

THROOP BOROUGH COUNCIL MEETING

PUBLIC WORK SESSION

MARJOL

Held at Throop Municipal Building
Sanderson & Charles Streets
Throop, Pennsylvania

on Monday, March 6, 2000

6:30 p.m.

RENICK REPORTING SERVICE

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MR. BARNICK: We're here this evening for a hearing on gathering information on the off-site areas of contamination, possible contamination, truck routes and anybody that's got information that led up to all of this lead contamination, and we got Doug Blazey here, our attorney, Mike Knight from Gannett Fleming, Frank Swit from Gannett Fleming and Ed Shoener is joining us. I'm glad he's here. He's an environmentalist around the state.

MAYOR LUKOWSKI: Former chief of DEP.

MR. BARNICK: He's got a lot to add to it about the sampling and the different areas of lead contamination. We're just going to try to gather information and get it submitted into EPA and then devise a plan. Let me get role call, Elaine.

MS. MORRELL: Keyasko.

MR. KEYASKO: Here.

MS. MORRELL: Chrzan.

MR. CHRZAN: Here.

MS. MORRELL: Marushock.

MR. MARUSHOCK: Here.

MS. MORRELL: Barone is absent. Barnick.

MR. BARNICK: Here.

MS. MORRELL: Mraz.

MR. MRAZ: Here.

PRESENT:

- 3 JAMES A. BARNICK, PRESIDENT
- 4 ROBERT MRAZ
- 5 GEORGE E. MARUSHOCK
- 6 ANTHONY P. CHRZAN
- 7 JOSEPH F. KEYASKO
- 8 ELAINE MORRELL, SECRETARY
- 9 MAYOR LUKOWSKI

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MS. MORRELL: Lukasewicz is absent.

Mayor Lukowski.

MAYOR LUKOWSKI: Here.

MS. MORRELL: Louis Cimini is absent.

MR. BARNICK: Okay. Ed, I don't know how much time you have or --

MR. SHOENER: I've got all evening.

MR. BARNICK: Frank.

MR. SWIT: Thank you. Okay. I'm Frank Swit with Gannett Fleming engineers. We've been working together with the community for nearly six years with regard to the various issues concerning the Marjol Battery site.

Much of the activities that have taken place over the years have related specifically to the on-site issues and the potential remedial action and final disposition of the site itself. Now, early on prior to the 1980s even when this was under CIRCLA (phonetic) there were some actions that took place within the community to remediate various properties and homes. And that seems to be an issue that ceased to be an issue for about eight years, until this past year when EPA indicated that they would first be putting forth a decision with regard to the on-site activities and also combine their final decision making

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1 with regard to off-site.

2 Now, with regard to that, it was felt

3 very clearly by community leadership specifically, as

4 well as ourselves, that these are two issues that are

5 very separate. The first issue, the on-site remedy, is

6 something that had been studied very carefully and

7 closely and has been the subject of many detailed

8 reports.

9 However, with regard to the off-site

10 issues, although a lot of activities have been taking

11 place between 1988 and 1992, there are a lot of issues

12 that are in the minds of both the community leaders and

13 ours that are being unresolved in terms of the adequacy

14 of the cleanup measures that took place in the

15 community itself.

16 Now, what we would like to do as a result

17 of this in working with EPA is to develop information,

18 and this is an information gathering meeting to elicit

19 your information regarding your view of impacts that

20 may have taken place to the community as a result of

21 activities that took place during the Marjol Battery

22 operations.

23 We're looking for information with regard

24 to impacts to specific residences or residential areas

25 as a result of site activities, impacts on

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1 non-residential areas, impacts along specific truck

2 routes. We're looking for information that you feel

3 may help the agencies in determining the adequacy of

4 remedial activities that took place in the community

5 itself.

6 There were a lot of remedial activities

7 that did take place. A lot of lawns were dug up, a lot

8 of cleanup was done in many homes, but the question is,

9 before everybody signs off on this and says, it's done,

10 we want to make sure that certain areas or homes were

11 not overlooked. And to do that -- and we know --

12 again, we know a lot was done, but was it complete?

13 So for that regard, what we've done is we

14 have developed a series of maps and aerial photographs

15 to assist us in working with you to gather information

16 that you may wish to share with us and the community

17 leadership.

18 ATTORNEY BLAZEY: Frank, just if I might

19 mention, and if they don't wish to share it, we will

20 arrange to meet with them.

21 MR. SWIT: Exactly. In fact, we could

22 meet in separate meeting rooms, we can meet tomorrow

23 morning, by phone. We'll leave some questionnaires, we

24 have maps, and we'll leave -- and, of course, we also

25 have a chronology of events for each of you.

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1 We've also brought a series of maps and

2 photographs up here which will explain to you what they

3 represent, so that either now or later or tomorrow --

4 we can even meet with you tomorrow morning, Mike and I,

5 for example.

6 This shows the history of your

7 community. One of the interesting maps that has been

8 developed over the past 100 years by a company called

9 the Sanbourne Company were insurance maps. These go

10 back into the 1800s, and this was some of the early

11 detailed mapping of the communities that were developed

12 at that time in terms of insurance activities.

13 Now, the Sanbourne Map Company no longer

14 produces maps, but what we did do was we got the most

15 recent map series which was developed for your

16 community, and it goes up to the northern parts of the

17 developed area. This was a series of maps from 1963,

18 and that's when the activities began at Marjol.

19 Now, what we have done is we have also

20 from the Gould CMS report, we have taken one of the

21 maps of the site from the CMS report and superimposed

22 the outline of the battery plant on the map of the

23 community so that you can relate what took place at the

24 site and identify the different buildings to where the

25 residential areas were.

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1 And it is interesting because, first of

2 all, we are here. You can see this is the building

3 we're in right now. You know that in 1963 this was the

4 high school. I didn't know that. I'm not sure when

5 the high school was torn down, but it's been many

6 years. And now that's the community building.

7 So this map will show where everything

8 was as of 1963 in terms of the community. We also have

9 a series of aerial photographs, and although you can't

10 see it quite closely, we took this particular one from

11 1950, we have a series of them, and we enlarged these

12 aerial photos for different periods of time so that in

13 looking at these maps you can see sort of what was

14 going on at a particular point in time.

15 Again, the last activities at this

16 operation were about 1981, about 20 years ago, so we're

17 all 20 years younger than, and this will help us

18 hopefully remember what happened 20 or 30 years ago or

19 35 years ago.

20 Now, in terms of what was done in the

21 community, we've been working with folks from Gould and

22 ABC, FEDA, DEP, in looking at a variety of maps that

23 showed remedial activities that took place. And what

24 we're trying to do is to be as accurate as possible in

25 terms of determining where remediation took place.

1 And, for example, we've taken one
 2 particular map -- and we have extra maps here. We'll
 3 be leaving all these maps here so you can pencil them
 4 in with street names here. The green outline, the
 5 green shading, these represent our understanding of
 6 working as I say with Gould and ABC people and EPA, of
 7 where soil remediation took place versus where it did
 8 not appear to take place. And we're seeking accuracy
 9 here again.

10 This map shows two things, it shows in
 11 pink, the pink line -- and there's two lines here, some
 12 overlap -- but the pink line is called the extent of
 13 contamination. EPA has determined through modeling,
 14 mathematical modeling, looking at meteorological data
 15 and so forth, in their opinion, where they feel -- this
 16 is the agency now -- where they feel the extent of
 17 contamination is that is attributable to the site.
 18 This is their determination.

19 Now, separately there is another line
 20 which is not colored called the zone of remediation.
 21 In some cases it's the same line, but in other cases it
 22 goes either in or out of the extent of contamination
 23 line, and this is also important, and even more
 24 important, it shows where they feel the extent of
 25 remediation would take place.

1 did not seem to be much sampling taking place. Does
 2 that mean -- what does that mean? We don't know.
 3 We'll see. Was there data available that we were just
 4 unaware of, but this is -- is it possible that there's
 5 not much sampling done here because there was no
 6 housing there at that point? Well, that might be okay
 7 for 1990, but what about for the year 2005 when you
 8 want to put a subdivision here perhaps?

9 And getting back here, again, it appears
 10 that the green areas, according to our information,
 11 were remediated, but certain areas, again, were not.
 12 And separate from that, as we're going through issues
 13 and also looking at the mathematical modeling and all
 14 of these other issues, of concern to us, well, one
 15 concern, for example, I did some sampling at the
 16 request of the Borough Council, and in the areas that
 17 have been remediated, I still found numbers exceeding
 18 500, for example, spot contamination perhaps. That
 19 does not mean it's of pertinence necessarily, but we're
 20 finding data that are concern to us, which is why this
 21 issue has been reopened, and in fact, why the
 22 government, in both DER, DEP and EPA feel very strongly
 23 that it's important to do more sampling. More sampling
 24 will be taking place.

25 To assist the sampling activities,

1 Now, if you look at these, you see
 2 certain areas -- and some of the questions we had if
 3 the extent of contamination, for example, goes out
 4 here, why didn't you remediate here, for example? So
 5 before we get to some of the other issues, we had
 6 certain questions with regard to the map itself, areas
 7 that seemed to be within one boundary point but were
 8 outside of another, so why do we have information here?
 9 Why was this area not remediated?

10 We have some other lines here and we're
 11 waiting for some information from the agency. For
 12 example, these broad lines, very big lines, seem to
 13 indicate that there was area remediated but no
 14 post-excavation data available. This is something that
 15 there may be information on, but it was a concern to us
 16 because, for example, if we have these data that show
 17 post-remediation information that, you know, the lead
 18 is low, okay, that's one bit of information, but in
 19 these areas we have no information after remediation.
 20 Well, that's another data gap that we request EPA to
 21 provide the information on.

22 And another issue that is to be resolved
 23 were in the terms of the pattern of the sampling.
 24 There were some areas where sampling was very extensive
 25 and complete and detailed, but other areas where there

1 therefore, it's most important at this juncture that we
 2 learn of areas of concern from the citizenry. There
 3 are, for example, areas you're familiar with, because
 4 you live there or you used to play there when you were
 5 a kid. There are also areas that we're unfamiliar
 6 with; in other words, you may all say this is the main
 7 truck route out of town, okay. That's information we
 8 would like to know about, because if it turns out one
 9 or two truck routes were the primary movers, those are
 10 areas that I think are for strong consideration.

11 Something else that was of interest to us
 12 as we were looking through the historic mapping which
 13 was back in the 1800s, was -- we're wondering why this
 14 street wasn't named, a lot of streets and railways, an
 15 old rail line, which was something that we were
 16 unfamiliar with. It apparently is the I & R or I & W
 17 line. This is of interest, you know, areas like this
 18 that we're unfamiliar with.

19 I don't know if this was used as a
 20 trucking -- I don't even know if there were rail lines
 21 in existence there.

22 AUDIENCE MEMBER: EL&W.

23 MR. KEYASKO: It might have been the
 24 L & W.

25 AUDIENCE MEMBER: It's on the map by

1 Dewy Street.

2 MR. SWIT: So having said that, what we
3 have are a series of maps here with a lot of
4 information showing, you know, where things were in the
5 '60s and then more recently, and what we want to do at
6 this juncture then is have the opportunity to speak
7 with you either now or leave some questionnaires and
8 talk to you on the phone, however you'd like to do
9 this. Meet with you privately, get your -- Doug,
10 myself, Mike or, you know, would be most happy to talk
11 with you privately or however, maybe put some lines on
12 the map, do whatever it is that can help give us
13 information that can provide the agencies and you all
14 with the best possible sampling program to determine
15 the extent of either positive or negative aspects as
16 they are today.

17 MR. BARNICK: Frank, this map now, here
18 it was October 15, if you remember last year, they were
19 ready to make a proposed remedy on the off-site, if you
20 remember, until we separated this stuff.

21 MR. SWIT: That's right.

22 MR. BARNICK: They were ready to make
23 this remedy before any of this come about.

24 MR. SWIT: That's correct.

25 MR. BARNICK: That bothers me a lot

1 tentative decision on each piece and be willing to
2 discuss it or review it as they go, so that we don't
3 come to the end of the line and have everything decided
4 all at once and people just maybe feel overwhelmed that
5 everything was done all in an instant.

6 And I actually encourage that, because we
7 believe the facts in general speak for themselves and
8 the facts are what Dan has developed so well on your
9 behalf and so we want to make sure there's no confusion
10 or error in people's mind about what the facts on this
11 site are.

12 So if we get a chance to take an issue at
13 a time and hear about it and maybe make a little
14 further comment on it, as would Gould, I think that's
15 to your advantage. So that was point one.

16 And I said, Well, we'd like to see some
17 of that and are you going to put it in writing? And
18 the answer was, yes. When I asked this past Friday,
19 they haven't gotten to it yet. So we should get
20 something pretty soon on the process they intend to
21 follow.

