



## Illegal dumping by PADOT

November 30, 2007

*Michael D. Bedrin  
Director  
PA Department of Environmental Protection  
2 Public Square  
Wilkes-Barre, PA 18711-0790*

Dear Mr. Bedrin,

Delaware Riverkeeper Network (DRN) would like to bring to your attention a pollution problem in Shohola Township, Pike County, Pennsylvania that poses a significant threat to the groundwater, surface water, wetlands, public Game lands, wildlife and other environmental resources as well as to the public health of the region. The property where the problem originated drains to Shohola Creek (approximately  $\frac{1}{2}$  mile distance), a High Quality Cold Water Fishery (HQ-CWF), which flows to the Delaware River.

Pennsylvania Department of Transportation (Penn DOT) Stockpile #6, located on Route 6 near Route 434 in Shohola Township, on the border of Lackawaxen Township and Blooming Grove Township, has recently been closed after several decades of use. Penn DOT leased approximately 10 acres from the Pennsylvania Game Commission, attached to State Game Lands 180, comprised of about 12,000 acres. Stockpile #6 was used by Penn DOT as a storage and staging ground for Penn DOT and its contractors. They also operated salting operations, asphalt operations and other maintenance operations out of the site.

Reports that hazardous substances were illegally dumped and/or buried at the site led to an agreement that Penn DOT would engage a contractor to investigate the property. Skelly and Loy were contracted by Penn DOT to carry out a work plan, which was agreed to at a meeting held July 27, 2007. An erosion and sediment control plan was approved by Pike County Conservation District. Work began at the site September 24, 2007.

According to PA Department of Environmental Protection (PADEP), no permits were needed for the work plan (T. Carluccio conversation with Michael Lucsky, Solid Waste Specialist, PADEP, 10.10.07).

In DRN's file review of records at the Pike County Conservation District, several facts were verified:

1. PADEP letter dated 9.17.07 to Eric Zimmer, Penn DOT Engineering District 4-O stated that two above ground storage tanks were removed from the site. Letter referred to "...the Department's August 24, 2005 letter addressing deficiencies of the closure report" from Penn DOT and referenced Incident No. 35570.
2. Prior to the work plan preparation, Skelly and Loy submitted a report letter to Kenneth Thornton, Chief, Penn DOT Pollution Prevention Section, Harrisburg, PA dated 7.27.07 to Penn DOT describing conditions at the property. The description noted, among other things:
  - a. Approximately 5 acres of cleared land and newly mulched fill, devoid of vegetation
  - b. The site previously contained an above ground asphalt tar tank, salt dome, and road construction materials.
  - c. Waste materials were seen protruding from the new fill.
  - d. Magnetic locator revealed positive readings for the 5 acre area.
  - e. Test excavations were performed at 5 locations within the 5 acre site and revealed buried road asphalt millings and road construction debris.
  - f. After the excavations, "all areas excavated were returned to their previous state at the request of Penn DOT representatives" and that all equipment and materials used were removed (page 2, Skelly and Loy letter dated 7.27.07).
3. PADEP Dams and Encroachments Inspection Report dated 6.26.07 by the Pike County Conservation District (PCCD) recorded a "Failure to obtain a Chapter 105 permit". The conditions and violations reported were "Approximately 2 acres recently grading/fill observed. Fill throughout the site contains significant quantities of solid waste. Fill at rear of site (approximately 100-2000 square feet) appears to be in wetlands - adjacent areas contain high bush cinnamon fern, common sedge. Rear embankment shows signs of erosion into adjacent areas." Under "Comments" it was noted, "newly placed fill at the rear of the site should be pulled back at least to edge of old fill. A wetland delineation is recommended to establish wetland boundary" and an erosion and sedimentation control plan was required to be provided for the permanent stabilization of the site. It was noted that the conditions constituted a violation of the PA Clean Streams Law and other statutes. (PA Dams and Encroachments Inspection Report Complaint No. 07-056, Report No. 07-0, signed by Susan Beecher, dated 6.26.07). This report led to an erosion and sedimentation control plan that was approved by PCCD and a plan to remediate illegally filled wetlands. More recent information shows a greater area of wetland fill than noted in the plan and further wetland repair and mitigation by Penn DOT will likely be required by PCCD.
4. The Final Report for Skelly and Loy prepared by Enviroscan included results of metallic detection showing subsurface metallic response throughout the 5 acre cleared area of the site and significant responses in some areas ("Results", page 4, letter report to Skelly and Loy from Enviroscan, dated 8.21.07, from Final Report Geophysical Survey - page 4 and Map attached).
5. The Skelly and Loy Work Plan dated August 22, 2007 laid out a 2-phased approach that included; 1. further waste investigation and wetland delineation, 2. Surface Restoration. The site investigation identified 4 locations to be excavated to the depth of the natural soil (1 to 6 feet). Soil samples were to be taken by Penn DOT based on smell and observation of conditions during the excavations and through the use of a photo-ionization detector. Two water samples were to be taken of surface water in the wetland area. Up to "15 total confirmatory samples if deemed appropriate" were to be taken by Penn DOT. Excavations were also to be done to determine wetland boundaries.

