

# **CITIZENS ADVISORY COUNCIL 2000 REGIONAL MEETING AND FIELD TRIP ALLENTOWN, PENNSYLVANIA**

## **I. Introduction**

The Citizens Advisory Council (Council) was legislatively created<sup>[1]</sup> in 1971 and charged with reviewing all environmental legislation, regulations and policies affecting the Department of Environmental Protection (DEP). It is mandated to review the work of DEP and make recommendations for improvement, to study major environmental issues facing Pennsylvania, promote sound environmental legislation and advise DEP on state implementation plans and regulations pursuant to the Clean Air Act. The Council reports its recommendations to DEP, the Governor, the General Assembly, and the public.

Each year, Council holds a meeting in a different region of Pennsylvania. Our purpose is to listen and learn from local citizens about the environmental issues confronting their region and about DEP's work there. On September 20 and 21, 2000, Council held public meetings in Allentown to hear from residents of an 8-county region: Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton and Schuylkill. **Our report's goal is to bring attention to these concerns, comment on how they might be addressed, and encourage DEP to resolve them.**

## **II. Site Visits**

### **A. Northampton Generating**

Northampton Generating is a 110-MW net cogeneration facility that provides enough electricity for about 110,000 homes as well as process steam for use in Ponderosa Fibres' recycled linerboard mill (currently not in operation). It entered commercial service in August 1995. The Northampton facility is located at the site of the former Universal Atlas Cement Co., once the world's largest cement plant. The Atlas Cement Plant operated from 1895 until 1982, and was noted for producing cement for the foundations of the Panama Canal and the Empire State Building.

	SO <sub>2</sub>	NO <sub>x</sub>	Particulates
	<i>(lbs/mmbtu)</i>		
Federal New Source Performance Std.	1.2	0.8	0.03
Northampton Generating	0.13	0.1	0.01

The Northampton plant is fueled by anthracite waste coal, a once-unusable mining by-product that was left in piles over the years because the technology did not exist to burn it efficiently or cleanly. New generating and environmental control technologies allow plants such as

Northampton to use the waste coal as a clean source of energy.

Northampton's circulating fluidized-bed boilers burn a mixture of fuel and limestone suspended in a flow of hot air. Limestone captures the sulfur from the burning coal, reducing sulfur emissions and forming calcium sulfate (gypsum), an inert compound. Nitrogen oxide emissions are reduced by a Selective Non-Catalytic Reduction process, which uses aqueous ammonia to split the nitrogen oxides into elemental nitrogen and oxygen. Northampton's air emissions are among the lowest of any waste-coal electric generating plant in Pennsylvania and among the lowest of solid fuel-fired facilities in the U.S. [2]

The facility practices innovative land use, industrial recycling and environmental stewardship. Three of the original structures were salvaged and converted for use as part of daily operations. The plant's fuel is retrieved from some of the many abandoned mining sites throughout eastern Pennsylvania, which are then reclaimed to a useful state. The steam that was sold to Ponderosa Fibres (to de-ink and recycle office waste paper, producing approximately 400 tons of pulp per day) eliminated their need for additional boilers or fuel supplies, effectively lowering air emissions.

In 1996, the plant received the Governor's Award for Environmental Excellence from the Department of Environmental Protection. In 1998, its affiliate, the Northampton Fuel Supply Co. received the Governor's Award and the National Award for Excellence in Reclamation from the U. S. Department of the Interior's Office of Surface Mining.

## ***B. Palmerton***

Palmerton lies in a valley between Stony Ridge on the north and Blue Mountain on the south, with Aquashicola Creek, a trout-stocked stream, running the length of the valley. Lehigh Gap cuts through Blue Mountain south of Palmerton and winds blow predominantly northeast and southwest through Lehigh Gap and northeastward up the valley. The Palmer Water Company, which supplies water to the towns of Palmerton and Aquashicola, has 4 wells at the base of Blue Mountain at depths of 200 to 400 feet.

Two zinc smelting plants, one east and one west of town, operated from 1898 until 1980; in 1980, the plant began a secondary metal refining and processing operation and in 1987, the West Plant closed. The historical zinc smelting virtually sterilized the north side of Blue Mountain, killing even the microbial life needed for decay. It also contaminated other areas, including residential and public properties. From 1898 to the closing of the zinc smelters in 1980, the industry annually released 47 tons of cadmium, 95 tons of lead and 3,575 tons of zinc into the air. [3] In 1982, Palmerton was placed on the National Priority List as a Superfund site.

Horsehead Resource Development Company, Inc. (HRD) was formed in 1986 by combining waste recovery technology and assets from New Jersey Zinc, the original owner/operator of the Palmerton zinc smelter, and Great Lakes Carbon. Since then, HRD has become a leading

recycler of hazardous industrial waste.<sup>[4]</sup> HRD's hazardous waste recovery facility recaptures zinc and other materials from electric arc furnace dust (EAF), a by-product of steel production. EAF is an inorganic hazardous waste because it contains cadmium, hexavalent chromium, lead and other potentially toxic compounds.

HRD has reclaimed major portions of Blue Mountain with a mixture of sludge and fly ash, restoring microbial life and providing a substrate for vegetative growth on the steep slopes. Parts of the mountain remain denuded of vegetation, as does Stony Ridge on the other side of the valley. Other aspects of the Superfund sites and the ongoing operation are discussed further in Section III.

### III. Citizen Presentations

Council solicited public comment regarding environmental issues and the work of DEP in an 8 county region of south central Pennsylvania (Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill). Immediately after our meeting, Council members reviewed testimony and ranked the issues raised. The order of categories below reflects this ranking. ***Please note that the testimony summarized in this report does not necessarily reflect the views of the Council; Council's comments and recommendations follow the testimony received on each issue.***

#### A. Palmerton

***Louise Calvin, of Palmerton Citizens for A Clean Environment (PCCE)***, reported that Palmerton is a company town, grown up around the zinc plant, and many residents remain loyal to the industry and look the other way when it comes to environmental issues, following the adage that, "Where there's smoke, there's work." The zinc plant polluted the valley so heavily that the north side of Blue Mountain was denuded of vegetation and even the microbial life needed for decay. In the early 1980s, Horsehead Resource Development Co. (HRD) began to operate their hazardous waste recovery facility in the existing East Plant, bringing in tons of electric arc furnace dust. HRD was granted an interim permit status in 1980 and a Consent Decree was finalized in 1995, but a June, 2000 DEP report indicates that HRD is still not fully permitted.

In 1982 the site was added to the National Priority List, with 4 operable units: the "Cinder Bank", a 2.5 mile, 33 million ton slag pile located along the base of Blue Mountain, abutting the Aquashicola Creek; Blue Mountain; valley soils (including private homes and yards in the affected area); and surface and groundwater which also includes an ecological investigation and assessment. Palmerton is the largest listed Superfund site in Pennsylvania, and one of the most complex in the country.