22 What I thought was very informative then
23 on Friday was they've asked Gould to come look at the
24 boxes locked up in a trailer on the site of all the
25 pourings, so your consultants have been saying about

1 because -- and, you know, it bothers me. Now here it
2 is, what, two months almost since the proposed remedy
3 was put in place by them, had the hearing? We still
4 don't have a decision. Are they going to wait for the
5 off-site before they make a proposal?

6 ATTORNEY BLAZEY: I have one piece of
7 information on that which I can share with everybody
8 that I think is very important, Jim. In getting ready
9 for this evening's meeting, I think it was on Friday, I
10 spoke with Paul Godhold (phonetic), and one of the
11 very -- I asked him about the scheduling, and I asked
12 him a couple weeks about a schedule for making the
13 decision.

14 And starting a couple weeks ago they said
15 the following, They had one in their mind, but they
16 weren't ready to release it yet, because it was one
17 they hadn't run it up and down their flagpoles, but I
18 think more importantly they weren't sure it was valid
19 yet. And one of the things they wanted to do was they
20 were thinking about doing was trying to make a decision
21 in pieces; meaning, take some of the important issues;
22 and the coal measures are one, and stabilization and
23 solidification -- this is my words -- would be a second
24 one, for example, versus simply a cap and issues like
25 that. Take them piece by piece and make a kind of

1 the core borings and what they say about coal measures
2 and where the mine workings were, EPA has decided they
3 need to send their geologists to look at the rocks
4 themselves.

5 So we're going to try to get access to
6 that meeting and they just feel EPA needs access to the
7 trailer and doesn't want anyone there. They'll bring
8 DEP and they want to look at them as geologists, and I
9 think that's good, because they're looking then at what
10 we've said before, so I take that as a good sign.

11 Jim, could I go back to the October 15
12 for a minute? I suppose in fairness to EPA or at least
13 my memory is not so good that I can say with certainty
14 that they were going to issue a final decision last
15 October. They wanted the merging, they wanted to do
16 something together, and we said, no. But they may then
17 have had some confirmatory process in their mind. We
18 really don't know.

19 What they have done is they've issued,
20 and I think Council has a copy, I requested this
21 because I told them we were doing this meeting. It was
22 planned. And they actually have two documents related
23 to this.

24 We have one, because they've issued it.
25 The second is a much more elaborate sampling and

1 analysis, protocols, the actual hardware, if you will,
2 of the process and the contracting agreements because
3 they're going to go to a contractor to do it. That's
4 not all done yet. So when that's done, we'll get that
5 for comment.

6 But I think this may be helpful to take
7 just a moment to talk about this, because this ties
8 into what Frank was saying. Whether as your president
9 said in October we don't really know what was in their
10 minds, but we've gotten them since October to recognize
11 that they need to open their eyes fully as they speak
12 about the off-site issue and do some more work.

13 So this describes in general the more
14 work they're willing to do. And the reason we're
15 asking the community for insight is that if we can
16 learn more about the spread of this contamination, we
17 can direct some of that work there, where it might not
18 otherwise be done.

19 Because at least as I understand it to
20 date, most of these lines were drawn based on air
21 modeling and dispersion modeling, not on, you know, the
22 dirt on your boots and where you tracked it through the
23 living room. They weren't looking at where people
24 might have carried it on their trucks, where the trucks
25 came in, where batteries fell off, they were looking at

1 they don't have to speak publicly. They can call --
2 Gannett has an 800 number that I think they're going to
3 provide. People can call in if they have information
4 that they would like to share, but don't want everyone
5 to know they're sharing it.

6 You all know, we don't represent
7 individuals in this, we represent the Borough. And my
8 sense is the Borough wants to know at the end of the
9 day that the community is clean, that it can feel and
10 say to new residents, to its old-time residents that
11 we've done a good job on-site and that a good job's
12 been done off-site and people can move in, you can have
13 a family here and you need not worry about it.

14 A lot of good work has been done. This
15 was not all bad work, we don't think. We just want to
16 make sure that there aren't pockets where it wasn't
17 properly done and that they're not additional areas
18 that should be looked at or done, and if they should
19 be, then to get it done.

20 MR. BARNICK: I don't think it was all
21 bad work, there was good work, but not enough.

22 ATTORNEY BLAZEY: Exactly.

23 MR. BARNICK: You know, they went as far
24 as they --

25 ATTORNEY BLAZEY: You'll see when people

1 how the wind blew it around the community and that can
2 be something different than what the rest of you
3 experienced.

4 So, if there are new facts we want them
5 to look at, we have this window of opportunity now
6 because EPA has said, we're willing to do additional
7 sampling outside these lines, EPA and DEP will do it,
8 inside they're going to ask Gould to do it. And that's
9 on all of their dollars, not our dollars right now.

10 MR. BARNICK: Doug, with that now, I'd
11 like to see Ed speak about it, because he was involved
12 with that litigation and where there was problems with
13 establishing the lines. He has a lot of information on
14 establishing the lines.

15 ATTORNEY BLAZEY: That will be great.

16 MR. BARNICK: Ed, if you can speak about
17 what you went through and what you testified about.

18 MR. SHOENER: Okay.

19 MR. BARNICK: But, you know, I think
20 there would have been a lot more people here, too, if
21 it wasn't for the intimidation involved with the
22 lawsuits out there still pending. But what are you
23 going to do?

24 ATTORNEY BLAZEY: And that's one of the
25 reasons, and you may say this to your neighbors, that

1 come up to look at some of these maps, that when they
2 got outside their inner line, they did very spotty
3 cleanups. They did more cleanups, but it was kind of
4 spots, and it's not clear that that was comprehensive
5 enough.

6 Now, I believe from what EPA is saying --
7 well, they're going to ask Gould to do more sampling
8 within some of these areas, and you'll see it right
9 here. Within the broad pie, Gould will do it, outside
10 as I understand, EPA and DEP will do it. And there
11 will be one difference, at least one difference, let me
12 just mention that.

13 They're envisioning, while we have not
14 seen the protocol yet, they're envisioning some kind of
15 composting process, so they will take yard by yard, not
16 just one sample, but let's say six, maybe it will be
17 eight, maybe it's five, I don't know the number, but
18 the attempt will be to be to accurately characterize
19 the entire property and not just say, Oh, there's one
20 hot spot. That's awful.

21 If most of the yard is clean, they may
22 say, That one hot spot is not enough to cause us to
23 remediate, is the feeling I get, and this is an EPA
24 approved protocol and used nationwide.

25 Now, we'll get to comment on that, I'm

1 not saying we accepted it yet, but I'm saying this to
2 you now because you will hear about something that's a
3 little different perhaps than you've experienced
4 before.

5 MR. BARNICK: One other thing before Ed,
6 isn't the standard changed, instead of 500 parts per
7 million, it's lowered now? Isn't that another problem
8 we're going to run into here?

9 ATTORNEY BLAZEY: Yes and no.

10 MR. BARNICK: Because I mean, they went
11 by established cleanup of 500 back then, now all of a
12 sudden the federal government said, No, it's 300,
13 something is wrong then, because we still have
14 contaminated properties out there at 500, you know what
15 I mean?

16 ATTORNEY BLAZEY: Frank and others and ED
17 may be -- will elaborate upon this, in fact because
18 I'm active down on the Exxon site, I had to go over
19 this last week. HUD issued guidelines under the lead
20 paint rule, I think it was back in September of '99,
21 the final rule, and they talked about play area
22 standards of 400, so actually the -- and I then talked
23 to our toxicologist down in the Reading area about 400
24 versus 500, and what she told me was that EPA was
25 essentially using or HUD were using the same modeling

1 Could you state your name?

2 DOMINICK ROCCO: Dominick Rocco, 110
3 Sanderson Street. There's something I don't
4 understand. You're saying meet and speak, certain
5 phone numbers, you're telling me if we get up, we have
6 a chance of being sued if we say something?

7 ATTORNEY BLAZEY: No.

8 MR. ROCCO: What's the secrecy? I don't
9 understand that.

10 MR. BARNICK: You know how the lawsuits
11 are going with the property owners, it's confidential.
12 To me, most of it is not even settled yet. These
13 people didn't receive what they're supposed to receive.
14 To me, that's an intimidation factor for people to get
15 out here and speak until they receive their settlement,
16 whatever it is.

17 MR. ROCCO: It sounded like if we get up
18 and say something, we have a chance of being sued.

19 ATTORNEY BLAZEY: No, no. We're not
20 implying that anyone has said anything to us that
21 you're at any risk in talking here. We simply as a
22 courtesy to the community, some people may feel it's
23 their business what's in their yard and they don't want
24 all their neighbors to know and that's the way they
25 feel about it. Others, as you know, have said what's

1 techniques to get to a 400 number for children being
2 exposed to dirt as the Pennsylvania DEP used to get to
3 the 500 number for its unrestricted residential
4 number.

5 And basically what she says probably the
6 difference between 400 and 500 is very minor, so we
7 might find EPA now looking -- and we haven't seen it
8 yet, Council President -- but let's say they take a
9 composite, maybe they'll use 400 as the measurement
10 against that composite standard and not 500. Who
11 knows. We don't know that.

12 MR. BARNICK: That's what I'm trying to
13 get.

14 At. ATTORNEY BLAZEY: In residential
15 areas essentially we're looking for some kind of number
16 at 500 or below at least on an overall basis. You
17 might have a little hot spot here or there, but that's
18 unlikely to cause a problem to you or your children. I
19 think if that a higher level were more widespread, it
20 becomes a greater concern.

21 MR. BARNICK: Okay. Doug, I'm going to
22 get Ed to speak.

23 AUDIENCE MEMBER: Before we go any
24 further, meet and speak?

25 MR. BARNICK: We've got a stenographer.

1 on their mind at public meetings many times and don't
2 hesitate, so whatever people are comfortable with.

3 MR. BARNICK: What I was meaning was we
4 probably would have seen more people here, but the
5 factor that is this litigation is still laying out
6 there and it should have been settled. It seems to me
7 like Gould is holding this over people's heads and you
8 don't see as many people as you would see here.

9 Now, if them things were settled up, you
10 would probably see a lot more people, because they
11 wouldn't be afraid to talk or worry about whether they
12 are going to get that settlement. Do you see what I'm
13 getting at? To me, it's an intimidation factor, just
14 sitting there waiting and waiting and waiting, you
15 know?

16 MR. ROCCO: Okay.

17 ATTORNEY BLAZEY: Let's hear from Ed and
18 then my thought might be we'll look at the maps, answer
19 questions, any questions after the Council is
20 satisfied, and then see what we can --

21 MR. BARNICK: If you want to speak in
22 confidence with them, they'll be around, and you know,
23 if you don't want to put it out on the record or
24 whatever, they can take the information, review it, put
25 it all together, and that's what we're going to go

1 after and try to get this off-site remediation done.
 2 MR. ROCCO: When are they going to start
 3 testing? This past winter there was a test taken down
 4 by my son's house in between 106 and 108 and there was
 5 a hot spot.

6 MR. BARNICK: That was us.

7 MR. ROCCO: Yeah.

8 MR. BARNICK: We had them test that with
 9 Gannett Fleming.

10 MR. ROCCO: Are you going to get more
 11 testing down there? Nothing was ever done, no lots
 12 were ever cleaned or anything when you went --

13 MR. SWIT: That's exactly what we're
 14 trying to do. It was hot. I think it was 500 or 600.

15 ATTORNEY BLAZEY: EPA has said they
 16 recognize that there's some -- EPA is going to go back,
 17 as I understand it, we don't have it all in writing,
 18 but to every sample location that exceeded 500 outside
 19 of the areas.

20 The first time this was done, they did
 21 what was called an anomalous lead study report and they
 22 went to those hot spots outside the remediation zone
 23 and said, Oh, a backyard incinerator was there, that
 24 burning newspapers and tin cans could leave lead on the
 25 ground. He explained that that way.

1 sampling, we're going to get sampling back there.
 2 So we're just trying to catch those
 3 stories to make sure what the scientists are working
 4 with is real -- is good information. That's all.

5 MR. BARNICK: Ed, go ahead. One
 6 bothersome part before this is if we didn't do the
 7 testing last year or pursue this -- I mean, we're
 8 pursuing this with our own taxpayer money, which is
 9 wrong.

10 They're responsible. We're paying
 11 thousands of dollars here, and either the federal
 12 government or Gould has got to pick it up. I mean,
 13 that's the reason behind the lawsuit against Gould for
 14 the fees.

15 We're sitting here where you've got
 16 thousands on thousands of dollars spent on these guys,
 17 which they're doing a good job, and that's the reason
 18 we're getting extended testing and everything else, but
 19 there's two or three more projects in the Borough that
 20 could be done, sewers, recreation, and it's wrong. And
 21 everybody should be calling these legislators, Sherwood
 22 and Santorum, all of them. Get us some money up front,
 23 because we're the ones that got them to do this, go
 24 this far, and go the length with this testing.

