

FOR IMMEDIATE RELEASE – 4/2/2012

Settlement of Waste-Dumping Lawsuit to End Abuse of DEP R&D Permits

HAZLETON, PA – On _____, the Public Interest Law Center of Philadelphia and the Pennsylvania Department of Environmental Protection (DEP) signed a settlement that aims to end the abuse of DEP’s research and development permits, which have often been used by polluters seeking to dump unstudied, potentially dangerous materials.

The settlement comes in a case challenging a permit given to Hazleton Creek Properties, LLC, allowing the company to dump over 2 million tons of construction and demolition waste and sludge from river-dredging throughout the region into an abandoned mine. The project was given a research and development permit, even though the company planned to dump *40,000 times* the amount of waste technically allowed for such projects.

The settlement requires extra oversight from DEP, including more frequent testing and the drilling of a new well to test groundwater, but perhaps most importantly, the settlement requires DEP to take steps to strengthen its research and development permitting process. DEP will propose updates in the permit application to require the applicant to supply 1) additional justification for exceeding the 50-ton, one-year limit, 2) a substantive plan for conducting actual research during the course of the project, and 3) reports documenting the environmental effects of the materials studied.

The case began in 2010, when the Law Center started working with Save Us From Future Environmental Risks (SUFFER), a community group from Hazleton, Pa., concerned that dumping of an untested mixture of pollutants in the mine would contaminate the drinking water in low-income residential areas next to the site.

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About the Law Center

The Public Interest Law Center of Philadelphia uses high-impact legal strategies to improve the well-being and life prospects of Philadelphia’s most vulnerable populations by securing access to vital resources and services for those who have historically been denied them. Its current project areas include environmental health and justice, education equality for low-income, minority and disabled students, healthcare access for children on Medicaid, housing and community services for people with disabilities, employment for ex-offenders, and voting rights for low-income and minority communities.

The Law Center's Public Health and Environmental Justice provides legal and technical expertise and assistance to local communities of color and poverty that seek to overcome the disproportionate burdens of environmental harm.

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