In 1996 DEP's "Aquashicola Creek, Priority Water Body Survey Report, Water Quality Standards Review" classified the Aquashicola creek below the Buchwa Creek Confluence as "waste assimilation." The creek has never been listed on the 303(d) impaired waters list; in August 2000, DEP informed PCCE that they expect to assess the creek within the next 12 months.

Residential soils, home interiors, parks and playgrounds are contaminated with lead, cadmium, zinc and arsenic. Toxic levels of zinc killed grass and vegetation, and the bare ground became a pathway of exposure for the other contaminants (tracked into homes, children's hand-to-mouth behaviors). In 1991, the Agency for Toxic Substances and Disease Registry (ATSDR) found that 23% of Palmerton's children under 6 had elevated blood lead levels; the determining factor was proximity to the industry. In 1992 the National Environmental Investigative Commission found that both historic and current operations contributed to the problem.

EPA's Emergency Interim Cleanup (1994 to 1997) addressed homes and yards of pregnant women or children under the age of 6, with action levels of 100 ppm cadmium and 1500 ppm of lead. Of 438 homes tested, 202 were remediated.

In June 2000, EPA released for comment its plan for a final cleanup of homes in the affected area. All homes and properties are now eligible for testing and, based solely on contaminant levels, are eligible for remediation. The action level in the plan is 650 ppm lead which exceeds the 500 ppm statewide health standard (SHS) under Act 2; deviation from the SHS is only acceptable at non-residential sites where controlling access or exposure to the contamination can be assured through the use of pavement, fencing or other institutional controls. In addition, those homes with lead levels between 500 and 650 ppm would not qualify, and would have to finance their own cleanup or notify future buyers that they do not meet state standards. This is environmental justice?

Even as the area undergoes a Superfund Cleanup, heavy metals continue to be emitted by the hazardous waste recycling operation. Even when meeting 'legal allowable levels', those emissions add to existing contamination; what about the cumulative impact? Using an action level above the 500 ppm DEP has deemed protective of human health denies Palmerton the protection provided to the rest of the state. **They want a cleanup that does not exceed Pennsylvania's Statewide Health Standard.**

***Richard Krablin, Senior Vice President for Environment, Health and Safety for HRD***

reported that the Palmerton facility is a brownfields redevelopment success story. They recycled the site and also recycle electric arc furnace dust, selling both the Iron Rich Material (IRM) and the recovered zinc. HRD generates no waste products in Palmerton, and has no wastewater discharge. By recycling, they prevent material from going to a landfill and eliminate the need to mine new zinc ore. It is time to complete the Superfund process and get on with the recycling success story in Palmerton. The operation benefits both the environment and the economy.

During our site visit, Council members observed the devastation on Stony Ridge; when asked about the sunbleached logs and stumps remaining on the Ridge, Mr. Krablin responded that there could be many causes for the dead trees. Old operations might have had an influence there. He thought that Stony Ridge was still on EPA's study list.

Attendees also noted that the IRM stockpile appeared to be growing in size. He stated that it is not growing, and in fact is being shipped faster than it is being produced. Much of the existing pile is being reserved for remediation of the Cinder Bank. IRM absorbs metal ions and will be used around the Cinder Bank site to absorb metals (especially zinc) in runoff. HRD has a demonstration permit to do this.

IRM was used for anti-skid material, but PennDOT no longer allows this. It is now used in asphalt, and in cement kilns (as an iron source in making cement, not as an aggregate). Today, IRM has 200-400 ppm of lead, down from levels 10 years ago.

He also noted that blood lead levels are steadily decreasing, according to a 1994 study of annual lead screenings. None in the area were found above 10 micrograms/deciliter, the federal guidance limit. *(Note: a 1993 ATSDR Health Consultation indicated that “the levels of lead, cadmium, zinc, and arsenic detected in the Palmerton areas sampled may pose a health threat, particularly to young children.”*<sup>[5]</sup>

He stated that 650 ppm proposed by EPA is a site-specific risk assessment, and, consistent with Act 2, can be different than the Statewide Health Standard. He also affirmed that they are in full compliance with the 1995 Consent Decree. However, the Hazardous Waste Recycling permit is still pending—the application was modified to not accept additional hazardous wastes.

**Council Comment:**

*The current zinc recycling operation provides a valuable service to industries producing waste containing zinc, recovering the components for reuse, avoiding hazardous waste disposal costs and concerns, and minimizing the need to mine new zinc ore. However, it is difficult to totally separate the past environmental degradation (from zinc smelting), from the issues related to the current operation, which has been cited as a source of lead contamination*<sup>[6]</sup>.

*Current operations have resulted in the stockpiling of IRM with concerns of continued contamination of the surrounding area including already “remediated” areas. Recent revegetation of areas within the Superfund sites appear to be reactionary measures taken upon community demand and not through strategic planning aimed at responsible stewardship.*

*While we recognize the benefit of recycling zinc, we also acknowledge the concerns of the local citizens whose health and property are affected. These concerns are compounded by the frustration of poor communication and cooperation between the company and independent citizens. Efforts have been made to set up advisory groups and public input mechanisms, but they are perceived as being controlled and even manipulated by the company to the point where the grassroots group (PCCE) will no longer participate. The industrial influence appears to dominate the town, limiting effective public participation.*

*We request that DEP:*

- Provide a timeline and explanation of the relevant permits, consent orders and pending actions under which the facility has been operating.*
- Provide a timeline and explanation of inspections of the facility.*
- Clarify Aquashicola Creek’s designation, whether it has been classified as Waste Assimilation, and when it will be assessed.*

*We request DEP and/or EPA to provide a status report on the cleanup of each of the 4*

*operable units, in particular:*

- *Address how planting a vegetative cover on the Blue Mountain operable unit is protective of public and environmental health.*
- *Address the issue of cleanup standards for the soil operable unit, especially the adequacy of the proposed 650 ppm of lead for the final cleanup. What standard is being used for cadmium, which was a primary concern in ATSDR health assessments?*
- *Explain why Stony Ridge was not included in the original study area, when portions of it appear to have been as devastated as Blue Mountain. What are the plans for addressing the apparent contamination?*

## **B. Land Use Impacts on Natural Resources and Environmental Quality**

A common theme among many of the testifiers was the detrimental environmental impacts associated with growth and/or failure of infrastructure. The issues included water quality and quantity protection, power plant proliferation and habitat protection.

### **1. Water Quality Protection**

**Jan Keim** raised concerns about land use and its effects on the Little Lehigh, which is a High Quality Wild Trout Stream and the major source of water for the City of Allentown and satellite communities. A 1972 study of the watershed warned that further urbanization would deteriorate both quantity and quality of the Little Lehigh; subsequent studies clearly show such deterioration.

Thirty years ago, a pre-treatment plant was built in a tributary, and a sewer line laid in the middle of the stream without the proper permits. Sewer odor began to permeate the area along the stream and at the treatment plant, and lines spewed sewage into the stream. Two people were killed by methane gas while investigating the problem.