25 It's not fair to people in this Borough

1 Oh, that's your downspout. This house is
 2 of the age of leaded paint, so that could be explained
 3 that way. So they said they explained every hot spot
 4 of lead outside the zone of remediation by a source
 5 other than Gould, other than the Marjol site.

6 EPA is now going to go back, as I
 7 understand it, we haven't seen it in writing yet, to if
 8 not all of those properties, many of them and do a much
 9 more comprehensive study, several samples, to make sure
 10 that those properties are either clean or need further
 11 attention.

12 And they're going to have Gould do some
 13 of that within the zone of remediation to make sure
 14 enough was done there, as well. Now, we don't have
 15 that plan yet, so we can't tell you property by
 16 property what it is, but what we're trying to do is get
 17 information from the community to make sure that we can
 18 push thoughtfully for as much additional sampling and
 19 proper sampling as appropriate.

20 And so if there are areas where the wind
 21 might not have blown it, but the trucks were going
 22 every day, we're going to push, for example, sampling
 23 there. If there are some of you that had a row of pine
 24 trees and you remember your grandmother's wash was
 25 always burned up by those pine trees and there was no

1 at all. It's not fair. Gould is just sticking it to
 2 us. I mean, they might have paid for the original
 3 engineering fees and stuff like that, but once they
 4 knew, Hey, this is going to cost more in the long run
 5 because we're going to find more, I mean, you're not
 6 going to pay something that's against you, that's for
 7 sure. And this is where the federal government should
 8 step in and put up their money, put up that money.

9 I mean, EPA is willing to go and
 10 re-evaluate everything, but where is the money for all
 11 of this? We have to prove it first. It's not right.
 12 Ed.

13 MR. SHOENER: My name is Ed Shoener. I
 14 used to be with DER a few years ago. The last couple
 15 years I've been working with plaintiffs that are
 16 litigating and trying to get damage claims from the
 17 contamination that occurred to their property.

18 I was retained as an independent expert
 19 by the lawyers for the plaintiffs, and they asked me to
 20 review documents and issue my opinions in court, which
 21 is what I did. The most recent hearing was before
 22 Judge Conaboy in the Federal District Court back in the
 23 fall, I think, in November, and he issued an opinion in
 24 February. And what I wanted to do, I spent two or
 25 three years working with the attorneys digging into

1 this, and although I've stated my opinions in
2 depositions and in courtrooms and that, I've always
3 felt badly I never had a chance to explain what I found
4 up here in the Borough of Throop, where you folks can
5 do something about it. I don't live in Throop, but
6 it's important I think that you know what's been going
7 on in the litigation.

8 I'll add one more map. I'll start
9 backwards from what Judge Conaboy's opinion was in
10 February. If you probably remember, Mr. Barnick said
11 it correctly, what Gould did so far in the cleanup was
12 good as far as it goes, but it didn't merely go far
13 enough.

14 The initial round of litigation and
15 cleanup was done on the properties in close to the
16 site, and there was some very heavily contaminated
17 properties there and the litigation was settled for
18 damages and also a lot of cleanup occurred.

19 What's being litigated now, which
20 probably many of you know, is this contamination that's
21 out beyond this initial zone of contamination. The
22 hearing that was held in the fall before Judge Conaboy
23 didn't look at all of these properties. What they did
24 was take a couple of properties as test cases and see
25 if these properties further out, that there were

1 Damages in tens of thousands dollar
2 range, \$20,000, \$30,000, \$40,000, so that's a long ways
3 off, and there's a lot of properties between where the
4 cleanup occurred and where these homes are.

5 And what Judge Conaboy said based on the
6 evidence that was presented, not only environmental,
7 but based on the psychological and medical testing,
8 this isn't just a theoretical problem. There are
9 learning deficiencies that were occurring in the
10 children that lived in these properties. Now, not
11 everybody had a learning deficiency.

12 For example, one of the children in
13 closer, although they had lead levels, that particular
14 child didn't exhibit a learning deficiency, but at
15 least these properties this far out were evidencing
16 this kind of problems.

17 I'll leave -- I only brought one copy, I
18 didn't bring the whole opinion. It was a 60-some page
19 opinion, but this is Judge Conaboy's findings on the
20 testimony. So I guess the basic point I want to make
21 out of the ruling by Judge Conaboy is that an
22 independent judge who heard many days of testimony who
23 has been involved in this case for lots of years found
24 a basis for findings damages out this far.

25 The problem with this litigation is that

1 problems on these properties and problems with the
2 people that live in these homes and then decided how
3 you would handle those problems and then use that as a
4 guide for the rest of the area.

5 So what I think is important for you to
6 know is -- and you're very familiar with Throop, of
7 course -- the test properties -- I won't mention names,
8 although they're public documents anyhow -- were out as
9 far as the 800 block of Murray Street, was the one test
10 property, and the other test property was all the way
11 down on this side of Throop not too far away from where
12 we are here on Rebecca Street. That's quite a ways up.
13 And there was also a test property in closer here on
14 George Street, if I remember right.

15 MR. BARNICK: Wasn't there one also over
16 in Dickson and they never remediated that?

17 MR. SHOENER: That might be in substitute
18 rounds, but the hearing before Judge Conaboy this fall
19 was just these properties. The important thing to know
20 is that Judge Conaboy agreed with the plaintiffs, with
21 the people that were suing, that there was lead
22 contamination on these properties this far out that was
23 cause by Marjol Battery, and it contributed to learning
24 deficiencies with the kids that live in these homes and
25 damages were awarded.

1 it won't get anything cleaned up. It's purely damages.
2 It's purely for money. Judge Conaboy is not going to
3 order any cleanup. If you want to get it cleaned up
4 outside this area, you're going to have to bring your
5 own litigation under some other basis or you're going
6 to have to get after EPA to have the cleanup done
7 either by Gould or by the EPA, one or the other, and
8 you have to do it politically.

9 My expertise is not in the medical area,
10 so I can't tell you much about the learning
11 deficiencies and the basis for that findings, but what
12 I can tell you about is my expertise is more
13 environmental contamination and environmental sciences,
14 and I can tell you about what I think of the studies
15 that have been done so far to find extended
16 contamination.

17 I think, and I wrote to EPA about this,
18 but again, it's just me and I'm no longer running the
19 DER, as Mayor Lukowski said, so I don't have the clout
20 I used to, but I did tell them that I think the work
21 that was done by Gould mischaracterized and
22 underestimated the extent of contamination and
23 recommended to EPA that they go further and find
24 contamination better.

25 I'll leave the letters here. EPA

1 basically said they thought what they did was good
2 enough and they weren't going to go any further with
3 this analysis.

4 But I'll explain it to you, because I
5 think this is something where the politicians who come
6 trooping through Throop could really -- this is
7 something they can help you on. What was done to find
8 the extent of contamination was a modeling study. And
9 the first thing is is the modeling study wasn't done by
10 EPA. It was done by a contractor hired by Gould out of
11 the University of Pittsburgh, who, as far as I know,
12 was never even to the site. It was based on -- at
13 least certainly not to the site where they were
14 operating. He's not that familiar with Throop.

15 But in any event, he did a modeling
16 study, and what they did is they characterized, broke
17 the site into six zones and a seventh zone is the
18 stack. If you remember when the plant was operating
19 there was a stack there, and then there were six areas
20 of the site that was broken into, and you would think
21 intuitively if you were going to do an air model on the
22 site, how would you do it if you were going to air
23 model the site for particular contamination? How would
24 you do an air modeling study? What would you logically
25 do if you wanted to figure out where the contamination

1 soil lead levels that you found out in the community.
2 And what they concluded was area one,
3 which is up here near the closest to the north wood
4 site, area one was a real good predictor of where the
5 contamination was. And they ignored all the other
6 sites -- sources like that. They didn't do any further
7 analysis of the stack or these other sources.

8 So not surprisingly if you're saying area
9 one is the source of contamination, which is around in
10 here, they're going to say most -- and it's a ground
11 level source with heavy dust coming out of it, you're
12 going to say most of the contamination is right in
13 here, and that's what they found. Mathematically
14 that's what they found.

15 They didn't look any further at these
16 area sources over here and they didn't look any further
17 than the high stack. So they didn't do the traditional
18 air quality modeling or dispersion site, because they
19 didn't try to reconstruct what happened there.

20 They quickly drew the conclusion that
21 dust coming from this area one is the best predictor of
22 contamination and it was pretty good for the area. But
23 you've got a high stack that's sitting up high, it's
24 going to blow it out further, it's going to blow it out
25 further into the community. You've got contamination

1 came from and how far it spread?

2 AUDIENCE MEMBER: A picture.

3 MR. SHOENER: Well, you don't have a
4 picture, you got 15 years hence. I mean, what would
5 you try to do if you tried to find the extent of the
6 contamination?

7 AUDIENCE MEMBER: Identify the sources.

8 MR. SHOENER: You identify the sources,
9 you try to come up with some estimate to reconstruct
10 the emissions that came from the sources and look at
11 the wind direction data and figure out where it went
12 and then try to make some prediction as to what
13 happened in the community.

14 When I dug into it and found out what
15 they did, what the company did is they took these six
16 areas and the stack and they just contributed the same
17 emission rate to all six areas and the stack. Keep up
18 with me a little bit.

19 They didn't try to characterize actually
20 what came out of these areas, they just assumed the
21 same amount of pollution came from all six areas and
22 the stack. And then they did a mathematical model
23 based on wind directions to where the pollution would
24 go and then they did a mathematical model to correlate
25 what these areas was the best predictor of the

1 down in this site, this site, it's more likely to cause
2 contamination on this side of the community.

3 So my recommendation is that -- my
4 recommendation to EPA was that they do their own air
5 modeling with their own air modeling specialists. They
6 have people on staff that can do this and be able to
7 tell them exactly where the extent of contamination is
8 from these other sources.

9 If EPA wouldn't do it, maybe Throop would
10 do it with their own funds, but you're never going to
11 get EPA, I think, do very much in additional cleanup,
12 until you get them to recognize what these other
13 sources contributed to the contamination in the
14 community.

15 As long as you're stuck saying this area
16 here was the main contributor of contamination, you're
17 going to be left arguing with EPA that is the area of
18 contamination and you might be fighting whether this
19 backyard or that backyard should get cleaned up;
20 whereas, I think a lot of these areas outside, way
21 outside the area of contamination should be a concern,
22 particularly the areas over here on
23 Sanderson Street and the Patch down in that area and
24 over near Dickson City.

25 You can't see it on this map, but the map

1 also shows it has yellow dots, there's no way you can
2 see, that there are lead concentrations greater than
3 500 parts per million.

4 My big recommendation is that the areas
5 outside of this initial cleanup, I think these big
6 areas need to be looked at closely.

7 MAYOR LUKOWSKI: Are you saying that EPA,
8 they brought in their own staff to do the testing in
9 Palmerton?

10 MR. SHOENER: They brought in their own
11 staff to do the air quality modeling.

12 MAYOR LUKOWSKI: They didn't give us that
13 consideration up here.

14 MR. SHOENER: No. And I'll tell you from
15 having worked in EPA, the group that's working on this
16 is not the same group, doesn't get the same resources,
17 same budget allocations. It comes from different parts
18 of the budget, the air quality staff.

19 MAYOR LUKOWSKI: They were about to make
20 a big, big decision without doing this.

21 MR. SHOENER: Right. I absolutely agree
22 with you. I wrote to them. I don't think they should
23 make a final decision until they get an air quality
24 study.

25 MAYOR LUKOWSKI: Well, we're happy you

1 community.

2 And they didn't adequately discuss or
3 describe the extent of contamination that came from
4 that stack, and plus this is something the folks in the
5 community can add to this when they try to characterize
6 what happened on the other parts of the site -- I know
7 a lot of you know in the community that things happened
8 on the other parts of the site, there was burning,
9 there was other things that were occurring throughout
10 this site, which you can give EPA information on, what
11 was occurring, and they can put that in their model to
12 try to get the extent of contamination better
13 characterized.

14 The only other thing I'll say is in
15 cleanup standards, New Jersey has a cleanup standard of
16 400 parts per million. The State of Minnesota in
17 residential areas, bear soil in residential areas,
18 their cleanup number is 100 parts per million.

19 So I'll just throw that out, that there
20 are other cleanup standards that are much lower than
21 that. Any questions?

22 ATTORNEY BLAZEY: Pennsylvania doesn't
23 have a clean-up standard then?

24 MR. SHOENER: What's that?

25 ATTORNEY BLAZEY: Pennsylvania doesn't

1 got involved with this, because we know what you did
2 for us when you were the head of DEP, not only with
3 Marjol, but with the landfill, and it's been a great
4 help.

