

SUMMARY REPORT

on the

Tuesday, June 11, 1996

PETF Superfund Work-session

New Jersey Zinc NPL Site

Palmerton, Pennsylvania

Prepared by: Robert H. Hosking, Jr., Project Manager

July 17, 1996

for:

The Palmerton Citizens For A Clean Environment

In Response to Task Schedule #17

OVERVIEW

The following report has been prepared in response to PCCE Task Schedule #17, which requests that MKA Project Manager Robert H. Hosking, Jr., attend and participate in the Tuesday, June 11, 1996 Palmerton Environmental Task Force (PETF) "Superfund Work-session", which was held from 10:00 A.M. until approximately 3:30 P.M., in the Palmerton Library Conference Room, Palmerton, Pennsylvania. PCCE Task Schedule #17 also requested a written report of the above-referenced work session.

This report is not intended as a verbatim transcript of the proceedings of the "Superfund Worksession". Audio and video tape recording of the session was not permitted, and attendees were discouraged from recording in their written notes every statement and/or question raised during the day-long session. This approach was an apparent attempt to re-orient the mood from the usual super-critical polarization of interests and ideals, to an opportunity for a more relaxed exchange of ideas, where all participants have the opportunity to express their interests and concerns. To provide a more comprehensive account of the work session in a less cohesive and comprehensible format, a copy of the DRAFT transcripts prepared by Jennifer Smith from Advanced GeoServices is attached as Appendix A. However, these DRAFT transcripts were also not intended as verbatim transcripts. In a laudable effort to allow participants the opportunity to comment on the DRAFT transcripts, prepared by Advanced GeoServices, the Palmerton Environmental Task Force circulated a copy of the DRAFT transcripts to most of the participants, and requested that any comments be submitted to Ms. Smith at Advanced GeoServices by July 3rd, 1996. To assure that comments on the DRAFT transcripts, prepared by MKA on behalf of the PCCE, are accurately recorded, they were prepared in written form and submitted via FAX to Advanced GeoServices on July 3rd, 1996. These comments are attached to this report in Appendix B.

The first paragraph of written correspondence addressed to the PCCE from PETF Chair Ms. Dolores Ziegenfus (attached in Appendix A), dated May 16, 1996, identified many of the anticipated participants, and described the intent of the "Superfund Worksession". This correspondence identified the anticipated participants as "...All affected parties including the Environmental Protection Agency, Paramount (Viacom), and HII". The intent of the "Superfund Worksession", as stated in the May 16, 1996 correspondence, is described in the following two sentences: "We are hopeful that this will be the first step in developing a Master Plan for the Superfund site which will identify the outstanding issues and place them on a time chart for resolution and completion. We would also like to identify and discuss what actions need to be taken and by whom for the time line to be met--and what would prevent them from happening." The second paragraph of the above-referenced paragraph identified the time and place that the "Superfund Worksession" was to be held, and extended an invitation for a PCCE representative and/or their technical advisor to attend. Also included with the May 16, 1996 correspondence was a copy of the Meeting Agenda. A copy of the Meeting Agenda is also attached to this report with the DRAFT transcripts in Appendix A.

Upon arriving at the PETF "Superfund Worksession", each participant was provided with a name tag, a copy of the list of "Expected Participants", and another copy of the Meeting Agenda (the same Meeting Agenda that was included with the invitation). The opening introduction was made by PETF Chair Dolores Ziegenfus, who stated that for about the past 4 years, the goal of the PETF has been to get the Borough of Palmerton off the Superfund National Priorities List (NPL). Ms. Ziegenfus stated that the PETF had established a goal, upon its inception, of getting Palmerton de-listed within 5 years, and that clearly their goal was not going to be met. She stated that there were several important questions that needed to be addressed. Among these are: How can Palmerton be de-listed?; What follows the risk assessment?; What defines the Superfund site?; and What is the status of each OU?. Ms. Ziegenfus stated that one of the goals of the PETF "Superfund Worksession" was the development of a time line for completing the Superfund process. Participants were encouraged to speak freely during the session, and to avoid becoming preoccupied with note-taking by independently recording every comment. Jennifer Smith from Advanced GeoServices was identified as the recording secretary for the work session, and key points were to be recorded on two flip charts by Barb Forslund. These notes would then be used to generate a newsletter and or press release as a record of the proceedings.

