

rogers, rick

From: Heron, Donna
Sent: Tuesday, September 02, 2014 10:34 AM
To: frankel, michael; rogers, rick; Barbieri, Andrea
Cc: Armstead, John A.
Subject: RE: Pittsburgh Post-Gazette (9-2) Groups say fly ash near state prison in Fayette County causing health problems

Roy Seneca is handling.

Donna

From: frankel, michael
Sent: Tuesday, September 02, 2014 10:03 AM
To: rogers, rick; Barbieri, Andrea
Cc: Armstead, John A.; Heron, Donna
Subject: FW: Pittsburgh Post-Gazette (9-2) Groups say fly ash near state prison in Fayette County causing health problems

FYI -- Possible we may get some calls on this

Michael H ("Mike") Frankel
Communications Coordinator - Land and Chemicals Division
U.S. EPA - Mid-Atlantic Region
AFGE Local 3631 Steward
215-814-2665 Phone
215-814-3114 Fax

From: Seneca, Roy
Sent: Tuesday, September 02, 2014 8:25 AM
To: Werner, Lora; Markiewicz, Karl; Brown-Perry, Kinshasa; Koffi, LaRonda; Smith, Bonnie; Wagner, Christine
Subject: Pittsburgh Post-Gazette (9-2) Groups say fly ash near state prison in Fayette County causing health problems

Groups say fly ash near state prison in Fayette County causing health problems

September 2, 2014 12:04 AM

By Don Hopey / Pittsburgh Post-Gazette

A report released today raises concerns about inmate cancers and other serious health ailments at a state prison that sits next to a massive Fayette County coal waste dump full of toxic fly ash.

The preliminary report on the ongoing investigation by two human rights organizations into prisoner health at the State Correctional Institution Fayette in LaBelle, found 11 prisoners died from cancer between January

2010 and December 2013, another six have been diagnosed with cancer and eight more have undiagnosed tumors or lumps.

Also, more than 80 percent of 75 prisoners responding to the investigators experienced respiratory problems, 68 percent said they experienced gastrointestinal problems and half have skin rashes, cysts and abscesses. Twelve percent, nine of the 75, reported being diagnosed with a thyroid disorder at the prison or having their existing thyroid problems get worse. Many of the prisoners have multiple, overlapping symptoms, the report said.

The 28-page report, titled "No Escape: Exposure to Toxic Coal Waste at State Correctional Institution Fayette," was released today by the Abolitionist Law Center and the Human Rights Coalition. It is based on a year-long review of prison medical and mortality records, interviews with prisoners, former inmates and residents of LaBelle, and correspondence from more than 40 inmates.

"The number of cancer deaths, reported cancers and undiagnosed tumors raise an alarm. Those and the other illnesses show a need for a more thorough and systematic study of this situation," said Bret Grote, legal director for the Abolitionist Law Center and one of the authors of the report.

Mr. Grote said the inmate mortality rate at the Fayette prison is higher than that at all but two other state prisons: Graterford, Montgomery County, where more than 700 of the 4,000 prisoners are older inmates serving life terms; and Laurel Highlands, Somerset County, which serves as a nursing home for older, chronically ill inmates.

Susan McNaughton, a state Department of Corrections spokeswoman, said Sunday that once the report is released the department would review its findings and the issues and concerns it raises, adding, "We take these matters seriously."

Dave La Torre, a spokesman for the Pennsylvania State Corrections Officers Association, also declined to comment on the report but expressed concern for the union's members.

"We are aware of some officers from SCI Fayette who are suffering from illness," Mr. La Torre said. "We look forward to reviewing this report to see if there is any connection."

"It's scary," Ann Schwartzman, executive director of the Pennsylvania Prison Society, an advocacy organization for state prison inmates, said. "If it's true, the state needs to take immediate action. Inmates receive their punishment through sentencing and shouldn't be further punished by unhealthy conditions in prison." She said the organization's volunteer prison visitors have been aware of the inmate health concerns for several years.