5 MR. SHOENER: Thank you, Mayor. Yeah,
6 you're absolutely right, though. This is serious.
7 They can't leave this until they do -- they absolutely
8 should not leave until they do a good air quality
9 study. If EJ doesn't want to do it, I know that
10 Gannett Fleming's expertise is in air quality
11 modeling --

12 MR. SWIT: Just before we get to that
13 point, did you point out that it was clear to us in
14 looking at the information, the wind doesn't only blow
15 in this direction, it goes this way, it goes that way,
16 it goes that way --

17 MR. SHOENER: And also the other thing
18 is -- the thing that most disturbed me was there was a
19 high stack -- there was a high stack, and this modeling
20 just looked at ground level dust, just stuff that was
21 kicked up from the batteries getting knocked around.
22 There was a high stack that was -- and plus you add the
23 heat rise off of it, probably putting this stuff up in
24 the air 60, 70, 80 feet, and that could spread the
25 contamination around significantly throughout the

1 have a clean-up standard.

2 MR. SHOENER: It's in a state of limbo?

3 ATTORNEY BLAZEY: No, no. 500 for
4 residential use; 1000 would be unrestricted commercial
5 industrial use. It really has to do with the amount of
6 time you spend on the property and the age of who's
7 going to be on it. Children are really at greatest
8 risk and woman of child bearing age, I guess.

9 MR. SHOENER: So, I'll be glad to help
10 you craft the requests to EPA, what you should be
11 asking for. It's not rocket science. You want them to
12 go back and hire a competent meteorologist to
13 characterize what happened at the site -- I mean, it's
14 20 years ago -- but to get some feel for the
15 distribution. You're not going to get precise numbers.
16 You're going to get some feel for the distribution of
17 the contamination and what areas were affected.

18 And I looked -- they should look real
19 closely to Judge Conaboy's opinion. You know, I think
20 that was very significant, the Judge's opinion, okay?
21 I mean, I'm glad I can help. I feel bad about what I
22 found. The contamination, I think, is more widespread
23 than what was --

24 MAYOR LUKOWSKI: Over the years the tests
25 were being done in areas where we thought that they'd

1 get the most favorable readings, and we yelped about
2 that because we're all -- Joe, and myself, on that
3 citizens review committee when we had the meetings --
4 coming out with what we thought were the most favorably
5 readings in the areas where the --

6 MR. SHOENER: Well, certainly the study
7 that was done would limit the area of cleanup. I mean,
8 if you only look at one source area and you only look
9 at the source as being a site where ground level dust
10 blows out of it, you're going to restrict the number of
11 properties you have to cleanup.

12 If you start looking at sources on the
13 other side of the hill with a higher stack, you're
14 going to wind up with larger cleanup areas.

15 MAYOR LUKOWSKI: And Dickson City was
16 completely omitted.

17 MR. SHOENER: Yeah, there's a lot of
18 properties over on the other side of the river that
19 have levels above 500 in Dickson City.

20 MR. BARNICK: So would you be saying EPA
21 is negligent on what they've established as far as the
22 cleanup?

23 MR. SHOENER: Well, I was careful how I
24 wrote the letter. Negligent carries a lot, but I
25 certainly think it was inadequate and mischaracterizes

1 higher nationwide probably than lower. And we can talk
2 about that. I'm not trying to be an apologist for
3 them, but what a judge can decide or do in an
4 individual case based on the evidence in that case is
5 his decision, it doesn't mean the agency wasn't being
6 sued and locked into that, so that's a much different
7 fight than we're picking right now, is all I'm saying.

8 You know what the fight we're picking is
9 costing us.

10 MR. KEYASKO: Doug, you know what I'd
11 like you to do for this Council, find out how Gould
12 went down to Philadelphia and got an amendment to the
13 agreement that we had that they wanted to store that
14 stuff there temporarily, the soil, to expedite the
15 cleanup, and we went along with it.

16 ATTORNEY BLAZEY: Well, remember -- if I
17 understand, Joe, the issue, EPA in its remedy has said
18 finally all that stuff has got to come off.

19 SUSAN SHORTZ: It's not all coming off,
20 because some of that is low hazard, and low hazard is
21 staying on-site, and it was low hazard last year.

22 MR. KEYASKO: Now, here's an ordinance
23 from 1988.

24 ATTORNEY BLAZEY: I thought the low
25 hazard --

1 and they need to do a better job.

2 MR. BARNICK: Close enough, I guess.

3 ATTORNEY BLAZEY: I'm hoping, Ed,
4 particularly since you marked those properties with
5 apparently higher levels, we get those on one of the
6 maps here to see where they were and then --

7 MR. SHOENER: Well, what is interesting
8 is the levels weren't necessarily that much higher. I
9 mean, what was interesting is the Judge's ruling, even
10 though they're lower levels and some of the levels were
11 below 500 that there was still learning disabilities
12 associated with the kids that lived in those houses.

13 I think you should start thinking about
14 challenging the 500 cleanup number as being an adequate
15 cleanup number.

16 AUDIENCE MEMBER: On the middle spot you
17 have on your map, what street was that on, the judge
18 ruled on, the middle spot?

19 MR. SHOENER: It was on George Street.
20 You know, it's public information. I think it was the
21 800 block of George Street.

22 ATTORNEY BLAZEY: We ought to get those
23 properties and those numbers. I can tell you we're
24 going to have a real fight on our hands if we try to
25 challenge the numbers. If we're -- they're going

1 MS. SHORTZ: Low hazard and high hazard
2 all came off of the cleanup, and the low hazard is not
3 being 00 in the current proposal is not being --

4 MR. BARNICK: One person at a time.

5 MR. SHOENER: I'll read you some of the
6 findings out of the Judge's rulings. In talking
7 about -- two things he did, he broke the ruling into --
8 most of the ruling was discussing the testimony that
9 was presented, then at the end he has a discussion of
10 the witnesses and the weight and credibility he gives
11 to the witnesses and then his findings.

12 And some of the statements he makes
13 regarding some of the expert witnesses provided by
14 Gould, for example, there was a woman that testified
15 about the extent of contamination, Ms. Forslund, and he
16 characterized her as saying although she has good
17 credentials, her casual attitude appeared to cause her
18 to diminish the impact of what everyone agrees was an
19 extraordinary event in the history of this community.
20 Overall, she would diminish the contamination even
21 below the other expert for the defendant -- and at the
22 same time, exaggerate effects of other lead sources
23 with little or no valid reason or justification. So,
24 he basically --

25 MR. BARNICK: Barbara Forslund?

1 MR. SHOENER: Yes.

2 MR. BARNICK: Gould or the AGC? Okay.

3 MR. SHOENER: The medical witnesses for

4 the defendant appeared, to this court, to have a

5 jaundiced eye regarding blood lead levels effects on

6 human beings, and particularly on children.

7 And then he concluded on saying, The

8 outstanding factual reality in these cases is that

9 Marjol constituted an exquisite widespread source of

10 lead contamination in this community for a long period

11 of time.

12 And in conclusion on his finding for the

13 plaintiffs, he said that the Plaintiffs has sustained

14 their burden of proving by the fair weight and

15 preponderance of the evidence that they suffer from

16 injuries caused by excessive volumes of lead in their

17 bodies.

18 We find further the excessive lead levels

19 were caused by the defendant's negligent acts which in

20 turn caused lead in excessive amount to contaminate the

21 properties and the community where the plaintiffs'

22 lived.

23 So, I mean, the Judge didn't pull any

24 punches. He heard a lot about the testimony, so I

25 recommend that -- and your attorney can get a hold of

1 I'm against burying this stuff forever where it's at

2 and I'm equally against taking it and burying it

3 somewhere else in the form it's at, whether it's

4 stabilized or not.

5 The folks at Pittsburgh Mineral

6 Environmental, and the acronym for that company is

7 PMET, are metallurgists, and I've talked with them at

8 some length now about this site and the potential to

9 clean it up and actually recover the lead from this

10 site and get it out of here.

11 They have a technology they've developed

12 for another battery site like this over in

13 Western Pennsylvania, and we think that that process

14 could be applied to this site to extract this lead and

15 get the lead out of Throop and leave a clean soil

16 behind, whether it's, you know, stabilize it by the EPA

17 method, that's fine. You have to process it anyway.

18 That's the way to process.

19 The reason I'm here to tell you this is

20 because I've read the Gannett Fleming report, I've

21 looked at what you've -- you're looking at somewhere

22 360,000 yards in material with some number of thousands

23 of tons of lead sitting over here.

24 We think we can get a great deal of that

25 lead out, certainly get it below 500 ppm, and depending

1 this opinion and I would -- pretty impressively, as

2 I've said a couple times tonight -- now I'd very

3 aggressively go after EPA and get an adequate air

4 modeling and air assessment study done to

5 form the basis for looking at the contamination -- the

6 cleanup beyond what was already done.

7 MR. BARNICK: Thanks a lot, Ed. We're

8 going to go to some audience comments.

9 THE REPORTER: Excuse me. Before we do

10 that, may I just take a break for a minute?

11 MR. BARNICK: Sure. Five-minute recess.

12 (RECESS TAKEN.)

13 MR. BARNICK: Before we go to audience

14 comments, I have one person that wants to speak for a

15 couple of seconds.

16 MR. MILLIKEN: I can wait until you get

17 your public comments done. It's okay. Whichever you

18 prefer.

19 MR. BARNICK: It may help.

20 MR. MILLIKEN: Okay. My name is

21 Larry Milliken. I live at 1720 Rear of Madison Avenue

22 in Dunmore. I work with a group of people, a company

23 called Pittsburgh Mineral and Environmental Technology,

24 and I've kind of been a peripheral watcher of what's

25 going on with this Marjol plant, but philosophically

1 upon how much money Gould wants to spend, you can get

2 all the way down to 100 in the stripping process.

3 But you can do that on-site, clean it up

4 here, take the lead out of Throop and leave a

5 stabilized soil here for about the kind of money, give

6 or take, that Gould wants to bury it and leave

7 everything like it is.

8 Somewhere between that \$8 million bucks

9 and I think \$35 is the number I saw for the mid-range

10 EPA plan to take half of it off-site to a landfill and

11 stabilize the rest here and the low waste here.

12 You can get all of it or a great majority

13 of it off-site, you can get it out of here and actually

14 recycle it. And personally, I think that's a better

15 technology than what's on the table right now.

16 I've talked to these folks that I work

17 with before. We think you can set up a plan here and

18 in four, five months have 90 percent of the lead that's

19 in this site altogether out of here.

20 And from there on it might take another

21 year to process the rest of that material where you

22 have very low concentrations, but this can be done

23 quickly and it can be done in a way that satisfies

24 Throop by getting the lead out of town, satisfies the

25 EPA by having the stabilized soil back here and

1 satisfies Gould by doing it for a whole heck of a lot
2 less money than trying to truck this stuff all the way
3 to another landfill.

4 What I'm asking you for tonight is I just
5 want to tell you this technology exists, this isn't
6 brain science. These are good folks, they're
7 metallurgists, they've done a lot of work with lead.

8 I gave the Mayor a copy of a statement of
9 qualifications from PMET that shows some of our other
10 projects they've worked on, including a lead battery
11 site. They have patters on mercury recovery from waste
12 sites and some other minerals. They're working on some
13 power plant stabilization and recovery of materials
14 from sludges, but this is a site that's definitely
15 amenable to that.

16 And while tonight's meeting is talking
17 about off-site stuff, as long as that is sitting over
18 there, the potential for additional migration exists.
19 And it's ludicrous that this town has to put up with
20 this stuff sitting here for 20 some years. You're not
21 alone in this. I know your frustration must be huge,
22 but it can be done.

23 It could all be out of there in a year,
24 and 90 percent of it could be out of there in about
25 four, five months for the kind of money that Gould is

1 MR. MILLIKEN: Yes. Or strip the lead
2 off of them and clean them to the point where they're
3 not contaminated. But they can be taken out, is part
4 of the process, because we'd have to screen the
5 material. I mean, that's a light density material.
6 You can float it and screen it. That would have to be
7 landfilled.

8 MR. BARNICK: Go ahead.

9 ATTORNEY BLAZEY: Mr. Milliken, what my
10 suggestion on behalf of the Borough would be to make
11 sure you get a card and a statement of qualifications
12 to Frank Swit.

13 MR. MILLIKEN: The Mayor has a copy.

14 ATTORNEY BLAZEY: Let me just explain the
15 process, what the bidding on this topic has been to
16 date, and we've not really dove into it and why. It
17 doesn't mean it's not appropriate and there wouldn't be
18 a time to do it, because I actually have personal
19 feelings of much the same way, but EPA, as I recollect,
20 required a component of the corrective measures study
21 was off-site remediation technology and beneficiation
22 technologies, and they looked at actual lead recovery
23 in different ways and they priced them.

