

County to appeal exclusion from DuPont lawsuit cleanup

Commission wants ball field, park in Spelter to be included in program that's part of legal settlement

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CLARKSBURG — The Harrison County Commission will appeal a recent decision denying its participation in the DuPont House and Soil Cleanup Program.

The commission reached that conclusion Thursday after conferring with Prosecuting Attorney Joe Shaffer and Commissioner Mike Romano, who also is a lawyer.

Commissioners had filled out a registration form in an attempt to include county land in Spelter in the cleanup program. The property in question consists of a ball field and park.

The parcel is near the for-

mer Spelter smelter facility, a zinc-producing plant that has been closed down and demolished.

Planning Commission Executive Director Terry Schulte believes the county-owned lot is contaminated from production at the old plant.

In a letter written to the commission, Settlement Administrator Ed Gentle says the property does not meet the requirements to qualify as a member of the program. That's because it's apparent that public parcels were not part of a lawsuit that was filed by private land owners in 2005, he says.

"As settlement administrator, I apparently do not have the authority to use settlement funds for your property,

because public lands appear to be excluded from the case and the settlement," Gentle tells the commission in the letter.

But Romano and Shaffer advised the commission to move forward with the appeal because they do not agree with Gentle's explanation.

"I have looked through that complaint, and I don't think it unduly restricts the settlement to private residences," Romano said. "There's multiple references in there to real property, generally, as well as private residences."

"I mean, land is land," Shaffer added. "You have public people using land."

The appeal will be reviewed by Harrison County Circuit Judge Thomas A. Bedell, who

is supervising the administration of the settlement.