Westinghouse gets PCB hearing delay

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4377-Monsanto Chemical

INDIANAPOLIS — Westinghouse today succeeded in delaying the resumption of the Environmental Management Board public hearings into the extent of PCB pollution in the Bloomington area.

Meeting in Indianapolis with about 20 interested parties, hearing officer Wayne Penrod ruled that the state will issue complaints to all the parties involved before March 12 and allow the parties 20 days to respond to that complaint. Pleadings by the parties will follow the complaints.

ANOTHER pre-hearing conference has been set for April 28.

Present at today's meeting, where it was thought dates would be set for the resumption of the hearings, were attorneys for Westinghouse, representatives from the City of Bloomington, Assistant Attorney General Mike Schaefer, State Board of Health officials, Monroe County officials, Dan Howell of the Indiana Public Interest Research Group (InPIRG), and Bill Taylor, owner of Neal's Landfill in Monroe County where PCB contamination has been discovered.

At the outset of today's meeting, Penrod allowed Westinghouse attorneys and Schaefer to debate the merits of delaying the hearings further. Dennis Kelly, a Westinghouse attorney, argued there is no jurisdiction for the hearing and that complaints should be issued to the parties involved before hearings are scheduled.

Schaefer said pursuing "the bogus issue of disrupting the administrative hearing process would not be in the best interest of Westinghouse." Penrod, however, allowed Westinghouse's request.

THE ORIGINAL hearings went on for 30 days and were halted in early 1977 to give the City of Bloomington and Westinghouse a chance to settle their dispute. Lengthy

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negotiations, however, broke off in the summer of 1981 when Bloomington filed a $149 million damage suit against Westinghouse, claiming the company was responsible for the pollution of, and thus the clean-up of, the contaminated Winston-Thomas treatment plant and the city's sewers.

The suit was later amended to include pollution at the Lemon Lane dump north of the city. The Monsanto Chemical Co. was also added to the suit and the total damages the city is now asking for is $329 million.

PCBs (polychlorinated biphenyls) were banned by the Environmental Protection Agency in 1979. The oil-based substance is used as an insulator in heavy electrical equipment and suspected of causing cancer and other health problems in humans.

PENROD TODAY determined that when the hearings resume, the order of presentation will be: the State of Indiana, the City of Bloomington, Westinghouse, Monroe County, the estate of Ray Neal and other intervenors.

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