The 2,000 bed, \$125 million maximum security prison where all of the state's vehicle license plates are made, opened in 2003. It was built on part of the old strip mine site that has been used for coal combustion waste disposal for 60 years and has been owned since 1997 by Matt Canestrone Construction Inc.

The combustion waste at the 506-acre Canestrone site, which borders the prison on two sides, includes 40 million tons of coal mining waste rock, two coal slurry ponds and millions of cubic yards of fly ash from FirstEnergy Corp.'s Mitchell and Hatfield's Ferry coal-burning power plants in Washington and Greene counties. The plants were closed by the company in October 2013.

The Canestrone site is not accepting shipments of fly ash at this time, according to John Poister, a state Department of Environmental Protection spokesman. It does have the required state permits that allow it to do so and is in compliance with those permits, he said.

But FirstEnergy has asked the state for permission to ship 3.5 million tons of coal ash from its Bruce Mansfield plant in Beaver County by barge 90 miles up the Ohio and Monongahela rivers to the Canestrone waste site. That is under review by the DEP, Mr. Poister said.

Many of the prisoners surveyed for the report noted similar, visible signs of pollution that include "black clouds of debris blowing off the dump site; black dust collecting in the prison yard, on window sills and freshly fallen snow; and black and gray dust building up around the vents inside prison cells."

The fly ash is a fine particle material with the consistency of talcum powder and containing sometimes high levels of carcinogenic heavy metals, including arsenic, lead and mercury. Those tiny airborne particles can be

breathed deeply into the lungs and be transported in the blood to other organs, and peer-reviewed health studies have linked the fine particles to the four leading causes of death in the U.S. — heart disease, cancer, respiratory disease and stroke.

A 2006 report from the National Academy of Sciences found 24 potentially hazardous metals in coal ash. And in 2010, an analysis of fly ash from the Canestrone site reported in the Pittsburgh Post-Gazette investigative series, "Mapping Mortality," found it contained concentrated levels of arsenic, barium, chromium, lead and mercury. Many of those same toxics also were present in dust samples taken from window sills, garages and an apple tree in the community of LaBelle, Luzerne Township, where between 2000 and 2008 residents died of respiratory diseases and heart disease at rates 20 percent and 25 percent above the national average.

"Human beings should not have to live in a toxic waste dump just because they've been convicted of a crime," Mr. Grote said. "Building this prison in a coal refuse site shows a disregard for prisoners and staff, and further investigation is needed about how the prison was permitted and sited where it was."

Unlike reports of health problems at other state prisons, the new report found that most of the symptoms and health problems experienced by prisoners at the Fayette facility emerged after they arrived at the prison.

"Our investigation leads us to believe that the declining health of prisoners at SCI Fayette is indeed caused by the toxic environment surrounding the prison," the report said, but adds that a more in-depth investigation is needed to prove the link between prisoner health problems and the airborne pollution coming off the coal ash site.

The report also raised constitutional questions about the siting of the prison and the confinement of prisoners next to the coal ash disposal site, a situation it terms a "growing injustice."

"Health is a human right," the report states, "and if the patterns that have emerged during our investigation are indicative of the harms and risks that accompany confinement at SCI Fayette, then it is imperative that the prison is shut down."

Read more: <http://www.post-gazette.com/stories/#ixzz3CA0LO9SI>

rogers, rick

From: rogers, rick
Sent: Tuesday, March 10, 2015 1:25 PM
To: Barbieri, Andrea
Subject: RE: LaBelle PA control

I sort of remember some sort of report or an announcement that some group was going to study health problems of employees at the prison in relation to the ash landfill, or something along those lines. I don't recall ever getting an incoming for response.

From: Barbieri, Andrea
Sent: Tuesday, March 10, 2015 12:25 PM
To: rogers, rick
Subject: RE: LaBelle PA control

Thanks, Rick. I emailed Steve back and he clarified that he was looking to see if we have responded to this person or this site prior to make sure we are consistent. I can't recall that we have officially responded to anything, but I will look.

