

11/21/94

Nuclear Regulatory Commission - Region 3  
Mr. Axelson - Director

Dear Mr. Axelson:

Enclosed with this letter is a copy of the letter we just received today from USEPA Headquarters in response to our November 1st letter (which you were copied on last week). It is a total lie that EPA ever ran the week of the 28th by us, infact, ~~we~~ we pleaded to be given a couple dates, but were never consulted, until they had already chosen the 30th. We can only assume they are saying this now to cover their behinds, because normally they would have run some dates by us first! That is precisely why our suspicions became aroused, we weren't hearing anything.

Last week I spent a good hour on the phone with Mike McCann telling him about what EPA was pulling with this meeting and the timing of this 12 million \$ trial. I also faxed several pages of material to him for you all to read. He wasn't sure that he'd seen the material we sent the first week in September that we'd gotten off the state regarding the ban on field filtering etc. (about 13 pages). So please check to make sure that you all received this info and have read it. It was extremely important.

CCLT is hereby requesting (in light of all that we now know about this November 30th meeting) that the NRC NOT attend on the 30th, thereby avoiding the appearance that your agency is part of a conspiracy to influence the public during a trial. (Especially since the paper reported that the companies may argue that the publicly about the radiation had an affect!) Since that day that you called me, you know that we strongly felt that your agency should stand on its own in meeting with us, anyway, and this development should certainly convince you that it would be best to deal with us separate from the EPA. If you want it to be a public meeting, that's fine with us, in fact we'd prefer it. But, please, if your people meant what they told us over the months that we communicated, don't help EPA play these games with our peoples' lives. It is terribly wrong. Please let us know your response as soon as possible and we can set up a new meeting date, possibly in January.

Sincerely,

Chris Borello - President  
for CCLT

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PDR FOIA  
POST98-341 PDR

9906230095



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 15 1994

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Ms. Christine Borello  
President, Concerned Citizens of Lake Township  
P.O. Box 123  
Uniontown, Ohio 44685

Dear Ms. Borello:

This is in response to your letter of November 1, 1994, concerning the proposed public meeting for the Industrial Excess Landfill (IEL) Superfund site in Uniontown, Ohio. I regret that the final date selected is inconvenient for you. It is my understanding that EPA Region V spent a number of weeks trying to arrange a mutually acceptable date with the many interested parties, including the Concerned Citizens of Lake Township (CCLT), the Science Advisory Board, the Nuclear Regulatory Commission, the State of Ohio, the Agency for Toxic Substances and Disease Registry, and the National Air and Radiation Environmental Laboratory.

It also is my understanding that in mid-October both EPA Headquarters staff and the Region V Remedial Project Manager tried to honor your request for advance notice on the possible dates for this meeting by informing you that it was considering the week of November 28. I regret that now there is a misunderstanding. If we tried to change this meeting date now, we would be forced to move it back to January of 1995. This could have a negative impact on the remediation schedule at the site. We have demonstrated that we are sympathetic to scheduling problems, and we have moved or cancelled several meetings in the past at your request. Again, I regret that this date is now inconvenient for you, but I hope that other members of CCLT will be able to represent your interests if you choose not to attend the meeting in Uniontown.

Your second request is that EPA provide funds for your expert, Dr. Marvin Rosnikoff, to attend the meeting. My staff contacted the Region to explore this request. The Region informs us that all of the Technical Assistance Grant (TAG) funds have been depleted. Moreover, the Region informs us that CCLT has not completed the required documentation supporting how those original funds have been spent. This documentation is an integral part of the TAG process and was requested by the Region



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Total  
Lie!  
They  
weren't  
concerned  
about  
this  
"schedule"  
when they  
delayed

the  
SAB report  
release for  
many months!

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in February of this year from Herb Kohler, Vice President of CCLT. As of this date, it has not been received. We will not provide additional funds to CCLT without the required documentation associated with the first two TAGs.

So he  
should  
be

a  
presenter  
AT

THE  
MEETING  
NOW!

The purpose of the meeting is to provide a forum for the citizens to hear the findings of previously published studies carried out at IEL by various government agencies. Dr. Resnikoff was very much involved in commenting on the findings in the past. He did attend the Technical Information Committee meetings and appeared before the Science Advisory Board as a witness during the information gathering and discussion process. He has taken part in the discussions during the development of these reports.

In closing, I hope that CCLT and Region can continue to work together toward the remediation of this site. I am pleased to see that we will shortly begin the remediation of this site.

Sincerely,

*(for) Timothy Fields, Jr.*  
Elliott R. Laws  
Assistant Administrator

cc: Timothy Fields, Jr.  
Linda Kern, EPA Region V  
Senator John Glenn





# INTERNATIONAL INSTITUTE OF CONCERN FOR PUBLIC HEALTH

830 Bathurst Street, Toronto, Ontario, Canada M5R 3G1  
(416) 533-7351 • Fax (416) 533-7879

November 1, 1994

Barry L. Johnson, Ph.D.  
Agency for Toxic Substances and  
Disease Registry  
Executive Park, Building 4  
1600 Clifton Road, E-31  
Atlanta, GA 30333  
USA

Dear Dr. Johnson,

Your letter of 26 Sept. 1994 did not clarify the "misunderstanding" relative to the Industrial Excess Landfill (IEL) Superfund Site.

