA double standard by which requirements that might otherwise be imposed on private industry will be casually waived in order to make it more convenient for the government to site an unnecessary and unwanted landfill to support an unnecessary, unsafe and ineffective dredging project.

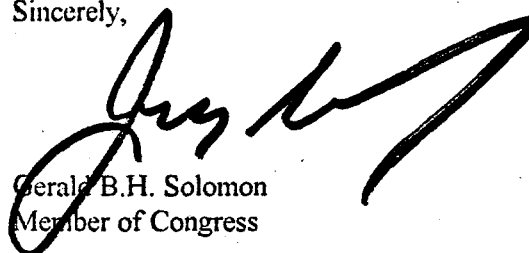
If any private company were seeking to build a toxic waste dump at Site 10, I have no doubt that EPA and New York State would find plenty of reasons to deny the permit. A government-sponsored PCB dump should get the same, if not greater, skeptical scrutiny from the regulatory agencies.

As you know, the people of Fort Edward and Washington County are extremely concerned in this issue. Their homes, communities, peace of mind and quality of life are at stake. In order to fully appreciate the concerns of Washington County residents and the values they attach to Site 10, it is important that you and your consultants meet directly with local residents to explain your study.

I am advised that the briefing your consultants provided in Latham was informative. However, I would request the same briefing should be provided as soon as possible for people who live and work in Washington County.

I ask that you take steps promptly to schedule a public meeting in Fort Edward. Please advise my office of the date and time.

Sincerely,



Gerald B.H. Solomon  
Member of Congress

cc: Governor George E. Pataki  
DEC Commissioner John Cahill  
Washington County Board of Supervisors  
Fort Edward Town Board



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866**

Honorable Gerald B. Solomon  
U.S. House of Representatives  
2206 Rayburn Building  
Washington, DC 20515-3222

Dear Representative Solomon:

This is in response to your letter dated February 25, 1998 concerning the Siting Survey conducted as part of the Hudson River PCBs site Reassessment Study. Specifically, your letter raises concerns about the Siting Survey's use of Site 10 as a baseline against which additional near-River candidate sites were compared, and requests that EPA hold a briefing on the Siting Survey in Washington County.

The Siting Survey, as we have previously explained, was merely a screening-level survey to determine the availability of potential non-agricultural, near-River landfill sites - was performed in part because of continuing public concern over the potential use of Site 10. While the Siting Survey used Site 10 as a baseline against which candidate sites were compared, the survey was not intended to be an independent evaluation of the suitability of Site 10. Rather, it was necessary for the Siting Survey to have a point of comparison against which to evaluate additional candidate sites, and Site 10 was selected for that purpose simply because it had been the New York State Department of Environmental Conservation's preferred site, based on the criteria established by New York State law. The use of Site 10 as a baseline, however, was in no way intended to imply that EPA has determined that Site 10 is a suitable location for a PCB landfill.

The Siting Survey was discussed in detail by EPA at the October 3, 1997 field hearing and at the Hudson River PCB Oversight Committee meetings on October 8, 1997 and January 21, 1998. Members of the public, including Washington County residents, were present at each of these events, and expressed their concerns about the Siting Survey to EPA. Although at this time we do not plan to hold additional public meetings specifically to address the Siting Survey, EPA will be prepared to respond to questions on the Siting Survey during the general audience discussion at the next Steering Committee meeting, which has been scheduled for April 27, 1998 at the Civic Center in Saratoga Springs.

If you have any questions or concerns regarding these or other issues, please feel free to contact me or have your staff contact Peter Brandt, Chief of the Intergovernmental Affairs Branch at (212) 637-3657.

Sincerely yours,

**William J. Muszynski**

William J. Muszynski, P.E.  
Deputy Regional Administrator

cc: Governor George E. Pataki  
John P. Cahill, Commissioner  
New York State Dept. of Environmental Conservation  
Washington County Board of Supervisors  
Fort Edward Town Board