A bypass line was built to correct the problem; developers added more connections even though there was no extra capacity. Continued development and increasing water demand have caused the stream to go dry periodically, and siltation and erosion during heavy rains force the city to shut down the stream intake and tap another source.

We have laws and an agency to protect our environment and prevent pollution to our streams, but this is not occurring. There are DEP personnel who are dedicated to protecting our streams, but who must answer to a higher authority that issues 'user-friendly' directives. Citizen action has been required to make DEP take action on the situation. Why do citizens have to spend energy, time and money to see that the laws are complied with when we already pay people to do this?

**She made the following recommendations:**

- **Assimilate the federal antidegradation program into Pennsylvania law.**
- **DEP must recognize the intent of protective laws and consider the secondary impacts of their decisions.**

- **DEP should not wait for public pressure before deciding to take action.**
- **Simplify citizens' right to appeal to the Environmental Hearing Board—citizens should not have to expend their own resources to protect the environment when we pay DEP to do it.**
- **Growing Greener monies should be used strictly to purchase lands to protect streams within a watershed for 10 years. It should be used for projects that protect the streams, not for projects that promote growth.**

**Perry Henley, Chairman of the Middle Smithfield Township Municipal Sewer Authority,** reported that the Authority oversees the operation of the Middle Smithfield Township Sewer Plant and helps the township monitor other sewer plants and privately owned community systems to ensure good water quality. For the past 18 months they have been getting poor or no Discharge Monitoring Reports from the Winona Lakes Treatment Plant. Winona Lakes is a privately owned community, with both on-site and a central sewer treatment system. The owner/developer has moved to Florida and left daily operation of the plant to Winona Lakes Utilities. The plant operator is licensed and well qualified, but is only paid to be on site 2 days a week. It continues to operate even after not submitting a yearly report to DEP since 1995.

The plant serves about 160 homes, but was designed for only 80. It has long exceeded the licensed capacity of 20,000 gpd and several times has spewed poorly treated or even raw sewage into Big Bushkill Creek; DEP has imposed fines that remain unpaid.

Penn Estates Treatment Plant (Stroud Township) has had similar problems. Owners of these facilities ignore fines, knowing that municipalities are ultimately responsible for public health and safety. There are also other small treatment plants or community systems that are being operated by unqualified operators through a qualified operator's license. **Only a licensed operator should operate treatment facilities.**

There is no system in place to track when a treatment facility is at or near capacity. Asking the owner if there is enough capacity for new construction is a case of the fox guarding the henhouse. DEP should be more aware of the licensed capacity and the number of hookups for each facility. **This information should be required on monthly Discharge Monitoring Reports so that when capacity is approached, the owner can be made aware, and stricter monitoring and even building bans implemented.**

The Authority may have to take over the Winona Lakes Plant. If the Winona Lakes users should default on their payments, then the rest of the Township would face increased taxation to operate the plant. In addition, the Authority and Township have authorized emergency hauling to the township treatment plant on occasions when the plant sent raw sewage into the Big Bushkill Creek. There is no way to recover these costs and it is unfair to burden municipalities because of owner mismanagement. This is a statewide problem. **Developers should be required to post bonding to ensure the clean, safe operation of privately owned plants and community sewage systems. Stiffer fines should be imposed and used for the emergency operation of these failing systems. Money spent by the township should be fully recoverable.**

The Authority and Township have met with DEP, legislators, and Winona Lakes residents to discuss resolution of this problem and he thanked those involved for the help provided so far. However, he questioned whether DEP would have taken action if the Authority had not informed the local newspaper of the problem.

**Mr. Joe Hoffman, Director of Natural Resources and Conservation for the Berks County Conservancy**, provided an update on surface water assessments in Berks County. Four surface water supplies serve the drinking water needs of 48% of the county; the last 2 will be assessed by September 30, 2001. The other 52% of the county is served by well water. Berks shares parts of 3 major geographic regions and is subject to many subsurface fractures and fissures that make ground water research tricky. The Conservancy plans to make groundwater sampling and analysis a top priority, and finish all surface water assessments and rivers conservation planning by June 30, 2002.

The Conservancy has undertaken several unique partnerships: working with the City of Reading to address its budget shortfall by arranging for purchases and easements on city-owned water system land no longer needed for that purpose; creating an open space revolving fund to accomplish both agricultural and environmental acquisitions and easements; forming a conservancy in a neighboring county; creating an inter-municipal, water resource based land use and development plan and relevant ordinances focusing on surface water, ground water, and innovative land use controls.

**Council Comment:**

*Citizen concerns about local land use and its impacts on water quality and the quality of life are widespread. We urge those interested in protecting their watersheds to take full advantage of opportunities provided through new planning and zoning tools provided under Act 67 and 68 (Growing Smarter), funds available through Growing Greener, and other relevant programs. DEP has issued guidance to ensure that compliance with local zoning and ordinances promulgated pursuant to the Municipalities Planning Code is factored into permit decisions. If local governments fully utilize the tools provided in Acts 67 and 68, they may be better poised to determine how their land will be used and their economy grow. DEP and other relevant agencies should continue their extensive outreach to ensure that educational opportunities are adequately advertised.*

*The Council has always had a strong interest in protecting our water resources, and has been involved in helping to shape the antidegradation program. Council supported the regulation as published last year and reiterated our support at a Senate hearing earlier this year and will continue to participate as consideration is given to legislative changes to the program.*

*The issue of package plants and small community treatment systems continues to surface across the state. We note that according to EFACTS<sup>[7]</sup>, Winona Lakes has had frequent significant violations since at least 1997, but it is not clear what if any action has been taken other than issuance of Notices of Violations. Homeowner associations are not stable enough to take on the operation and maintenance of wastewater treatment facilities*

*no matter how small.*

**Council requests DEP to:**

- ***Provide a status report of the specific situations identified by Ms. Keim and Mr. Henley; and***
- ***An analysis of how pervasive this problem is in Pennsylvania, and options for dealing with it, including consideration of bonding requirements or some other mechanism to deal with owners/operators of development-sized plants who simply move away and escape continued responsibility.***

*DEP estimates that 30-40% of Pennsylvania's water and wastewater treatment systems do not have certified operators. This is a significant shortcoming and there clearly will be economic impacts associated with requiring such qualifications. However, Council agrees that the safe and reliable operation of water and wastewater systems by thoroughly trained and qualified operators is essential to protect public and environmental health. DEP has been working on legislation that would address these concerns.*

*The Berks County Conservancy is to be particularly commended for its forward thinking efforts, both on its own and in partnership with others.*

## **2. Habitat Preservation**

**Mr. David Lahr (Wildlife Information Center, Inc.) and Mr. Allen Hoppes (Kittatinny and Pinnacle Association)** both spoke about the need to protect the ecology of the Kittatinny Ridge. The Center's mission is to preserve wildlife and habitat through education, research, and conservation for the well-being of the earth and its inhabitants, and advocates preservation of biodiversity and open space. The Association advocates protection of the slopes and summit of the Kittatinny Ridge, including the Pinnacle, from development, logging, and other harmful human activity. The conservation of the mountain and the life on it is essential to the recharge and health of the streams and land nearby. Their goal is to secure protection for the Ridge from Port Clinton to Route 309, and they are pursuing grants and protections afforded by current programs, as well as for purchasing properties and easements.