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)
Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

From: rogers, rick
Sent: Tuesday, March 10, 2015 12:22 PM
To: Barbieri, Andrea; Brown-Perry, Kinshasa
Subject: RE: LaBelle PA control

Andrea,

LaBelle is the town right next to an ash landfill that I think is the proposed site where ash would go instead of Little Blue Run. It's also the one that is right next to a state prison.

Rick

From: Barbieri, Andrea
Sent: Tuesday, March 10, 2015 12:11 PM
To: Brown-Perry, Kinshasa
Cc: rogers, rick
Subject: FW: LaBelle PA control

Hi Sasha,

I received this email from PADEP asking if we have received anything related to the attached control and if we have any information as to what site she is referring to. Have you received this control?

Thanks,

Andrea

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)
Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

From: Souders, Steve
Sent: Tuesday, March 10, 2015 11:20 AM
To: Barbieri, Andrea
Subject: LaBelle PA control

Hi Andrea,

We received the attached control from someone in LaBelle, PA. I was wondering if you in the Region have received anything from her or have any information on the coal ash disposal site she mentions.

Thanks!

Steve Souders
Office of Resource Conservation and Recovery (5304P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0002
Phone: 703-308-8431

rogers, rick

From: Barbieri, Andrea
Sent: Wednesday, April 08, 2015 11:21 AM
To: rogers, rick
Subject: RE: Citizen email to WH on LaBelle

[REDACTED]
[REDACTED] I think I had forwarded you the email from Steve. I am assuming this is the same letter they are answering and that Steve Sounders is still involved.

We have not received anything about LaBelle.

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)
Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

From: rogers, rick
Sent: Wednesday, April 08, 2015 11:06 AM
To: Barbieri, Andrea
Subject: RE: Citizen email to WH on LaBelle

I couldn't find the email from Steve Souder, what was it he wanted? Before I get back to Ross Elliott, I wanted to make sure I was aware of everything HQ had sent to us.

Have we received a citizen complaint lately about LaBelle?

From: Barbieri, Andrea
Sent: Tuesday, April 07, 2015 11:14 AM
To: rogers, rick
Subject: FW: Citizen email to WH on LaBelle

Rick,

I was reading through the email we received from Steve Sounders last month and realized, I got my names mixed up and thought it was from PA Steve Socash (oops! :/). Anyway, I do not have anything in my files about from LaBelle other than some news articles that I saved from the lawsuit and the report regarding the prison. Steve Socash would be the appropriate contact and his information is below.

Stephen Socash, PA DEP
Municipal & Residual Waste Div.
Bureau of Waste Management
(717) 787-7381
ssocash@state.pa.us

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)

Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

From: Elliott, Ross
Sent: Tuesday, April 07, 2015 10:46 AM
To: rogers, rick
Cc: Barbieri, Andrea; Robinson, Bonnie; Behan, Frank
Subject: Citizen email to WH on LaBelle

Hi Rick, we recently had assigned to us an email from a citizen to the White House on what looks to be the LaBelle, PA coal refuse site. The citizen is generally complaining about the government (writ large) response to environmental issues, but they also mention health problems w/ their children, and it appears that they live close to the site. Betsy Devlin (my boss) suggested I talk to you.

We started developing a response that highlighted our coal ash final rule, but the more I look into this the less I see our rule applying (if this is actually a former coal mine/coal refuse site subject to PA SMCRA, I believe we deferred to the DOI folks and their ongoing rulemaking).

So, in summary we have a site-specific inquiry, where there is an ongoing citizen suit, and a resident complaining about the conditions. I would prefer to refer this person to something closer to the issue; can you recommend an office in PA DEP that is handling this site? I would also like to cc the Region as well, and was going to say we would continue to monitor the suit. Not sure if you have any other suggestions.

Thanks.

