



Southwest Regional Office  
Hazardous Sites Cleanup Program

## RESPONSE TO PUBLIC COMMENTS

Tub Mill and Clearview Farms Site

Interim Response under the Pennsylvania Hazardous Sites Cleanup Act (HSCA)

April 29, 2025

The Department of Environmental Protection (“Department”) provided a public comment period concerning an Interim Remedial Response at the Tub Mill and Clearview Farms Site (“Site”) located in Elk Lick Township, Somerset County, Pennsylvania. The response will include the removal of potentially hazardous material, including but not limited to telephone poles and railroad ties. Notice of the public comment period was published in the *Pennsylvania Bulletin* and in the *Daily American* on December 21, 2024. Written comments were accepted during the comment period from December 21, 2024, through March 21, 2025. The Department has compiled all comments, criticisms, and new data received during the comment period, including those from the following individuals:

### Identification Number/Commenter:

1. Jacob Haglund
2. Eric Harder
3. Kendra Folk
4. Greg Urban
5. Margaret Hostetler
6. Lyndon Saylor
7. Adina Bingham on behalf of Verizon
8. Robert Burns on behalf of Bridgewell Resources, LLC

Each comment, the source or sources of the comment as identified by number, and the Department's responses are listed below.

### Comment #1: (Public Hearing Testimony)

*Thanks for giving me the time to be able to speak. It's sad to see that this has been in the DEP system since 1995. I think with such hazardous substances being present with these railroad ties and telephone poles, they could easily leach into soil and further into groundwater. It could definitely cause major health risks and concerns.*

*I know several people within the area that have been diagnosed with cancer and have since passed away. I live in the Springs area and this site actually is kind of close to home. My grandmother was raised on the farm where these telephone poles and ties were offloaded and just have just sat there for many years. And I would like to see at least in this interim response there be further sampling of groundwater to address such concerns.*

*These concerns of PAHs, arsenic, creosote, PCP, they all can cause organ damage, cancer and other major health concerns. And I think these - such issues should be addressed at least in the groundwater perspective. I would like to see the DEP consider monitoring wells and also consider further remediation once this interim process is completed and maybe find further evidence to address such issues.*

*In conclusion, the contamination of Tub Mill Farms and Clearview Farms represents a clear and present danger to public health and aquatic ecosystems. The hazardous chemicals identified pose long-term risks to those who rely on well water within the affected area and to the delicate eco system of the trout stream Tub Mill Run, which is in the watershed where these ties and telephone poles are.*

*This is not just an environmental issue but a community health concern that requires comprehensive action. I implore the DEP to commit robust groundwater and surface water monitoring, transparent communication with the public, and the swift removal of contaminated materials to mitigate further harm. Let us act decisively now to protect the health of our families, the vitality of our ecosystem, the safety of our drinking water.*

*Anything else would be a disservice to our community and the natural resources we are duty-bound to preserve.*

*I'm also speaking from a perspective of having some education on this particular topic. I work for Maryland Department of the Environment and just believe that the DEP should do a little more for the sake of this interim process. Thank you.*

## **RESPONSE:**

Thank you for providing your comments and concerns relating to the Site. The current goal of this interim response is to remove the source of potential contamination, i.e. the telephone poles and railroad ties. Additionally, any visually impacted soil will be removed, sampled, and disposed of according to all applicable federal and state requirements. The Department recognizes that soil contamination presents the possibility for associated groundwater contamination. While this interim response will not include extensive groundwater investigation of the area by installation of groundwater monitoring wells, it will include sampling of private drinking water wells within a half-mile radius of the Site. The Department reserves the right to conduct additional remediation or investigation in the future.

### Comment #2: (Public Hearing Testimony)

*Just want to echo a lot of things that the individual said before me, and also what Senator Stefano had mentioned during the kind of question-and-answer portion.*

*I think the \$2 million based on just trucking alone to an offsite registered landfill that can accept this kind of weight would likely be a Subtitle C facility and there is one near us. However, they are at*

*capacity and extremely out of compliance and in all sorts of violations and under Consent Orders themselves.*

*So I would say recovering as much as the cost from the I would say guilty parties is one of the first things DEP should be doing. They know who the culprit was that accepted the waste, the people that had deposited the waste. So I think following up on that should be in some minds just as important as the cleanup and monitoring and I guess transparency regarding what it is doing with the environment, the Casselman River, the nearby water wells, as the individual spoke about.*

