

June 19, 2006

**Senator Mary Jo White, Chairman
and all Members of the Committee**

Environmental Resources & Energy Committee
Room 169 Capitol Building
Senate Box 203021
Harrisburg, PA 17120-3021

Dear Senator White and Committee Members,

The Pennsylvania Environmental Network (PEN) founded in 1989, is a statewide grassroots alliance of local citizens and groups across the commonwealth working for a clean and safe environment. Our community landfill groups and toxics / radioactive waste groups have dealt with the health and safety issues of illegal disposal of radioactive wastes in Pennsylvania landfills for many years. We are active on Low-Level Radioactive Waste issues and have participated in Pennsylvania State Advisory Committee meetings. Ernest Fuller, a PEN member serves on the Low-Level Waste Advisory Committee.

PEN was active in requiring the Pennsylvania Department of Environmental Protection (PADEP) to “follow the law” and develop monitoring systems to prevent the illegal dumping of radioactive wastes in Pennsylvania’s landfills.

On April 3, 2006, I and other PEN members along with Dr. Judith Johnsrud met personally with PADEP Secretary McGinty in Pennsylvania Representative Petrarca’s capital office to discuss the crisis precipitated by the DEP’s attempts to allow the illegal transport and disposal of Low-Level Radioactive ash from the Kiski Valley Water Authority site to the Onyx municipal landfill in Fox Township, Elk County. The meeting resulted from the work of Kiski Valley community leader Patty Ameno and Citizens’ Action For A Safe Environment (CASE). The radioactive ash is the contaminated legacy of the nuclear industry abandoned in the Kiski Valley and still awaiting responsible cleanup and safe isolation from the public.

PEN recently became aware that your committee is intending to hold a June 28, 2006 fact-finding hearing on the health and safety issues for PA residents from the illegal dumping of radioactive wastes in Pennsylvania’s community landfills. We believe that your investigation into the PADEP’s failure to follow the law and protect citizens is timely in light of the PADEP’s recent report on 54 Pennsylvania landfills that confirms radioactive tritium is leaking from landfills in excess of the EPA’s Safe Drinking Water Standards for tritium.

However, the lack of public information about this hearing, the restrictions on time and presenters knowledgeable about the serious health and safety impacts to Pennsylvania residents and the DEP’s failure to protect the public from illegal dumping of radioactive waste in community landfills is astounding. Total time allotted for this extremely serious threat is 90 minutes.

The improper and illegal dumping of radioactive waste in Pennsylvania landfills is such an extraordinarily serious lapse of responsibility on the part of the agency assigned the duty of protecting the public’s health and safety that we believe a thorough investigation of the PADEP’s failure to follow Pennsylvania law requires additional, consecutive hearings and expert testimony. PEN respectfully requests that you consider delaying the single, limited hearing on June 28th and reschedule consecutive hearings in September, when the Committee’s undivided attention can be focused on this crisis. We suggest pre-scheduling presenters, and providing adequate time for citizen groups to provide the necessary Pennsylvania site specific evidence and information essential to fully understand the harmful health, safety, and economic impacts of “improperly and illegally” disposing of radioactive waste in our community landfills.

PEN is interested in actively working with you through public hearings with advance notice to obtain all the necessary information to fully understand the extent of the PADEP's failure to protect Pennsylvania residents. We urge that Dr. Judith Johnsrud, from the Environmental Coalition On Nuclear Power who has remained a member of the Pennsylvania State Advisory Committee on Low-Level Radioactive Waste since its inception in 1988 be scheduled to testify on the human health threats from radioactive sources and wastes at rescheduled hearings in September.

PEN believes that the hearing's investigation should focus on:

- PADEP's failure to protect Pennsylvania residents by not enforcing Pennsylvania Radioactive Waste Laws;
- DEP's attempts to deregulate LLRW for disposal in our community landfills in violation of Pennsylvania law;
- Stopping disposal of radioactive materials and wastes in municipal solid waste landfills in violation of Pennsylvania law;
- Prohibition of incineration of LLRW or so-called "deregulated radwastes";
- Stopping the importation of radioactive wastes into PA – now the largest importer of out-of-state waste in the nation.
- Requiring that the PADEP take prudent action to enforce the precautionary standards of Pennsylvania's Radioactive Waste Laws.

As we already know, radioactive contamination of Pennsylvania's waterways with tritium leaking from municipal landfills cannot be reversed; only further damage can be prevented in the future. We are irresponsibly exposing current and future generations to radioactive contamination. Tritium has a 12.3 years half-life, which means at least ten times longer hazardous life, and permeates the entire body. Radioactive contamination of our air, groundwater, and surface water represents a safety hazard to millions of current and future residents with enormous financial costs to the public for responsible and safe cleanup and isolation of contaminated materials and costs related to additional disease and disabilities.

Please take the time necessary to seriously consider and address citizens concerns over the PADEP's failure to protect residents by holding the necessary fact finding hearings in September and keeping all radioactive wastes humanly possible out of Pennsylvania's landfills.

Respectfully,

William M. Belitskus
President
Pennsylvania Environmental Network
117 West Wood Lane
Kane, PA 16735
Phone (814) 778-5173
Fax (814) 778-5071
mbproact@penn.com