Ross

Ross Elliott, Associate Director
Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA
703-308-8748

rogers, rick

From: rogers, rick
Sent: Thursday, April 09, 2015 4:37 PM
To: Barbieri, Andrea
Subject: FW: Draft response to citizen inquiry
Attachments: AX-15-000-5762-WH Holly Rice 4-8-15.doc; AX-15-000-5762-WH.pdf

Andrea – here' is ORCR's proposed response to the citizen who levied a complaint about that La Belle, PA site. Directly below is my response to the letter - FYI

Ross,

Thanks for the opportunity to review. [REDACTED]

[REDACTED] We have a call with the Regional Program Manager who covers Hazardous and solid waste for this region of PA on another issue next week. We can ask about this site, it's history and PADEP's take on what is happening there and request any ground water data the state may have for review. He also happens to be the current president of ASTSWMO, Mike Forbeck.

Thanks,

Rick

From: Elliott, Ross
Sent: Thursday, April 09, 2015 2:18 PM
To: rogers, rick
Cc: Devlin, Betsy; Behan, Frank; Souders, Steve
Subject: Draft response to citizen inquiry

Hi Rick, attached please find a DRAFT letter to a citizen in response to their email to the White House. I have also attached the incoming.

Thanks. Our Office Director has not reviewed yet and may have further edits but I wanted to share w/ you first.

Ross Elliott, Associate Director
Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
703-308-8748

rogers, rick

From: Barbieri, Andrea
Sent: Wednesday, April 08, 2015 11:24 AM
To: rogers, rick
Subject: FW: LaBelle PA control
Attachments: LaBelle PA control.pdf

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)
Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

From: Souders, Steve
Sent: Tuesday, March 10, 2015 11:20 AM
To: Barbieri, Andrea
Subject: LaBelle PA control

Hi Andrea,

We received the attached control from someone in LaBelle, PA. I was wondering if you in the Region have received anything from her or have any information on the coal ash disposal site she mentions.

Thanks!

Steve Souders
Office of Resource Conservation and Recovery (5304P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0002
Phone: 703-308-8431

Case Information

Contact Name Holly Rice

Contact Phone [REDACTED]

Status In Progress

Contact Email [REDACTED]

Contact Address [REDACTED]
La Belle, Pennsylvania 15450 0**Description Information**

Who are you trying to contact? The White House and President Obama

Description Someone please read. I got an email saying we have to save the artie from drilling and the president was in india. Can we please address the issue happening right now. The problems the state and government already made by coal and drilling you are ruining this country. I live in a small town in pa surrounded by woods most would think it's a nice place to live but this coal ash dump is poisoning my family. My youngest son has a bad skin rash that never goes away and my other son has had a stomach ache for a month he falls out on the floor gagging they complain of their throat burning and they can't play outside in the home I own. How dare you act like you are fixing the problem only to put it in the hands of the state agency that gets paid by fines when these people pollute our air and water. We are getting sick how bout give us the money to get away. I feel stuck and have to worry if we will slowly be poisoned or die when this coal ash impoundments dam structure fails and covers us and our home. U need to admit this process that was used is wrong, killing people take responsibility for it so it can be fixed you keep sweeping it back under the rug. It causes cancer energy companies make billions and we are the ones being poisoned. Fine you must dump it somewhere but it should not be in people's back yard this is urgent and needs fixed NOW

System Information

Created By EOP Admin, 1/27/2015 10:42 AM

Case Origin Contact Us

Last Modified By EPA Agency Representative,
2/26/2015 8:33AMAssigned To 2/25/2015 4:02PM
Agency Date

Date/Time Closed

Assigned To 0.7
Agency Age

Age Alert

Subject Environmental Protection Agency

Contact Information

Contact Information

Name Holly Rice

Middle Name Ann

Title

Email [REDACTED]

<https://eop.force.com/casework/500t0000001DK2I1p?retURL=/casework/500t0000001DK21> 2/26/20 15*Valerie Ward*

rogers, rick

From: Forbeck, Michael <mforbeck@pa.gov>
Sent: Friday, April 10, 2015 3:49 PM
To: rogers, rick; Barbieri, Andrea
Cc: gotthold, paul; Swarm, H. Scott; Mcdaniel, Diane
Subject: RE: Max Environmental Yukon

Rick,

We can talk to you about the LaBelle site after MAX, however Our Bureau of Mining folks are the ones who allowed material to go there through a reclamation permit. We allowed beneficial use of the material as long as they obtain the necessary mining approval. There is a dam structure on top of the site that I believe had a dam permit.