Ms. Barbara Forslund, P.E., was introduced as the Facilitator for the "Superfund Worksession". Ms. Forslund identified several issues and action items to be addressed during the work session, and stated that because of time constraints, the scope of the discussion should focus on OU-3, which she referred to as the "Community Soils Operable Unit". Also, she suggested that the days session would be more productive if it focused on identifying rather than resolving issues.

Following Ms. Forslund's introductory remarks, U.S. EPA Remedial Project Manager Mr. Frederick Mac Millan was introduced. Mr. Mac Millan provided an overview of the Superfund process, and with some assistance from Mr. Thomas Voltaggio, Director of the U.S. EPA Region III Hazardous Waste Management Division, described how the Superfund process comes to a close.

According to Mr. Mac Millan and Mr. Voltaggio, closure of a site comes when all appropriate response actions are completed (i.e. "when no further response is appropriate"). Delisting, or closure of a site requires consultation with the state environmental agency, as well as Public Notification (publication in the Federal Register, local newspapers, etc.), with a 30 day minimum Public Comment period (refer to the National Contingency Plan § 300.425, 55 FR pages 8845-8846). EPA is required by law to respond to all public comments submitted. Deletion from the National Priority List (NPL) may occur when any of the following three criteria are met:

1. Responsible parties or other persons have implemented all appropriate response actions required;
2. All appropriate Fund-financed responses under CERCLA have been implemented, and no further response actions by responsible parties are appropriate; or
3. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, additional remedial measures are not appropriate.

Mr. Voltaggio reinforced that any of the individual conditions described above are sufficient for a site to be deleted from the NPL, and that it is not necessary for more than one condition to be met. In short, he stated that the above conditions are or's, and not and's. The Palmerton site is meeting these criteria on an operable unit basis (i.e. there is a separate Record of Decision for each operable unit).

For sites with multiple operable units, such as Palmerton, partial delisting can occur when no further action is appropriate for one or more operable units, but not for the entire site. EPA defines an operable unit as "a discrete action that comprises an incremental step". Provisions allowing for the partial delisting of sites were published as official EPA policy in FR 55466-55467, Vol. 60, No. 211, November 1, 1995. Deletion of a site (partial or entire) is usually initiated through petition from the public. Delisted sites can be put back on the NPL if another significant release occurs, but to date this has not occurred in Region III.

Barbara Forslund asked what EPA planned to do with operable units where wastes will remain in place, which is likely the case with Blue Mountain and the Cinder Pile. Mr. Voltaggio responded that those sites can be delisted as long as the release of hazardous materials remains under control, however, he stated that the contamination of groundwater which will be addressed in OU-4 is an issue that is linked to other operable units. EPA must first determine if contamination in the soil is resulting in groundwater contamination.

The issue of operation and maintenance (O&M) of remedial actions was also raised by Ms. Forslund. Tom Voltaggio replied that five year reviews are required following completion of a remedial action, at both deleted and non-deleted sites. However, for sites where contaminated soils remain in place, different criteria need to be applied to assure that the completed action is maintained. When Ms. Forslund asked if EPA expects to continue requiring monitoring and maintenance activities to the point where there are no more releases, Mr. Voltaggio used the analogy of new home construction. He suggested that when a new home is built, periodic inspections are required until the house is completed. At this point I asked Mr. Voltaggio, expanding on his analogy with my own experience in new home construction, what assurances the new home consumer has that the construction is durable, and that the new house will last. Mr. Voltaggio responded these are issues that are addressed in the ROD, and that operation and maintenance of the remedial action is commonly addressed in the ROD. However, EPA is ultimately responsible for assuring that human health and the environment are protected.