*So I - I do agree with what he was saying, and obviously can commend Senator Stefano for speaking up on behalf of the taxpayers, because essentially a lot of this money is just going to be routed out of its pocket, so -.*

*Furthermore, I think that we do need to emphasize that the possibility of these contaminants moving offsite through groundwater, through soil, through surface water is a big concern of ours.*

*And I work for Mountain Watershed Association as the Youghiogheny Riverkeeper. We're a nonprofit based out of Melcroft, but basically do monitoring all over the site, excuse me, all over the watershed. And we've known about this site for years, and I was shocked to see that it was in 1996 when it was first documented.*

*So you know, the question about who has actually had concerns about this site. Well, it's been going on for so many years. We know DEP's turnover of employees can be pretty large and swift. So to say that there's only been one person that shows concern is kind of an underestimating of the issue, especially when DEP staff has been looking at this for so long.*

*Consent Orders, I think those are enough of a concern to continue not only stream, soil monitoring and that transparency that we were talking about, but also, again, going after the guilty parties, because I think that's really the only way that we can put a kind of limit on continued behavior like this. And unfortunately, the contractor is also going to have to be watched and make sure that they are transparent in wherever they're taking it, so that it doesn't just lie elsewhere in our watershed or neighboring community.*

*I'm probably at my limit there, but I want to thank DEP for taking on this task and hopefully there'll be some more answers regarding some of the points that were brought up in the comment response document. So thank you.*

## **RESPONSE:**

Thank you, and the Department appreciates your comments and concerns. When the Department proposes a response under HSCA, it is necessary to determine what type, or category, of response will be taken. A response is considered an "Interim Response" if it does not exceed \$2 million in costs or 12 months in duration. The Department believes that this response will be an interim response based on those criteria. A better understanding of costs for the proposed response will come once the Department selects a contractor to perform the work. Once selected, the contractor will provide a work plan and cost estimate for the proposed response. HSCA allows for a Department Interim Response to exceed the \$2 million/12-month limits for good cause shown.

The Department has the authority under HSCA to seek cost recovery for any response taken under the Act. The Department will assess all options, including identifying responsible parties and pursuing cost recovery for this response.

The focus for this interim response is to remove the source of potential contamination at the Site. Based on Site conditions at the conclusion of this response, and information obtained while conducting the remediation, the Department may consider additional work at the Site that could include additional groundwater and soil investigation at the Site.

Comment #3: (Received via e-mail on January 28, 2025)

*In my opinion the people who made the "mess", Tub Mill and Clearview Farms, should be solely responsible for the expenses of clean up. This should not cost the state of Pennsylvania DEP anything. It needs to be removed and properly disposed of at the landowner's expense.*

**RESPONSE:**

The Department has the authority under HSCA to seek cost recovery for any response taken under the Act. The Department will assess all options, including identifying responsible parties and pursuing cost recovery, for this response.

Comment #4: (Received via e-mail on January 29, 2025)

*The landowner should be held responsible for the cleanup cost. He was the 1 that had to bright idea to build a fence around his property supposedly to raise deer. He used the poles and ties because they were free or really cheap. He should be made to sell other parts of his property to clean up his mess. He's known for shady dealings around that area. This is just another example. It's not right that he gets away with this and the tax payers will probably end up covering his cleanup costs. Eminent domain is used for a reason in other projects. Take enough land and sell it to cover the cleanup costs. It's all about accountability. Meanwhile the pollutants continue to leach into people's wells, ground water and the awesome trout streams of Tubmill and the Casselman River.*

**RESPONSE:**

The Department has the authority under HSCA to seek cost recovery for any response taken under the Act. The Department will assess all options, including identifying responsible parties and pursuing cost recovery, for this response. While the Department has the authority to seek cost recovery under HSCA, the act does not authorize eminent domain as an option for cost recovery.

The purpose of this interim response is to remove the source of potential contamination in order to mitigate future impact to any of the area's land and water resources.