Now First Energy is proposing to modify our general permit and the mining permit for the site.

Contact for the mining is Joel Koricich : jkoricich@pa.gov

Mike

From: rogers, rick [<mailto:rogers.rick@epa.gov>]
Sent: Thursday, April 09, 2015 5:03 PM
To: Forbeck, Michael; Barbieri, Andrea
Cc: gotthold, paul; Swarm, H. Scott; Mcdaniel, Diane
Subject: RE: Max Environmental Yukon

Hi Mike,

Thanks for talking with us about Max Environmental. I hope this doesn't feel like we're dumping on you, but another thing came up about the La Belle, PA coal ash site. Attached is an incoming e-mail sent to the White House. EPA HQ's (Betsy Devlin's shop) is preparing the response. They asked me to whom in Pennsylvania they should refer the citizen. I provided Steve Socash's name and address, but wanted to check with you if it would be more appropriate to have our letter refer the citizen to your office. Also, if you or Diane wouldn't mind spending just a few minutes filling us in on the La Belle site and PADEP's take on it during our call on Max, I would appreciate it. The writer refers to a coal ash impoundment dam structure, but we were pretty sure that this was considered a mine reclamation site with a dry hill of ash being built.

Thanks,

Rick Rogers

From: Forbeck, Michael [<mailto:mforbeck@pa.gov>]
Sent: Thursday, April 09, 2015 9:56 AM
To: Barbieri, Andrea
Cc: rogers, rick; gotthold, paul; Swarm, H. Scott; Mcdaniel, Diane
Subject: RE: Max Environmental Yukon

Hi Andrea,

Yes it would be great if we all talk. I know our legal staff has been in touch with EPA's on this subject.

Let me gather the latest info and see what dates work best or all.

Mike

From: Barbieri, Andrea [<mailto:Barbieri.Andrea@epa.gov>]
Sent: Thursday, April 09, 2015 9:39 AM
To: Forbeck, Michael
Cc: rogers, rick; gotthold, paul
Subject: Max Environmental Yukon

Mike,

We would like to set up a conference call with you to discuss Max Environmental Yukon facility's permit renewal. As you know, EPA's National Enforcement Investigation Center performed an inspection at that facility back in 2011 and we wanted to follow up on some of their findings, specifically related to the leachate from Impoundment No. 5, the exclusion identified for internal outfall 101 and disposal of the sludge into Impoundment No.6.

We are available the following dates and times:

April 14th – 9-12, or after 3
April 15th 9-10, or after 3:30
April 16th -10-12
April 20th 9-1 or after 2:30

Please let me know if any of these dates/times work for you.

Thanks,

Andrea

Andrea Barbieri
EPA Region 3
Office of State Programs (3LC50)
Land and Chemicals Division
1650 Arch Street | Philadelphia, PA 19103
Phone: (215) 814-3374 | Fax: (215) 814-3163

rogers, rick

From: rogers, rick
Sent: Wednesday, April 08, 2015 2:07 PM
To: Elliott, Ross
Cc: Barbieri, Andrea; Robinson, Bonnie; Behan, Frank; Souders, Steve
Subject: RE: Citizen email to WH on LaBelle
Attachments: La Belle PA GoogleEarth_Image.jpg

If you don't mind sharing the draft, we'd be glad to look at it.

I need to correct something I mentioned in the first email. This site evidently was a strip mine. Coal waste was disposed at this site first according to some newspaper articles. At some point in time, the site started receiving coal ash. Coal ash from two power plants have been disposed of there for quite a while, but I'm not sure how long. Starting next year, the ash being diverted from Little Blue Run will start showing up there, too. I think anyone could reasonably make the case that this is no longer mine reclamation and is now coal ash disposal.

I've attached a Google Earth image of the area. You can clearly see the ash pile (you can't tell in the picture, but it has a pretty good elevation), the prison is to the left. I believe Ms. Rice's property is right across La Belle Rd from where you see Center Avenue intersect near the top of the image.