The discussion returned to a focus on OU-3. At the current time EPA is proceeding with the Interim Remedial Action and the OU-3 Risk Assessment. The Interim Action should not preclude implementation of the Final Remedy. Mr. Voltaggio stated that a Record of Decision (ROD) for OU-3 could be decided by June of 1997, and that extensive public involvement is one of the reasons why the process has taken as long as it has. I asked EPA how they were addressing the ecological risk associated with contaminated soils identified as OU-3, and if the ecological risk assessment that is supposed to occur under OU-4 will geographically overlap with the other operable units. Fred Mac Millan responded that OU-4 is not geographically restricted by the boundaries of the other operable units, and that it is likely that the ultimate boundaries of OU-4 will extend beyond Palmerton. Mr. Voltaggio added the clarification that OU-4 will not address issues related to the

revegetation of Blue Mountain, since these were addressed in the ROD for OU-1. I asked EPA if their assessment of OU-4 could demonstrate the need for re-evaluation of the OU-3 ROD. Mr. Mac Millan responded that the potential for the assessment of OU-4 to result in a re-evaluation of the ROD for OU-3 is remote. However, later in the discussion it was stated that partial delisting of the site, following completion of the response action for OU-3, would probably not occur if EPA discovers groundwater contamination during their assessment of OU-4.

According to Mr. Voltaggio, after the ROD is issued, the clean-up or remedial action can be carried out by either the EPA, the PRP's, or both the PRP's and the EPA working together. If the PRP's refuse to comply with the ROD, then EPA can conduct the clean-up, and pursue cost recovery from the PRP's. If EPA does not have the funds in the Superfund to conduct their own clean-up, and/or the state cannot generate the necessary 10% match, then EPA would have to go to court to force the PRP's into compliance.

PETF moderator Mr. Roger Danielson asked what would happen if some homeowners refused to grant access to their properties for clean-up, as specified by the ROD. Would the EPA force access through the courts? Mr. Voltaggio responded that there are several avenues available to settle these types of issues, including enhanced public involvement, compromise settlements reached through the courts, and temporary institutional controls. The EPA decides what is an acceptable time-line for achieving the terms of the ROD, but that, to date, homeowner issues have not stopped a clean-up from occurring. Several other participants including Ellen Colangelo and Dolores Ziegenfus asked questions and expressed concern about the implications of a required clean-up on individual homeowners rights. Roger Danielson asked if reluctance on the part of some homeowners to allow access to their properties for clean-up would delay the process of delisting the Superfund site. Tom Voltaggio, responding to each comment and question individually, admitted that homeowner rights was a difficult issue that needed to be carefully considered during development of the Feasibility Study; but stated that these issues shouldn't impact the proposed time-line, and hasn't ever stopped a clean-up.

I directed a question toward Paul Fosko and Jim Kunkle from PaDEP concerning the applicability of Act 2 clean-up standards and PaDEP's position on EPA clean-up standards. Specifically I wanted to know if different levels of clean-up effort would result in land-use restrictions, based on remaining contamination levels and potential health risks. Paul Fosko stated that he did not know how Act 2 standards would impact the EPA clean-up, but suggested that PaDEP would probably agree to whatever was required by the ROD. Jim Kunkle seemed to suggest that PaDEP would be satisfied with a risk based approach. Tom Voltaggio responded that EPA was not sure how Act 2 would affect the ROD. I restated the question by asserting that Act 2 sets specific clean-up levels for different land-use classifications, and wanted to know if existing land-uses would drive the clean-up levels. Jim Kunkle responded that PaDEP was looking at the ARAR's established by Act 2, but that Act 2 has several ways to set cleanup standards (i.e. background levels, statewide health standards, and risk based standards). Mr. Voltaggio stated that EPA was working closely with PaDEP, but that it was too early to tell how Act 2 standards would affect the final clean-up. He suggested that the ROD would set the level of clean-up effort. Paul Fosko stated that PaDEP was working on the final clean-up numbers, but that both EPA and PaDEP have their own clean-up standards. Mr. Fosko added that he assumed that the more stringent standards would be applied. Tom Voltaggio then stated that the site would be subject to a site-specific standard.

The issue of public involvement/public comment was raised once again. Mr. Voltaggio stated that it is EPA's intention to involve the public during every important step in the process, even during clean-up. Charlie Campton asked if voluntary remedial efforts implemented by individual homeowners and Neighbor Helping Neighbor would be considered during preparation of the Risk Assessment. Mike Raub asked if the Interim Action was being considered during the Risk Assessment. Barbara Forslund responded that previous clean-up initiatives would not be considered during the Risk Assessment, but that they would be considered during the Feasibility Study. Tom Voltaggio offered that the risk assessment simply determines what the safe levels are, and does not establish how those levels are to be reached. The Remedial Investigation and Feasibility Study will factor in what clean-ups have been accomplished to date, and what additional work is required.

