

Judge to rule on DuPont Spelter smelter cleanup terms

Settlement administrator says program that's part of agreement is slated to begin in two weeks

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CLARKSBURG — The administrator of the Dupont Spelter smelter class-action settlement said Tuesday the property cleanup program that's part of the agreement is to begin in two weeks.

But if the May 15 date to break ground is as firm as settlement administrator Ed Gentle believes it to be, other issues are yet to be decided.

And the man with the final word, Harrison Circuit Judge

Thomas A. Bedell, is getting input this week before issuing court orders on the matter.

About 25 residents showed up for a fairness hearing early Tuesday morning in Bedell's courtroom. A panel of officials also was on hand, with Gentle questioning two experts under oath.

A similar fairness hearing is scheduled to begin at 8 a.m. today. Sometime following that, Bedell is expected to rule via written orders.

Bedell, following recommendations from Gentle and the experts, already has decid-

ed that residences nearest the old Spelter zinc smelter will be the ones to undergo soil replacement if contaminated.

Originally, experts had indicated the plan was to replace the top 6 inches of soil. But Florida environmental engineer Richard Barlow testified Tuesday the EPA recently has suggested replacing 12 inches of soil.

Both Barlow and another environmental consultant, Marc Glass of Morgantown, indicated 6 inches ought to be suitable for this project. That would protect residents from inhaling the carcinogens, lead, cadmium, arsenic and zinc, as well as preventing absorption through the skin or even children from eating it, Glass indicated.

But in questioning from a resident, Glass acknowledged trees and other plants with roots

deep enough could eventually grow into contaminated soil.

The cost of going down 12 inches well could be the deciding factor. It would add \$7.5 million, which would put the proposed budget over the \$33.2 million that's remaining for property cleanup, Gentle said.

With the 6-inch replacement plan, the cost would leave about \$6.4 million in reserve, Gentle said.

One of the class-action lawyers, Perry Jones, said after the hearing it would be nice if that money could be used to clean up highly contaminated areas farther away from the old smelter site.

Jones noted comments from some residents who said they had fought hard for years during the lawsuit against DuPont and now feel spurned.

Glass also testified about



Jones

the likely need for soil cleanup of 20 residences adjacent to the smelter on B Street in Spelter. Those homes hadn't been part of the zone in which

cleanup was targeted, but testing showed arsenic and lead levels the same there as other homes next to the smelter.

Some residents also complained about testing methods and results.

One said she had a neighbor whose home tested contaminated in 2005, during the lawsuit, but now isn't showing levels considered contaminated by those conducting the testing.

That woman also noted that testing done on her Meadowbrook home was conducted on a ceiling tile she'd replaced, carpet she vacuums regularly and a floor that's routinely mopped.

Another resident said the slew of paperwork the case has continued to generate has been frustrating and confusing.

Meanwhile, Bedell signed an order Tuesday that names NCM Remediation & Demolition as the contractor for the property cleanup work. The California company has handled multiple large cleanup projects. Its winning bid was \$16.3 million, which includes a 10 percent reserve.

In addition to property cleanup, the settlement provides for medical monitoring of current and former residents of the area who signed up for it.



Gentle



Bedell