You repeat your seeking "independent expertise to review IEL groundwater monitoring data for public health significance." You state further that your "purpose was not to determine whether or not persons had been exposed to radiation, but rather to gain (my) opinion as to whether exposure to radiation at the levels detected in the groundwater could lead to health consequences."

From a public health point of view such an important question cannot ethically be answered in the way you pose it. As a scientist I need a time frame, source potential, pathways analysis, population at risk and other essential pieces of information before simply dismissing any possibility of human exposure. Once-a-year groundwater samples are not an acceptable basis for decision-making. Moreover, since IEL was never licensed to accept radioactive waste, finding any contamination should raise serious additional questions. For example, what potential exposures were involved when the radioactive material was trucked in and dumped.



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I question your credentials for the position you seem to be in as Assistant to the Surgeon General, and will send this to him/her together with your letter. I am amazed that you call demand of a reasonable amount of information "bias". Perhaps engineers are out of place at a public health agency. We consider a decision that there is no threat to the public health based on inadequate information to be unethical. Certainly "bias" lies in refusing to look! One wonders what you wish to hide.

Sincerely,

*Rosalie Bertell*

Rosalie Bertell, Ph.D., GNSH

cc. Surgeon General  
of the US  
Marvin Resnikoff  
Christine Borello

# CCLT

Concerned Citizens of Lake Township P.O. Box 123 Uniontown, OH 44685

11/1/84

USEPA Headquarters  
Mr. Elliot Laws  
401 M Street S.W.  
Washington, D.C.

Dear Mr. Laws:

Because you were designated to be the top official in charge of overseeing the Uniontown IEL case, we felt that it was appropriate to call to your attention the following concern and request regarding USEPA's plans for the "SAB" meeting to be held in Uniontown on November 30th on the radiation at IEL.

First of all, we were very disturbed that our request previously made to both the Region and Headquarters last month that EPA first run a couple dates by CCLT, (as once was the normal procedure in the past), but for some reason this process was ignored this time. Instead, Region 5 called us last week with a final date, one that had apparently already met the approval of other government agencies and select individuals involved. Unfortunately, I have a major conflict, in that I am suppose to be at an important meeting with you on that date in Atlanta with Dr. Satcher, head of CDC, regarding the serious health concerns at our Superfund Site and others around the country. This date had already been confirmed weeks before and EPA should have known about this, at least at Headquarters. (I have not decided yet which meeting to attend. EPA refused to change the meeting when informed of this conflict, saying the date had already been worked out for the other parties involved).

Also, I was informed by EPA Headquarters that there will be a "panel discussion" on the radiation on the 30th and that USEPA has invited representatives of NAREL, ATSDR, NRC, SAB and the Ohio EPA to be involved in about IEL's fate. We are upset and concerned that our own expert was not asked to participate! We feel that as it stands, the scenario described here is very much "stacked" against us by design. Therefore, we request that USEPA pay to fly in CCLT's expert to at least allow for some semblance of fairness and balance! As you may be aware, we are out of TAG funding, so that we are unable to bring experts into the discussions at public meetings in the future. Because of the controversial nature of this meeting, we sincerely hope that EPA will honor this request. Please contact us with your decision as soon as possible. Thank you.

Yours truly,

Christine Borello President  
Concerned Citizens of Lake  
Twp. / IEL Superfund Site

*Chris Borello*

cc:  
Region 5 - Linda Kern  
Senator Glenn  
Mr. Toby Clark / Clean Sites  
Mr. Tom Crumbly / DOE  
Dr. Marvin Resnikoff  
Mick Harrison / GAP  
Linda King / EHN

11 SAP

11/17/94

Please forward  
copies to:

- ① Mike McCann
- ② Darryl Wiedeman
- ③ Axelson

13 typed  
pages

P/17



This appeared in today's Canton Repository (11/16/94).

People are wondering if this is why USEPA decided to hold the meeting on the final SAB report on Nov. 30<sup>th</sup>... during the week of the jury selection?! How nice! Just line up your experts and say "no problem" for them to read about in the paper, eh? We also learned from USEPA's lead attorney at Justice how the draft SAB report was given to Federal Judge John Monks to say "no problem."

## Landfill case seeks increase in awards

### Three firms already found to be liable

By MARK FERENCHIK  
Repository staff writer

CANTON -- Three rubber companies said a jury should award people who have owned property near the Industrial Excess Landfill only \$568,981 in damages.

The property owners are looking for \$12 million.

Those are the financial battle lines drawn in a class-action lawsuit to decide how much property owners should receive from the rubber companies. Jury selection for the trial begins on Nov. 28.