24 Now, that goes back, I think, some years
25 and it may be that today there's newer technologies and

1 talking about or a little bit more, but certainly in an
2 affordable realm compared to \$37 to \$80 million to
3 truck this stuff and stabilize it and take it to
4 landfills.

5 For the \$10 to \$15 million range, we can
6 get it out of here. I mean, you can clean this site up
7 very permanently. That doesn't solve your off-site
8 problem that you're here to talk about, and I apologize
9 for getting a little bit off your topic, but I wanted
10 to present this, because we're kind of latecomers in
11 this and I know EPA is down there deliberating one of
12 these multiple scenarios that you guys wrote in your
13 last report.

14 But I'd like to throw this one into the
15 ring, and if the town is at all interested, then all
16 you got to do is tell me and my next step would be at
17 Gould's door to talk to them about it, because I think
18 they'd like a solution to get a little further off the
19 hook and gets this site more clean than anything people
20 are talking about now.

21 If you cap it all, this stuff is going to
22 be here and this is going to surface again, I'll
23 guarantee.

24 MR. KEYASKO: Would that include the
25 battery cases, get them out of here?

1 most cost efficient technologies, but in a corrective
2 measure study, as I recollect, that to actually recover
3 the lead was among the most expensive things to do.

4 So, from the Borough's
5 perspective --

6 MR. MILLIKEN: I'm here telling you we'll
7 do it commercially and we'd do it on a contract with
8 Gould, so there's no risk to you.

9 ATTORNEY BLAZEY: Well, there's a
10 representative of Gould here tonight who probably would
11 like your card here, too, because I'm sure if it's a
12 proven technology, and we'll mention it to EPA, at some
13 phase in this process things that are cost-effective
14 and protective can be looked at, they can be brought
15 in, if they belong there.

16 Now, I'm not criticizing you or your
17 company, but for a lot of folks that always build a
18 better mouse trap, they don't always catch mice, okay?
19 So, we're just hearing about this good idea. We have
20 to leave it up to the professionals who are actually
21 doing the remedy selection to decided if it's
22 appropriate for this site, but it's certainly something
23 that should be looked at, I would say.

24 MR. MILLIKEN: I agree, absolutely. And
25 the only reason I interrupted your meeting is because

1 the time clock is running pretty short and we haven't
2 had a chance to get into this before.

3 ATTORNEY BLAZEY: The logic of what the
4 Borough is saying, and this is the difficulty weren't
5 we, Council, is we're not the decision makers. We're
6 kind of that fly on the you-know-what of the elephant
7 trying to get it to go in the right direction.

8 And what we saw as the direction that was
9 the absolute for this community was to isolate the
10 combustible material and the highly contaminated
11 material from those coal measures as a long-term risk
12 and to support the stabilization.

13 Now, if they could do more and recover
14 the lead, that's fine, but it's out of our town, it's
15 out of our Borough. It's one way or the other. So we
16 started -- what was important to us was to get it out
17 of here, isolate it from the coal measures and not
18 worry about the best remediation technologies. That's
19 their work. That's how we approach that.

20 MR. BARNICK: Could you get all that
21 information over to Frank, a card and everything else?

22 MR. MILLIKEN: Sure.

23 MR. BARNICK: We can take a look at
24 this. All right. We're going to go on to audience
25 comments next. And now, if you don't want to state it

1 the properties, well, my property -- the site is my
2 backyard. They've cleaned behind me and around me and
3 across the street from me, but in my personal property,
4 they only did a little corner.

5 Now, where they got rid of that soil, I
6 had a tree planted there, I planted a tree, and the
7 tree is growing beautiful. Now, since the cleanup the
8 rest of my yard was not touched. Since the cleanup,
9 I've lost four shrubs that's been there before I bought
10 the house. Six trees, big trees, in my backyard are
11 gone. Another one this year. I just went back there
12 the other day, another one is down.

13 The back of my yard was loaded with big
14 huge trees. I'm down to about five trees. Now, this
15 was supposedly tested air, soil, but there's something
16 killing these plants and trees. Now, that part of my
17 property was not touched.

18 ATTORNEY BLAZEY: Could you just point
19 out -- I know the stenographer can't get that, but she
20 has your address.

21 MR. AMBROGIA: Right here, 815 Hill
22 Street. They did this little corner. They put a tree
23 in there and that tree is growing, but the rest of my
24 yard, everything is dying. I would like somebody to
25 look into that or have it retested. Do you understand

1 out here in public, you can meet with them after, just
2 as long as we get as much information you have about
3 the operation of the site, things like that.

4 ATTORNEY BLAZEY: Also answer questions,
5 too. If people are concerned or confused about this,
6 which is not simple, there's no such thing as a dumb
7 question, I've said that before. So we're not only
8 interested in what you know, and I hope we spend some
9 time tonight, particularly on haul roads, pollution,
10 recollections of laundry on the wash.

11 Another issue would be if your property
12 was remediated or not remediated and it's shown as one
13 color or the other and those colors are wrong, we want
14 to know that. In other words, if the map shows green
15 and you don't remember them ever being in your yard,
16 that's an error. On the other hand, it could be the
17 other way around. We want to be accurate in gathering
18 information.

19 MR. BARNICK: Okay. Just remember one
20 person can talk at one time, that's it, so she can
21 catch everything. Starting from the front to the back,
22 left to right. State your name and address for the
23 record.

24 HARRY AMBROGIA: Harry Ambrogia,
25 815 Hill Street. On the cleanup of the site here of

1 what I'm trying to tell you? There's something wrong
2 there.

3 MS. GORESCHAK: In the front we just lost
4 two more bushes.

5 MR. AMBROGIA: I know.

6 ATTORNEY BLAZEY: Was there any
7 significant change in drainage over the last few years
8 in terms of street drains or water flowing through
9 the --

10 MR. AMBROGIA: You know, the trucks were
11 going up and down that Hill Street every day back and
12 forth from the site, from across the street where they
13 were removing soil driving right by a house, and not
14 only my house, there's a couple yards right in that
15 area they never touched.

16 ATTORNEY BLAZEY: What we would like you,
17 Mr. Ambrogia, make sure you look at the map and those
18 yards that you say were never touched, let's see
19 whether they're colored in or not.

20 MR. AMBROGIA: No, they're not. Right
21 here. They're right next to me. There's two or three
22 properties in a row, but all around us it was cleaned.
23 Now, my property, everything is starting to die.

24 AUDIENCE MEMBER: Gee, I hope we don't
25 die.

1 MR. AMBROGIA: Probably we will, too,
2 eventually. But what I'm trying to tell you, I believe
3 there's a problem there, soil, air.

4 ATTORNEY BLAZEY: Well, this is the time
5 for us to ask for additional testing or
6 characterization in an area like that, so long as --

7 MR. AMBROGIA: You know, from here where
8 we're standing to the Community Center, that's the
9 site. That's where I live, right here. The Community
10 Center is the site. That close, and yet they didn't
11 touch. As you can see here, they didn't touch nothing
12 in that section.

13 AUDIENCE MEMBER: They didn't test
14 anything either.

15 ATTORNEY BLAZEY: Well, that's important
16 to know. Thank you.

17 ROBERT KOKINDA: Robert Kokinda, 810
18 Goodman Street. I have a few concerns, I guess.
19 Number one, my property that I recently purchased in
20 the last five years is outside of the test area. I
21 would like to have it tested. I'm volunteering my yard
22 for a sample, if I could get on this list, could I?

23 Goodman Street would be this area right
24 down here, which would be along one of the truck routes
25 going to the site, to and from. Actually to, because

1 ATTORNEY BLAZEY: Well, you've raised
2 different issues here. Some have to do with the
3 on-site remedy, others I think have to deal with --

4 MR. KOKINDA: That's the smart way of
5 going, though, increasing this site survey.

6 ATTORNEY BLAZEY: This is Doug Blazezy
7 speaking, Mr. Kokinda. I think I remember your
8 comments before. Were you a resident when there were
9 actual operations and materials being taken to the
10 site?

11 MR. KOKINDA: Yes.

12 ATTORNEY BLAZEY: Could you tell us what
13 that truck routing area was, because that's a very
14 important one?

15 MR. KOKINDA: I was a resident growing up
16 a block up from Mr. Rocco in the 200 block of Sanderson
17 Street. I recently repurchased the house in a
18 supposedly safe area. Until I did get a little further
19 study, my yard was tested when I purchased the
20 property, the levels are low. They're below the 300
21 parts per million, depending on where they look.

22 Like you're saying, there's a couple of
23 occasional hot spots, somebody washed out a paint can.
24 I would like to have it retested, and I think it would
25 be a great idea to expand this, number one.

1 it's a one-way street, but I'm sure these areas should
2 be checked.

3 There was some sampling a few blocks over
4 on Murray Street, etc., etc., etc. It would be a good
5 idea to look up towards Washington Park. I brought up
6 the concern before with the EPA's plan about this air
7 dispersal. I have a pamphlet, if Mr. Rocco will hand
8 it over, from the EPA.

9 The EPA's current plan of remediation,
10 here's their booklet, and they've told us that there is
11 no problem with them digging this site for two to four
12 years. I don't think that's a viable answer,
13 especially now that you're concerned about air
14 contamination, which they said is no problem. How far
15 did it come?

16 Here's the 25-page booklet right in their
17 writing. I didn't copy it. They handed it out freely.

18 ATTORNEY BLAZEY: Now, is that on lead
19 paint?

20 MR. KOKINDA: Lead, reducing lead
21 anywhere, any type of lead contamination. If you
22 suspect it in your home, the process to go through to
23 get it out. If this gentleman's process does work and
24 it is a valid thing, that's the best solution yet.
25 everybody is happy. Who cares how much it costs.

1 Now, I have two young children. I have
2 two young children to protect, and I think the Council
3 owes the citizens, especially the younger citizens, the
4 protection, because this remedial plan is not cutting
5 it.

6 Digging that up, you can't trust them to
7 dig it up. They're saying there's air monitoring, the
8 whole bit. Their specialist, their

9 Dr.-what's-her-name, Oh, no, that's okay. There's no
10 contingency plan. There's no problem with this. It's
11 happened on other sites across the country. The EPA's
12 website is loaded with incidents. The public nature of
13 complaints was the remediation processes did not work.

14 ATTORNEY BLAZEY: Well, this is not the
15 point. I'm not trying to argue with you on this, and,
16 again, the team looked at that. I think it was our
17 feeling that remediation can be and have been in our
18 places safely and properly conducted. You have to put
19 the controls in place, you have to wet the materials,
20 you have to cover them, but there are ways to do it and
21 it's being done. It was our judgment.

22 You're certainly right, if it's not done
23 right, it can recontaminate the community. That's the
24 last thing we want.

25 MR. BARNICK: Excuse me. Doug, we're

1 trying to stay with the off-site issues, you know,
2 where you know for sure there is contamination and we
3 want to get all the information we possibly could here
4 for that.

5 The on-site stuff is going to be coming
6 up as soon as EPA comes up with this remedy. Right now
7 we want to establish the truck routes that you
8 remember, the incidents you remember.

9 MR. KOKINDA: Okay. I can step back and
10 do that. Growing up in the neighborhood of the
11 200 block of Sanderson Street, when I was a youngster,
12 Eddie Creek would run yellow from sulfuric acid into
13 the Lackawanna River. It killed everything. Along
14 Eddie Creek there was a large area of dead trees.

15 MR. BARNICK: You mean Sulfur Creek?

16 MR. KOKINDA: Yeah, not Eddie Creek,
17 Sulfur Creek. A large burned area, and that was
18 continuous through my childhood. I remember seeing
19 that and I was always warned by my grandparents and
20 parents never to go over there and play.

21 MR. BARNICK: I know. I know all about
22 it.

23 ATTORNEY BLAZEY: I'm sorry. I'm
24 ignorant in this regard. Was that from a mine or was
25 it from the battery site?

1 I lived on George Street in the 600 block. The sheets,
2 the clothes and everything else right there, the poles,
3 you name it.

4 They used to come down Clark Street.
5 They used to get stuck on the hills, bust the battery
6 casings so they'd get traction to get up the hill. I
7 mean, I remember it well. I used to go back and get
8 the marbles with the lead. They were all oil roads
9 then.

10 ATTORNEY BLAZEY: George Street?

11 MR. BARNICK: That was George,
12 Clark. Dunmore was a two-way, like I said. That was
13 the main road into town, Dunmore Street.

14 AUDIENCE MEMBER: Adams Court coming
15 back, I don't know if they were racing. You'd see one
16 flatbed coming up Adams, the other one coming up George
17 and, boy, when they were bouncing. Talking about your
18 lead be bouncing. That's when you had the problems,
19 not when they were loaded. They couldn't even make it
20 up in the plant. They have the bulldozer pull them up,
21 because they filled it in with casings.