The Ridge defines the northern geographic boundary of the Greater Lehigh Valley, and the boundary between the northern and southern, or "Carolinian," flora and fauna. It is a valuable wildlife habitat resource, with extensive forests, streams, seeps, springs, vernal pools, rock outcrops, and boulder fields. It also is a natural wildlife corridor; large unbroken tracts provide the interior forest habitat critical to many species.

Unfortunately, land development, parcelization, and timbering threaten to destroy these resources. There is no stewardship ethic in the Lehigh Valley, so **the Center urges DEP through use of its existing regulatory structure to ensure that the Kittatinny continues to provide these resources to people, plants, and wildlife. DEP should:**

- **Officially recognize the Kittatinny as a natural geographic landmark and give**

**this recognition some weight in the permitting process (as per Title 25 §105.14(b)(5), any permit application for activity on or near the lower slopes of the ridge should receive strict scrutiny).**

- **Require every structure owner or participant in an activity on or adjacent to the Ridge to obtain a permit despite waiver provisions in Title 25 §105.12.**
- **Recognize that wetlands on or adjacent to the Kittatinny deserve special protection, which may take the form of a rebuttable presumption placing the burden on the prospective permittee to show why it may be disturbed.**
- **Recognize that any prospective permitted activity will impact water quality.**
- **Any proposed permitted activity's impact on the view-shed provided by and from the Kittatinny should be considered before a permit is issued.**

**DEP may find that no development outweighs the benefits already provided by the Kittatinny in its current less-developed state.**

***Council Comment:***

*Council reaction ranged from philosophical opposition to further regulation of privately owned land, to support for preserving open space, especially wildlife corridors and interior forest habitat, for the purpose of protecting water quality, habitat and other environmental and quality of life benefits. The two organizations are already pursuing a number of options through existing state and federal programs, and we suggest that they also consider formation of a Conservancy/Land Trust to purchase development rights and land, to protect the open space and at the same time recognize private property rights.*

### **3. Proliferation of Power Plants**

Three testifiers (**Robin Hepler of Partners for Community Preservation, Tom Power of the Sierra Club, and Martha Denick, et al of Concerned Citizens for Limerick's Future**) spoke about the proliferation of power plants in the area due to deregulation of the power industry. There are currently 137 projects (46,673 MW) proposed for the Pennsylvania-Jersey-Maryland (PJM) grid; eighty of these (27,677 MW) in Pennsylvania. Within a 30 mile radius of Palm, Pennsylvania, 13 new plants and 1 capacity upgrade are proposed for a total of 6,922 MW; within a 15 mile radius, 8 new plants (3,745 MW) are proposed. PJM projects a need for only an additional 26,000 MW by 2008; the proposals would generate a surplus of 19,000 MW. Pennsylvania already generates more electricity than it uses.

Montgomery County is considered one of the dirtiest counties in the nation, with poor air quality, poor water quality, Superfund sites, landfills and industrial waste. Many polluters would rather pay fines than update their equipment to reach compliance. **DEP must not allow any more permits to be issued until we reach compliance, polluters can no longer be grandfathered, the Emission Reduction Credit (ERC) program must be retired, and fines must be increased to fit the violation.**

Water Issues: Most of the plants are designed to use large quantities of water in cooling towers

(consumptive use is typically around 80%). Since alternatives such as air cooling utilize significantly lower amounts of water and are technically feasible, projects which do not minimize the impact on natural resources should be denied or penalized to encourage more environmentally appropriate designs. In addition, the withdrawal from and/or discharge into cold-water streams may cause serious thermal degradation to trout habitats. **Requirements should be considered and potential impacts evaluated prior to granting any permits for power plants within a cold-water fishery.**

**DEP should establish policies, requirements and guidelines for the use of treated effluent in cooling tower applications, including such things as: permitting only tertiary treated wastewater for such uses, and limits for potentially troublesome contaminants such as organic compounds, suspended solids, fecal coliform, etc.**

Air Issues: This is 1 of only 5 regions in the U.S. that are still considered severe non-attainment for ozone and still adhere to the 1-hour standard. Adding sources will make it harder for counties that are already having difficulty reaching compliance. The new plants will compete with, not replace, older, dirtier plants and there will be a net gain in air pollution despite cleaner technology.

Emission Reduction Credits may be required for these new plants, but the ERC program is not stringent enough to protect our health and environment. **If a polluter doesn't comply with CAA standards they should be shut down.**

**The air quality standards required by DEP are not the strictest industry can achieve. In at least one instance, DEP has required a lower limit than the current 3.5 ppm NOx standard (set a 2.5 ppm limit for a plant proposed in Ontelaunee Township).** DEP should consider lowering the standard to take advantage of rapid advances in air pollution control technology and hold power plants to the lowest attainable emissions as required by the Clean Air Act. One testifier recommended that **any requests for permits to place additional emissions into the atmosphere should be denied until we are able to meet the standards set by the Clean Air Act.**

**Instead of building more power plants and exacerbating current air quality problems, Pennsylvania should focus on conservation: adopt building codes with strong conservation regulations; incorporate passive solar into building design; and require energy efficient appliances.**

Traditionally, most environmental regulations examine risks on a chemical-by-chemical basis, although in reality people are exposed to multiple substances at the same time. The Harvard School for Public Health, Johns Hopkins University and the American Academy of Pediatrics, among others, report clear evidence that there are adverse health affects coming from our environment. Harvard found that there is very little difference in the amount of particulate matter (PM) emitted from natural gas fired power plants than that of coal fired power plants, even though the gas plants are touted as being cleaner. EPA has found that PM air pollution is likely causing or contributing to significant adverse effects at levels below current standards. In other countries, health organizations (British Expert Panel on Air Quality Standards, World Health Organization, Canadian Ministry of Environment, Lands and Parks, etc.) have argued that the

PM concentrations equivalent to the current US standards for PM 10 are not protective of human health and have made recommendations for greater protection.

Asthma is a rapidly growing epidemic and is expected to more than double by 2020. Asthma cases rose more than 75% from 1980 to 1994, and 160% in children under 4. Asthma is the number one cause of school absenteeism, and accounts for more than 1.8 million visits to emergency rooms, an added economic burden to an over-burdened health care system. Asthma deaths increased by 118% between 1980 and 1993. **A tremendous amount of money is spent on research to find cures for diseases instead of to stop the sources.**

**Siting Issues:** Pennsylvania has no safeguards to prevent over-construction of power plants within the state or locale. This could adversely affect energy conservation and our environment. **A siting council composed of individuals with no vested interest in the industry should review the need for and suitability of proposed power plants. The council's objective would be to direct siting to appropriate locations (including limits on proximity to residences, schools, and public facilities and spaces). Priority should be given to and incentives established for brownfield redevelopment and renewable resource proposals; other specifics are laid out.**

The region generates enough power to support its own demand. Proposed power plants should be placed closer to where the power is needed, since line losses can be significant, especially in Pennsylvania's dated power lines. They should also be sited where they will do the least harm to the environment and population.

