COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: 6/21/23 Meeting

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BEFORE: STEPHANIE BERARDI, Chair

HEARING: Wednesday, June 21, 2023
6:34 p.m.

LOCATION: 1454 East Philadelphia Avenue
Gilbertsville, PA 19525

WITNESSES: Colin Wade, Karen Lawandowski, George Moser

Reporter: Ian Dale Weeber

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1 A P P E A R A N C E S

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3 GINA THOMAS, ESQUIRE

4 Commonwealth of Pennsylvania

5 2 East Main Street

6 Norristown, PA 19401

7 COUNSEL FOR DEP

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1 P R O C E E D I N G S

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3 CHAIR: All right. Good evening,
4 everyone. Welcome to the Pennsylvania Department of
5 Environmental Protection public hearing. Thank you
6 all for coming tonight. My name is Stephanie
7 Berardi. I'm the regional communications manager
8 for the DEP southeast region.
9 I would like to begin by thanking the
10 Douglass Township officials for allowing us to use
11 their Gilbertsville firehouse tonight. Because this
12 is an active firehouse, if a call comes in we will
13 need to pause the proceedings for a few minutes so
14 that the firefighters can respond. I'd also like to
15 acknowledge Sara Carpenter, the vice chair of the
16 Board of Supervisors; Peter Hiryak, township
17 manager, Andrew Duncan, the fire chief, as an
18 assistant township manager. And we also have staff
19 from representative - State Representative Deborah
20 Schumann's office, as well as the office of Senator
21 Tracy Pennycuick. Am I saying those correctly?
22 Probably not. Thank you so much.
23 Public participation is a very
24 important part of the DEP regulatory process and
25 oversight responsibilities. There are many ways

that the public can play a role in the DEP's decision making process. The most common way to do this is to express comments during designated comments period, which is participating in tonight's public hearing.

This proceeding is being held under the authority of the Hazardous Site Cleanup Act or HSCA. And regards to DEP's prompt response to the landfill site investigation located in Douglass Township, Montgomery County, Pennsylvania.

Tonight, I am joined by Ragesh Patel, who's our program manager for environmental cleanups and brownfield program. There you go. The Hazardous Sites Cleanup Program Bonnie McClennen, group manager. We have Tim Cherry, supervisor, and Colin Wade, our site project officer, and Gina Thomas, she is our regional counsel for the site.

Our stenographer will formally transcribe our presentation and your official public comments for the administrative record. I will now turn things over to Colin Wade who will present information on the background and investigative information on this specific project, DEP's prompt and response and future actions at the Boyertown site. Colin will be showing us the information over

here.

MR. WADE: Thank you, Steph. My name is Colin Wade and I am the project officer for the Bordertown landfill HSCA site. And tonight I'm going to be going over the background of the site what PFAS are, what this meeting is about. Our investigation of PFAS, the prompt next steps at the site. Then we'll have an informal question and answer period, and then we'll have the formal hearing while we take public comments on the record. The Bordertown landfill is located at 300 Merkel Road. We have to the west, Route 100. We have Gilbert Village to the east, Diehl Yoder Drive to the north.

The Bordertown landfill operated for several decades before being closed in 1986. The landfill's owner was responsible for long term stewardship of the closed landfill and he had certain obligations he had to meet. But since 2000, DEP has stepped in to perform actions to mitigate acute risk at the landfill.

Notably, in 2000, we installed a leachate collection and landfill gas mitigation system on the southern part of the landfill by the Summerhill development. And as you know, recently

1 we've been sampling people's drinking water.
2 In 2019 we first sampled for PFAS, and
3 PFAS are a group of manmade chemicals. The acronym
4 stands for Per and Polyfluoroalkyl Substances. They
5 were used in many products firefighting foams. I
6 think a lot of people have heard about the issues
7 with contamination out of Bullet Road in Warminster.
8 They were using certain manufacturing processes and
9 certain consumer goods. Your water resistant
10 clothing, stain resistant carpet. They're what we
11 call emerging contaminants, as only in the recent
12 years have we realized how toxic they are. And in
13 the past, there weren't regulations and standards in
14 drinking water and for their disposal. If you
15 sampled your private well 20 or 30 years ago, they
16 were not testing for PFAS.
17 You might have had a sample for bacteria or metals
18 or nitrates, but not PFAS.
19 The science and the regulations are
20 evolving, and a lot of work has been done over the
21 past decade. Next slide, please. So we started
22 sampling in Spring 2019. Spring started on the
23 landfill. We sampled the leachate. The leachate is
24 a nasty soup of chemicals that seeped out of the
25 bottom of the landfill and gets collected. And we

