NEW RELEASE COMMONWEALTH OF PENNSYLVANIA

Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110

FOR IMMEDIATE RELEASE
2/17/2000

CONTACT:
Karen Sitler
Community Relations Coordinator
Phone: (717) 705-4904
Email: sitler.karen@dep.state.pa.us

DEP PREVAILS IN WESTINGHOUSE APPEAL
HARRISBURG (Feb. 17) - The Pennsylvania Department of Environmental Protection (DEP) today announced that after more than 10 years of litigation, Commonwealth Court has upheld its $3.3 million civil penalty against Westinghouse Electric Corp. for groundwater violations at the Adams County elevator plant, according to Southcentral Regional Director Michael Steiner.

"We are very pleased with the court's decision," Steiner said. "We've been trying to resolve this issue for years. The groundwater is still being treated, but Westinghouse needed to pay the fines for the violations."

The court’s decision is its second in this litigation which began in 1988. Since that time, the case has gone from the Environmental Hearing Board to the Pennsylvania Supreme Court and back.

DEP originally filed its complaint for assessment of civil penalties against Westinghouse in August 1988.

The majority of the penalty, $3.2 million, was assessed for failure to notify DEP for years after more than a thousand releases of hazardous substances to the soil surrounding the Westinghouse plant; and for failure to take prompt remedial action to remove the contamination from the soil and otherwise protect the waters of the Commonwealth.

The case also set an important legal precedent that allows DEP to pursue legal action to clean up groundwater pollution from the date it is discovered.

Westinghouse operated an elevator manufacturing plant near Gettysburg from 1969 until 1989. The solvents trichloroethylene and 1,1,1,-trichloroethane were used in various operations at the facility until 1984.

DEP first investigated a complaint at the site in August 1983. Further investigation determined that Westinghouse had released solvents to the ground and groundwater on various occasions over a 14-year period.

According to Steiner, cleanup at the site began in 1995 and continues today. In 1984, under DEP and federal oversight, the company installed public water lines for 114 affected homes near the facility. Westinghouse, as a temporary measure, installed extraction wells to control the migration of contaminated groundwater from the plant. The water was treated with an air stripper.

Since October 1996, EPA and Westinghouse have operated a full-scale groundwater pump and treat system to evaluate the effectiveness of the system and determine the need for any changes in the operation. The site is on the federal Superfund list.

For more information, visit DEP through the Pennsylvania homepage at www.state.pa.us or directly at www.dep.state.pa.us (choose Regional Offices).

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