

cc: Council  
Mayor  
Manager  
Engineer  
Solicitor  
Police Chief  
Public Service Coordinator

Borough of Jefferson Hills  
Discussion Meeting of Council  
July 5, 2007

The discussion meeting of Council was called to order by President Militzer at 7:30 p.m. in the Municipal Center, 925 Old Clairton Road. Following the Pledge of Allegiance, Council Members King, Kulish, Militzer, Oskin, Serapiglia and Weir answered to roll call. Engineer Omer, Solicitor Brimmeier, Police Chief Reagan, Interim Manager Arndt, and Public Service Coordinator McVicker were also present. Mayor Green and Council Member Cmar were absent.

The following tentative agenda for the regular meeting of July 9, 2007 was reviewed and discussed:

1. Pledge of Allegiance
2. Roll Call
3. Engineers Report
4. Presentation by Lisa Marcucci on clean air issues

“We have come before this Council asking that you rescind your vote to authorize your Solicitor to prepare a contract between Jefferson Hills and Buena Vista Energy and/or David Fiore. There are too many unanswered questions, and no partial approvals should be given to a project with implications for the entire Mon Valley.

- Local government should be the last stop in the permitting process, not the first. You should be given the opportunity to see the full scope of the project *before* voting to authorize. You should not vote on authorizing a phantom project.
- You should not trust the PA DEP to require the proper documentation is complete. My colleagues and I have found major mistakes and violations on another waste coal plant.
- Permits were issued by the state without proper compliance checks and permits were issued to dissolved companies. Documents from the PA DEP’s own files coupled with additional research among other state and federal agencies have demonstrated the Beech Hollow waste coal power plan never should have received its approvals - several of their applications remain administratively incomplete. However, the PA DEP was instrumental in assuring this project was approved - even with major gaps in federally and state required documentation.
- I worry the same pattern is developing in Jefferson Hills and Clairton.
- I offer my services, free of charge to Jefferson Hills and Clairton. Let my colleague, Cathy Lodge and I review all of the county, state and federal permit applications and other required paperwork. For no charge to you, we will conduct file reviews and report back to you.
- Let us be your checks and balances.
- We will conduct this research for you throughout the entire process, beginning this evening.
- We want you and the city of Clairton to vote on facts.
- Jefferson Hills *and* the City of Clairton need to know:
  - Exactly what process will this plant use?
  - Which governmental agencies will have jurisdiction?
  - What is - or are - the fuel sources?

- How much water will it need for operation? Experts tell us waste coal to diesel operations use massive quantities of water.
- Where will the waste water be discharged?
- How will the waste water be monitored and treated?
- Where will the wastes be dumped? Experts tell us waste coal to diesel operations generate massive amounts of waste and are disposed of locally.
- Will wastes be dumped in Clairton or Jefferson Hills...or both?
- Where will the energy go? Will we AGAIN bear 100% of the health risks while the energy is sent to Washington DC or Virginia?
- There will be many permits needed for a project such as this.
  - **The first thing I suggest Jefferson Hills and Clairton City Council require is proof of a Compliance History Check.** Federal and State Mining law requires all applicants to be run through a federal database known as the Applicant Violator System or (AVS). It is the policy of the PA DEP to withhold permits or licenses to applicants who have any outstanding violations or unabated sites. No local permits should be granted until the mandatory compliance checks are completed and can be documented and verified.
  - Projects accepting government funds must conduct an Environmental Impact Study or EIS - where's their EIS? Clairton and Jefferson Hills should require this.
  - Additionally the applicant will need some or all of the following:
    - mining permit
    - air permit
    - grading permit
    - water discharge permits
    - waste permits
    - highway occupancy permits
    - Erosion and Sedimentation permits
    - Historical preservation site clearance
    - Endangered species clearance
    - FAA clearance
    - bonds

There are other important issues to consider:

- Environmental laws hold all responsible parties accountable from cradle to grave. No matter how many times a waste changes hands, all owners are held accountable – forever.
- As owners of the waste coal pile, Jefferson Hills has a responsibility to know what's in the pile, who is hauling it, where it's going, how it's being used and most importantly how it's being disposed.
  - At the time that waste coal pile was dumped, there were not environmental laws like today. Given the industrialized nature of the Mon Valley, there is a very real possibility that other wastes have been co-mingled in that waste coal pile.
  - Experts have cautioned that disturbing a dormant waste coal pile can create new environmental hazards.
  - If there is any cross contamination into other communities, can Jefferson Hills be held accountable as owner of the waste coal pile?
  - If the waste coal is handled or disposed of in an unsafe way, could this present possible litigation against our Borough in the future?
  - Jefferson Hills needs to conduct research into who the responsible parties are – the

history of what may be dumped there. I volunteer my time to do this research. I will report back to Council in October at the earliest, November the latest. If there are responsible parties, I suggest we find a way to hold them accountable for the clean up.

- If there are no responsible parties, I suggest we find a way to hold them accountable for the clean up.
- If there are no responsible parties, I suggest we conduct research to determine a responsible way to address the waste coal pile.
- In addition, I suggest Jefferson Hills hire a certified hydro-geologist to conduct a full site assessment of the waste coal. I can provide several qualified specialists.”