**Council Comment:**

*The proliferation of power plants in this area appears to be explosive, based on the testimony received. Deregulation of the power generation industry in Pennsylvania may result in some economic benefits, at least to large users of electricity, but apparently also raises a plethora of siting and environmental concerns. In this particular area, it appears that the result may be a burden on Pennsylvania citizens in order to meet the power demands of the Northeast.*

*We urge local governments to take full advantage of the tools and mechanisms provided in Acts 67 and 68 to address siting concerns first at the local level. Local and regional governments should designate through zoning and appropriate ordinances where such facilities are able to locate. DEP has issued guidance to ensure that compliance with local zoning and ordinances promulgated pursuant to the Municipalities Planning Code is factored into permit decisions. If local governments fully utilize the tools provided in Acts 67 and 68, they will be better poised to determine how their land will be used.*

*Council shares concerns about the health effects of air emissions such as particulate matter, and with increasing emissions in areas already experiencing air related compliance problems. We participated on each of the Ozone Stakeholders groups to address such concerns and continue to monitor the issue. We request that DEP address the following:*

- *What will be the air quality impact of adding power plants in this region? How does DEP plan to address the increased emissions in an area already in non-*

*attainment? Does DEP plan to require lower limits based on available technology, as has been suggested?*

- *What can be done to address concerns regarding cooling tower water withdrawals from and/or discharge to environmentally sensitive streams?*
- *What does DEP plan to do to encourage environmentally appropriate designs (e. g., use less water for cooling, BACT for air emissions, etc.)?*
- *Does the Office of Pollution Prevention and Compliance Assistance have plans to promote energy conservation to reduce demand?*

*Council requests that the Public Utility Commission meet with the Council to discuss the issue of proliferation of power plants in Pennsylvania, how many are projected to be built, the reliability of the PJM grid, and any resulting reliability issues from the new plants. We also request that the PUC respond to the siting issues and recommendations raised by testifiers.*

#### **4. Water Use Conflicts**

**William Barndt of West Rockhill Township** reported that DEP is considering an application from M&M Stone Co. to dig 50' deeper in its quarry; it is presently quarrying to a depth of 300' and has applied to go to 350'. Telford Water Authority's #4 Well is 2,100 feet from the wall of the quarry; there is evidence of dewatering caused by the quarry even at the current 300' depth.

Even though a July 1994 DEP report concluded that deeper quarrying would interfere with Well #4, DEP is reviewing M&M's application to drill deeper; the final permit decision was expected in October. When questioned about the application, District Mining Office staff responded, "We don't make the laws, we just enforce them." **The laws need to be changed to protect the citizenry not just the mining operation.**

M&M's contingency plan if Well #4 is severely impacted reportedly includes \$100,000 for water replacement or new well drilling for those adversely impacted. However, the cost of replacement for Well #4 might be as much as \$1 million since it supplies 25% of the Authority's consumption.

To add insult to injury, even though it was illegal to water lawns and newly planted shrubbery during the 1999 drought restrictions, the quarry was allowed to pump an estimated 600,000 gallons of water daily into Branch Creek. This is reportedly as much water as Telford Water Authority consumes in a day.

M&M is not the only quarry in the area; there are as many as 10 within a reasonable radius of Telford. Rather than jeopardize a public water supply to further develop the M&M Quarry, other local quarries can meet the demand. Over the past 30 years, the Township and its citizens have accommodated M&M Quarry and it is now time to close the operation and protect our water supply through legislation or policy changes which will recognize the tremendous importance of our water resources.

#### **Council Comment:**

*Council is concerned about protecting both water quality and water quantity. We often*

*hear about issues related to demand exceeding supply, but in this case, it appears that the supply is being diminished not by over-demand but by the quarry's pumping. This affects all the other individuals and businesses utilizing that water supply to the benefit of a single entity, and, as presented, is clear evidence of the need for comprehensive water management, as Council has outlined in its March 2000 Water Resources Management Position Statement.*

*We request that DEP report the following information to Council:*

- *Status of the permit review, including an explanation of any decisions made by the time of the report;*
- *Whether there is a wellhead protection plan in place or under development for Well #4;*
- *How many mining operations pose similar threats to water supplies shared by communities and industries; and*
- *An explanation of DRBC's role with regard to mining permits and the affect of such pumping on water supply within their jurisdiction.*

## **5. Miscellaneous Land Use Comments**

**Joe Hoffman** recommended that a viable solution to sustainable development and growth management issues is the active reuse and revitalization of older urban areas to decrease the pressure on open lands. The Berks County Conservancy is active in Reading's efforts to reorganize and revitalize their community.

**Priscilla DeLeon** indicated that she is pleased to see that the "Growing Smarter" initiatives in Acts 67 and 68 of 2000 address conflicts with county and municipal comprehensive plans and zoning ordinances; applicants who submitted applications to DEP before August 21, 2000 will be notified if information is needed on local land use plans and ordinances and other environmental laws and regulations.

She is concerned with increased traffic on state roads and the increase in out of state trash. **We need to address the remaining statewide landfill capacity and impacts on county plans.** She also provided comments on HB 747 (she supports the landfill moratorium and not allowing the transfer of the stock to another owner to bypass the public review process) and a permit issue related to Bethlehem Landfill.

### **Council Comment:**

*Council shares the concerns about interstate waste imports and the impact on existing capacity within the Commonwealth. We will continue to track relevant legislation if it is reintroduced next session.*

## **C. Biosolids**

**Susan Ensinger** reported that other countries have prohibited land application of sludge, and the National Institute of Occupational Safety and Health (NIOSH) has instituted requirements to

protect those who work with sludge after finding that “bacteria that was detected in both air and sludge samples posed the potential for sewage workers to be occupationally exposed to organisms which have been associated with gastrointestinal symptoms/illnesses.” EPA’s risk assessment of sludge is having more holes punched in it. Sludge disposal is an economic and political issue, not a scientific one; science tells us there are problems.

Regarding the child who died after riding through a sludge-applied field (she also referenced another child who died and others who sickened after exposure to land applied sludge), she said that *Staphylococcus aureus* is identified by EPA<sup>[8]</sup> as a pathogen of concern (although *S. aureus* is thought to pose less of a threat than enteric pathogens (*Salmonella*, *Shigella* and *E. coli*) in biosolids, EPA lists it as a threat to public health.) We don’t test for it, only for 9 heavy metals and 1 pathogen (*E. coli*). What about other pathogens, viruses, and organic amines?