Rick

From: Elliott, Ross
Sent: Wednesday, April 08, 2015 1:45 PM
To: rogers, rick
Cc: Barbieri, Andrea; Robinson, Bonnie; Behan, Frank; Souders, Steve
Subject: RE: Citizen email to WH on LaBelle

Thanks so much, Rick. That is about the most helpful email I have gotten in...awhile. I should just call it a day while I'm ahead!

Betsy did mention that you might be tied up w/ Mathy and DSW.

Since at least some of the site may be an abandoned coal mine, we weren't sure whether our final rule's deferral to future action by OSMRE (minefill discussion) and possibly EPA would limit the final rule's applicability in any way. We don't have to answer that now in our reply, as I think there is sufficient uncertainty that it would not make sense to explain it.

Thanks again. If you would like to see the draft response before it goes out, let us know, otherwise we can forward you a copy later.

From: rogers, rick
Sent: Wednesday, April 08, 2015 1:22 PM
To: Elliott, Ross
Cc: Barbieri, Andrea; Robinson, Bonnie; Behan, Frank
Subject: RE: Citizen email to WH on LaBelle

Hi Ross,

Sorry for the delay. I was at a conference yesterday to give a talk on the new DSW rule and today have been catch-up.

This ash disposal site has been in the news on and off the past couple of years. The Abolitionist Law Center put out a report that attempted to make links between this site and prisoner health issues at a prison that is located pretty much right next to the disposal site.

<https://abolitionistlawcenter.files.wordpress.com/2014/09/no-escape-3-3mb.pdf>

The state bureau of prisons then decided to look into possible health effect impacts to prison employees, both current and past. I never heard about any results from that.

This site may fall under the CCR rule now or in the future. First Energy has disposed of CCRs at this La Belle site from two generation plants. First Energy has been disposing of CCRs in the Little Blue Run Reservoir from another plant closer to WVPA border. PADEP and First Energy reached some agreement, possibly under a consent order, that First Energy would stop sending ash to Little Blue Run and would start closing it down, I think starting in 2016. I'm pretty sure that First Energy is now planning on sending their CCRs to this LaBelle site referred to in the complaint via barging it up the Ohio and Monongahela Rivers.

We don't think PA would have to make many changes to their existing regulations to match up with the new CCR Rule. PA already has most of the authorities that the CCR Rule would require.

We would refer this person to PADEP's Bureau of Waste Management's Municipal and Solid Waste Division. Steve Socash is the Division Director. Contact information is below.

Stephen Socash, PA DEP
Municipal & Residual Waste Div.
Bureau of Waste Management
(717) 787-7381
ssocash@state.pa.us

The citizen's complaint about government response would be a complaint directed at this Division. I looked up Ms. Rice's address and if Google Earth is accurate, her property is only about a quarter mile from the northern edge of this disposal site.

I have not heard anything more about the citizen's suit, but we can try to dig up some info. Steve Socash's group is also up to their eyeballs dealing with non-hazardous waste disposal from natural gas fracking in PA.

I can't think of any other suggestions on how to handle this other than to refer her to PADEP and to also await any results from the citizen's lawsuit. I just tried to look up some info on the web on the lawsuit and didn't find much other than a year ago, a judge dismissed a motion from the owner of the ash disposal site that claimed that the Citizens Coal Council didn't have proper standing to bring such a suit.

Let us know if you need anything else.

Rick

From: Elliott, Ross
Sent: Tuesday, April 07, 2015 10:46 AM
To: rogers, rick
Cc: Barbieri, Andrea; Robinson, Bonnie; Behan, Frank
Subject: Citizen email to WH on LaBelle

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We started developing a response that highlighted our coal ash final rule, but the more I look into this the less I see our rule applying (if this is actually a former coal mine/coal refuse site subject to PA SMCRA, I believe we deferred to the DOI folks and their ongoing rulemaking).

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Thanks.

Ross

Ross Elliott, Associate Director
Materials Recovery and Waste Management Division
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