PADEP participated in a project meeting held July 30, 2007 to discuss the handling of the Stockpile #6 property and, according to the minutes, expressed concern about materials on the site (Minutes, State Game Lands 180 - Pike County Turn Back, July 30, 2007). Representatives of PADEP, the PA Game Commission, Penn DOT, Pike County Conservation District, and a representative of Pike County Commissioners met to review the status of

the property, the Game Commission's concerns, concerns related to fill placed at the site, buried materials, and to discuss how to move forward. The Skelly and Loy Work Plan followed from this meeting. It has been reported that PADEP has visited the site during the carrying out of the Work Plan but has not been present daily or on a fixed schedule.

DRN conducted two on-site visits to inspect and photograph the site, the wetlands, and Shohola Creek. Soil and water sampling was also conducted. The DRN inspections were carried out October 29 by Tracy Carluccio and on November 13 by Maya van Rossum, the Delaware Riverkeeper, and Faith Zerbe. Based on these site visits and further information, DRN's concerns have expanded while site investigations have been carried out.

The fact that soil sampling was left to the discretion of the contractor and there were only 2 water samples taken in a discreet area of the property is troubling because we do not have confidence that sampling has been carried out reliably. The 2 water samples were reportedly taken at the start of the work plan and at least one showed measurable levels of acetone, according to PA Game Commission manager John Shutkufsky (Phone conversation 10.25.07 T. Carluccio with John Shutkufsky, PA Game Commission Land Management Group Manager, NE PA Office, Dallas, PA). Soil samples were not taken throughout the investigation but apparently were taken after investigations had progressed. Results of the sampling have not been released publicly. The exact parameters that were tested for and the design of the testing program are not known. DRN has filed a Right to Know request with Penn DOT. DRN is very concerned about inadequate soil and water sampling, the lack of soil borings, and the scanty and ill-defined requirements in the work plan regarding environmental testing and analysis.

DRN observed contaminated soils piled at the site on thin sheets of plastic; some were open to the elements. The dark stained soil had a strong odor. DRN is concerned that proper characterization of this contaminated soil is not being carried out. Crushed and intact metal drums containing unknown residues were observed piled on the site; some were also exposed to the elements. The risk of further exacerbating an already dangerous environmental situation is high at this site. DRN is also concerned that Penn DOT leased 9.66 acres of land from the Game Commission but only 5 acres is being investigated. DRN advocates for an investigation of the entire parcel that was under lease to Penn DOT.

DRN filed an environmental complaint with U.S. Environmental Protection Agency (EPA) on October 24, 2007. EPA has responded and is investigating the site. It is DRN's position that an outside independent agency such as EPA needs to investigate and oversee this site investigation and clean up. EPA has the level of expertise required due to their extensive experience with Superfund sites and the objectivity called for by this situation. DRN's concerns are based on the likelihood that hazardous substances have been illegally dumped and/or buried at Stockpile #6.

DRN respectfully requests that PADEP support the involvement of USEPA in this serious environmental problem that has impacted public lands. Drinking water, natural resources, wildlife and public health and safety have been exposed to scandalous activities at this site. How this problem is handled will directly affect the region.

Thank you for your time and consideration.

Sincerely,

*Maya K. van Rossum  
the Delaware Riverkeeper*

*Attachments*

*Report and Map*

*CD of DRN photographs*

*Cc: PA Game Commission*

*Pike County Commissioners*

*Pike County Conservation District*

*Tracy Carluccio  
Deputy Director*