22 ATTORNEY BLAZEY: Where was that? What
23 street was that, Adams or George?

24 AUDIENCE MEMBER: Delaware Street is
25 where they couldn't even get up there from the load of

1 MR. KOKINDA: Runoff from the battery
2 site.

3 MR. KEYASKO: It was running right down
4 the river.

5 MR. KOKINDA: Of course, there were
6 casings going down Sulfur Creek the whole bit, so it
7 was there and it did get out into the Lackawanna River.
8 How far, I don't know, but I'm sure.

9 MR. BARNICK: You would get rusty colored
10 ice down there on the acid pond, whatever you'd call
11 it. I remember it well.

12 MR. KOKINDA: And of course Throop only
13 has three major roads that they would use for delivery
14 points, Dunmore Street, Cyprus, and, of course,
15 South Valley. I don't know how much they used going
16 out towards Olyphant, but there's your three major
17 routes of access.

18 MR. SWIT: What was the third?

19 MR. KOKINDA: Dunmore, Cyprus and South
20 Valley Avenue. They would run off the smaller streets
21 onto these three major courses, which span out through
22 the entire Borough.

23 MR. BARNICK: Early on Dunmore was a
24 two-way street. There was no Cyprus Street that
25 circled around. That was the main traffic route. And

1 batteries. They had a bulldozer pulling them up. It
2 was never tested. I bet the casings are still buried
3 under there.

4 MR. BARNICK: If you were a fisherman,
5 you loved Delaware Street, because you can just go pick
6 the lead out left and right. I used to bring buckets,
7 buckets.

8 AUDIENCE MEMBER: I'm there since '59,
9 and I've been through it all before they even put up
10 the plant. I lived through that whole thing. My wife,
11 she never liked to put the clothes in the dryer. She'd
12 say, Put the lines out so I can put clothes out. We'd
13 have the snow falling. You'd go out there, it would be
14 all spotted. I'd say, You don't want clothes in this,
15 do you?

16 ATTORNEY BLAZEY: What is your address?

17 AUDIENCE MEMBER: I'm on the corner of
18 George and Adams Court, 813 George. We've got the dust
19 both ways coming with the flatbeds.

20 MR. KEYASKO: You're right.

21 MR. BARNICK: I remember my mother used
22 to complain when the stack was blowing the black smoke
23 and it got all over the clothes that were hanging out
24 there. She'd have to start all over again with the
25 wash, then the holes would form.

MR. KEYASKO: How about the window sills?
 You had to wash them every day.
 MR. ROCCO: We had the same trouble down
 in the Patch there, Sanderson Street and Dunmore
 Street, the Patch.
 ATTORNEY BLAZEY: That Patch, is that
 lower?
 MR. KOKINDA: Right here. This section
 of the map.
 ATTORNEY BLAZEY: That's important.
 Could we talk about the Patch for a minute, because
 that's the second time it's mentioned?
 MR. KOKINDA: And the other thing on the
 actual Gould site, as a child, I did sneak up there.
 Being a curious youngster, his son, myself, our
 friends, his relatives, we snuck up there. That one
 building on Gould's site, was that sampled underneath,
 because they filled a strip mine pit full of battery
 cases. They basically built that building on it. I
 saw them do it over the course of years.
 I don't know if that's been sampled or if
 that's been noted, but some of those buildings, I don't
 know if they've been checked or not. I know they went
 around the site, but did they check near the
 buildings? I'm sure you're going to find a lot more

1 MR. ROCCO: They never cleaned it, the
 2 Patch. They were around. They found a lot of hot
 3 spots, nothing was done. During the winter sometime it
 4 was testified between the 106 and 108 Sanderson, the
 5 readings were in the high thousands, 35, 40,000?
 6 MR. BARNICK: No, not 35,000, 3500, 4000.
 7 MR. ROCCO: Okay. Yeah, it was high.
 8 ATTORNEY BLAZEY: Where was this?
 9 MR. BARNICK: That was in the Patch.
 10 Right at his house there, right --
 11 MR. ROCCO: Between 106 and 108. They
 12 only tested that one spot down there.
 13 ATTORNEY BLAZEY: 106-108 Sanderson?
 14 MR. ROCCO: Yes. How many tests did you
 15 take, just the one?
 16 MR. BARNICK: I don't know. Frank's got
 17 them.
 18 ATTORNEY BLAZEY: That's the one Frank
 19 took?
 20 MR. ROCCO: How many did you take, just
 21 the one?
 22 MR. SWIT: Right there, yes, one.
 23 MR. ROCCO: I think there should be.
 24 MR. BARNICK: That was in 1100s.
 25 MR. SWIT: I have the number right here.

there than you know about.
 ATTORNEY BLAZEY: Okay. That's good.
 Just as a reference point, at some point during the
 evening you may want to look at those aerial
 photographs, because you can see from I think it's
 1949, where the strip pits were before there was any
 activity there, and a number of those pits have been
 filled over the years with contaminated material, and
 part of the remedy is to clean them out.
 MR. KOKINDA: Okay. I don't know if they
 had.
 ATTORNEY BLAZEY: But whether it extends
 to the building area, is something we should look at.
 MR. ROCCO: I would like to see more
 testing done down at the Patch, because I can remember
 like he was saying, hanging clothes and everything. My
 wife used to hang clothes.
 MR. KOKINDA: That's it for me.
 MR. BARNICK: One thing about the Patch,
 down in that area all you seen down there was dead
 trees, all you seen was casings, black casings down all
 over through that whole area and gray sand. It was
 like a gray sandy muddy -- I know, I used to walk in
 it, and then my shoes would fall apart. That's how I
 remember that. That's what happened.

1 MR. BARNICK: Another main route was
 2 Sanderson Street coming off Dunmore.
 3 MR. SWIT: We did get in the Patch area.
 4 MR. BARNICK: How many did we take, 20?
 5 MR. SWIT: Twenty, and five were above
 6 500.
 7 MR. BARNICK: Okay.
 8 HELEN RAFALKO: Helen Rafalko,
 9 819 Hill Street. My yard wasn't exactly cleaned
 10 either, and that's my backyard, Marjol. And my
 11 backyard wasn't even touched where Helen Street ditch
 12 is, that wasn't even cleaned.
 13 We put our own topsoil in there. I had
 14 Ernie Weston put topsoil in a couple of years ago to
 15 have it cleaned. My front yard, my husband had to
 16 clean. He did it himself, we bought the soil.
 17 On one side of my house they cleaned a
 18 20-by-40 piece, and I've got a big yard there, and all
 19 they did was clean that one spot. And a couple years
 20 later they came back and they did the front of my yard.
 21 I called it a checkerboard square, a 10-by-1- here and
 22 a 10-by-10 there, and that's all that was cleaned in my
 23 yard.
 24 And I'd like that to be retested again.
 25 And that's right, like I said, in my backyard. And

1 where my daughter's house was that's ripped down on
2 Richardson, the trucks used to go up that road and they
3 used to lose the battery casings there. They all
4 dropped them off there. And you'd see the battery
5 casings going up the road their. Her house was
6 demolished. That's all I have to say.

7 MR. AMBROGIA: Mrs. Rafalko, you also
8 lost a pile of trees in your backyard, because I was
9 watching them die every year they were dying back
10 there.

11 MS. RAFALKO: And that wasn't cleaned.

12 ATTORNEY BLAZEY: What was the street
13 address again?

14 MS. RAFALKO: 819 Hill Street.

15 MR. SWIT: Right here.

16 MR. BARNICK: Going across.

17 BETTE GORESCHAK: Bette Goreschak,
18 609 Meade Street. Did they ever check Delaware Street
19 because that was filled in with off-site casings and
20 whatever. Remember how deep Delaware Street used to
21 be? They filled it with stuff off the site. I guess
22 the middle of that road is probably all battery
23 casings. Do some testing in there to try to find
24 casings under that road.

25 ATTORNEY BLAZEY: We need to have that

1 400 block of George, like they said, except the end of
2 the block was the line. Would you like a copy of that
3 letter from the lawyer? I gave Jim a copy.

4 ATTORNEY BLAZEY: If you would make a
5 copy for me, I would like that.

6 MR. BARNICK: We have a copy in the
7 record.

8 MR. BARNICK: Ted.

9 TED: I spoke already. I'm just
10 repeating everything I said, even the way they cleaned
11 the property up. You might give kids little snow
12 shovels, they can clean it better.

13 MR. BARNICK: But not specific
14 identifying routes or anything extra you can add as far
15 as routes, truck routes that you remember?

16 TED: No. Like I said, they just used
17 every road. When they were coming back out of there
18 empty, it looked like they were running a race to see
19 who could get up to Dunmore Street the fastest.

20 MR. BARNICK: Last row in the back?

21 MS. SHORTZ: I didn't live there during
22 the operation of the plant, but I just wanted to remind
23 people, though, from the very beginning when this all
24 started out in '87 and '88 with EPA's involvement, a
25 lot of this contamination was done under

1 confirmed. It has been told to me, I'm not saying it's
2 true, but Mr. Godhold, who I think is an honest man by
3 inclination, if I remember it correctly felt there was
4 some remedial effort between the plant and
5 Delaware Street to remove battery casings as they were
6 pulling back or demolishing a home. I'm recollecting
7 this now. And what I think he told me was -- the
8 instruction was to take the battery casings out until
9 they didn't find any more. He thought that was done,
10 but I've heard this same story now several times, and I
11 think it deserves confirmation, so we need to really
12 figure out what was done with that --

13 MR. SWIT: Can someone show us on the map
14 where that is, where these casings are?

15 MS. RAFALKO: Right into Marjol Battery.

16 MS. GORESCHAK: That was paved over.

17 MR. BARNICK: Bette, didn't you have --

18 MS. GORESCHAK: I'm a block away and I
19 have a letter from my lawyer. I have two spots, 1000
20 and 6000. I had the pine trees, like you said. And
21 when I used to hang clothes on the line, they had to be
22 rewashed. So, looking at the map, I'm about 2000 feet
23 as the wind blows.

24 MR. SWIT: Which address?

25 MS. GORESCHAK: 609 Meade. I'm off the

1 Bill Studofold (phonetic), the project manager, and,
2 you know, it's been well-known how he felt about how he
3 handled the entire project.

4 But the people that were involved right
5 at that beginning can remember that initially EPA's
6 intent was only to clean six houses, and those were on
7 my side of Franko Street and on Delaware Street. And
8 then when they agreed to clean that they said, Well,
9 gee, did you test across the street, which they had not
10 yet done. They said, Oh, no. They were sure these
11 were the only homes contaminated because we bordered
12 the site.

13 And then they agreed to do the testing
14 across the street and found levels there, so then they
15 did the opposite sides of the street. And then we
16 said, What about the side streets like Eddy, Steinecke,
17 Pearl, Hill, all these other ones branching out, and
18 little by little they kept moving out. As you'd find
19 contamination, they'd move out.

20 All along they always, like, they were
21 always looking for an end point. They never wanted to
22 go any farther than they absolutely had to. And even
23 as far as when they were cleaning the properties, I
24 remember Mullen's house up on the corner of Steinecke,
25 like right up there, the corner house, they only

1 cleaned a portion of his yard, and when they were
2 cleaning -- Davis' originally wasn't cleaned across the
3 street, and then they finally cleaned Davis', and then
4 all of a sudden Mullen's whole corner was contaminated,
5 they had to come back and do that.

6 So, I mean, the present people in the EPA
7 that are now working on this project weren't involved
8 in that extent of contamination study. That was all
9 those previous people that did that. And now they all
10 kind of just say, Well, everything they did was fine.
11 It was done, and they're going by that.

12 In our opinion, that whole section was
13 done poorly, because Bill Stufold really didn't care
14 about the citizens and how things -- they did whatever
15 Gould said was right, that's what they went along with.

16 And when Ed read about Barb Forslund,
17 that's exactly been our feeling all along. She has
18 always had that tendency to tell us, like, she's the
19 engineer, we're the lowly citizens, we don't know
20 what's going on, she's the expert, and she makes
21 minimal what she wants and makes important what she
22 wants. And that's what's gone on all along.

23 So, you know, I really agree with Ed that
24 you need a better study than what they did originally,
25 and if we can get people, you know, get the congressmen

1 MR. ROCCO: I don't know if this has
2 anything to do with Marjol, but down where I live in
3 the Patch, there must be a dozen people that died with
4 cancer. Thirteen houses down there, about a dozen
5 people died with cancer.

6 MR. BARNICK: Go ahead.

7 JACK GOLD: 941 South Valley Avenue. A
8 couple things, Jimmy. Nothing against Mr. Milliken and
9 that, but it sounds like his company has been around
10 for quite awhile, and from my dealings with EPA -- I
11 work in the federal government, usually the EPA carries
12 lists of companies or entities that they can go to for
13 remediation on something.

