

**Community Advisory Group (CAG)**  
**Hudson River PCBs Superfund Site**  
**Meeting Notes**  
**Thursday, January 24, 2008**  
**1:00 PM – 2:30 PM**  
**Fort Edward, NY**

**Members and Alternates Attending:** Dan Casey, Philip Dobie, John Dutka, Richard Fuller, Mark Galough, Manna Jo Greene, George Hodgson, Preston Jenkins, Bill Koebbeman, Betty Koval, David Mathis, Merrilyn Pulver-Moulthrop, John Reiger, Warren Reiss, Lois Squire, Julie Stokes, Ken Watson (for Aaron Mair).

**CAG Liaisons Attending:** Danielle Adams (E&E), John Callaghan (NYSCC), William Daigle (NYSDEC), Joan Gerhardt (Behan Communications), David King (USEPA), Deanna Ripstein (NYSDOH), Kristen Skopeck (USEPA).

**Others Attending:** David Adams (Saratoga County EMC), Mark Behan (Behan Communications), Lee Coleman (Daily Gazette), Darlene DeVoe (Village of Fort Edward), Peggy Farrell (E&E), Joe Finan (NPS), Tamara Girard (NYSDOH), John Haggard (GE), Tim Kruppenbacher (GE), Lisa Manzi (Congresswoman Gillibrand), John Mattison (Hudson Falls resident), Michael McGowan (USEPA), Tim Moore (Maxymillian Technologies), Brian Nearing (Times Union), Ben Rice (NPS), Thaus Trieny.

**Facilitators:** Jeff Edelstein, Patrick Field.

**Members Absent:** Cecil Corbin-Mark, Mark Fitzsimmons, Robert Goldman, Robert Goldstein, Gil Hawkins, John Lawler, Roland Mann, Dan McGraw, Judy Schmidt-Dean, Mindy Wormuth.

**Next meetings:** The next CAG meeting will be held on March 27, 2008.

**Action Items**

- CBI will seek to arrange a one time pre-CAG meeting with CAG members and appropriate state personnel in the spring on navigational dredging.

**Welcome, Introductions, Review of September Meeting Summary and Action Items**

Facilitators welcomed everyone to the meeting, and the notes from the November meeting were approved without any changes. A site tour for some CAG members preceded the start of the meeting.

**Phase 2 Dredge Area Delineation Report**

Dave King gave an overview of the Dredge Area Delineation Report. The report can be found at <http://www.hudsoncag.ene.com/documents.htm>. CAG members asked about navigational dredging and were told that dredging would be to the depth of the PCBs, not necessarily to navigational depth. A CAG member asked if Phase 2 will include work in the floodplains and

were told that it would not because Phase 2 refers only to the dredging project (in the river). The floodplains (areas adjacent to the river subject to flooding) are undergoing a separate remedial investigation. Floodplains work is being undertaken concurrent to the work on the dredging project.

### **Munitions and Explosives of Concern (MEC) and Overall Work Progress**

EPA gave a presentation on the progress of the removal and destruction of unexploded ordnance at the dewatering facility construction site. The presentation can be found at <http://www.hudsoncag.ene.com/documents.htm>. The areas of concern have been cleared. The dynamite discovery and subsequent removal did not disrupt the schedule for construction of the dewatering facility. A CAG member asked if the dynamite or one of the intact wooden box containers might be preserved as a historic artifact. EPA noted that because the boxes of dynamite may have nitroglycerin residue, they cannot be safely preserved, but the town historian is up to date on what has been found on site. Photographs have been taken.

The construction of the dewatering facility is about 45% complete. The plan is to do a dry run of the plant by the end of 2008, followed by wet testing to be completed in the spring of 2009.

### **Alternate Water Supply**

A proposal has been made to the towns of Halfmoon and Waterford to install a water supply line from Troy to provide an alternate drinking water source to the communities of Waterford and Halfmoon during dredging should it become necessary. EPA is working with GE to determine who will pay for both capital and operational costs of this water supply line. A CAG member asked if the old towpath would be used, citing the need for a recreational path. EPA responded that it is not likely that the tow path would be used, due to archaeological issues.

### **General Discussion**

The CAG general discussion included:

- *An update on the consent decree finding:* The appellate process went through in the past month and the judge has ruled in EPA's favor and dismissed the Town of Fort Edward's challenge to the consent decree.
- *Concerns about the tax implications of the dewatering facility:* The Town of Fort Edward and others have concerns about tax implications. Several years ago EPA wrote a letter to the town regarding the town's right to assess property taxes on the facility (see Appendix A). Because it is the largest facility of its kind ever built and because the permitting process was eliminated, the Town is having difficulty establishing an assessment value for the property. The Town would like to have the property assessed by March 1. A GE representative said they intend to meet their responsibilities to the town and will give the town on-site access just like any other private property owner, as needed, for any assessment work. GE representatives noted that they think the project will have a net

economic benefit for the Town overall. The facility construction is currently providing 130 jobs; in addition GE has provided funding for fire equipment to Fort Edward when a need was determined.

### **CAG Scheduling**

There will be no February CAG meeting. The next meeting will be held on March 27. The following meeting will be held in May.

### **Adjourn**

The meeting was adjourned at 2:30 pm in time for the second tour of the dewatering construction site.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1868

May 17, 2006

BY FAX AND FIRST CLASS MAIL

Merrilyn Pulver, Supervisor  
Town of Fort Edward  
118 Broadway  
Fort Edward, NY 12828

Re: Hudson River PCBs Site

Dear Ms. <sup>Merrilyn</sup> Pulver:

I am writing with respect to the taxation issue that the Town of Fort Edward has raised with EPA with respect to the sediment dewatering facility which is to be constructed in the Town, in connection with the cleanup of the Hudson River PCBs Site. As I understand it, your specific question is whether the Town would be able to assess property taxes on the property improvements associated with the dewatering facility.

As EPA has indicated in conversations with Town representatives, the Consent Decree with GE and the federal Superfund law ("CERCLA") do not prevent the Town from assessing such taxes on the property improvements, in accordance with applicable taxing authorities. Of course, in the unlikely event that it becomes necessary for the United States to acquire title to the property, then given the Federal Government's constitutional immunity to state and local taxation, the town would not be able to levy taxes on the property. But EPA does not at all expect to have to acquire title to the property. Rather, as you know, we fully expect GE to lease the property from the current owner. Under such a scenario, EPA believes that the Town would retain the power, in accordance with the applicable taxing authorities, to assess taxes on the property. And even in the unlikely event that GE and the property owner cannot reach a lease agreement and it therefore becomes necessary for the United States to acquire a property interest in the property, we would expect that property interest to take the form of a leasehold, leaving title in the hands of the current owner; under such a scenario, we believe, again, that the Town would be able to assess taxes on the property, in accordance with the applicable taxing authorities.

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I hope that I have addressed your question. As always, please feel free to contact me if you have any further questions.

Sincerely,



George Pavlou, Director  
Emergency and Remedial Response Division

cc: Mark Schachner, Esq.  
John J. Privitera, Esq.