A *USA Today* article references a Centers for Disease Control report that concludes that sewage sludge converted into fertilizer poses a potential health risk from *E. coli*, *salmonella*, *hepatitis B* and other bacteria and viruses. Workers who handle sludge are especially at risk. CDC recommends that all sludge be cleaned to Class A standards because of the risk that diseases could be transmitted through Class B sludge.

When applying sludge, hay farmers are not required to incorporate it into the soil, and can make repeated applications to the same field.

She included microbiological research<sup>[9]</sup> that concludes that organic amines can develop from microbial and chemical reactions that occur in sludge. Exposure to sufficiently high concentrations of gaseous organic amines can cause severe irritation of the eyes and skin, and damage mucus membranes leading to pulmonary edema (bleeding in the respiratory system). These gases can also damage the lungs, liver, and other internal organs. Initial symptoms include eye irritation, skin rashes, burning in the mouth, nose or throat, generation of mucus, headaches, nausea, and vomiting. Damaged tissues can serve as a port of entry for bacterial or viral pathogens, leading to flu-like infections, pneumonia, or bacteremia/septicaemia. The amines are released in gaseous form when the alkalinity is raised above pH 10, such as by adding lime. Sufficient quantities can be generated by sludge to cause clinical symptoms in individuals working with the material or living in areas where large amounts are applied. Delayed exposures may also occur in the field when additional lime is applied, or rain reactivates dried biosolids.

Symptoms associated with organic amine poisoning are occurring with some frequency among waste treatment plant workers, drivers who haul the material, and individuals living in and around areas where biosolids are applied. The effects are serious, sometimes irreversible, and can lead to life-threatening complications.

**We need studies of the long-term health effects of land applying sludge. We should limit land application to Class A sludge until such studies are completed.**

*Council Comment:*

*Land application of treated sewage sludge (i.e. biosolids) continues to be a controversial*

*issue in many areas of the Commonwealth. Neighbors not only object to odors and have quality of life concerns, but more importantly, perceive that toxics and pathogens discharged through the sewage treatment facility will cause environmental and public health problems near the application site.*

*Council has held the position that reuse through land application can be done in an environmentally acceptable manner and has supported the beneficial use rather than disposal of safe end products. This is consistent with the waste reduction hierarchy of "reduce, reuse, recycle, then dispose." However, in order to do so, **the sludge must meet safe limits established for heavy metals, pathogens and other contaminants and DEP and/or conservation districts must monitor applications to assure that they conform to regulations.***

*Pennsylvania's program has been criticized as being too lax in some areas, such as the limited types of pollutants required to be tested for, the maximum acceptable levels for pollutant loading, the need for more extensive testing of pathogens that can impact human health, the lack of necessary oversight by DEP and conservation districts, and allowing biosolids to be used as a 'top dressing' on hayfields.*

*Composting may be one option to help address some of the issues and concerns with the land application of treated sewage sludge. Studies indicate that composting sewage sludge and other organic materials can effectively kill certain pathogens and reduce concentrations of metals, organic compounds and odors. However, like any other improperly operated facility, composting may also create problems such as odors. Council has been working with the Pennsylvania Composting Association (PACA) to encourage DEP to enhance statewide composting efforts and promote the recycling of organic materials.*

*There is merit to the recommendation that we limit land application to Class A biosolids until appropriate studies are conducted, and expanded testing and controls are implemented to ensure protection of public and environmental health. Council plans to meet with Water Deputate management in January to discuss plans for addressing the issues identified above.*

#### **D. Malodors**

**Charles Elliott , Esq.** commented that no one is happy with malodor regulation and enforcement. The regulated community is subjected to regulatory requirements based on subjective sensory responses by individuals, raising the potential for uneven and discretionary enforcement. Identification of sources can involve scientific expertise that is often beyond the expertise of the permittee. Odors often arise and disappear in a manner unrelated to the process parameters that are customarily monitored, creating problems with traceability and causation.

One of the most frequent complaints from community groups is DEP's lack of adequate response. The perception is that DEP does not take malodor complaints seriously. Even if an NOV is issued, there is often a lack of regulatory follow up. **How many corrective action plans**

**has DEP actually required for malodors in comparison to the number of complaints or the number of facilities that have generated such complaints? Probably very few.**

Frequent complaints are not the product of imagination, or the result of oversensitivity of the affected community. It actually takes effort for people to stop their daily activity to find a phone number, call DEP, and follow up. To the community, malodor problems are a basic quality of life issue. Odor complaints can be the first signals of problems which demand attention and correction because they are direct evidence of human exposure to air contaminants. Repeated malodor complaints about a facility do not arise in the absence of repeated actual malodor problems; they must be taken seriously.

Malodor complaints often relate to 2 very difficult types of malodor problems:

1. Facilities expected to generate malodors (e.g. landfills) where time of day, season, and weather conditions can contribute to a transient problem which even the best management practices cannot avoid 100% of the time, and
2. Facilities which are not an obvious source but which are engaged in activities which can cause malodors if there are control or process problems, if raw materials are off-specification, etc. By the time an inspector gets there, the wind has shifted, the problem has been corrected, or causal conditions have changed.

There appears to be a well-developed body of scientific knowledge in odor chemistry, investigation, measurement, definition, modeling and control engineering. Scientific rigor would provide greater objectivity and certainty to managing malodor issues in permitting and enforcement, could reduce malodors as a source of community complaints and enhance the quality of life of neighbors of industrial or solid waste facilities.

Identification and minimization of the potential for malodors should be a rigorous part of the permitting process for air plan approvals, operating permits, and waste facilities. The permitting process should predict when a facility may reasonably be expected to be a potential source of malodors and require a demonstration that controls and/or siting measures are adequate to preclude malodor problems. When a facility has odor violations, the permit renewal process should require further odor control measures. Failures to adopt, implement, and maintain specified odor controls should be a clear basis for permit enforcement action including, where appropriate, revocation.

DEP should take advantage of the available odor science, and adopt a proactive policy to prevent odor problems as part of the permitting process for all sources and facilities rather than focusing only on those that are obvious potential sources for malodors.

***Council Comment:***

*Malodor complaints are common, and crop up not only around facilities, but around agricultural operations, land application of biosolids, etc. They may or may not be an indication of a real problem, but at a minimum, are infractions on the quality of life for neighbors to such activities.*

*In February, Council will have the opportunity to tour the department's mobile labs, which*

*carry instruments that can measure and catalog odors. Council is also **requesting a report about the effectiveness of the Northeast Regional Offices effort to 'noseprint' facilities using this equipment, to aid in identifying and responding to malodor complaints.** This approach may be worth pursuing in the other regions, to better address a problem which to date has been difficult if not impossible to address.*

## **E. Misc.**

**Joan Garrett** reported that Keystone Cement has burned hazardous waste as a fuel since 1976. In the early 1990s, Keystone applied to increase the amount of waste they burned. Community groups and school PTAs became involved, and as a result of the intense public scrutiny, the company revealed in 1992 that it had altered computer records to conceal it had been burning more hazardous wastes than its permits allowed.