At this point, the session was adjourned for lunch.

After Lunch, Barbara Forslund outlined the tasks for completion of the Risk Assessment. These are:

1. Finalize the Responsiveness Summary.
2. Finalize the Technical Approach document.
3. Run the Risk Assessment Calculations.

Fred Mac Millan concurred with Ms. Forslund's general outline and added that the Responsiveness Summary, which establishes how the Risk Assessment will be conducted resulted from the 1994 Scientific Symposium. This resulted in development of the Technical Approach for Risk Assessment memorandum, which describes why some data-sets are and are not being used in the Risk Assessment. The Technical Approach memorandum still needs to be finalized before EPA runs the calculations for the Risk Assessment. The Risk Assessment is expected to be completed by late fall 1996. EPA Toxicologist Dr. Roy Smith is no longer with Region III, and has been replaced by Dr. Dawn Ioven. Dr. Ioven, Fred Mac Millan, and Dr. Jim LaVelle are all currently working on the Risk Assessment and related documents. Fred stated that the Risk Assessment has take longer than usual because of the need to decide which data to use. The bioavailability study also required additional time.

At this time, I expressed concern that there is a growing body of primary research literature that suggests that not only is chronic low level lead exposure more debilitating than previously believed (even for adults), but that several studies strongly suggest that current EPA models (i.e. the IEUBK) underestimate exposure. Furthermore, EPA (specifically under the direction of Dr. Weis and Dr. LaVelle) has already used bioavailability studies of questionable scientific validity to reduce cleanup standards at other lead contaminated Superfund sites (e.g. Bingham City Utah and Aspen Colorado). I reinforced that the PCCE wants a good, scientifically based clean-up that is protective of human health and the environment, and that EPA should make the investment in time and money to make sure the most recent and accurate information is applied. Mr. Voltaggio replied that Palmerton has been more extensively studied than most other similar sites, and the fact that more information is available doesn't change the need to make a decision. I protested that the PCCE have submitted numerous comments referencing the most recent research, and that if EPA is going to allow the Task Force Risk Assessment Subcommittee to contribute to the Risk Assessment that they should allow the PCCE the same opportunity via their written comments. Fred Mac Millan commented that PCCE should not necessarily have the same input as the PETF, since some of the

PCCE's comments were submitted after the December 1995 comment period ended. I countered that the PCCE didn't even receive some of the most important studies (the bioavailability study for example) until after the public comment period was over. Mr. Voltaggio responded "Send it in and we'll look at it". I responded that we did send in our comments, and that Fred Mac Millan has them, but that they don't seem to be getting the attention they deserve. Take the bioavailability study for example, Dr. Bruns and I did a thorough review of the document, and identified a number of serious questions regarding the study's scientific validity. We even went so far as to consult with one of the study authors (Gerald Henningsen, Ph.D.) who admitted that EPA manipulated the calculations to minimize statistical anomalies, but EPA has failed to respond appropriately to our concerns. Mr. Voltaggio responded that the Responsiveness Summary is not a normal process, and is not part of the National Contingency Plan, but was applied to the Palmerton site as an orderly way to provide for public input, and to respond to comments about the Risk Assessment.

Barbara Forslund asked if there would be a public comment period for the draft Risk Assessment, separate from the ROD. Tom Voltaggio's response to this question was unclear to me. He seemed to suggest that EPA did not want a separate public comment period for the Risk Assessment, and that EPA intended to proceed with the Feasibility Study as soon as possible to expedite the ROD. Bob Marshall, representing Horsehead, asked if EPA would consider an informal comment period on the Draft Risk Assessment document while EPA was developing the Feasibility Study, to reduce the workload for responding to comments on the ROD. Mr. Voltaggio's response seemed to suggest that it was okay to put the Draft Risk Assessment document in the repository, but that comments would probably not change the Risk Assessment conclusions.