1 found it. We sampled Minister Creek, and we found
2 it. And then in fall of 2019, we started sampling
3 people's private wells near the landfill, and we did
4 detect it. And then we sampled again in 2020. We
5 sampled the groundwater. There's a number of
6 monitoring wells on the landfill, and we sampled
7 more residential wells, and we did detect it. And
8 in May of 2023, we've recently done some more
9 sampling.
10 Next slide, please. So in all that
11 sampling in 2019 and 2020, we were comparing the
12 results from that sampling against United States
13 Environmental Protection Agency - lifetime health
14 advisory of 70 parts per trillion. So many of you
15 in 2019, in 2020, you - we came out I came out and
16 sampled your well, and you got a letter from me
17 saying your water was fine. It was below 70. It
18 was below the lifetime health advisory.
19 In 2019 separately, DEP began working
20 on establishing what we call a maximum contaminant
21 level. Those are enforceable drinking water
22 standard regulations for drinking water. And in
23 January of 2023, those drinking water standards were
24 finalized. And for two compounds, we had
25 perfluorooctanoic acid or PFOA, and that standard is

now 14 parts per trillion. And we have perflurooctane Sulfonate acid or PFOS. And that standard is now 18 parts per trillion. So went from 70 parts per trillion down to 14 and 18 parts per trillion for the drinking water.

Those concentrations, they don't change the color of your water. They don't change the smell of your water. The only way to detect it - so if your water has a funny smell, if your water has a funny color, it's not from chemicals from these concentrations. The only way to know if your water exceeds our new drinking water standards is by testing it and sending it to the laboratory.

Next slide, please. This map, and there's one over here, one up front, shows the results of all that sampling. We've sampled about more than 40 wells, and these figures are in comparison to our new standard. We have about eight which have ever tested above the new drinking water standard. And the concentrations range from non-detect levels where nothing's detected in their water to about 50 parts per trillion. So 50 to non-detect.

Next slide, please. So when we went back and looked at the data in light of these new

1 standards, we decided to take a prompt interim
2 response for the homes that exceeded our new
3 drinking water standards. And the process in our
4 response is simply a response that DEP will take
5 before we go out with all of our plans, before we go
6 out and have a meeting like this. We thought it was
7 important for the people who have safe drinking
8 water first. Now, we are required under the law to
9 have a meeting 30 days after initiating a response
10 like that. And that's why we're here tonight, for
11 people to ask questions and make comments on the
12 record.
13 Next slide, please. So, when coming
14 up with this response, we look at three
15 alternatives, no action, which is the baseline
16 alternative against all other alternatives are
17 compared. We looked at bottled water delivery, and
18 we looked at the installation of point of entry
19 treatment systems or full house filtration system.
20 I'll note now that one option we don't see is the
21 extension of a waterline. For this response this is
22 what we call prompt interim response. This is the
23 immediate response that we're taking, something that
24 we could do quickly and easily implement. We will
25 do additional studies and additional testing before

we propose a final response for drinking water.

Next slide, please. When we look at those, we have evaluation criteria protection, human health and the environment, compliance with regulations, feasibility, effectiveness, permanence implementability, cost and community acceptance.

Next slide, please. So we chose the installation post system, and we've already started to install these systems at home that exceed the drinking water standards. Now, we've determined they're protective, they're effective, they comply with the regulations. The water being treated by the system comes out, it meets our standard with easy and rapid implementation route, and it's cost effective as an initial short turnaround response for this area.

Next slide, please. So the response is outlined, we call administrative record. It's a set of documents. There's a copy at Douglass Township building. You can email me if you want to read all the documentation. But just to go over - just to hit the highlights. The response calls for the installation post system, providing bottled water to those residents until the post system are shown to be effectively removing the container that

we will maintain the post system if the filter needs to get changed, out, we will pay for it. Our contractors are doing that work. And then we are continuing to sample in this area and we will install additional systems if other homes exceed in water.

