

## SAMPLE RESOLUTION

### RESOLUTION OF [ \_\_\_\_\_ ] IN SUPPORT OF ADDITIONAL REMEDIATION AND INVESTIGATION OF PCB CONTAMINATION IN THE HUDSON RIVER

WHEREAS, on June 1, 2017, the U.S. Environmental Protection Agency (EPA) released its Proposed Second Five-Year Review Report for Hudson River PCBs Superfund site, determining that the remedy in the Upper Hudson River — a 40-mile stretch above the Federal Dam at Troy, NY — “will be protective of human health and the environment upon completion;” and

WHEREAS, EPA did not reach a protectiveness determination for the Lower Hudson River — a 150 mile stretch below the Federal Dam; and

WHEREAS, nearly 200 miles of the Hudson River — from Hudson Falls to New York City — is a federal Superfund site because General Electric (GE) discharged millions of pounds of polychlorinated biphenyls (PCBs) into the River for thirty years, between 1947 and 1977; and

WHEREAS, PCBs are manmade, bioaccumulative, persistent pollutants that have been linked to adverse health effects including, among others: cancer, liver disorders, reduced birth weight and conception rates, persistent and significant deficits in neurological development; and

WHEREAS, the continued presence of PCBs in the Hudson River has significantly diminished economic activity and recreational use and enjoyment of the River; and

WHEREAS, New York State Department of Health has in place fishing restrictions and advisories against consumption of fish to control human exposure pathways that could result in unacceptable risks; and

WHEREAS, the EPA’s Proposed Second Five-Year Review Report does not adequately address scientific data and analyses presented by the National Atmospheric Administration and the New York State Department of Environmental Conservation that PCBs remain widespread and in greater amounts than expected throughout the Hudson River and that there is much more contamination left behind than originally estimated; and

WHEREAS, EPA determined dredging was needed to accelerate the timetable to reach remedial targets and deemed that delays of twenty years or more in reaching these targets were unacceptable;

WHEREAS, a peer-reviewed study published by the National Oceanic and Atmospheric Administration found that the remedial targets for Lower Hudson River will be reached decades longer than anticipated, since original model projections greatly underestimated the time to reach risk thresholds in the Lower Hudson River fish;

WHEREAS, the New York State Department of Environmental Conservation has concluded that the remedy will not be protective of human health and the environment, and that target fish tissue concentrations will not be met within time frames that EPA set out in the Record of Decision for the cleanup; and

WHEREAS, the dredging conducted by GE, which was completed years behind schedule, has not adequately allowed for restoration of the Hudson River, and

WHEREAS, EPA admits that the remedy is not yet protective of human health and the environment in the Upper Hudson River, and that it will need eight or more years of fish tissue data to determine whether the remedy is effective; and

WHEREAS, EPA admits that the Lower Hudson River is not recovering as anticipated and that it needs more information about PCB contamination in that stretch of the River; and

WHEREAS, the presence of toxic PCBs in the Hudson River will continue to threaten the health and well-being of Hudson Valley residents and the environment for years to come.

NOW THEREFORE BE IT RESOLVED, that the \_\_\_\_\_ hereby urges EPA to revise its Proposed Second Five-Year Review Report for Hudson River PCBs Superfund Site and (1) officially declare that the cleanup is not protective of human health and the environment; (2) require GE to conduct additional dredging in the Upper Hudson River; (3) require GE to perform any additional necessary removal of contaminated soils and sediments, including those in the Champlain Canal, to restore economic opportunities; (4) require GE to conduct a full remedial investigation of the Lower Hudson River; and (5) declare EPA's firm commitment to the restoration of the Hudson River, a significant natural and economic resource of New York State.

And further, BE IT RESOLVED that a copy of this resolution will be sent to:

- US Environmental Protection Agency – Region 2 and Hudson River Field Office
- John Flannery, Chairman and CEO, General Electric Corporation
- New York State Governor Andrew Cuomo
- NYS Office of the Attorney General
- NYS Department of Environmental Conservation
- NYS Canal Corporation
- National Oceanic and Atmospheric Agency
- US Department of Interior Fish and Wildlife Service
- Hudson River Congressional Delegation

Motion made at a regular meeting of the \_\_\_\_\_, on

\_\_\_\_\_ by \_\_\_\_\_ and seconded

by \_\_\_\_\_

VOTING MEMBERS: