Judge clears Keystone Landfill in water lawsuit

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Residents still determined to force cleanup

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A federal judge in Pennsylvania has ruled that the Keystone Landfill is not the source of water contamination at two neighboring Maryland residences.

Tim and Marcia Brown, formerly of Silver Run, and Cloyd and Dorothy Willow, of Littlestown, Pa., sued the landfill in 1987, claiming it was the source of tainted water at their homes.

U.S. District Court Judge Sylvia Rambo found there is no evidence that materials at the polluted 40-acre site leaked out of the landfill and into the couples' water supplies.

Rambo's findings were released Friday.

Keystone, just north of Silver Run, was designated a federal Superfund site nearly seven years ago because of metals and other pollutants the U.S. Environmental Protection Agency (EPA) found there.

Silver Run residents who believe the landfill has contaminated their water supply and increased illnesses in their families said the ruling will not affect their crusade to have the site cleaned up and the damaging parties held responsible.

The Browns, who now live in Littlestown, had not seen the 85-page finding on their case Friday and declined to comment. The Willows could not be reached for their reaction. Attorneys for the couples were not available Friday.

Franklin Kury, general counsel for landfill owners Kenneth and Anne Noel, said his clients were "delighted" by the decision.

"After all these years of taking all these false accusations from the people that live around the landfill — accusations that really are fueled by emotion and not fact —

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fill and its owners, Kenneth and Anne Noel, in 1987. The Browns had operated a cow-calf operation on their farm next to the landfill. The couple believed — and alleged in their lawsuit — that their water was contaminated by metals and volatile organic compounds leaking from the landfill. The couple trucked water into their cattle for five years until 1990 when they moved to Littlestown, Pa.

The Browns just got a complete copy of the decision Tuesday afternoon. They remain surprised at the outcome of their lawsuit, Marcia Brown said.

"From a scientific standpoint, we just felt we presented all the facts we needed to, to prove the case," she said. "I've seen the leachate coming out of the ground. I've seen the places where the plants don't grow.

"And yet they still say it's not from the landfill."

Brown said the judge ruled on other legal facets of the case a few years back — something which may have hurt the final outcome.

"We had to go at this piecemeal. If we could have presented it all in one nice picture, it would have come out differently," she said.

Mike Morrill, aide to U.S. Sen. Barbara Mikulski, said he thinks the ruling will ultimately test how successful the Superfund cleanup process is.

Mikulski's office was the guiding force behind the formation of the Keystone Landfill Task Force last year. The group of local and state politicians, environmental and health officials — along with some neighboring residents — meets monthly to discuss Keystone cleanup with Yates and other EPA staffers.

"Will the community continue to be able to get a response from EPA given a court decision the citizens may disagree with?" Morrill said.

It's too early to tell.

But in Mikulski's eyes, the lawsuit is not a setback because her goal has been to get EPA officials to work with the community on its concerns, Morrill said.

Mikulski's staff will continue to monitor task force meetings to make sure that is being accomplished, Morrill said.

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