Comment #5: (Received via e-mail on February 3, 2025)

*My name is Margaret Hostetler. For over 30 years i lived on Tub Mill Run Road directly on the hill opposite to this Superfund site. As i House tax staffer who help fund the federal superfund program with the taxes it needed, i knew it was quite hazardous.*

*As you point out and confirmed by a relative of mine who has a Ph D in Envrionmental [sic] Engineering, the critical and dangerous situation is the pile catching fire, sending particulate of highly cancerous particulates, likely forcing an evacuation of the area.*

*Lightening often strikes the hill. Two lawyers, both familiar and/or active in Superfund law, confirmed the site as a dangerous environmental site.*

*My views are the following:*

- 1. As the site has been allowed to grow and exist for over 30 years, it represents a miscarriage of environment safety and needs to be addressed immediately*
- 2. The risk of fire grows ever greater as the pile dries up and becomes ever greater tinder.*
- 3. Evacuating the area seems to be the only response if it catches fire. A question exists as to how the populace and the farmers can return and live if the area is covered in cancerous particulates.*
- 4. At least three people who lived on the border of the site have died of cancers. Two, the Jeffrey family died of cancers before age sixty. While there maybe no direct tie, I believe the authorities should be aware of this*
- 5. I encourage you to pursue whatever justice and legal remedies are allowed under state or federal law.*

***THE TUB MILL SITE NEEDS TO BE REMEDIATED AS SOON AS POSSIBLE OR THE RAMIFICATIONS FOR ALL CONCERNED WILL BE SIGNIFICANT***

*Thank you for allowing public input*

**RESPONSE:**

1. The Department acknowledges that hazardous contaminants exist at the Site, and therefore is initiating this HSCA interim response. There are many Sites in the Commonwealth that have historical contamination that can potentially be a risk to public health and the environment, and that is the reason for HSCA, and the funding provided for HSCA responses. Determining whether a Site gets addressed under HSCA depends on many variables, including identification of hazardous substances present at a Site, prioritization of risk, staff resources, and funding availability. The Department is working to implement this response as soon as possible while complying with the administrative steps required by HSCA.
2. The Department recognizes that contamination exists at the Site, and therefore risk associated with exposure to that contamination exists, as well. That is the reason for the interim response, and the Department is moving forward with the response as quickly as possible while complying with the administrative requirements of HSCA.

3. This interim response will not evaluate the risk or effect of exposure to contaminated particulate matter resulting from fire.
4. Thank you for bringing this to the Department's attention.
5. The Department is moving forward with the proposed remediation of the Site and will use all tools available to do so in the most effective manner possible.

Comment #6: (Received via e-mail on March 9, 2025)

*I do not know just what to say other than as I know it. I live at 507 Tub Mill Run Road West Salisbury Pa. 15565 since before the poles and ties started showing up, I knew the previous owner, who has pasted [sic] away, knowing he made a big mistake giving the farm land to his nephew Terry Brennamen. He told me that before he died, he said if he would have known what Terry was going to do he would never have given it to him.*

*Our property and house are approximately 200 feet lower and half mile walking distance from the piles. When I ask Terry just what he had in mind he told me his chemist and now lawyer though they could grind up the poles and also grind cases of old beer which he had purchased from a manufacture and make top soil! WHAT A PILE OF MANURE! He just kept hauling them in and stacking them up. He even thought he could hide what he was doing by digging a trench and standing up the poles to make a fort like enclosure. I like other neighbors complained to the DEP, I even tried to get the Pittsburgh newspaper to get interested but nothing clicked. After that a DEP representative David L. Leiford cell # 814-207-5234 at the time (I have his card) came to me saying they were working on a solution with Mr. Brennamen in the late 90's even offered to have our water tested and I have the results, even though I couldn't understand them. After complaining again in early 2000's Mr. Leiford came to see me again this time with another DEP representative sorry but I cannot find his card. This is hearsay but I was told that Terry Brennamen went to collage [sic] with someone that went on to the DEP and was running interference so Terry would not see any trouble. I even mentioned that to him but there was no deny or acknowledgment that it was him. After some discussion he told me even if Terry would remove the poles and ties he should have two years to get it done. I replied if he hasn't done anything in ten years why would you think he would in two. So here it is 30 years later and hopefully now they will be cleaned up and get our area respectable and usable.*

*I am including two pictures of deer that show abnormalities, these were from Jan. and April 2024. I tried to get a picture of a gray squirrel with one of his rear legs three time as large as the other but just couldn't get the shot.*

**RESPONSE:**

Thank you for providing your comments and concerns relating to the Site. There are many Sites in the Commonwealth that have historical contamination that can potentially be a risk to public health and the environment. Determining whether a Site gets addressed under HSCA depends on many variables, including identification of hazardous substances present at a Site, prioritization of risk, staff resources, and funding availability. The Department is working to implement this response as soon as possible while complying with the administrative steps required by HSCA.