A jury in March 1993 found the three companies — Goodyear Tire & Rubber Co., B.F. Goodrich Co. and Bridgestone/Firestone — liable for property value losses. The three had dumped waste at the industrial waste landfill just south of Uniontown in Lake Township more than 20 years ago.

But the jury awarded damages of only \$500,000 for owners of 1,740 properties near the landfill. The property owners asked Stark County Common Pleas Judge John G. Hass for a new trial on the damages, which he granted.

What would a different verdict on the award mean for property owners? As it stands now, they would each receive about \$300 in damages. If a jury were to award the \$12 million, each would get about \$6,500, with those damaged most receiving more based on a plan that would be submitted to the court, said Thomas Theado, the attorney representing the class. The class — which now numbers about 2,500 people, Theado said — originally asked for \$28 million.

The rubber companies, in a trial brief filed Tuesday, argued the case is not about contamination or potential harm from the landfill but is about the stigma placed on the properties because of what the rubber companies did.

The property owners have said the stigma is permanent and that they are entitled to damages. But the companies said the owners cannot prove the stigma will remain forever.

The companies also will argue that some of the stigma was caused by publicity about allegations that radioactive materials may have been buried at the landfill. A U.S. Environmental Protection Agency board said last summer it could find no radiation contamination at the landfill. A citizens group has called that report inaccurate.

But EPA's not working for the polluters?!  
Right.

— C.C.L.T.

# From Final SAB REPORT

provides an extensive data base on radioactivity in drinking water. While some are near nuclear facilities, others are not. Comparing the radioactivity levels in the residential wells around the IEL site to the levels observed in ERAMS, there is no evidence of unusual concentrations in the residential wells. There are occasional slightly elevated readings, in monitoring wells most often in the gross beta counts at shallow depths. However, the average of all gross beta counts at shallow monitoring wells is 10 pCi/L, which is not out of range relative to the ERAMS data. In comparing ERAMS data to IEL data, it is important to note that the ERAMS figures are averages of data over four quarters. Therefore, they are less likely to show occasional high values than the measurements on single samples such as available at IEL. One well, #14S, does have somewhat elevated beta counts during all four rounds, although the observed levels are not at all alarming as the counts are not high relative to possible background levels.

The information provided by EPA does not address radioactivity in suspended sediment, so it is more difficult to address whether or not the levels observed in the filtrate are within background levels. There is one high reading at monitoring well #46 during the May 1992 round of measurements. The gross beta reading is 358 pCi/sample or a 157 pCi/gram, which in either case makes it the highest observed value. With the information at hand, one cannot say whether or not these values should be considered unusual. Certainly they are not evidence of substantial radioactive contamination (i.e., a consistent pattern, continuous in time and space, of concentrations that are well ( $>2$  standard deviations) above the detection limit or regional background, whichever is higher).

There was one extremely high tritium reading of  $1 \times 10^6$  pCi/L reported once at a residential well, which is 50 times the current Federal drinking water standard.\* This reading, if correct, could not plausibly be due to background radiation. However, repeated retesting of the water from this well has failed to produce any high tritium levels, which suggests that this anomalous measurement was faulty.

While no other tritium measurements were above the drinking water standard, there were several other measurements that were somewhat elevated, and while not direct evidence for harmful levels of radiation, could be viewed as evidence of past radioactive contamination. When considering whether the occasional elevated measurements provide evidence of radioactive dumping, it is essential to consider how often such measurements would be obtained if there had been no radioactive dumping at the site. Many hundreds of radiation measurements have been made on IEL water.

\* The current Federal Drinking Water standard for tritium is 20,000 pCi/L.

\* We have talked at length to a state hydrogeologist and they have a very plausible explanation as to why the million pCi/Crues didn't show up again. They're sampled in the recharge in Oct-Nov. & the water in June was used for sod farm aeration - different flow regime!



# GOVERNMENT COVER-UP AT IEL REGARDING RADIATION? TIME-LINE:

\* Long-time residents reported seeing the radiation symbol on trucks coming in night after night for two years, 1969 & '70.

\* Concerned Citizens repeatedly requested EPA to perform radiation testing on gases, soils & water during the site's R.I. investigations (from 1985 -89). EPA refused.

\* AUGUST 1990 - USEPA finally agrees to testing groundwater for radiation, although this is AFTER the critical legal signing off on the Record of Decision in '89 on the clean-up remedies! EPA reneges on doing deep gases for all types of radiation.

\* NOV. 1990 - USEPA throws out the August round, declaring it "invalid," citing 3 or 4 reasons, one being that EPA's own contractor, PRC, didn't use the right kind of jars (plastic instead of glass) for Tritium analysis. CCLT questioned WHY EPA still paid its contractor, PRC, but admitted that it didn't at the same time pay the commercial lab!

\* DECEMBER 1990 - USEPA resamples groundwater, claiming it will make sure that the new lab does a better job and promises to keep close contact with the lab.

\* JANUARY 1991 - Ohio EPA tells CCLT that it believes that the Feds found radiation in the earlier August round and that the state was now going to do "split samples" in attempting to catch the Feds.