The next step, following the Risk Assessment, is development of the Feasibility Study. This step is commonly referred to as the Remedial Investigation/Feasibility Study (RI/FS), which is used to select the appropriate or final remedy. The Feasibility Study is an evaluation of the various actions and options available to EPA for attaining their risk management goals. As with most feasibility studies, one alternative is a no action alternative (in Palmerton this action would be called a no further action alternative, since the current interim action is a type of remedial activity). EPA announced at the Superfund work session that they will take responsibility for conducting the Feasibility Study. This announcement apparently came as a surprise to the attorney's from Viacom. Viacom attorney Ken Myers replied that while he did not want to argue the legal framework, Viacom was prepared to perform the Feasibility Study themselves. At this point the discussion turned to the advantages and disadvantages of either the PRP's or EPA conducting the Feasibility Study. Both the EPA and the PRP's expressed that they would feel more confident in the results of the Feasibility Study if they conducted it themselves. There seemed to be agreement that legal disagreements would delay the delisting process.

Another issue that was addressed involved the Task Force's participation in development of the Feasibility Study, as was done for the Risk Assessment. Mr. Voltaggio seemed to suggest that there were options for Task Force participation in the Feasibility Study process, but that he did not expect the same depth of input allowed for the Risk Assessment. PCCE member Ron Monty asked if the Task Force intended to set up a subcommittee to work on the Feasibility Study. Barbara Forslund replied yes. Ron then stated that the PCCE doesn't have any way to pay for attendance to all the meetings. Barb Forslund replied that there should be an opportunity for input into the process, but that public meetings are not the most effective. Ron countered that the PCCE could not have participated in the Risk Assessment subcommittee, he and Ellen Colangelo had to take the day off from work to attend the Superfund work session. Dolores Ziegenfus remarked that when the

Superfund subcommittee was formed, they discussed when to have meetings, and when the PCCE declined to participate, the subcommittee decided to have meetings during the day, and split the meeting locations between Palmerton and Philadelphia. Ron commented that the PCCE was never involved with the Task Force subcommittee, and that Tess Roberts, who participated as a citizen-at-large, refused to continue participation because meetings were not open to the public. Dolores commented that the Task Force has work sessions and board meetings just like the PCCE, and that their participants agreed to have their meetings during the day. She also stated that the Task Force has encouraged PCCE's participation. Tom Voltaggio interjected that EPA has come up to Palmerton on a monthly basis to meet with the Task Force, and that he wanted the process to continue. He stated that he did not want an extended public comment period.

At this point, Barb Forslund asked what mechanisms for public involvement are preferred: subcommittee meetings?, evening meetings?, public meetings?, and asked if there were any other options to consider. I commented that regardless of which public involvement mechanisms were considered, that it is inappropriate for EPA to use the Task Force as the primary conduit of information. I suggested that EPA should give the PCCE an equal opportunity to receive information about the Superfund process, and equal consideration to their comments. Barb Forslund stated that the Task Force does give the PCCE all documents they receive. I stated that public documents should come directly from EPA to the PCCE, and not through the Task Force. Both parties should receive duplicate documents on the same day. Barb Forslund asked if public comment should be the mechanism for public involvement. I said yes, exactly. Tom Voltaggio stated that the Task Force is the best vehicle for information to get to the community. He stated that all factions are represented by the Task Force. He suggested that the PCCE should attend Task Force meetings. He said that when he first became involved with the Palmerton site EPA tried to deal with all of the factions in the community independently, but that this resulted in an enormous amount of misinformation. There was always disagreement over who said what and when, and what they meant. He wanted only one avenue of communication. But he expressed that the Task Force doesn't have to be the only means of communication with the community, and that he was willing to meet with the PCCE at any time to make his point clear.