Next slide, please. This is what they look like. They're about 12 inches in diameter, 54 inches tall. They have sediment filter, a water meter, pressure gauge and sampling port. And this is actually a photo of one that we've already installed at a house in this area.

Next slide. So what are the next steps? We're going to continue to maintain the post systems that we have installed. We're going to do additional sampling for PFAS. If you are sampled in 2019, 2020, I would like to resample you. I've been reaching out to people, maybe have a voicemail missed call for me. Please see me after the meeting so I can set you up with sampling and then I can come out and sample your home. If you live next to one of these homes that were sampled and you want to be sampled now, absolutely. Come see me after the meeting and I'll get your information and we can get you sampled. With all that sampling if we find more

homes that exceed we'll install more system.

And then after that, we start looking at what's the permanent remedy for the contamination, looking at things like extending a water line for the filters or some other remedy. But right now the response is really focused on sampling, finding people that exceed our drinking water standards and getting them these systems in their home so they can have clean water.

Next slide. Now we move on to the - this is what we call an informal questions and answer period. You can ask any questions that you have. We will not be recording people's questions. We have a stenographer, but he won't be writing down any of your information. So feel free to ask any questions. If you have a question and you don't want to ask it in front of everyone, please come see me after the meeting. I'm happy to talk to anyone. Certainly my phone number, email, I'm available. People have questions, we want to get them the information.

(WHERERUPON, AN OFF RECORD DISCUSSION WAS HELD.)

CHAIR: All right, thank you all for

your questions. At this time, we're going to go back on the record, and I'd also like to thank one more person I just recognized, Kyle Schmeck from Montgomery County Department of Public Health. Raise your hand if you like. He's here to answer any health questions that may be at the end of the tonight's hearing.

All right, at this time we're going to go back on record and Gina Thomas Counsel will provide more information about the administrative record and public participation process. I'll turn it over to Gina.

ATTORNEY THOMAS: I'm going to try to talk without the microphone, or maybe I won't use the mic, but if I can, I'll come around so I can be a little closer to you.

Okay, everybody, can everyone hear me. I'm Gina Thomas. I'm the Department's attorney. I've been working on this site and legal issues behind the scenes for at least the last four years. So I've become very familiar with what's happening at this site.

Tonight, I'm here to speak to you about your right concerning the Department remedy that we have implemented regarding the PFAS system

1 to address groundwater contamination affecting
2 certain wells in your community. Pursuant to the
3 Hazardous Site Cleanup Act, the Department has taken
4 these actions. So the HSCA, the Hazardous Site
5 Cleanup Act, gives us the framework that we operate
6 in when we follow procedures to implement a remedy
7 in your community. The Hazardous Site Cleanup Act
8 authorizes the Department to expend public money to
9 protect citizens who have been impacted by hazardous
10 substance or other contamination. The
11 Administrative Record Process, which is the process
12 that we're participating in this evening, allows you
13 to exercise your due process right. And so I'm
14 going to give a short civic lesson regarding due
15 process.
16 And it goes like this. Whenever the
17 government takes an action which will affect your
18 liberty or your property, the Due Process Clause of
19 the United States Constitution guarantees your right
20 to notice of the Department's actions, and it
21 guarantees you an opportunity to be heard.
22 Now, I just mentioned due process.
23 I'm sure many of you have heard of this term of
24 phrase in criminal law. How many have heard the
25 term due process on criminal crime shows, et cetera?

1 Due process is a legal concept. When you've been
2 arrested, for example, the Due Process Clause
3 guarantees that the police have to read you your
4 right and notify you of the charges against you and
5 give you a right to trial. So that's due process in
6 the criminal law context.
7 For this evening, this is the
8 administrative law context. And in administrative
9 law, whenever the government takes an action that's
10 going to affect your property or your liberties, it
11 has to tell you what it's doing, and then it has to
12 listen to what you think before finalizing it. So
13 this evening's hearing is your opportunity to be
14 heard. And I've heard during the question and
15 answer period, people did make comments, and it's
16 important if you want those comments to be
17 considered on the record, it's important for you to
18 make those comments.
19 When we have the hearing part, which
20 the court reporter is going to transcribe, it's
21 important to make those comments either this evening
22 or you can also email or regular mail comments to
23 the Department. My colleague, I believe, has a
24 screen that has the comments. PowerPoint, that has
25 the information, has the where comments can be

