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Landfill

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months. To speed up the study, he said a remedial project team will do the first round of samplings.

KSC attorney Bob Hoffman of the law firm Reed, Smith, Shaw and McClay in Harrisburg said Monday that EPA should give reconsideration to doing the OU-2 study, which has an estimated cost of $1 million to the potential responsible parties named in the case.

Currently, the EPA has a $1.4 million lawsuit filed in 1993 through the U.S. Department of Justice seeking recovery costs for the landfill site under the Superfund law from KSC, its owners Kenneth and Anna Noel and eight companies.

Yates would not rule out the possibility that the latest court ruling may preclude any need for doing more studies on off-site contamination or even preclude any further cleanup efforts at the landfill.

"There's a chance the ruling could do anything. We have not read it yet," he said.

Yates recalled one Superfund site in the Philadelphia area was removed from the NPL program after a court upheld a legal challenge that EPA had no evidence of contamination.

"A rap of the gavel and that site was taken off the National Priorities List. It was a claim of boron contamination," he said.

The EPA administrator said the agency had no data on boron, but had found an adverse reaction on rats during laboratory tests.

"We thought we had a problem. The judge said you don't have hard facts. You don't have data," he recalled.

Yates said he is unsure if the court's ruling on off-site contamination would change the EPA's position on what is considered "on-site" findings of volatile organic compounds (VOCs).

Marcia Brown, one of the plantiffs in the case, was at the task force meeting, and said she too is waiting to consult her attorney on the dismissal of her claims against KSC. She said an appeal of the decision is expected.

"I don't think we have a choice," she said, noting there are many questions she has about the judge's interpretation of some issues.

In other task force discussion about the KSC landfill, Jack Kelly of the Agency for Toxic Substances and Disease Registry, the public health arm of the Superfund program, said the Pennsylvania Department of Health will do another health assessment of the community around the KSC landfill.

Community citizens said the health assessment that was done under an $88,000 grant from the ATSDR, which is a branch of the Centers for Disease Control in Atlanta, was inadequate, incomplete, and did not include all data available from the EPA, Pennsylvania Department of Environmental Resources and the Maryland Department of Environment and Department of Health.

EPA continuing Union Township landfill cleanup

$11 million plan may be slowed by court ruling

By ROBERT HOLT
Times Staff Writer

P2036K

SILVER RUN, Md. — U. S. Environmental Protection Agency administrators said Tuesday night that they have yet to determine what impact a federal court decision dismissing off-site contamination claims at the Keystone Sanitation Co. Inc. landfill will have on a pending Superfund cleanup.

"As soon as possible, we will publicize whatever our position is. As of right now, we have no position," said EPA Community Relations Coordinator Hal Yates, after a Keystone Landfill Task Force meeting at St. Mary's United Church of Christ in Carroll County, Md.

He said an EPA Region III attorney in Philadelphia had received a copy at noon Tuesday of federal Judge Sylvia Rambo's decision in Harrisburg dismissing claims that the landfill caused groundwater contamination on adjacent farmlands.

Rambo ruled the claims by Timothy and Marcia Brown and Cloyd and Dorothy Willow, all of [illegible]town, were unsubstantiated by evidence presented in the case, which included data from an EPA Remedial Investigation and Feasibility Study completed in 1990 with a record of decision.

Yates said the EPA will continue with its present plans for a $11 million cleanup of the landfill, which was placed on the National Priorities List (NPL) in 1987 and later closed by KSC officials after it reached capacity in 1990.

Those plans include conducting a "second operable unit" (OU-2) for off-site contamination at 30 residences around the landfill, with the first of four samplings scheduled to start this month by crews doing remedial work.

"Yes. Everything we're continuing on with, until we get advice from our regional counsel. We don't know what the facts are yet, because we have not read the ruling," Yates said.

EPA Remedial Project Manager Christopher Corbett said the actual work plan for OU-2 is still being drafted and will not be ready for presentation to the KSC Task Force group review for a couple of

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