

# Spelter soil cleanup debated in Harrison County courtroom

Some residents say it would help improve property values in area; others seek cash payout from DuPont

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CLARKSBURG — Several residents told the court Thursday they doubted a \$34 million cleanup of the Spelter area would do enough to rid area properties of potentially cancer-causing pollution.

Instead, some are suggesting a one-time cash payout for the impact that pollution from the Spelter smelter has had on their property. The money would come from proceeds of a lawsuit against DuPont.

But other residents want the area to be cleaned, believing that would be a big plus for the health of the community and for property values.

The comments came during the first day of a "fairness hearing" before Harrison Circuit Judge Thomas A. Bedell. Approximately 30 residents attended.

Another fairness hearing is scheduled for early this morning before Bedell.

Prior to the hearings, the settlement's claim administrator, Ed Gentle, and members of the claims office polled a percentage of the members of the class-action lawsuit. Gentle explained the findings early in Thursday's hearing, and will do so again today as a new wave of residents is expected to attend and speak.

Gentle said a "very controversial" question is whether soil cleanup should be mandatory. He indicated one way to manage the situation might be through a cash payment for those who permit testing. If the soil is clean, the homeowner would keep the payment; if not, the claims office would work with homeowners to get cleanup done.

See SPELTER, A11



Staff photo by Matt Harvey

Mark Glass, an environmental technical consultant, explains how property cleanup might work as part of a settlement between area residents and DuPont over pollution at the Spelter smelter.

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## From Page A1, Local, State

### SPELTER

(Continued from Page A1)

Area Realtor Tom Kennedy took questions from Michael Jacks, director of the settlement claims office. Kennedy told residents his research showed the average price of a home sold in the entire class action area over the past two years was \$47 per square foot.

In Spelter, there were only two sales during that time, and the average price was \$18 per square foot, Kennedy said. And the average price per square foot for homes sold in Clarksburg was \$60 to \$65 per square foot, with Bridgeport homes selling for \$100 per square foot, Kennedy said.

He indicated soil cleanup of the Spelter area might provide a development opportunity since the FBI fingerprint center and new hospital are so close.

Mark Glass, the environmental technical consultant for the claims office, indicated a cleanup would work best if Spelter is cleaned first due to its close exposure to the plant.

Removing and replacing the top 6 inches of soil in Spelter should help the rest of the class action area, Glass said, since the soil is getting moved around by the wind. Other areas would be cleaned if funds allow.

Glass also said it would be important for professionals to conduct cleanup because of their training and oversight, "to make sure we're not creating another problem."

Spelter's Albert "Bud" Sheaffer said members of the class

action should have "the right to clean their own property if they want and get paid for it."

But Spelter resident Rod Tenney said a local contractor could "probably do a good job" cleaning up the area.

He added that he has grandchildren playing in the area, and has concerns for them.

"As a whole, this lawsuit was for cleanup," Tenney said. "That's what it should be used for. ... It's in the interests of everybody to clean the property up and improve (their) values."

Jeannette Koontz noted residents have been unable to sell their homes. Koontz said she probably spends \$1,000 a year on her yard, and "nobody's going to clean it up." She also recalled cleaning her attic and coming out of there probably looking "like I worked in a coal mine all day."

Area resident Wayne Aley suggested cleaning up the entire area, or not at all. And if not, he favors a cash payout.

Dianne Singleton, however, is clearly opposed to a payout. Remediation would be a "rare and wonderful opportunity" to restore the area to the condition it was in before the plant started operating, she said.

Some residents doubted removal of 6 inches would be enough. A question also was raised whether removing polluted dust from homes — part of the cleanup — would still leave wood and other remaining materials tainted.

Cindi DiPetta and others brought up this point: Many residents would not want buried pets unearthed, nor would they want the toil they've put into their

lawns destroyed.

Whether paying cash instead of conducting a cleanup is even a possibility is unclear.

And DuPont lawyer Stephanie Thacker pointed out that the company, in negotiating the settlement, intended property remediation to be part of it.

She acknowledged the company has no control over what's done with property cleanup. But she said DuPont likely would want residents to sign releases if they take a payout instead of getting property cleaned.

Releases were signed nearly 100 years in the late 1920s and 1930s as DuPont worked to settle some area residents' claims. Those claims were against the Grasselli Chemical Co., which had built the spelter in 1911 and from which DuPont bought the plant in 1928, according to a state Supreme Court ruling.

Some residents who spoke at Thursday's hearing own property that is covered by those releases, and the Supreme Court said couldn't be part of the cleanup.

Resident Francis Ice noted that even if his property was cleaned up, the presence of "Grasselli release" properties nearby would lead to its contamination again.

And Sue Tate presented the court with a petition from "Grasselli release" property owners asking to be considered part of the cleanup.

Bedell told residents he will take into account their comments and work hard before ruling. It's expected that decision will come in the form of a written ruling, which likely will take at weeks before completion.