\* MARCH 1991 - The state EPA informs CCLT that the USEPA has dropped ALL radiation testing (so now the splits will not be able to check up on the Feds), but OEPA proceeds to do approx. 5 residential wells offsite. (They had wanted to do the monitoring wells onsite, but they said they couldn't afford to do so, without USEPA priming the wells with water). The state EPA official involved said that they were now very "suspicious" of the Feds dropping the rad testing.

\* AUGUST 1991 - The state EPA has CCLT come to lunch at Yoder's and shows citizens test results of a residential well located southwest that was high in Beta radiation. OEPA reps tell CCLT that the Ohio Dept. of Health threw the reading out, calling it "turbid" - the OEPA rep said, however, that the sample "was NOT turbid." He went on to cast serious aspersions on ODH, saying that it appeared that they were throwing out readings "like the Feds were", when they were



high!. These two whistle-blowers from OEPA also said they wanted to talk to the Senators' office and wanted us to seek such help for them. We agreed to do so. They also brought out an aerial photo that had been anonymously sent to OEPA regarding the Northeast corner of the dump near the stream and told us how they wanted to force the Feds to drill down to bedrock in that location. They suggested that the Federal EPA had deliberately ignored this part of the dump during the entire Remedial Investigation, and even said that if the Feds wouldn't drill there, the state would go in and do it themselves! (This move would have been unprecedented, but ultimately they did get USEPA to do the work).

\* AUGUST '91 - USEPA calls CCLT in a conference call to tell us that USEPA got high levels of radioactive Tritium in some of the wells in the Dec. '90 round, but "didn't want to panic the people," and felt that these readings would be proven to be "false positives", anyway.

\* OCTOBER 1991 - CCLT & their expert, Dr. Henry Cole, write a letter to EPA Administrator William Reilly, asking that Headquarters take over the IEL site out of Region 5's hands, that it had zero credibility. In response, Reilly asks then President of Clean Sites, Inc., Thomas Grumbly, to do an investigation of the "management" of Region 5 - not the radiation as we had asked.

\* NOVEMBER 1991 - The state EPA informs CCLT about an "astronomically high reading" of radiation - over a million pico curies of nuclear Tritium that OEPA found in a residential well, this time to the southeast, out from Metzger's Ditch. Again the reading was declared invalid by someone in OEPA in Columbus, who we understand wasn't a radiation expert - even though the lab stood behind the QA/QC! The whistleblower who told us about this reading and the earlier reading at lunch in Aug. was then removed off the IEL case soon after this conversation took place concerning the Tritium in November.

\* MARCH 1992 - After interviewing approx. 50 people (mostly government-types) Grumbly issues his report to Reilly. He is extremely supportive of Concerned Citizens' concerns regarding IEL's site investigation and all of the data gaps and makes several recommendations. Among these, Grumbly suggests that an ad hoc panel to study the radiation be set up by USEPA's Science Advisory Panel. Grumbly also urges that USEPA release the December 1990 round it had invalidated - which EPA had refused to give us.

SEPTEMBER '92 - EPA stalls all summer long in not giving the public the data (Senator Metzenbaum even discussed this at a hearing in D.C.) Finally it is released with a deliberately very short turn-around time for public review. Citizens find reason to be concerned by the data package's contents, especially internal memos from the smeared lab that questioned strange procedures EPA required it to use on our samples that caused loss of material in the samples! We questioned if this was scientific sabotage.

\* OCTOBER 1992 - Tom Grumbly speaks personally to CCLT president, Chris Borello, and he informs her upon learning about Plutoniums showing up with the Tritiums in the invalid data of 12/90, that his original idea about using the ad hoc SAB panel, "WAS NOT ENOUGH" and that he wanted "SUDPOENA POWER". He said that he was going to go for a Congressional investigation via Congressman John Dingell's office of Oversight & Investigations. (We later confirmed this through the Congressman's office that Tom did indeed seek such an investigation.)

\* Fall 1992 - USEPA's radiation expert calls CCLT from Alabama and acknowledges that the Plutonium 239 found in the borehole down 92 feet on top of bedrock (the same borehole the state forced the Feds to drill into the N.E. corner) was a "valid" finding of Plutonium and he said that "they were concerned" because it shouldn't be there and admitted it was one of the most dangerous substances known to man. This same borehole revealed a reading of 450 gross alpha and 445 beta at a shallower depth of 32' near the floor of the dump. This valid reading, found by the state during "split samples" was considered "upholdable in court". (Note: most groundwater samples in a 3-county area are less than 3 pico curies.)

\* 1993 - Ohio EPA acknowledges that the first two rounds taken as split samples with USEPA (the May & August 92 rounds) were elevated, (over 100 pico curies to 419 found offsite), but turns around in mid-stream and changes a major sampling procedure half way through the 4 consecutive rounds and switches from not filtering the samples to "field filtering". CCLT and its experts cried foul and physicist, Dr. Marvin Resnikoff and Dr. Henry Cole declared the four rounds taken by USEPA to be invalid, citing that this procedure would bias the readings low. i.e., Indeed there was a discrepancy in one sample between the state & the Feds where the state got a reading of 225 pico curies and the same sample filtered by USEPA registered only 6.8 pico curies!