14 Gould has been known to own Marjol, it's
15 been a national item for the last fifteen years. Why
16 all of a sudden is Pittsburgh Company coming into
17 existence now, when, you know, Dough Blazey and
18 everybody is starting to fight them, and then they're
19 going to clean it up for the same price that Gould
20 wants to spend trucking it out of the area? Something
21 doesn't seem right.

22 MR. MILLIKEN: Can I respond to that?

23 MAYOR LUKOWSKI: Yes.

24 MR. MILLIKEN: I've only lived here for
25 about ten years in Dunmore, but it wasn't until last

1 or senators to agree to that, I think it would help,
2 because it really wasn't done with the interest of
3 trying to find and extend.

4 They actually -- Joe, remember we talked
5 about the mushroom cloud? You know, and we actually
6 had jokes out there that the lead had little m's,
7 that's the Marjol lead, and anything that they didn't
8 want to be Marjol lead, was lead paint, even if there
9 was no lead paint on the property. There was a truck,
10 somebody threw ash in your yard from a coal furnace,
11 whatever. They actually tried to prove to us there for
12 a while that ash from burning anthracite coal had lead,
13 which is not true.

14 Until we argued that point, then they
15 said, Well, it wasn't that, it was something else.
16 That's been the game all along, to do as little as
17 possible. And, you know, if you don't fight, you won't
18 get it done.

19 MR. BARNICK: Okay. You know what's
20 amazing about these maps at the same time is the lines
21 are squared off. For the life of me, I can't
22 understand how you get at square mark, you know, and
23 stopped right there. I mean, this is wind. You're
24 going to get some dispersement. You might get it
25 stopping at the building --

1 year when this was in the papers and I started picking
2 up on it that I learned about this site. I didn't know
3 about it from 25 years ago, and I came over and read
4 the files.

5 I know the people EPA, because I worked
6 with them on other projects, so I called them and asked
7 them if that process that they've developed for the
8 other battery plant would work and got on the data that
9 I gathered here in the last five months to talk to them
10 about it. They weren't aware of this site either.

11 This site hasn't been in the national
12 news or on the EPA's list of things for their --
13 looking for contract or to cleanup in a long time, so
14 it's not out there, the site they're trying to
15 remediate.

16 Those folks over there in fact searched
17 the net just in the last two weeks and came up with a
18 bunch of historic stuff that ends about 1988, '89, in
19 the records. So it's not like if you're away from
20 here, this is a real well-known site. This is not
21 getting a lot of publicity. I learned about it just
22 because I've been in this business for most of my
23 career and I'm in environmental geology, I just took an
24 interest. I live next door. I didn't like what I was
25 reading about it or about the cleanup. That's why I'm

1 just here this evening.

2 JACK GOLD: Like Susan was saying, before

3 Susan bought the house on Franko Street, that was my

4 father's sister and brother-in-law. And the house next

5 door had their in-ground swimming pool, and I probably

6 was maybe six or seven years old when my aunt used to

7 hang her white sheets out on the line and they'd be

8 burning the batteries, and the next thing you'd know

9 the sheets would have all black spots on them.

10 So for a while I guess Marjol, whoever

11 owned Gould, they used to supply them with some kind of

12 soap where they would use it to wash their clothes to

13 get the black spots out. It was all open. It was

14 never fenced in. We used to walk from the back of

15 Susie's yard, you'd walk through, up the bank up to the

16 back where they had this big long building with

17 concrete pits where the trucks would back into it and

18 they would conveyor belt the batteries off the truck

19 and you'd have all these guys in there with rubber

20 suits on.

21 They'd smash the battery on the grate.

22 The plastic would fall off, the lead and everything

23 would fall through. We used to go down there with

24 Jimmy and everybody.

25 You'd go down to a pit and there was

1 said, what the hell are you doing with a telephone pole

2 to have a marker for your yard? They didn't know.

3 And Studofold, where they got him from -- you know what

4 I told them down in Philadelphia, they should have let

5 him spread fertilizer, he would have been better off.

6 ATTORNEY BLAZEY: Could I just make one

7 comment on the health study? I tried to call the

8 Department of Health today. I had written, and I think

9 you have a copy of the letter. I brought it with me,

10 if you don't. I think it was on February -- early

11 February I wrote them and asked about a more targeted

12 health study for the community on behalf of the

13 Borough.

14 And maybe I'll comment on that, because

15 one of my concerns and I want to be a vigorous advocate

16 for you, but I don't want people to be afraid about

17 anything we're doing. And, you know, we're all going

18 to die of something, and we can get -- I don't want to

19 say carried away, because you've lived with this, so

20 you're not being carried away, but you can ascribe in

21 our minds causes the diseases that may or may not be

22 there.

23 One of the criticisms we had of the

24 health study that was done, at least as we understood

25 it, was that it was looking at the ZIP code or several

1 millions of these little clear marbles. You used to

2 get those and, boy, you were the talk of the town. You

3 had clear marbles. That used to be inside the

4 batteries.

5 But then it's funny because the people

6 that lived in Susan's house, my uncle and aunt both had

7 cancer. I lived across the street from Susan's house

8 probably for 18 years, my wife lost a baby. My mother

9 and father both had cancer, but lead doesn't cause

10 cancer Gould says.

11 MR. BARNICK: Over in the corner.

12 MR. KEYASKO: Doug, the site where Marjol

13 is, right, that whole mountain from the side of the

14 hill was always colored. The leaves on the trees, they

15 were always, like, yellow, the whole works. In my yard

16 when it first started I asked them what could I do for

17 it. They said, cover it.

18 I bought two trailer loads, 20 ton. My

19 son-in-law and I spread that all over. And when they

20 took the test, I had a high spot. I had over 500 in a

21 couple of places. They thought it was in the

22 neighbor's yard. It was in my yard. And they're

23 arguing.

24 They didn't even know where the

25 properties went. They said the telephone pole. I

1 ZIP codes, so it took in Dunmore, Dickson City, Throop

2 or at the very least Throop and tried to compare

3 mortality or morbidity in a community as a whole, as

4 against the Lackawanna Valley or the Scranton area and

5 didn't find much difference.

6 Well, as I was trying to listen, it

7 seemed to me that the people that were most both

8 fearful and concerned about impacts on their health

9 were those people that were near or in, and they had a

10 lot of stories about friends and neighbors and

11 relatives and children and parents that suffered

12 illnesses and cancers. And we want to ask the

13 Department of Health was there a way to look without

14 intruding on your privacy and to look nearer in to see

15 if there were discrepancies that could be statistically

16 validated to either validate what you're saying that

17 there was more illness and we think we know what caused

18 it or to say that really the illness pattern, while

19 you're very aware of it within the neighboring area, is

20 really no different than a mile or two away.

21 It doesn't mean you weren't sick, it just

22 means your neighbors a mile or two away might have been

23 just as sick in different ways. And we wrote to the

24 Department of Health and said, Can you do that for us,

25 and they haven't responded yet.

1 MR. BARNICK: They're not going to
 2 respond.
 3 ATTORNEY BLAZEY: We're trying to put the
 4 heat on them, again, at the Council's direction. The
 5 concern being that people near in felt they had
 6 suffered a higher incidents of disease and no one had
 7 adequately addressed that or explained it away or
 8 validated it one way or the other.
 9 So I'm not trying to minimize it, but I'm
 10 not trying to scare the pants off you, if you will,
 11 either at this point. Okay.

12 MR. BARNICK: Department of Health just
 13 wants to put this behind them, that's all, just the
 14 attitude I got from them when I spoke to them.

15 ATTORNEY BLAZEY: Well, I'll keep
 16 pushing. The Department of Health is not alone. It is
 17 doing it on contract from ATSDR, the Agency for Toxic
 18 Substances and Disease Registry. And at some point, I
 19 mean, I have a tendency to trust some of the
 20 professional organizations that try to get to the truth
 21 of things, particularly if we push them and nudge them,
 22 and that we're doing.

23 So we'll see what they say. And if we're
 24 not satisfied -- Frank looked at that letter and I had
 25 staff look at that letter, so we think we asked the

1 right questions and we'll try to get a response. And
 2 that can be shared with anyone.

3 DAVE MORRELL: Dave Morrell, 315 George
 4 Street. I don't understand if that was burning and
 5 they had the stacks going and they had the dust going
 6 down there, how can you say that 409 George Street is
 7 in the contaminated area, 305 is not? Why wasn't the
 8 whole town tested? I don't understand this.

9 I think everybody that lives in this town
 10 should have the right to have their yard tested. I
 11 can't see how they said, well, the airborne dust didn't
 12 come to your yard. They let off balloons down there
 13 that ended up in Dunmore. Did they just, like, skip
 14 over George Street?

15 The trucks drove up and down even when
 16 they were doing all the cleanups. There had to be 100
 17 trucks a day going up and down George Street.

18 ATTORNEY BLAZEY: Was George Street not
 19 remediated?

20 MR. MORRELL: I don't know of anybody up
 21 in my neighborhood that was tested.

22 MS. GORESCHAK: Only in the 800 block.

23 MR. MORRELL: Did the dust just stop down
 24 there? It didn't come off the trucks as it drove by?
 25 I don't understand.

1 MR. BARNICK: Okay. Hold on. Just one
 2 at a time, please.
 3 MR. MORRELL: If Botte Goreschak can have
 4 it in her yard, how do we know that we don't have it in
 5 my yard? I live across the street. I didn't see
 6 anybody even come up this neighborhood of the woods.
 7 And I want to know why. And how do we get tested if we
 8 want to get tested?

9 The people that want their yards tested,
 10 they should have the right, let Gould pay, DER pay, the
 11 Borough pay, somebody should pay to have the yards
 12 tested. I mean, it's an airborne pollutant. It falls
 13 down wherever it wants. It just doesn't say, okay,
 14 well, the truck didn't come here, so the dust didn't
 15 fly over here, this side.

16 Well, I'm sorry. But I think it did.
 17 And there's people down there that are talking about
 18 getting sick, people down that end of town get sick,
 19 there's people up this end of town get sick, there's
 20 people in the Patch that get sick, and there's people
 21 in Warsaw that get sick. How do we know it's not all
 22 combined? How do you say, Okay. I'm sorry. This
 23 street is the cutoff?

24 So we've got to make them do it. How
 25 could one person on one end of town get money out of a

1 lawsuit from Gould and people on the other side not? I
 2 don't understand that part of it either. Someone has
 3 got to explain that to me. Isn't this like a class
 4 action thing? Shouldn't we be pushing for it? How do
 5 we get involved then?

6 Mr. Shoener, he was talking about the
 7 lawsuit in front of the judges, half of this town
 8 didn't even know that there was one. And why wasn't it
 9 advertised? Can anybody tell me that? That's bugging
 10 me for a long time.

11 MR. SHOENER: They went out and hired
 12 their own private attorneys. What it was was the
 13 private attorneys filing lawsuits. Some of these
 14 people might be involved in it.

15 MR. MORRELL: If this is a pollutant that
 16 went through the whole town, then why wasn't the whole
 17 town made aware that they can sue these people?

18 MS. RAFALKO: Can I speak up here, Jim,
 19 please? I'm with the Help Organization. I was with
 20 them. We had advertisements on TV, in the paper about
 21 the lawsuits going on against Gould. That was all --
 22 we went around the homes and we distributed pamphlets
 23 now. We went around all these homes.