Comment #7: (Received via e-mail on March 21, 2025)

*I am reaching out on behalf of our client Verizon. While we have no formal comments to submit on the Administrative Record, we did note that the Administrative Record does not reflect the January 31, 2018 letter from H. Alex Iliff to Scott Swarm responding to PA DEP's November 30, 2017 Information Request. Because other similar responses are reflected in the Administrative Record, we wanted to ensure that the omission was not because you do not have a copy of that letter available. I have attached a copy of the letter to this email. Please let me know if you would also like copies of the referenced attachments.*

**RESPONSE:**

Thank you for providing a copy of Verizon's response to the Department's November 30, 2017 'Information Request Letter'. It has been added to the Administrative Record for this response.

Comment #8: (Received via e-mail on March 21, 2025)

*Bridgewell submits the following comments regarding the Department's Proposed Interim Response regarding Tub Mill Farms and Clearview Farms, Elk Lick Township, Somerset County, Pennsylvania:*

- 1. DEP has not considered the option to dispose of materials at the Site. The Notice of Proposed Interim Response notes that the Department considered "two alternatives for addressing contamination at the Site: 1) take no action and leave the utility poles and railroad ties in place or, 2) remove and properly dispose of utility poles, railroad ties, and contaminated soil at the Site." The Department has not considered a third option: disposal of the utility poles, railroad ties, and contaminated soil at the Site. The Department's Response Justification Document notes that the Tub Mills Farm site consists of 122 acres with approximately 11 acres "containing potentially hazardous material". Similarly, the Response Justification Document notes that the Clearview Farms site consists of 390 acres with approximately 10 acres "containing potentially hazardous material". Given that the two parcels comprising the Site contain over 500 acres, it appears that there is sufficient acreage for the disposal of the various materials and any contaminated soils at the Site. Disposal of the relevant materials at the Site would be less expensive than incurring transportation costs and disposal or tipping fees at any location that receives the relevant materials for disposal. Disposal on site was not an option considered by the Department.*
- 2. DEP has not fully evaluated the potential cost of disposal off site. The DEP has not provided any detail regarding its estimate that the cost of off-site disposal as the Interim Response is less than \$2 million. As such, it does not appear that the DEP has considered a full evaluation of the costs, logistics, and methodologies which would be required for off-site disposal of the wooden materials together with any contaminated soils (if any). For example, it has not considered whether a single or multiple local landfills would be able to and have capacity to take a large number of wooden telephone poles and other products, or whether such landfills require any specific steps for preparation of the poles for disposal, such as cutting the poles to shorter lengths or whether grinding of poles at a disposal or an alternative site would be*

*required. DEP has also not evaluated the proximity of landfills that will accept the materials to be disposed. Generally, it has not considered whether the difficulties inherent in the disposal of large numbers of large items like telephone poles will impact the ultimate costs of off-site disposal. Moreover, it appears that the DEP has not considered what preparation may be required to transport the wooden materials to an off-site disposal location, or whether the lightness of the older wood materials would impact the ability to efficiently transport full loads by weight on trucks to a receiving landfill. All of these issues and factors should be considered by the DEP in establishing the estimated cost of the Interim Response.*