\* July, Sept. & Dec. '93 - CCLT attends each of the 3 SAB panel hearings (one held in D.C.) and repeatedly tells USEPA and its hand-picked panel of scientists that this filtering is underestimating the radiation here - that our residents DO NOT DRINK filtered water from their wells! We also repeatedly tell them what Tom Grumbly said about the panel not being enough, that their powers to investigate are too limited and how Grumbly sought subpoena power. Despite these significant revelations, EPA continued over this year and into 1994 to shove the panel down our throats and to promote them as the final say on the radiation. One Congressional aid said to us that they all knew "on the hill" that this SAB panel "was a crock"... (We told this personally to EPA Administrator Carol Browner this June in a meeting in D.C.)

\* FEBRUARY 1994 - The Nuclear Regulatory Commission contacts CCLT after learning from a citizens' group involved with the nearby "Wingfoot" site in Suffield Twp. that uranium was found at Uniontown. NRC grilled us at length, calling 3 different times in a short time period. The 3rd call's purpose, the NRC investigator said, was to read a memo he had written to his "superiors" regarding the recommendations he was making concerning IEL. This NRC investigator said that he was recommending that the NRC take over the IEL site from EPA and do "full blown field studies" that would include CORES, GASES and the STREAM. He said more than once that "he would be in here tomorrow, if he could," and told of how our Beta readings were much higher than what he typically saw at "their own (nuclear) facilities, quoting 59 pico curies as typical, whereas IEL had readings of 358, 445 etc.

\* MAY/ JUNE '94 - The NRC continues to communicate with CCLT and informs us that while they were still deciding whether they could "come in" or not, they told us that they had in fact gone ahead and contacted the EPA's Inspector General about possible wrong-doing by EPA at Uniontown and sent us supporting documents that confirmed such action had been taken. Also, the NRC investigator agreed with us and our expert, Dr. Resnikoff, about field filtering, telling us that the NRC DOES NOT FIELD-FILTER THEIR OWN SAMPLES. ~~THE NRC also~~ told us that it DOES CORES in site investigations regarding radiation - which EPA strangely refuses to do at Uniontown.

\* MAY 1994 - President Clinton had appointed Tom Grumbly to head up the Dept. of Energy's (DOE) nuclear waste clean-ups in the winter of 1993, so Tom was now in a better position to help us. In May of this year we were informed by his office



that Mr. Grumbly had personally in the spring gone to the Inspector General at DOE for subpoena power at Uniontown. Through our dealings with the NRC, we came to learn about the nearby "Wingfoot" site that involved Goodyear Aerospace and DOE. This was a "top secret" activity where they enriched radioactive uranium in a deep pit onsite for reactor fuel. NRC told us this went on from 1974 - '84. NRC supplied CCLT with documents showing Goodyear's rad license etc. They admitted that all the rad material could not be tracked that left Wingfoot - leading us to wonder if it came here to IEL. There is currently "six cubic feet of top secret data" regarding Wingfoot at Oakridge (DOE) that we want to see, that is now being declassified. (We are not only concerned about radiation, but research chemicals possibly used at Goodyear Aerospace for government contracts.)

\* August 1994 - The NRC now backs away from its statements to CCLT, citing some pathetic / bogus reasons in a letter from the NRC director and claiming the NRC can't come in now because of an interagency agreement between NRC & EPA. The director personally calls CCLT and suggests a meeting with citizens. This was soon reneged upon. NRC then said it would only come in if EPA was with them! Also, NRC failed to respond in writing to a list of technical questions it had asked CCLT to put together regarding NRC testing procedures. (We strongly believe they now refuse to answer because they sided with us about doing cores and against "field filtering," making EPA look very bad.)

\* SEPT./ OCTOBER 1994 - EPA is desperately trying to walk out of here, using the highly questionable SAB report and ATSDR consult - which has just been shot down by the September release of information from OEPA/ USEPA concerning field filtering, which states that for risk assessment, filtering should NOT BE USED. This is what we've said for 2 years, but ATSDR failed to incorporate this "its comments, conveniently. \*\*\*\*\*  
It is critical to understand the nature of the contaminants buried at IEL so that the proper remedies are implemented and that future generations are also protected. Ohio EPA told us that if man-made radiation is identified, the pump and treat may be scrapped. (The state found a mean of 2,000 pico curies of man-made Tritium in the so called "valid" round, which is 20 times over background. This alone should warrant the core samples.) We are also extremely concerned about the radon and other unknown radiation that is or maybe present in the gases. Since the NRC told us about Wingfoot using a gas called uranium hexafluoride (U F 6), we want that also tested. There are 150 tons of toxic gases generated a year. EPA is currently trying to push the clay cap and gas system on us and we fear what they may expose residents to.