1 submitted. Let's say you're in your car tonight and
2 you go home and you think of something that wasn't
3 said. If that happens, you can certainly send
4 additional comments other than what's being made
5 tonight during the hearing. You can send those
6 comments to us by either email or regular mail.
7 The administrative records that we
8 consider before we finalize any actions in your
9 community, consists of all the sample results. It
10 consists of our analysis. But the most important
11 part of this administrative record that we're
12 describing is your comments. So your comments and
13 concerns are really important to the Department.
14 It's really important that you let us know what you
15 think as to what's going on in your community
16 regarding the questions about PFAS or comments about
17 the landfill, those things. It's important for you
18 to give us those comments and give us your concerns,
19 even comments about the public system.
20 I know a limited number of you have
21 had these systems installed in your home. It's
22 important for you to give us your comments and your
23 concerns so that they can be considered. Once we go
24 into the hearing part of this, which is going to be
25 after my presentation, the comments will be

1 transcribed by the court reporter. I know it's
2 going to seem a little awkward that we're not
3 answering comments on the record, but instead, what
4 will happen is your comments and questions will be
5 addressed in writing in a Response to Public Comment
6 Document after the administrative record period
7 closes. The document will be issued alongside the
8 Department's Statement of Decision, in which the
9 Department formally documents the ultimate remedies
10 for the site. In closing, my final remarks are
11 these your comments, your considerations, your
12 questions are important. They're important for the
13 department. And so I encourage all of you to make
14 comments on the administrative record so that your
15 voice can be heard.
16 CHAIR: Thank you, Gina. Okay. It is
17 now time to begin the formal public hearing to
18 obtain public comments regarding the prompt interim
19 response. DEP staff is here tonight to receive
20 testimony from the public so that all relevant
21 comments can be considered.
22 In addition to providing the oral
23 testimony presented here tonight, members of the
24 public may also submit written testimony no later
25 than 5:00 p.m. on Friday, August the 11th to DEP via

email or postal mail. If you would like to submit this testimony, please see us afterwards for contact information. The DEP gives equal consideration to all public comments, regardless of whether a comment is received verbally tonight or in writing prior to the deadline. Please note that our purpose here tonight is to listen to your comments and gather your input. That may be useful during the administrative record process.

Again, DEP staff does not directly answer questions or respond to individual comments during this official proceeding. All formal testimony given here tonight or provided in writing by the deadline will be addressed in writing by DEP in what is called a Comment and Response document.

Finally, let's establish a few ground rules. Please turn off all cell phones and put them on vibrate. Take any calls outside of the auditorium. I will call on people to speak in the order in which they signed up and announce you will be the next speaker. When your name is called, please approach the microphone. You'll come up to the table here so that you can speak into the microphone. You're going to say your name, spell your first name and your last name, then provide

your comments. Please speak loudly into the microphone so everyone can hear you, including the stenographer.

Each person is going to be allowed to have a maximum of five minutes to offer testimony. We have about six registered speakers this evening. All speakers are asked not to speak in five minutes. To keep proceedings moving forward and to ensure that all speakers have a fair and equal opportunity to present their testimony. I will keep the time and hold up a warning sign as the speaker approaches the end of their time. As stated previously, if a speaker runs out of time, remaining comments can be submitted in written form. Please be respectful of everyone's opportunity to speak and to be heard. Don't interrupt the speaker by clapping, booing or speaking out of turn. I want to thank you in advance for your cooperation with these ground rules.

And our first speaker is Karen Lewandowski. Is that correct? Come on up.

MS. LEWANDOWSKI: Thank you. My name is Karen Lewandowski. L-E-W-A-N-D-O-W-S-K-I. live on Diehl Drive in Gilbertsville. My well is now contaminated from toxic substances buried in the

1 Boyertown landfill. My home, to me, is virtually
2 worthless to an educated buyer. However, people are
3 still willing to purchase those homes near the
4 landfill today. Wexford Glenn development is being
5 built right now outside of the landfill.
6 Unknowingly people are willing to spend $500,000 for
7 a home here.
8 I'd like to point out that PA
9 generates over 9.6 million tons of trash and is one
10 of the top five states in the country and it's the
11 third most toxic with Superfund sites. I have a
12 picture of the superfund sites here in our area, and
13 if you notice, it's entirely blacked out.
14 Fast forward. I've lived here on and
15 off for 60 years. My parents purchased this home in
16 1968 without knowing the dump was there. So much
17 for due diligence. The first year here, while trash
18 was blowing into my parents' lot, they realized
19 their mistake. My mother fought hard for the
20 blowing trash in the smells all her life until the
21 dump was shut down. But the problems never ended.
22 Their well was contaminated several times, not all
23 from PSOS, and yet they stayed there.
24 Fast forward. I'm now the owner. I
25 will tell you the truck pulled into this hellhole