3. *DEP has only performed limited soil sampling regarding the Site.* *As noted in Table 1 of the Response Justification Document, the Department has only performed three soil samples during its sampling event on October 11, 2016. At that time, almost 10 years ago, only one sampling parameter – arsenic – in a single sample (Sample No. 2367281) exceeded the Medium Specific Concentration for direct contact for residential surface soils. That exceedance was limited. It appears that there has been no background sampling to compare this single exceedance against background concentrations. Further, given the sample results are almost 10 years old there is no sampling to support whether this result represents any current arsenic concentrations in soils at the Site. The Department should perform additional, up-to-date sampling of soils, including background sampling, to determine if arsenic as pre-existing in the site soils.*
4. *DEP has not performed any water sampling regarding the Site.* *As noted in Table 2 of the Response Justification Document, the Department has not performed any water or groundwater sampling at the Site. Rather, it appears that the Department sampled three poles and two railroad ties located at the Site and made assumptions regarding how the results of those five samples compared to the certain groundwater statewide health standards. Specifically, the Department assumed that kilograms, a unit of mass, and liters, a unit of volume, are equivalent. Although one kilogram of water is roughly equivalent to one liter of water based on the fact that the density of water is approximately 1 kg/L at room temperature, it is likely not correct that a kilogram of treated wood is equivalent to a liter of water. As an example, consider that the weight of 1 liter of mercury, a very dense substance, is 13.5 kg. The Department has not provided any information indicating that it considered the density of the wood at issue in making this attempted comparison. In this case, the weight of 1 liter of wood in kilograms varies greatly depending on the type and density of the wood involved, as well as potentially the moisture content of the wood. The Department's results in Table 2 are not based on this basic science, and, as such, the Department's results expressed in Table 2 in comparison to groundwater MSCs are likely significantly in error. As such, this does not support the Department's conclusion that "hazardous substances and metals are being leached from the utility poles and railroad ties and my [sic] be migrating through surface and groundwater." Again, the Department has performed no surface and groundwater monitoring or sampling at the Site.*
5. *The utility poles and railroad ties are not hazardous wastes.* *The Response Justification Document concedes that the utility poles and railroad ties located on the Site are not hazardous wastes. Moreover, it is likely that such poles were taken to the Site because they were removed from service given their age at the time of removal from service. The*

*Department's analysis does not consider that the poles and railroad ties located on the site were likely used for decades prior to their removal from service. Additionally, it is possible that some of the poles or railroad ties have been located on site for more than a quarter of a century. The limited sampling of poles and railroad ties located on the Site likely does not demonstrate the common conditions amongst the thousands of poles and railroad ties located on the Site. As such, the conclusions drawn by the Department regarding the potential impact of the location of the poles and railroad ties at the site likely significantly over-estimates any impact.*

*Bridgewell reserves and does not waive any and all rights, claims and defenses it may have regarding the Site and/or the environmental conditions of the Site.*

**RESPONSE:**

1. The telephone poles and railroad ties were decommissioned from their intended use and are abandoned and therefore are a waste. Disposal of waste material on-site is prohibited under the Solid Waste Management Act and therefore is not a potential remedy. The response will include proper management of the waste CCA-treated wood at a solid waste management facility permitted to accept the waste.
2. When the Department proposes a response under HSCA, it is necessary to determine what type, or category, of response will be taken. A response is considered an "Interim Response" if it is expected not to exceed \$2 million in costs or 12 months in duration. The Department believes that this response will be an interim response based on those criteria. A better understanding of costs for the proposed response will be estimated once the Department completes the administrative steps and proceeds with the response and assigns a contractor to perform the work. Once assigned, the contractor will provide a work plan and cost estimate for the proposed response. Development of the work plan will take into account the issues you have cited regarding proper disposal of contaminated material.
3. The Department acknowledges that sampling efforts occurred almost 10 years ago. The sampling effort identified within the Response Justification Document was utilized to identify the presence of hazardous material on Site and to support a HSCA response at the Site. The Department will assess current Site conditions based on sampling that occurs through the scope of this response and/or future response(s).
4. The Department acknowledges that no recent evaluation of groundwater contamination has been conducted at the Site. The statement regarding leaching of materials is based on the potential for any contaminant to migrate under certain conditions and with continued uncontrolled exposure to the natural environment. The Department acknowledges that no groundwater or surface water evaluation has been conducted at the Site to date. The Department reserves the right to take additional responses at the Site that may include the evaluation of groundwater and surface water contamination and its potential migration from the Site. The Department does plan to do limited groundwater sampling at private drinking water wells in the area as part of this interim response.

5. The utility poles and railroad ties on Site have reached their end-of-service and have begun to break down, only increasing the likelihood of leaching of regulated hazardous substances. Additionally, utility poles and railroad ties are considered a potentially hazardous waste when they are not utilized for their intended purpose. Based on an average lifespan of 40 years for utility poles and 30 years for railroad ties, it is likely that the material on-site was initially manufactured around the 1950's. Thus, the utility poles and railroad ties on the Site are most likely treated with chromated arsenicals, creosote, or pentachlorophenol, which were all being used as wood preservatives during the estimated time of manufacture. Each of these substances are listed on the CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) hazardous substances list and the ATSDR (Agency for Toxic Substances and Disease Registry) Substance Priority List.