By 1995, it was burning waste again, and asked to add 55 new types of hazardous waste and increase the burn rate from 50% to 75%. The community and PTAs were opposed, and DEP ordered Keystone to perform a health risk assessment before considering the permit application.

In July 1997, Keystone again applied to burn more waste, but on December 8, a 30,000-gallon hazardous waste fuel tank containing flammable vapor overheated causing the evacuation of 960 children from 2 nearby schools. The PTAs called for additional and tighter safety controls, precise flow meter monitoring, and long-term record keeping. In August 1999, Keystone withdrew their application to use a 75% burn rate.

The impact of the public involvement has highlighted the need for a change in how DEP and regulated facilities relate to the community. To protect public health and the environment, DEP should require the facility to be directly involved with the community; 3-way communication should be an integral part of the regulatory process.

The latest topic between the PTA, DEP and Keystone is the disposal of the 500,000 tons of cement kiln dust (CKD) stored on Keystone's property. Along with the 'historical' pile, there is a smaller, currently active pile. The PTA questions how well Keystone is managing those piles, and requests that they enclose the smaller pile on 3 sides or seed it to stop dust from blowing throughout the community.

One option being considered is to mix the CKD with dredge and coal fly ash and use it in abandoned mines. DEP has determined CKD to be a co-product, defined as a material that is no longer considered a waste because it meets certain requirements. The definition of waste includes the disposal of a co-product and the definition of disposal includes the placing of waste on the ground in such a way that its constituents can enter the environment; therefore **it appears that DEP is authorizing dumping waste in the ground without any permits. Were CKD, dredge and coal ash looked at in isolation, or was the mixture evaluated?** There is a potential for heavy metals and dumping this mixture into a hole does not change the possibility for environmental harm.

### **Council Comment:**

*Council requests a status report on the un-capped ash pile, and on long term plans to*

*address ash at this and other facilities.*

*Council has supported the use of safe co-products in activities such as mine reclamation, but it is unclear if the CKD would meet safe limits. We request a report on the viability, pros and cons of using this material in beneficial uses, and what kind of DEP oversight and monitoring could be expected.*

**Mr. Joe Hoffman, Director of Natural Resources and Conservation for the Berks County Conservancy**, provided an update on his testimony from last year's regional meeting.

Environmental education should stress activity, not just knowledge, and stretch from cradle to grave. It should emphasize how neighborhoods came to be the way they are, and how daily decisions change that environment. It should empower citizens to ask the right questions, understand the complexities involved, and make intelligent decisions. The land trust movement, including conservancies and watershed groups, is a fundamental part because they can provide projects that make classroom experience real and vivid, as well as actual improvements to local quality of life.

Every significant sized business or industry should have an environmental community service arm to participate in projects both for the public relations benefit to the company and a commitment to the neighborhoods in which the company resides.

***Council Comment:***

*Council has long been a proponent of both environmental education and environmental stewardship, and commends the Conservancy on its many proactive efforts to better the environment.*

## **IV. Regional Directors' Reports**

**Joseph A. Feola**, Director of the Southeast Regional Office, and **William F. McDonnell**, Director of the Northeast Regional Office, provided detailed reports to the Council on the issues and activities in their regions. These reports are summarized below.

Issues in the ***Southeast Region*** include:

- DEP is facilitating the development of a public/private problem-solving partnership with various government agencies, industry, and community representatives working together to improve the health and quality of life of those who live and work in **Chester**. The region has also been heavily involved in supporting the **Environmental Justice Workgroup's** efforts.
- Chester County's **mushroom industry** poses challenges such as management/disposal of spent compost and tension between residential and agricultural land uses.
- The southeast is the only severe **ozone non-attainment** area in the state. More stringent controls on VOC and NOx emissions have been imposed in order to meet the ambient ozone standard. Stage II vapor recovery at gas stations, the use of reformulated gasoline and enhanced vehicle inspection/maintenance are also in effect. EPA's intent to tighten the ambient ozone standard to 80 ppb averaged over an 8-hour period will force additional

control strategies in the region. In the 2000 ozone season, the region had 16 days with exceedences of the proposed 8-hour standard.

- The region has approximately 1/3 of the Commonwealth's population and 2/5 of its regulated entities. Because it is so **highly developed**, regulated facilities are usually close to population centers, creating a demand for a high degree of oversight. Additional **land use** issues include loss of agricultural land, increasing tension between farmers and non-farmers over farming practices; increased waste management due to new population; inadequate infrastructure to support the new population; degrading infrastructure in urban and older suburban areas with a decreasing tax base capable of maintaining it; and reuse of land areas impacted by past industrial practices.
- The region has many waste facilities equipped to detect **radioactive materials**, so DEP responds to many reports of radioactivity in municipal waste and scrap materials (in 1999, SERO responded to over 150 incidents). Recent changes to the Municipal Waste regulations will increase this workload, as more facilities will be detecting radioactive materials. In addition, if the NRC grants Pennsylvania Agreement State within the next 2 years, as expected, it will significantly increase the region's workload; the region will regulate 50% of the licensed facilities in Pennsylvania (the region's Radiation Protection staff handles facilities in both the SE and NE regions).
- **Water** issues include:
  - Inadequate tools to address water resource allocation for drinking water or to protect surface waters.
  - Preservation of uncontaminated groundwater as a source of drinking water. Because of the density of wells in this region, one release may impact many water supplies. The historic response has been to extend public water supply systems to areas with contaminated groundwater. The public and municipal officials often resist this remedy because they fear availability of public water will promote development and sprawl.
  - Pending regulatory amendments to the Safe Drinking Water Act could have a major impact on the region's water suppliers and the region's ability to complete the workload. Radiological regulations concerning radon in water will have a major impact if the MCL is set at 400 pCi/LI. If the alternate 4000 pCi/L is set, the exceedences would be in the 5-10% range. Other regulatory changes due in the next few years include groundwater disinfection, enhanced surface water treatment, and disinfection by-product rules.
  - Stream impairments in the region are mostly attributed to flash storm water runoff affecting the stream habitat. Instead of AMD or significant agricultural impairments like the rest of the state SERO must deal with multiple sewage treatment plants, industrial dischargers, urban/suburban runoff and agricultural runoff, all in the same watershed.
- Last year the **Emergency Response** (ER) program received 1,032 incident reports requiring 114 emergency responses. In addition to responding to pollution incidents, ER

staff also coordinates flood responses, and was very active during the Floyd Flood of 1999. Sufficient staff resources to deal with future floods are a growing concern.