**CCLT**

Concerned Citizens of Lake Township P.O. Box 123 Uniontown, OH 44685

TO: Dr. Satcher - Administrator CDC/ATSDR  
FROM: Concerned Citizens of Lake Twp./Uniontown IEL Superfund Site, Uniontown, Ohio  
RE: Site background info, health concerns & needs  
.....

The Uniontown IEL is a 30 acre landfill that is located just 3/10ths of a mile from the square of town (1/2 mile from our grade school) in a glaciated area that was formerly used for the excavation of sand & gravel. According to Ohio EPA, over 780,000 tons of "hazardous substances" were deposited into this site that sits just a few feet above the sole-source aquifer that is depended upon by hundreds of thousands of people. EPA stated that there are 20,000 residents potentially affected in a three mile radius. The local health dept. in charge of monitoring this site during its operation during the years between 1966 - 1978, stated that up to 11 thousand gallons per day were dumped (usually straight onto the ground into chemical lagoons). Eyewitnesses saw the nuclear signs on trucks coming in during 1969 and 1970 on a daily basis. This site was listed as fourth in the country out of 244 sites on the proposed NPL in Oct. 1984.

During the EPA's Remedial Investigation and Design Phase testing, virtually nearly every toxic chemical found on the Priority Pollutant List has been found at this site in the air, soil, gases or water. Such poisons as PCP, PCP, Benzene, Toluene, VC, carbon tet, Chlorodane, Tetrachloroethene, etc. have been found, along with high levels of nuclear Tritium, uranium, radium 226, radon in high levels in vent gases and traces of Plutonium 238 & 239. However, MOST of the compounds found in the water are found via "library search" and show up as "TICS", or tentatively identified and are NOT even found on these normal scans! We have good reason to believe that these unknowns are from government research and top secret facilities that were under contract. Our major polluters are Goodyear, Goodyear Aerospace, Firestone and Goodrich. The US Army was on the site's manifest as having dumped here in 1969 & 1970.

Via 2 tag grants we have hired some top experts (including Dr. Warren Muir & John Young, toxicologists; Dr. Henry Cole, Dr. Ben Ross, Dr. Kurt Brown and Dr. Marvin Resnikoff. These experts along with citizens, politicians and media have raised extremely serious concerns about the quality of the technical data at this site over the last eleven years of our fight and the belief is that the remedies selected by EPA in 1989 in the ROD may actually cause more health risks.



because EPA refuses to do the proper testing to learn about what is buried within the landfill. Plans of a clay cap & pump and treat may spew poisons downstream through the community once again, because they refuse to address the radiation and unknowns. (How will they know that their treatment is working, IF they don't know what they are treating?) Likewise, experts have calculated that this site generates 150 TONS of toxic gases per year and these experts fear that EPA's clay cap may force gases out laterally and into nearby homes in the sand & gravel or they will be sent out via the gas vent into the air over this heavily populated area. EPA's proposed "gas extraction system" is very questionable and may create dioxins, furans and will not remove the radon and other possible radiation contaminants. Their contractors are not health experts and we do not trust their slick "models" and promises of a 99 % burn, when we aren't even getting an incinerator and the contractor's background experience does not show experience with a toxic waste site, but merely on municipal landfills.

.....

#### HEALTH PROBLEMS

Almost from the beginning of our fight which began in 1983 we were told of strange clusters of miscarriages, cancers, neurological diseases, birth defects and rare diseases. We fought off health studies in 1986 and 87 because not enough info was known about the pathways of exposure and kinds of toxins. Instead, CCLT asked ATSDR to support our battle to obtain the proper testing from EPA to address serious data gaps. ATSDR agreed to do so - to a point. Ultimately, we were told by Barry Johnson 3 years ago that "ATSDR was punished for helping Uniontown" to the tune of a 15 million dollar funding cut by EPA. From there after, ATSDR has worked against us, including the most recent health consult on the radiation - which is totally outrageous and in our opinion, unethical. ATSDR failed to follow guidelines for risk assessment which calls for unfiltered samples for the radiation, ( or at least both filtered and unfiltered) and it made health-based judgements on bad data that our experts invalidated! Dr. Elaine Panitz from Princeton has told us that it is her professional opinion as an MD that there is a "serious on-going public health threat from radiation" at this site, 24 hours a day and from more than one pathway (not just the water, she said). Dr. Panitz reportedly told her concerns to Thomas Grumbly, Dr. Johnson, Government Affairs and EPA. She was ignored. We have also been told that it was estimated that the cancer rate here is 7 to 8 times the



national average. Another private study involving pulled death certificates indicated that the primary brain cancers were at least twice the national average, in young and old alike. It is our strong belief that each time that we have called attention to these very serious health problems in our community, the "opposition" has made sure that further testing was dropped - so that no concrete linkage could be established. In a recent instance, a wrongful death suit stemming from a youth dying of bone cancer on the southern border (when filed 2 years ago they asked 25 million dollars), this case settled out of court based strictly on radiation last March. However, the public was not informed of these circumstances and rad tests were dropped while the case was pending - after high levels of radiation were found in IEL landfill's monitoring wells located near this residence in Aug. '92! Therefore, many innocent families were punished and remain vulnerable. No further testing is planned and many do not have alternate water, with soil gas migration a serious concern. Note: Rate of flow of groundwater is very fast - up to 6' per day, according to USGS. Since the dumping occurred 20 years ago, we believe large numbers of people have been exposed to deadly toxins.