At this point the discussion deteriorated into an argument between Art George, Ellen Colangelo, Ron Monty and myself. Art George asserted that PCCE membership is restricted, and that this restricts public access to PCCE Task Schedules supported through the Technical Assistance Grant. I tried to explain that PCCE Task Schedules are generated through a democratic process, requiring concurrence by the PCCE membership. Art George suggested that the PCCE has a strategic advantage over the Task Force because of the Technical Assistance Grant (TAG). Ron explained that the PCCE doesn't have an advantage because the TAG restricts the PCCE from conducting their own studies, such as the Task Force has done through Advanced GeoServices and the University of Cincinnati. Ellen and Ron countered that PCCE membership by certain individuals would constitute a conflict of interest in violation of the Technical Assistance Grant. Ellen questioned the intent of a Task Force Feasibility Study subcommittee. I apologized for pressing such a contentious issue, and suggested that we refocus the discussion on a more productive topic.

Barbara Forslund returned the focus of discussion to the most appropriate mechanisms for public involvement. I offered that a forum similar to the "Superfund Worksession" is appropriate occasionally, but that it is more important that all factions are provided with the same documents, and given the same opportunities to comment. Then, on a regular, but not necessarily frequent basis, an open discussion forum be held involving all parties. I also stated that while the intent is to

increase the level of public input, that it might not be practical for the entire town to attend every meeting. Ellen expressed concern that at Task Force meetings, the PCCE would be out-voted. I expressed that Superfund is not a democratic process, and that EPA does as it sees fit. Tom Voltaggio stated that EPA is trying to maximize public input and opinions, and suggested that EPA doesn't even always have the opportunity to decide. EPA could get sued, in which case a Federal Judge might decide.

Barb Forslund inquired about the contracting and public involvement process for the Feasibility Study. She seemed to be pursuing the need for increased participation on the part of a Task Force subcommittee, and expressed concern about EPA's intent to conduct the Feasibility Study themselves. She openly stated her opinion that there were many issues that would be carried over from the Risk Assessment into the Feasibility Study, and that a one-way process on the part of EPA would create more problems down the line. Tom Voltaggio expressed that EPA remains flexible, but that this was one way to expedite the process. The public would have an opportunity to comment on the Feasibility Study document.

Tom Voltaggio stated that the remedial investigation determines the extent of contamination, and will consider all sampling events conducted in the Palmerton area. However, when Art Marvin protested use of the old air quality data, Mr. Voltaggio suggested that public comment would drive what data sets EPA would consider. The remedial investigation should be completed by early summer 1997.

The next issue addressed was a discussion of a proposed time-line for delisting the Palmerton site. Recall that the PETF had established a goal, upon it's inception, of getting Palmerton de-listed within 5 years. It is important to emphasize that EPA's responsibility is to assure protection of human health and the environment, and that closure of a site can occur only when all appropriate response actions are completed. However, to address the issue as a demonstration of what is possible, Mr. Voltaggio provided a tentative time-frame for when specific milestones, which are required before delisting, can occur. These are recapitulated below:

1. Completion of the Risk Assessment. This could be accomplished by late summer/early fall 1996. It will then be submitted to the appropriate repositories for an informal comment period (late fall 1996).
2. Development of the Feasibility Study. The Contracting process and development of the Feasibility Study scope of work should start in the summer of 1996. The Feasibility Study Scope of Work should be completed by late summer 1996, with the Work Plan contracts finalized between late fall and early winter 1996. The Feasibility Study report should be completed by spring 1997, leading to development of a proposed remedial action plan by early summer 1997. The Public comment period for the proposed remedial action plan could take from 30 to 60 days (60 days is considered more likely), allowing completion of the Record of Decision and final Responsiveness Summary by late fall/early winter 1997.

3. Implementation and completion of the Remedial Action Plan. If there are no delays due to legal or technical complications, the Remedial Action Plan could be implemented immediately following concurrence on the Record of Decision, and could be completed somewhere between late 1999 and 2001.

4. The process of Delisting can be initiated following completion of the Remedial Action. Partial deletion from the list is an option (refer to FR 55466-55467, Vol. 60, No. 211, November 1, 1995) if significant groundwater contamination is not encountered during the investigation of OU-4. If significant groundwater contamination is encountered during the investigation of OU-4, then deletion of OU-3 can only occur after completion of the Remedial Action for OU-4, and partial deletion is unlikely. Generally the rule making process for delisting or deletion from the NPL takes about 3 to 6 months, depending on the site.

