

Bedell rules on Spelter cleanup

\$34M available to remove contaminants around old smelter plant

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CLARKSBURG — Harrison Circuit Judge Thomas A. Bedell has ruled that only the current property owners determined as eligible class members can participate in the property cleanup as part of the Spelter smelter lawsuit against DuPont.

Also, there will be no cash-only option for property owners, according to the final order issued Monday.

A total of \$34 million is available to clean up contaminated soil in Spelter and adjacent communities. Heavy metals arsenic, cadmium and lead would be targeted.

Bedell heard concerns of about 50 residents a few weeks ago during fairness hearings on the issues of cleanup, possible cash-only payouts and

mandatory remediation.

"The property remediation program ... should provide the safest environment it can for the inhabitants of the class area, based on the \$34 million available," the order stated.

"Therefore the funds available ... will be used solely for cleanup related expenses."

Those potentially contaminated properties are the soil in Class Area Zone 1A and houses on property in the entire area (Zones 1A, 1B, 2 and 3).

Eligible property class members can sign up for the program now through Oct. 10 with the claims administrator in person or by mail.

Town meetings will be held at the Spelter Volunteer Fire Station from July 11-16 with morning, mid-day and evening sessions each day, according to Claims Administrator Ed Gentle.

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Although class members can attend any of the sessions or request forms by mail, a schedule has been set up as follows:

There will be three sessions per day from 9 a.m.-noon; 2-5 p.m. and 6-8 p.m. July 11 for last names beginning with A-E; July 12 for last names beginning with F-J; July 13 for last names beginning with K-O; July 14 for last names P-T; July 14 for last names U-Z;

and July 16, make-up day.

After addressing Zone 1A soils (about 200 homeowners), the program will then move to the cleaning of houses, again starting in Zone 1A and working outward, to Zone 1B, Zone 2 and Zone 3, respectively. This represents about 3,000 structures.

Owners of eligible properties in Zone 1A, regardless of size, in recognition of the annoyance and inconvenience caused by the cleanup, shall receive \$5,000 per property.

Owners of eligible houses in the other zones shall receive a

total of \$500 per home or commercial structure.

The first step will be payments and having property/houses tested. Class members will then be informed of the results confidentially and in writing, Gentle said.

"Once everybody signs up we'll find out how many are actually contaminated and come up with a budget that will work," Gentle said.

Some properties will not require cleaning and informing the owners of the status will remove a lot of uncertain-

ty about the class properties, according to Bedell's final order.

Once all the soil in Zone 1A and houses in other zones are remediated, remaining funds, if any, will be distributed equally to all participants.

"I think that is a remote possibility, although we think this is the most fair way to do it," Gentle said.

The court denied the request to allow property owners to perform remediation of their properties on their own.

For more information call (304) 622-7443 or 1-800-345-0837.