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STATE OF NEW YORK

GEORGE E. PATAKI
GOVERNOR

August 1, 2001

Dear Administrator Whitman:

Based on today's news reports, it is clear that the United States Environmental Protection Agency (EPA) intends to move forward with a bold and comprehensive plan to clean up the Hudson River by removing polychlorinated biphenyls (PCBs) contaminated sediment. While we look forward to reviewing the details of the draft Record of Decision (ROD), this plan represents an important victory for a clean and healthy Hudson River.

I want to thank you for incorporating my Administration's concerns into this plan, which demonstrates that our shared vision for revitalizing the Hudson River first established during your tenure as Governor of New Jersey continues today. Together, we can ensure that future generations will be able to take full advantage of the Hudson River as an economic, recreational and natural resource with the peace of mind that comes from knowing it is clean and safe.

Your decision reaffirms what years of scientific and technical studies, completed by the scientists and engineering experts at the EPA and the New York State Department of Environmental Conservation (Department), have clearly shown. These studies make clear that the removal of PCBs in the Upper Hudson River is the most appropriate and effective way to mitigate the risks those contaminants pose to public health and the environment.

While your decision to move forward with a comprehensive cleanup is historic and welcomed, we must ensure that this process is completed in the most effective and efficient way possible. From our years of working together, I know you understand the importance of working with local leaders to ensure that their concerns and advice are incorporated into this process. New York State looks forward to working with EPA, local officials, and other interested parties to ensure that the remedial work needed to be undertaken addresses the PCB contamination in a manner that also reflects the needs and interests of communities along the Hudson.

While we expect to offer comments on the draft ROD pursuant to the established procedures and processes of EPA and the Department, I am proposing EPA include the following five-point plan in its final ROD for the Hudson River.

- EPA should strongly consider, evaluate and address--on an on-going basis--the concerns of the Upper Hudson River communities in the implementation of its remedy, while mitigating health risks and restoring the historic Hudson River to its full economic and recreational potential:

EXECUTIVE CHAMBER STATE CAPITOL ALBANY 12224
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Administrator Whitman

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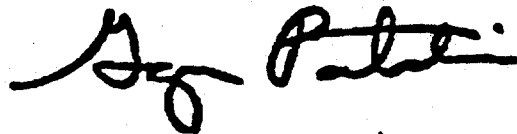
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- In implementing the remedy, EPA should limit potential disturbances to protect businesses in the Upper Hudson Valley, including those that depend on recreational access to the River. The federal government should develop a program, working with the State, to compensate local businesses for economic losses they experience due to implementation of the remediation plan;
- EPA's plan should also ensure communities are not adversely affected during the implementation of the remedy, and that the remedial activities are implemented in an appropriate, scientifically-sound phased manner. Communities should also be compensated by the federal government for the loss of recreational opportunities;
- The IIPA plan should require that the PCB contaminated sediments be disposed at existing licensed, permitted, commercial facilities. As you know, I am opposed to the creation of a local landfill for PCB-contaminated sediments. The State will continue to work with EPA to address the potential impact of residential exposure to near-shoreline soils and sediments, including those in the flood plain. These joint efforts also need to be directed at the maintenance of navigational channels in the River;
- The IIPA should conduct any necessary dewatering processes on the River, rather than on land, whenever possible. No community should be forced to host facilities that aid in the remediation process, including dewatering facilities, while those that may allow such a facility should be compensated by the federal government.

This common-sense plan will help protect local communities and businesses during the remediation process, and send a clear message that the EPA will listen to and work with the people most directly affected by this much-needed cleanup. Unlike the prior administration's heavy-handed approach to local communities, I know you will work in partnership with local leaders to implement this historic plan.

We have done much together to protect our environment over the years, and I look forward to our continued partnership to restore the magnificent Hudson River to its full potential.

Very truly yours,



The Honorable Christine T. Whitman
Administrator
U.S. Environmental Protection Agency
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