24 MR. MORRELL: I didn't know anything
 25 about it.

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Multi-Page™

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<p>1 MR. BARNICK: One at a time.</p> <p>2 MS. RAFALKO: It was on TV. We had all</p> <p>3 the senators here. We had everyone here to speak up</p> <p>4 with us. And we all -- everybody knew about it that we</p> <p>5 had the lawsuit going on. I'm right there.</p> <p>6 MAYOR LUKOWSKI: I did, I don't know, how</p> <p>7 many stories on that in the paper, third page stories.</p> <p>8 MS. RAFALKO: Didn't we have them</p> <p>9 advertised?</p> <p>10 MAYOR LUKOWSKI: I got them. I got them</p> <p>11 at home, if you want them.</p> <p>12 MS. RAFALKO: We had it advertised. It</p> <p>13 was on TV. We had the stations here.</p> <p>14 MR. MORRELL: I had heard about it.</p> <p>15 MR. BARNICK: One at a time. She's</p> <p>16 having a rough time. Go ahead.</p> <p>17 MR. MORRELL: What year was that</p> <p>18 advertised?</p> <p>19 MAYOR LUKOWSKI: About 1988.</p> <p>20 MS. RAFALKO: 1988, '89, it was</p> <p>21 advertised.</p> <p>22 MR. MORRELL: I had heard about it</p> <p>23 secondhand and I called the attorneys that I think were</p> <p>24 handling it.</p> <p>25 MAYOR LUKOWSKI: There were two of them.</p>	<p>1 we need a big push.</p> <p>2 MR. MORRELL: Well, whatever it takes, we</p> <p>3 should do it. I mean, you know, this is a health</p> <p>4 hazard here.</p> <p>5 MR. BARNICK: I know, Dave, but I can</p> <p>6 only make so many phone calls in one day. It takes a</p> <p>7 lot of people to make phone calls to keep on bugging</p> <p>8 them.</p> <p>9 MR. MORRELL: That's why we're hiring</p> <p>10 these people. Help us.</p> <p>11 ATTORNEY BLAZEY: I'll comment, but let's</p> <p>12 finish getting all your observations in and then maybe</p> <p>13 I'll try to make a couple conclusionary comments to</p> <p>14 sort some of this out.</p> <p>15 MR. MORRELL: This gentleman here said</p> <p>16 it. About three years ago, and I wish I had wrote it</p> <p>17 down, but I didn't, it was about one o'clock in the</p> <p>18 morning. They were talking about cleaning lead up in</p> <p>19 Alaska, and they said that they have a procedure which</p> <p>20 can clean the lead, which can take the lead out of the</p> <p>21 soil, and I think we've got to look into that, too.</p> <p>22 Before anything with the cap, anything with a cap,</p> <p>23 we've got to get it out. One way or another, and cost</p> <p>24 should not be involved in it. Money should not be a</p> <p>25 factor.</p>
<p>Page 86</p> <p>1 MR. MORRELL: They took all my</p> <p>2 information, never got back. I heard absolutely</p> <p>3 nothing, zero. Is there a way that we can start a</p> <p>4 class action lawsuit now for everybody in this town?</p> <p>5 MR. ROCCO: Maybe you're one that they</p> <p>6 didn't get to. Some of them they didn't get to them</p> <p>7 yet.</p> <p>8 MR. MORRELL: I haven't heard anything.</p> <p>9 Something has got to be done.</p> <p>10 MAYOR LUKOWSKI: In fact, the meetings</p> <p>11 were being conducted, the initial meetings, at the</p> <p>12 Ace Lounge.</p> <p>13 MS. RAFALKO: Yes, that's where the</p> <p>14 lawyers were with us.</p> <p>15 MR. MORRELL: How do we get on the list</p> <p>16 to have yards tested? Can everybody that wants to get</p> <p>17 their yard tested get tested?</p> <p>18 MR. BARNICK: That's going to depend on</p> <p>19 EPA, otherwise the Borough is going to have to foot the</p> <p>20 bill.</p> <p>21 MR. MORRELL: Can't we get our people to</p> <p>22 put pressure on EPA to have everybody who feels as</p> <p>23 though they want to get tested?</p> <p>24 MR. BARNICK: This is where it takes a</p> <p>25 lot of phone calls to representatives. This is where</p>	<p>Page 88</p> <p>1 MR. KEYASKO: It is for Gould, that's the</p> <p>2 trouble.</p> <p>3 MR. MORRELL: Not for us. They say you</p> <p>4 can't fight City Hall, we're City Hall. Thank you.</p> <p>5 MR. MARUSHOCK: You're right, Dave. I</p> <p>6 think we should spread out more. Why can't we get a</p> <p>7 letter to each representative and make copies? We've</p> <p>8 got the bulk mailing. Send them a letter to all of</p> <p>9 them. If this way they got it on paper, you called,</p> <p>10 you don't know what's going to happen.</p> <p>11 MR. MORRELL: If this is as dangerous or</p> <p>12 even half as dangerous as I think it is down there,</p> <p>13 then we should be doing -- we should be marching on</p> <p>14 Washington, if we have to, up the steps of the Capitol</p> <p>15 building. We should do something. Thanks.</p> <p>16 MR. BARNICK: Okay. Any other comments?</p> <p>17 Councilmen? Elaine.</p> <p>18 MS. MORRELL: I just want to say that</p> <p>19 when my mom would hang clothes, just like Bette's, the</p> <p>20 clothes would be filthy. She would put the clothes out</p> <p>21 on the line, that's the 400 block of George Street. I</p> <p>22 also had a gentleman in the 400 block of Cyprus say the</p> <p>23 same thing when his wife had the clothes, their clothes</p> <p>24 out on the line.</p> <p>25 Another thing back then in '60s, '70s,</p>

1 many more people had gardens. Everybody had gardens.
 2 I think everybody who lives here, their parents and
 3 grandparents, the young people don't have as many or
 4 people my age as before, but in the '60s and '70s, when
 5 this contaminate was throughout the air and
 6 everywhere, everybody had gardens and everybody ate
 7 from them.

8 You mentioned the marbles. Kids were
 9 playing down there. Kids of Jim's age, Jack's age, my
 10 brothers and sisters, they were down there. Now, we
 11 lived in the 400 block of George. The kids were
 12 bringing home these dirty marbles with the contaminants
 13 on them and washing them in their own yards.

14 MR. BARNICK: In the bathtub.
 15 MS. MORRELL: Yeah. You're right. Not
 16 in the yards, even taking them in the house in the tub
 17 to clean up these marbles. So what kind of
 18 contaminants were taken into houses, into your own
 19 yards blocks away from the area?

20 BETTE GOESCHAK: You'd wash clothes and
 21 wonder where the holes came from.

22 MAYOR LUKOWSKI: Well, it just shows the
 23 injustice that this community has suffered over the
 24 years because of this Marjol, and we sit here today
 25 wondering just what EPA is going to do.

1 because it's -- I'm a lawyer and I'm kind of on my own
 2 right here as trying to explain what I've heard back to
 3 you all and give you a reason for the way we've been
 4 approaching this, to give you a context to put this
 5 in.

6 EPA and Gould, I think it's fair to say,
 7 or let's say Gould and AGC, there's been a lot of
 8 sampling done on that map, which I think is Plate 20,
 9 and then the one that's right behind Mike show, if not
 10 all of the samples, many of the samples taken to
 11 characterize the community.

12 And what I heard AGC telling us, because
 13 one of the first things that Council asked us to do was
 14 to try to assess the off-site issue, so we went for an
 15 explanation. And EPA was there at the meeting and
 16 essentially nodding their heads in agreement and then
 17 went back to do some of their own homework and
 18 essentially supported this process but opened the door,
 19 and that's what they've opened by that letter saying
 20 they are going to do more sampling and they have to do
 21 some confirmatory work, so we've gotten the door open.

22 Let me tell you why the door was at least
 23 partially closed, if not fully closed as, I understand
 24 it. Mr. Shoener has kind of challenged the model, but
 25 I think he said EPA had accepted that model, and he

1 Are they going to cap this stuff? Are
 2 they going to take it away? What are they going to do?
 3 We don't even know yet. We should have everybody
 4 fighting against this contamination down there really.
 5 It's pitiful. It's disgraceful.

6 MS. MORRELL: Oh, one more thing, in '88
 7 to '89 is when my father was dying from cancer and I
 8 was tied up totally with that, and so Dave was tied up
 9 with our kids, so that may have been really -- I don't
 10 know if -- I heard about the lawsuit, and I honestly at
 11 that point I just thought it was, like, a whole Borough
 12 thing. I didn't know you had to join it or anything
 13 like that.

14 MR. BARNICK: Anything to conclude? Just
 15 a reminder, anybody that wants to say anything in
 16 confidence or whatever, bring it up to the attorney or
 17 the engineers right after this, feel free to. They'll
 18 be around for a little bit or they'll give you their
 19 number. Call them. They'll call you back or whatever
 20 just to get the information, as much information as
 21 possible to establish what we've got to do as part of
 22 this off-site cleanup.

23 ATTORNEY BLAZEY: I'd like to -- and,
 24 Frank, I'd like you to listen careful and Mike and Ed,
 25 and if you disagree or want to elaborate, please do

1 doesn't think that was a sound decision, and he may
 2 very well be right.

3 We have tried to take the approach of
 4 finding factual errors in the field -- in the ground
 5 that don't conform to what the model would predict and
 6 use real evidence on the ground saying there's lead
 7 here and your model doesn't suggest it should be here,
 8 therefore you need to re-think the model. That's how
 9 we've been kind of going back after the model.

10 We're trying to find those areas by
 11 virtue of existing sampling that have higher levels of
 12 lead than the model would suggest, new areas that
 13 hopefully -- I don't want to say hopefully, because I'm
 14 not looking for lead, I don't want you to have lead in
 15 your yards, but from what you've been telling us
 16 tonight, if we find other areas that suggest they have
 17 high lead or should be sampled for lead, that would
 18 cause or give EPA a reason to reopen the model.

19 That's one way directly into the model.
 20 Another is to try to go back, as Mr. Shoener suggested,
 21 is just to the basic assumptions about the model, what
 22 were the sources, what was the mathematics, what was
 23 the wind directions and how well did you construct the
 24 presentation the first time out.

25 And that's another way to do it, and

1 maybe it's like a pincer movement, maybe we should be
 2 doing both at the same time. And what I'd like Frank
 3 and Mike to reflect on is what it would take to
 4 intellectually challenge the model. That's a bigger
 5 job than having some hard data that says, This data
 6 doesn't fit your model, therefore something's wrong
 7 with it.

8 To kind of just do the math and the
 9 statistics is a different kind of exercise. And I
 10 think we can think about it on your behalf, but before
 11 I say let's write all these letters, just give us a
 12 couple of days to noodle that, if you would.

13 Part of why EPA was accepting the model,
 14 as I understand it, was that they said that a number of
 15 the samples as they got further out, they could see the
 16 lead levels diminishing down below 500, 300 or whatever
 17 the numbers were. They got greener, if you will,
 18 better.

19 And when they found hot spots further
 20 out, they had at the time an explanation for it. That
 21 was the anomalous lead study report. That's where they
 22 said you were burning trash in your backyard. It was a
 23 downspout.

24 I'm not trying to say they were right,
 25 but this was their thinking or at least their

1 that line drawn out far enough to see if we really do
 2 get to the boundaries of contamination.

3 The other way to go at it is to try to
 4 see if, you know, in a modeling sense some of that lead
 5 might have jumped over hills and gone much further.
 6 There's a horse of a different color. I'd like the
 7 Borough to let your consultants think about that. It
 8 may be something we should demand EPA to do, but it's a
 9 little different approach than finding stuff on the
 10 ground that doesn't conform to their theory and then
 11 making them re-think their theory.

12 It's challenging their theory without
 13 kind of up front. I think we have a lot of
 14 information. We'd like you to look at this, if you
 15 have a few more minutes. If you have any questions,
 16 you know, please ask them.

17 And, Frank, you have that 800 -- do you
 18 want to use the 800 number?

19 MR. SWIT: I have passed out the 800
 20 number. For anybody who would like to call either
 21 myself or Michael, our names and our extensions are
 22 there. There is the 800 number. You do have maps of
 23 your community, as well as a sequence of events between
 24 1963 to 1981.

25 Any further thoughts you may have, please

1 justification. So they then said, we validate the
 2 model by the data we see in the ground, that we see it
 3 getting cleaner as we go further away. That's what the
 4 model is telling us we should see. It's now below
 5 acceptable levels and where it's not, you've got a
 6 reason for it, other than the site.

7 So that's how EPA got to accept, if you
 8 will, the work that was done. A number of you
 9 individually, your counsel and your consultants have
 10 found holes in that, as Jim said, the air doesn't
 11 follow these square corners, you know? The ball
 12 bounces, it's doesn't take right angle turns. Why does
 13 it stop so abruptly?

14 So even within the logic that EPA was
 15 advancing to accept the work from AGC and Gould, there
 16 appeared to be gaps. There appeared to be, what do you
 17 call that little neighborhood, the Patch, where Frank
 18 had identified that seems close, there seems to be some
 19 hits, why was that ignored.

20 So we've got EPA to say, you're right.
 21 Whatever justification we've made doesn't seem to fully
 22 explain these higher lead levels outside the area of
 23 remediation, we have to go back and do more.

24 So with what you've given us, their own
 25 willingness to go back and do more, I hope we can get

1 call us. And if we're not in the office, we have an
 2 answering machine. We will get back to you or you can
 3 leave a message on the answering machine, any further
 4 information you have.

5 MR. BARNICK: Ed, we appreciate you
 6 coming. Thanks a lot. Frank, if you can enter the
 7 numbers into the record with the stenographer so she
 8 can enter them into the record.

9 MR. SWIT: The number is 1-800-233-1055.
 10 My extension, Frank Swit, is 2432. Mike Knight's
 11 extension is 2532.

12 MR. BARNICK: All right. Thanks. Motion
 13 to adjourn.

14 MR. CHRZAN: Make it.

15 MR. KEYASKO: Second.

16 MR. BARNICK: Okay.

17 (HEARING WAS CONCLUDED.)

CERTIFICATE

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I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the stenographic notes taken by me on the hearing of the above cause and that this copy is a correct transcript of the same.

Lisa M. Meisinger

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