At the suggestion of Mr. Arthur Marvin, representing the Pro-Palmerton Coalition, an alternative schedule was developed based on the assumption that the Risk Assessment and Feasibility Studies support the conclusion that no further action is required (i.e. there is no risk to human health and the environment). Basically the schedule is the same for both the clean-up and no further action scenarios, through completion of the Feasibility Study and issuance of the Record of Decision (late 1997), after which the process of delisting could start immediately.

The next item for discussion was if and when the next work session should occur. Tom Voltaggio suggested that he was comfortable with the work session process, and that he wanted all community groups to participate. Bill Quirk from HRD expressed his thanks to all participants. I expressed that I would be willing to attend future meetings if requested by the PCCE membership. Art Marvin expressed that Tom Voltaggio was going to do whatever he wanted, and that is sad. Ron Monty stated that PCCE's input was food for thought for EPA. Paul Fosko from PaDEP stated that next time there is a work session, the PaDEP project manager would likely attend. Tom Voltaggio expressed that at least one more work session would be required to discuss how the other operable units affect OU-3. I suggested that a good evaluation of the days proceedings would be to compile a written record, and for everyone to review the record and decide if the transcriptions are accurate and objective. If we could agree on the transcripts, then the meeting would be considered productive.

The last issue addressed was the news media, and participation by the press in future meetings. I expressed that I supported the idea of opening future meetings to the press, but was concerned that participants would be less inclined to be as open as they were at the current session. Dolores Ziegenfus agreed. Tom Voltaggio expressed that we would probably bore the press. Art Marvin stated that there was nothing to hide, and the press should be admitted. Roger Danielson suggested that the Task Force decide the issue at the next Task Force meeting.

The issue of the press release was briefly discussed, and the meeting was adjourned.

COMMENTS

Overall, the PETF "Superfund Worksession", was a significant improvement over previous attempts by the PETF to conduct a public forum on the Palmerton Superfund site. In contrast to the confrontational and often contradictory dog and pony shows that characterized the July 29, 1994 PETF "Scientific Symposium", the PETF "Superfund Worksession" provided a more interactive format for participants to ask questions and express their views about the Superfund status of the community. Another improvement was in the spirit of the participants and the attitude of the Facilitator. Dr. Brian Murphy, the Facilitator of the 1994 "Scientific Symposium", recommended that participants avoid discussing differences in values, which served only to stifle meaningful public participation. In contrast, Barbara Forslund encouraged participants to focus on identifying the issues, and requested only that the business of resolving conflicts be reserved for a later time. Lets face it, differences in values is really what environmental protection under the Superfund program is all about.

Typically, PRP's are primarily interested in protecting their profitability first, their relationship with the community second (actually this is part of maintaining their profitability), and protecting human health and the environment somewhere near last. The litigious legacy of the Superfund program is a testament to the fact that most PRP's would rather spend their money minimizing their share of the clean-up costs and arguing their innocence, than remediating the problem.

The community-at-large on the other hand is concerned with their quality of life. Few if any concerned citizens want their government agencies to waste exorbitant sums of money conducting unnecessary or inconclusive studies and aggressively regulating innocuous facilities. Furthermore, the passionate attention of the American public on economic issues clearly demonstrates that no concerned citizen wants to drive any industry into an uncompetitive or bankrupt economic condition by requiring an unnecessary or unnecessarily expensive environmental clean-up. However, few if any individuals are willing to subject themselves, and especially not their children, to unacceptable levels of environmental risk, (especially health risks) that are beyond their control and have resulted from the irresponsible actions of others. Further, while few individuals fully understand and appreciate the complex and interactive functions of the ecosystem, many if not most individuals are concerned with the aesthetics of their surroundings, and appreciate an environment that appears vigorous and healthy. This is one of the reasons why Article I, Section 27 of Pennsylvania's Constitution states ***"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people."*** These are the issues, and these are the reasons why the PCCE stands strong in their commitment to supporting a thorough and comprehensive clean-up of the Palmerton valley, regardless of how long it takes. The time has come for the Palmerton Environmental Task Force to adopt a similar agenda.

APPENDIX A

DRAFT TRANSCRIPTS

AND OTHER PERTINENT PETF CORRESPONDENCE

APPENDIX B

COMMENTS ON THE DRAFT TRANSCRIPTS