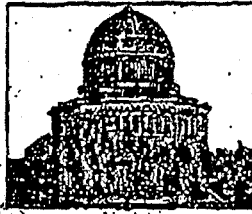


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PCBs hamper dredging of canal

*DEC denies request to dredge
Upper Hudson for sediments that
some officials say block boaters*

By DINA CAPPIELLO
Staff writer

A request by the state Canal Corp. to navigationally dredge the PCB-laden Upper Hudson for the first time in more than 20 years has been rejected because of the contamination,

The state Department of Environmental

Conservation ruled in April that the Canal Corp. could not complete 17 of 18 projects proposed along the 35-mile stretch of the river north of the Troy Dam without more testing of the sediment and detailed plans about how the dredging and disposal

of the tainted material would be done.

Only one proposal — the removal of more than 400,000 cubic yards of gravel at the mouth of the Hoosic River — got the go-ahead.

"Obviously, there is a concern about contaminated sediments," said Jennifer Post, a spokeswoman for the DEC, which issues five-year water quality certification permits for all navigational dredging projects statewide.

Since 1979, the portion of the Champlain Canal north of Troy — a stretch of the Hudson River the U.S. Environmental Protection Agency wants to dredge for environmental reasons in a project unrelated to navigational dredging — has not been regularly deepened, despite a state constitutional mandate that it be maintained at 12 feet deep.

The impasse has caused boaters to get stuck and has choked off tourism and business to towns along the river's banks.

"It started out that we'd hit these spots, and go bump, bump, bump. Now, it's we're stuck and we are on our side," said Rob Goldman, who can no longer get the 8-foot-draft tugboats to transport sewage

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north of Mechanicville.

The village of Fort Edward has nearly become cut off from the rest of the river. In December, the village passed a resolution in favor of dredging the channel for navigation, in large part because it received a \$3 million state grant to revamp a yacht basin it can no longer use.

Fort Edward is economically foundering, said Pam Brooks, a resident and the secretary of the town's Chamber of Commerce.

"If we had four boats coming in two or three times a week full of seniors we could really begin to turn this community around," she said.

Just this year, as part of his budget proposal, Gov. George E. Pataki proposed spending \$50 million more on the state's 300-mile-long canal system to boost tourism and the economy.

Critics argue there's no point in spending millions, especially on the 61-mile-long Champlain Canal, when sediments carried by the river's flow are filling in the channel and preventing boats from using the river.

But as businesses and towns have waited for word on dredging, telling tales about boats hitting bottom and decreases in recreational traffic, the Canal Corp. has maintained that PCBs have nothing to do with not dredging. Officials have repeatedly stated that dredging hasn't occurred because it wasn't needed. The proof: not a single boat has been turned away.

"The environmental aspect is not connected to this whatsoever," said Terry O'Brien, a spokesman for the state Thruway Authority, which took over the maintenance of the Champlain Canal from the transportation department in the early 1990s.

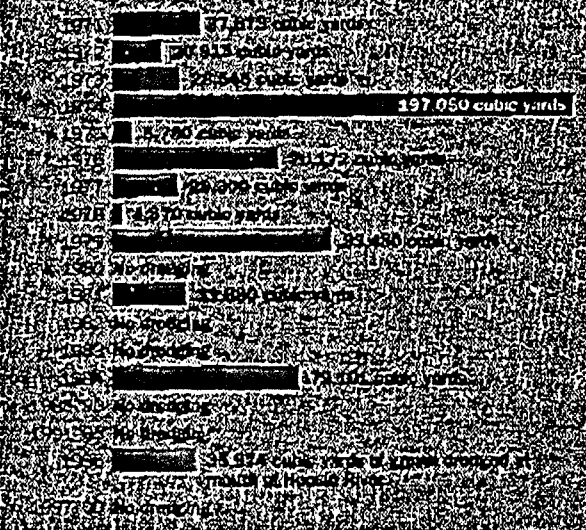
When asked why the Canal Corp. waited until now to apply for navigational dredging permits, O'Brien said: "We did not want to do anything to interfere with the EPA process. We recognize the acute need for dredging in the future, but it's not needed now."

Yet according to sworn affidavits from former Canal Corp. and DOT employees obtained by the *Times Union* and filed as part of an attorney general lawsuit against the General Electric Co., which discharged the PCBs into the river, the state hasn't dredged the Upper Hudson because of fears that dredging would release PCBs into the environment and that there would be extra costs to get rid of the tainted sediment.

"After 1979, sediments in the Champlain Canal were not dredged on a regular schedule because of the contamination of sediments in the canal with PCBs. I knew that the cost of dredging and disposing of PCB-contaminated sediments was significantly greater than the cost of dredging and disposing of un-

Dredging decline

In 1979, the Champlain Canal north of Troy was dredged to a depth of 10 feet. By 1999, the depth had declined to 8 feet. The decline in depth is due to the fact that the Canal Corp. has not dredged the canal since 1979. The decline in depth is due to the fact that the Canal Corp. has not dredged the canal since 1979.



Source: New York State Department of Transportation Waterway Maintenance Division; Champlain Canal Corp.

affidavit Folger was responsible for the Champlain's dredging operations from June 1970 to 1983.

In 1991, in comments filed in response to the EPA's initial decision to take no action on the PCB tainted sediments in the Hudson River, John M. King, director of canal operations, wrote: "The PCB contaminated sediments have caused (the state) not to comply with our duties in the Champlain Canal portion of the Barge Canal. Contaminated sediments are continually settling out in our canal and are increasingly restricting our canal."

Last December, after re-examining the issue, the EPA proposed dredging the stretch of the Champlain Canal north of Troy — which for the most part is the Hudson River, with some land cuts — to remove the contaminants. About half of what the Canal Corp. proposed in its February 1999 application to the state will be covered by the \$460 million federal dredging project, which calls for removing 340,000 tons of material from the channel — most for the purposes of ensuring the dredges can get up the river.

"There have been discussions over navigational issues for a while," said Doug Tomchuk, the EPA's project manager for the Hudson River, one of the nation's largest Superfund sites. "You can consider the navigational dredging proposed as building an access road to clean up the other sites."

But some — including Attorney General Eliot Spitzer — would like GE to cover the extra costs of navigational dredging. Spitzer filed a lawsuit against GE in 1999, claiming that the state

by the company's PCBs. The idea, according to Environmental Protection Bureau Chief Peter Lehner, was to get a judge to make the company liable for impeding navigation in anticipation of the pending federal liability for destroying the environment.

"The lawsuit was based on the recognition that another harm from GE's PCBs, in addition to environmental harm, is obstruction of navigation," said Lehner. "The remedy for obstruction for navigation could be coordinated with the remedy for environmental damage."

At the time, the Pataki administration, which has said it supports an active cleanup of the river, said Spitzer's action was premature.

The case was dismissed in state Supreme Court as "meritless" since no permits for dredging had been issued. GE maintains that navigational dredging and the environmental dredging proposed by the EPA should be weighed separately.

The company has argued that the river's health is improved and the cleanup should focus on the PCBs still leaking from beneath its Hudson Falls capacitor plant.

"The massive, unprecedented environmental dredging project that EPA proposed should not be judged from some perceived need for navigational dredging," said GE spokesman Mark Behan.

Others back the EPA plan because it could hold GE liable for the dredging bill, whereas if the state goes ahead, taxpayers could pay some of the cost of cleaning up GE's pollution.

"Let the EPA in and do its thing. The only alternative is the state or contract dredging," said Tom Prindle, general manager of the Hudson River Canal Corp.

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