- The region has received 5 air quality applications for large **gas-fired power plant** proposals and has issued a permit for one in Delaware County; others are expected. These “merchant power plants” are a result of deregulation of the electric industry in Pennsylvania, and the increased demand resulting from growth in the economy. The proposed plants are more efficient and cleaner than traditional coal or oil-fired plants. New air pollution control rules, designed to bring most of Pennsylvania into compliance with federal clean air standards, were recently approved, and will require 51 existing power plants to cut nitrogen oxide by 75% compared with 1990 levels.
- Regional decisions are routinely challenged by citizen groups; SERO tries to meet with them on issues as early as possible, for more meaningful public input in the decision making process.
- The Southeast region has been divided into 12 watershed teams, which will enhance the region’s ability to coordinate all environmental activities within the watershed, such as municipal planning, increasing recycling, and limiting the growth of waste generators and waste-handling facilities.
- They are developing an agreement with EPA to allow coordination of RCRA, NPL and Land Recycling projects, rather than lose these sites in 2 competing bureaucracies.
- Land use, permitting waste facilities and power plants, environmental equity, and management of contaminated soil and groundwater will continue to be major sources of controversy. They are also working with local health departments and DOH to develop inhalation standards for VOC contaminants in groundwater. Because of inhalation, the customary response of bottled water may not always be protective and whole-house filters may be needed.
- The region has a **high turnover and vacancy rate**, affecting staff experience; of the 244 filled positions, 24% have <4 years of service, 36% have between 10-15 years, and only 14% have >20 years. SERO is unable to compete with other regions due to the high cost of living in the Philadelphia area.
- Programs allocate staff based on a priority system. In the **Environmental Cleanup Program**, priorities are complaints; sites with known contamination and releases; and Act 2 projects. Lower priorities such as routine inspection activities at tank sites cannot be adequately addressed with existing staff. The ability to do routine inspections is generally limited to multi-media inspections, Commonwealth facility inspections and inspections required by multi-site agreements. Since 1995 the region has seen a continuing increasing trend in Act 2 cases, which have mandatory review times. They have been able to manage the Act 2 cases to date, but at times it is at the expense of tank corrective action cases. If Act 2 workload continues on an upward trend, they will reach a point where they cannot meet mandatory review times.
- There are several focuses in the Water Supply Management Program, requiring dedicated

staff: West Nile Virus program, Source Water Assessment program, Source Water Influence Protocol, Filter Plant Performance Evaluations (in-depth study of filter performance and capability conducted at all surface water treatment plants on a 3-year cycle), and locating all community public water supply sources with a GPS unit with 3-5 meter accuracy. The region has completed assessments of 80% of its streams.

The **Northeast region** is not at all homogeneous, and offers various cultural and political characteristics. It is a region of mixed environmental conditions, resulting from both current and historical activities. Eleven priority issues identified in the region are:

- Defining the extent of groundwater quantity in the region and recognizing that groundwater quantity is an important element in regional decision making
- Identifying local impacts of air toxins and acid rain
- Determining and alleviating the quality of life impacts from long-haul transportation and disposal of out of state municipal waste
- Identifying and assisting communities in correcting unaddressed sewage needs in the region
- Planning for upgrades in regional sewage infrastructure due to the approaching exhaustion of the useful life of plants and equipment
- Targeting unaddressed wetlands protection strategies
- Planning for upgrades in regional dam structures due to approaching exhaustion of their useful life
- Making additional regional stream and lake assessments as part of the statewide TMDL water quality modeling
- Continuing work with municipalities to expand and improve stormwater management systems
- Public awareness of the importance of inspection and maintenance of unregulated home heating oil tanks
- Improvements in identification and enforcement against problem yard waste composting facilities.

Monroe County demonstrates many of these priorities: rapid growth has created acute infrastructure problems, and population growth is taxing the quantity and quality of groundwater as a reliable source of drinking water for both current and future needs. The useful and therefore safe life of many dams in the county is coming to an end; wetlands protection strategies continue to react to new development pressure; and the need for support of municipal governments in their expansion and improvement of stormwater systems continues to grow. The TMDL program continues to point the way to prevention of future stream degradation as local growth continues.

Also in Monroe County, DEP is involved in a unique partnership of historical adversaries. In the

past, any DEP action regarding Mt. Pocono's sewage planning needs and its sewage treatment plant's discharge into Forest Hills Run could be guaranteed to generate litigation either from the Mt. Pocono Municipal Authority or from the Brodhead Protective Association. Now, a novel NPDES permit for the Authority recognizes a 3 party effort to produce reliable data from Forest Hills Run to support decision-making on increases in treatment plant discharge limits.

The scars of uncontrolled mining of anthracite coal for over 100 years degrade many areas of the region. Rapid growth of residential areas into areas previously the domain of industrial or farming operations is another theme that runs throughout the region.

There is also a growth of articulate advocacy groups that have become increasingly effective in eliciting responses from facilities that have been traditionally regulated by DEP. The growth of technology, particularly the Internet, is driving this change. There has been a 6-fold increase in watershed associations within the Northeast region in the past 2 years. This growing constituency will impact the political process and make decision-making at the local level more important. Act 67 and 68, the Growing Smarter program, will expedite this change and the growth of the power of this constituency.

NERO has recognized this shift in roles and is changing how it responds. They have formed 7 watershed teams, and believe that a wider view of the culture, politics and uses of an area the size of a watershed or group of watersheds is necessary. The biological principle that diversity provides the best chance for success applies to the watershed effort, and they work to be inclusive.

The institutional knowledge of a significant number of staff will be leaving in the next 5 years as those who formed the agency in the early 1970s reach retirement age. Replacement of this level of know how will not be easy, but is vitally important to the functioning of the agency.

**Council Comment:**

*These reports were two of the most informative regional director reports received to date by Council. Council commends both regions on their proactive and innovative efforts to address their regions' environmental issues.*

*Council plans to monitor DEP's efforts to address the projected turnover of experienced staff and its effect on "institutional memory" and the organization's ability to carry out its mandate as these changes occur.*

*Table of Contents*

[I. Introduction](#)

[II. Site Visits](#)

[A. Northampton Generating](#)

[B. Palmerton](#)

### III. Citizen Presentations

#### A. Palmerton

#### B. Land Use Impacts on Natural Resources and Environmental Quality

##### 1. Water Quality Protection

##### 2. Habitat Preservation

##### 3. Proliferation of Power Plants

##### 4. Water Use Conflicts

##### 5. Miscellaneous Land Use Comments

#### C. Biosolids

#### D. Malodors

#### E. Misc.

### IV. Regional Directors' Reports

---

[1] Act 275 of 1971

[2] Source: Northampton Generating web site at <http://www.usgen.com>

[3] "Growing Grassroots: Environmental Conflict, Adult Education and the Quest for Cultural Authority"; R. J. Hill; 1997, page 16.

[4] Source: Horsehead Industries website at <http://www.horseheadinc.com>

[5] ATSDR "Public Health Assessment, Palmerton Zinc Pile", Appendix B: Health Consultation Memorandum, April 12, 1993.

[6] "Palmerton Zinc Site Fact Sheet", USEPA, December 1995, p. 4.

[7] DEP's Environment, Facility and Application Compliance Tracking System

[8] "Pathogen Risk Assessment Methodology for Municipal Sewage Sludge Landfilling and Surface Disposal" (August 1995).

[9] David L. Lewis, Ph.D., Research Microbiologist, University of Georgia