1 all hours of the day and night in the 1970s, while I
2 was growing up. We played on the mounds with no
3 enclosed fencing around the Merkel facility at that
4 time. Bags of blood, chemicals, trash were all
5 over. My mother has receipts from hospitals in
6 Bayonne, Sarcophas and Trenton, and all over the
7 Tristate area. The pumper trucks were pumping
8 sludge into the night and they never stopped. To my
9 knowledge, we never raised the dumping or tipping
10 fees in this township. Like so many local towns
11 that do. Our Township today has no local taxes and
12 won't for years after their dumps closed. And my
13 question is, why do we have this dump? Rolling
14 Hills and Earl Pottstown Landfill now closed.
15 Mascara, Birdsborough, Morgantown, Ephrata and many
16 more. I am showing the map that's located on these
17 toxic dumps. We have one of the highest cancer
18 rates in the state found by ACE or local
19 organization that managed to shut down the Pottstown
20 Landfill.
21 We use this soil, which I am sure is
22 contaminated for our gardens, which we consume. We
23 water with the contaminated water. I have to say
24 what about that? We ingest all those substances.
25 Those compounds are proven to cause cancer in people

1 and animals. PA is the largest importer of trash in
2 the United States. We need to steal this property
3 at 300 Merkel Road. It has no fencing. You can
4 drive and walk right on it and put signage all
5 around the property that this is a landfill and is
6 under investigation for a possible Superfund site.
7 Inform people, not hide it from them.
8 I know there's a business using said
9 property, Wonder Construction. I want that shut
10 down. Shut down the business that occupies this
11 space. Hurt them as we are affected. And finally
12 enclose the dump it's posted no trespassing, but
13 what good is that? I want to know the radius of
14 notification of this dump site. And I want more
15 testing of the contamination of the surrounding soil
16 developments of Summerhill and Greenbrier need to be
17 notified and informed because they directly border
18 the dump site.
19 I myself, in my opinion, want
20 something done to compensate our suffering. I doubt
21 if I'm going to get that. But many people on Diehl
22 Drive have succumbed to cancer. Both my parents
23 did. Unfortunately, I probably will. And so many
24 of those purchasing those nice $500 to $800,000
25 homes. Somehow this toxic landfill has to be dealt

with and done responsibly this time. Maybe we need an injunction to stop the progression of the disaster until we and everyone involved is taken care of. For the residents that are affected, this area is expanding. Stop the building of developments around this. We need a long term answer. We want total remediation and we don't want to have to pay a cent for this damage, period.

CHAIR: Thank you. Our next speaker is George Moser. George, if you could see some.

MR. MOSER: George Moser, I'm a resident. I live on Werstler Avenue. George, G-E-O-R-G-E, Moser, M-O-S-E-R. My question is, what is the range that you're going to do the testing in? Certainly my question was phrased earlier. I want to know how the water tables are being evaluated and what range you're going to be doing the testing on. That was all I wanted to.

CHAIR: Thank you, George. Our next speaker is Sara Carpenter. Did you want to speak for the record? Our next speaker is Keith Horseman. Okay, thank you so much. And our last speaker is Suzanne Allen. No comments? Are there any other folks that would like to come up and comment verbally for the record?

Okay. At this time, that will conclude tonight's public hearing. As a reminder, written comments on the response action will be accepted until 5:00 p.m. on Friday, August the 11th. If you wish to submit comments or questions, please give us to the appropriate contact information. We want to thank you for being here and for your comments. We appreciate your interest in this project. And everybody have a safe trip home and good night. Thank you.

* * * * * * * *

HEARING CONCLUDED AT 7:36 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Berardi, was reported by me on June 21, 2023 and that I, Ian Weeber, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 13 day of July, 2023.

Ian Weeber

Ian Weeber,

Court Reporter