David Fiore, President of Buena Vista Energy asked Ms. Marcucci her expertise in this field, at which point Solicitor Brimmeier advised the issues she addressed have nothing to do with the matter before Council. A lengthy discussion ensued. Solicitor Brimmeier asked if she was correct that there are two permits necessary: 1) for the coal extraction, for which you have to have site control before you can apply for the permit and get approval for the extraction, and 2) for the end plant, which also you have to have site control before you can apply. Ms. Marcucci suggested the Borough get an independent view from a hydro-geologist to: 1) see what we have on the property, 2) how to address it, and 3) get U.S. Steel Corporation involved in the cleanup as they are responsible for it. Mr. Weir suggested the Environmental Quality Board meet on this with the Tri Community Anglers and make a recommendation before Council meets again on it. Dr. Kulish moved to rescind Council’s previous approval for the Solicitor and Engineer to make the final agreement with Buena Vista Energy LLC re: coal to energy project for further information on the specifics of the process and information on the plant in California, seconded by Mr. King and carried unanimously.

Ms. Omer was excused from the meeting.

5. Report from Borough Boards, Commissions or Authority

Mr. Beam, Recreation Authority Chairman, advised their July meeting was postponed for lack of a quorum until July 16<sup>th</sup>. He had questions regarding the Summer Day Camp, but Mrs. Cmar has been unable to attend any of the Recreation Authority meetings, and is absent this evening. Chief Reagan was instructed to provide Mr. Beam with the names of the counselors and the training they’ve had. The grant closeout report was completed and will be put in the mail tomorrow.

6. Citizens

- A. Gregg Daily - 107 Tangelo Drive - asked if the police would share any information on the recent break ins on Tangelo Drive and Camino Court. Chief Reagan advised an unmarked car was sent out to patrol the area, and the break-ins are being investigated.
- B. Bill Ligetti - 300 Tangelo Drive - asked if there was an ordinance limiting the number of cats a resident can own, and Mr. Militzer replied dogs - yes, cats - no. Solicitor Brimmeier advised regardless whether a Borough does or doesn’t have an ordinance, the law states you can have as many cats as you want as long as they don’t become a nuisance. She asked Council if she could work with Ferree Animal Control to see about trapping and removing the cats. Mr. McVicker stated South Park just enacted an ordinance forbidding the feeding of wild animals, and he will get a copy of it.

- C. Chris Dell - Elizabeth Township Area EMS - asked if Jefferson Hills would consider donating the traffic lights, which were formerly located on Rt. 51 @ Large Fire Station, to Elizabeth Township Area EMS. Doing so would improve safety at the point on Rt. 48 where their EMS vehicles enter the roadway. Mr. Arndt advised Council he will research the information and report to them.

7. Record of continued public hearing June 19, 2007
8. Bills
9. Payrolls
10. Reports
11. Communications
12. Consider scheduling a special meeting on Tuesday, July 31, 2007 at 6:00 p.m. for presentation on municipal center renovations by the Borough Architect and landslides by the Borough Engineer
13. Consider referring a rezoning interest by Colonial Commons at the intersection of Elliott Road and Route 51
14. Consider adopting Resolution No. 17-2007 granting preliminary and final approval of the Andrew Acres Plan Phase 2
15. Consider adopting Resolution No. 18-2007 amending the 2007 wages for recreation program site leaders and assistants
16. Consider adopting Resolution No. 19-2007 authorizing Stanley L. Gorski of SHACOG to file Year 34 CDBG application for Demolition Phase 3
17. Consider adopting Resolution No. 20-2007 declaring Demolition Phase 3 structures as blighted property
18. Consider adopting Resolution No. 21-2007 approving the Clairton Municipal Authority Combined Sewer Overflow Long Term Control Plan dated March 2007
19. Consider approving a street opening application for 3,800 feet for replacement of water line by Pennsylvania American Water Company
20. Consider approving 6 street opening applications, each over 500 feet in length for placement of fiber optic cable and terminals by Verizon-PA
21. Consider authorizing the execution of the Agreement with Three Rivers Wet Weather, Inc. for a precipitation monitoring site at the municipal center
22. Consider authorizing the execution of the Agreement with SHACOG for Jefferson Hills Demolition - Phase 2 Grant
23. Consider authorizing the execution of the Allegheny County District Attorney Conditions for Grant Funds of \$2,500.00 for the West Jefferson Hills School District identification badge project
24. Discuss Gill Hall Park Community Center rental rules and janitorial fees
25. General Business

Mr. Arndt explained that the computer server in Administration crashed and according to DELL and Lantek Computer Service representatives some information contained on the server may not be recoverable. The damaged hard drive was to be sent to a data recovery company, but there was a mixup with DELL and the hard drive was lost. If we do not hear from DELL in the next day or two, an alternate plan will need to be implemented.

In regard to Mr. Oskin's question as to whether there was to be a special meeting on the Rezoning of Land off Ridge Road, Mr. Miltzer replied Council was waiting until the Planning Commission voted on the issue, but the Commission wanted more information and did not vote at their last meeting. Solicitor Brimmeier advised the Planning Commission was wrong to request more information after the Public

Hearing ended as the records were closed. She advised Council does not have to wait to vote until the Planning Commission makes their vote and recommendations. She advised Council to deny the request of the Planning Commission for copies of the transcript and exhibits, and vote.

Mr. Militzer adjourned the meeting at 11:02 p.m. with an executive session to follow to discuss labor and legal matters on motion by Mr. Weir, seconded by and carried unanimously.

Sandra J. Mortle  
Secretary/Treasurer