As stated, in the earlier years, during the mid to late 80's, ATSDR made some attempts (after we clubbed them over the head with our refusal to cooperate with them in studying us like rats) to work with citizens. Other groups have suggested that we were just a "token" gesture. While we tried hard for years not to believe that this was the case, ATSDR's conduct here in the 90's leaves us little room to think otherwise. ATSDR's Dr. Johnson and Mr. Bob Williams have both raised the ire of internationally known radiation health expert, Dr. Rosalie Bertell, because of their terrible responses to the radiation concern at IEL. On November first, Dr. Bertell wrote a letter to Dr. Johnson reflecting such disgust with ATSDR that she cc'd the US Surgeon General! Please require Dr. Johnson to provide to you all correspondence between Dr. Bertell and Williams and Johnson regarding Uniontown....

.....

**THINGS THAT ATSDR MUST DO AT THIS SITE TO RIGHT A SERIOUS WRONG:**

1. ATSDR has recommended that in-home air monitoring be done in N. West Uniontown because contamination in water and soils. The burden of proof is once again on the citizens to prove it is coming from the site (EPA insists that it isn't the source). ATSDR should demand that EPA test thoroughly all

pathways that citizens & experts have repeatedly pointed out as possible conduits for gas migration ( i.e., storm sewers, lateral shafts into the hill and other preferential pathways- knowing full well that scientifically speaking, gases can migrate the opposite direction of water flow).

2. ATSDR must insist that wells north and northwest already shown to be contaminated with tetrachloroethene be tested for the same list of contaminants as performed on the site's monitoring wells, including radiation. To rule the landfill out before such analysis is conducted is highly suspect, given the proximity of this Superfund site.

3. ATSDR should retract entirely its "health consult" on the radiation dated April 5th, 1994, because of the agency's complete ignorance regarding guidelines for risk/ health assessment and the use of field filtering vs. unfiltered samples - which proved to dramatically lower high levels of gross alpha and beta readings down to "acceptable" levels. Example: Unfiltered the state EPA got a alpha reading of 225. The same sample split with USEPA only registered 6.8 pico curies and therefore, "no cause for concern"... BUT our residents only drink UNfiltered water from their private wells and ATSDR knows this!

4. IN 1987, ATSDR's Mark Bashor suggested with proper testing (which still has yet to be done) there may be a need for a large evacuation like at Times Beach. ATSDR must now, before things progress with the clay cap any further beyond this design stage, demand that the EPA perform core samples for radiation (including transuranics and fission products) in the upper third of the site. EPA and ATSDR both suggested in the past that if man-made rad was found in any samples that they would consider changing their position against cores. Well, the nuclear Tritium found here in groundwater (over a million pico curies) as well as other readings that were averaging 20 times OVER background SHOULD warrant such action immediately.

5. ATSDR should sit down in the near future and reassess IEL's 1989 Health Assessment with our citizen's group, CCLT. The agency left us hanging back then because of the fact that the agency suggested that it really couldn't say much about the extent of the health threat posed by the site (although ATSDR clearly stated that there indeed WAS a threat at this site - albeit this was based on a terrible data base), because of the EPA's poor data base. Dr. Johnson told us that he wanted to testify to Congress

regarding the pressure placed on ATSDR for helping us. It is long over due that he speak out about such coercion. NRC and DOE have both gone to the EPA I.G. regarding the radiation and possible wrong-doing by EPA. Why not ATSDR?



## INTERNATIONAL INSTITUTE OF CONCERN FOR PUBLIC HEALTH

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November 1, 1994

Barry L. Johnson, Ph.D.  
Agency for Toxic Substances and  
Disease Registry  
Executive Park, Building 4  
1600 Clifton Road, E-31  
Atlanta, GA 30333  
USA

Dear Dr. Johnson,

Your letter of 26 Sept. 1994 did not clarify the "misunderstanding" relative to the Industrial Excess Landfill (IEL) Superfund Site.

You repeat your seeking "independent expertise to review IEL groundwater monitoring data for public health significance." You state further that your "purpose was not to determine whether or not persons had been exposed to radiation, but rather to gain (my) opinion as to whether exposure to radiation at the levels detected in the groundwater could lead to health consequences."

From a public health point of view such an important question cannot ethically be answered in the way you pose it. As a scientist I need a time frame, source potential, pathways analysis, population at risk and other essential pieces of information before simply dismissing any possibility of human exposure. Once-a-year groundwater samples are not an acceptable basis for decision-making. Moreover, since IEL was never licensed to accept radioactive waste, finding any contamination should raise serious additional questions. For example, what potential exposures were involved when the radioactive material was trucked in and dumped.



