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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN - 1 2001

Richard L. Tomer
Acting Chief, Regulatory Branch
U.S. Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: Town of Halfmoon Water Intake
Public Notice Number 2001-00291-YN

Dear Mr. Tomer:

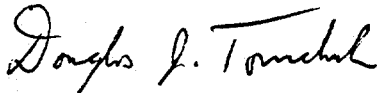
This letter transmits comments of the U.S. Environmental Protection Agency Region 2 ("EPA") with regard to potential impacts that the dredging proposed in the above-referenced notice may have on the Hudson River PCBs Superfund Site ("Site"). The notice seeks public comment on the Town of Halfmoon's application ("Application") for U.S. Army Corps of Engineers ("USACE") authorization for dredging in the Hudson River, with upland disposal, and the discharge of fill material in the Hudson River and other waters of the United States, including wetlands, with mitigation, in order to construct a new public water supply intake and attendant features in the Town of Halfmoon, Saratoga County, New York.

The activities are proposed to take place within the area designated as the Hudson River PCBs Superfund Site. As you may know, in December 2000 EPA proposed a remedy for the Site under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675, which includes, among other things, the targeted dredging of approximately 2.65 million cubic yards of PCB-contaminated sediment from the Upper Hudson River. Although the pending Application does not propose dredging in areas of the river bottom which EPA has targeted for remediation, EPA's proposed remedy does require navigational dredging, as necessary to implement the remedy, in areas immediately north and south of the proposed dredging (see attached figure). EPA expects to make a final remedial decision for the Site in August 2001. In order to ensure that the work proposed by the Town would not interfere with navigational dredging required to implement the remedy (should EPA select the currently proposed remedy), we request a schedule for the work proposed by the Town. Furthermore, since the Town's proposed water intake is located in an area that may be subject to future navigational dredging, the Town should consider taking necessary steps to protect its water supply during periods when navigational dredging is taking place.

The sediment concentration at which it is determined that environmental dredging equipment should be used should be based on the potential for releases to the water column. EPA agrees that sediments in the area to be dredged must be sampled before dredging, as indicated in the Work Description. The New York State Department of Environmental Conservation ("NYSDEC") may require the use of environmental dredging equipment when the dredged material is contaminated at levels which are lower than those at which a material would qualify as "hazardous" under federal law (*i.e.*, >50 mg/kg PCBs). NYSDEC should therefore be consulted on this proposed application. In addition, the Work Description discusses using a closed bucket or hydraulic [environmental] dredge, if necessary, but does not discuss water treatment prior to discharge. Any dewatering facilities should test discharge water to ensure that it meets all appropriate federal and State requirements (discharge water may need treatment) prior to discharge. Moreover, dredged material that is hazardous must be handled and disposed of in accordance with applicable federal and state hazardous waste requirements.

If you have any questions regarding this matter, please contact me at (212) 637-3956.

Sincerely yours,



Douglas J. Tomchuk, Project Manager
Hudson River PCBs Site

Attachment

cc: Bill Ports, NYSDEC
Dan Montella - USEPA - Wetlands
Douglas Fischer, USEPA - ORC

PREFERRED REMEDY EXTENT OF REMEDIATION