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I question your credentials for the position you seem to be in as Assistant to the Surgeon General, and will send this to him/her together with your letter. I am amazed that you call demand of a reasonable amount of information "bias". Perhaps engineers are out of place at a public health agency. We consider a decision that there is no threat to the public health based on inadequate information to be unethical. Certainly "bias" lies in refusing to look! One wonders what you wish to hide.

Sincerely,

*Rosalie Bertell*

Rosalie Bertell, Ph.D., GNSH

cc. Surgeon General  
of the US

Marvin Resnikoff

Christine Borello

*Ed. L.*

# CCLT

Concerned Citizens of Lake Township P.O.Box 123 Uniontown, OH 44685

11/1/94

USEPA Headquarters  
Mr. Elliot Laws  
401 M Street S.W.  
Washington, D.C.

Dear Mr. Laws:

Because you were designated to be the top official in charge of overseeing the Uniontown IEL case, we felt that it was appropriate to call to your attention the following concern and request regarding USEPA's plans for the "SAB" meeting to be held in Uniontown on November 30th on the radiation at IEL.

First of all, we were very disturbed that our request previously made to both the Region and Headquarters last month that EPA first run a couple dates by CCLT, (as once was the normal procedure in the past), but for some reason this process was ignored this time. Instead, Region 5 called us last week with a final date, one that had apparently already met the approval of other government agencies and select individuals involved. Unfortunately, I have a major conflict, in that I am suppose to be at an important meeting with you on that date in Atlanta with Dr. Satcher, head of CDC, regarding the serious health concerns at our Superfund Site and others around the country. This date had already been confirmed weeks before and EPA should have known about this, at least at Headquarters. (I have not decided yet which meeting to attend. EPA refused to change the meeting when informed of this conflict, saying the date had already been worked out for the other parties involved).

Also, I was informed by EPA Headquarters that there will be a "panel discussion" on the radiation on the 30th and that USEPA has invited representatives of NAREL, ATSDR, NRC, SAB and the Ohio EPA to be involved in about IEL's fate. We are upset and concerned that our own expert was not asked to participate! We feel that as it stands, the scenario described here is very much "stacked" against us by design. Therefore, we request that USEPA pay to fly in CCLT's expert to at least allow for some semblance of fairness and balance! As you may be aware, we are out of TAG funding, so that we are unable to bring experts into the discussions at public meetings in the future. Because of the controversial nature of this meeting, we sincerely hope that EPA will honor this request. Please contact us with your decision as soon as possible. Thank you.

Yours truly,

Christine Borelio President  
Concerned Citizens of Lake  
Twp./ IEL Superfund Site

*Chris Borelio*

cc:  
Region 5 - Linda Kern  
Senator Glenn  
Mr. Toby Clark / Clean Sites  
Mr. Tom Grumbly / DOE  
Dr. Marvin Resnikoff  
Mick Harrison / GAP  
Linda King / EHN

NRC

URGENT

11/21

Please forward copies  
of this 3 page fax to:

- ① Mr. Axelson
- ② Mike McCann -
- ③ Darryl Wiedeman

P/18



11/21/91

Nuclear Regulatory Commission - Region 3  
Mr. Axelson - Director

Dear Mr. Axelson:

Enclosed with this letter is a copy of the letter we just received today from USEPA Headquarters in response to our November 1st letter (which you were copied on last week). It is a total lie that EPA ever ran the week of the 28th by us, infact, ~~we~~ we pleaded to be given a couple dates, but were never consulted, until they had already chosen the 30th. We can only assume they are saying this now to cover their behinds, because normally they would have run some dates by us first! That is precisely why our suspicions became aroused, we weren't hearing anything.

Last week I spent a good hour on the phone with Mike McCann telling him about what EPA was pulling with this meeting and the timing of this 12 million \$ trial. I also faxed several pages of material to him for you all to read. He wasn't sure that he'd seen the material we sent the first week in September that we'd gotten off the state regarding the ban on field filtering etc. (about 13 pages). So please check to make sure that you all received this info and have read it. It was extremely important.

CCLT is hereby requesting (in light of all that we now know about this November 30th meeting) that the NRC NOT attend on the 30th, thereby avoiding the appearance that your agency is part of a conspiracy to influence the public during a trial. (Especially since the paper reported that the companies may argue that the publicly about the radiation had an affect!) Since that day that you called me, you know that we strongly felt that your agency should stand on its own in meeting with us, anyway, and this development should certainly convince you that it would be best to deal with us separate from the EPA. If you want it to be a public meeting, that's fine with us, in fact we'd prefer it. But, please, if your people meant what they told us over the months that we communicated, don't help EPA play these games with our peoples' lives. It is terribly wrong. Please let us know your response as soon as possible and we can set up a new meeting date, possibly in January.

Sincerely,

*Chris Bello - President*  
*for CCLT*

*EA*  
*mc*