

**Prepared for:**  
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Committee on Environment and Public Works

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Memorandum regarding the Woolfolk Superfund site in Fort Valley, Georgia

The Woolfolk Superfund site in Fort Valley, Georgia was placed on the National Priorities List (NPL) on August 30, 1990. The site is approximately eleven acres in size. After years of testing, plans for remediation were set forth in a number of Records on Decision. The testing included drilling monitoring wells to test subsurface ground water. A water treatment plant was built on site to clean the water after testing. Thereafter the water was pumped to the city's waste water treatment plant.

The source of the contamination was from two pesticide manufacturing companies located at the site since the 1920s. The last of those companies ceased operations in approximately 1985. They mixed powdered components to produce pesticide for the farming industry. One of the principal ingredients and, therefore, the principal contaminant, was arsenic.

**Presence of large aquifer:** Our city is located in the recharge area for the large Tuscaloosa aquifer. In addition, there are other smaller aquifers closer to the surface. The concern that the ground water could have been contaminated with arsenic by percolation provided the rationale for the site being designated as a Superfund site.

**Potentially Responsible Party:** The last company producing pesticide at the site was Canadyne Georgia, which became the "potentially responsible party." There was a civil lawsuit filed against that company by a number of citizens alleging personal damages from health issues arising from arsenic poisoning and loss of value to real estate in the area. That case was settled

more than twelve years ago and the court ordered the distribution of the damages paid.

In the early years of the testing the Canadyne Georgia corporation was involved with providing information and paying some costs. However, the corporation declared bankruptcy. It was a subsidiary of a holding company, but it was not legally possible to assert liability up the corporate ladder to the parent corporations. Therefore, the EPA has provided the funds to test and remediate the site. That process has been very active for the last thirteen years.

In addition to the eleven acre site extensive testing was done in house attics and yards of nearby neighborhoods for excessive levels of arsenic. In early years the mixing of the powdered chemicals was done in the open air which caused arsenic to be spread by the wind. After testing the EPA contractor cleaned over sixty house attics and yards to acceptable levels. The acceptable levels permitted depend on the use being made of the property, with residential property having the most stringent cleanup requirement. Another complicating factor was that the EPA would periodically lower the acceptable level permitted.

**Value of citizen advocacy group:** When the nature of the contamination became known a group of citizens formed the Woolfolk Citizens Response Group. Their purpose has always been to oversee the testing, development of the records of decision and finally the remediation. They have been very diligent in their efforts to protect the citizens of our city throughout the process. To their credit they did not take to the streets to protest or cause difficulty. They worked constructively within the process.

I have served as Mayor for the last twelve years and, therefore, have been very involved in this project. It became apparent that we needed to establish a method by which the citizens could voice their concerns, serve as advocates, and receive progress reports from EPA and its contractors, engineers etc. We also needed a periodic opportunity for all of the state and federal agency staff to speak with other and to the community.

**Provision for a Technical Assistance Advisor:** As a part of the process, EPA has provided the city and our citizens group with a technical assistance advisor. Dr. Claude Terry, a well known and outstanding toxicologist, has served in that capacity for us for over fifteen years. The willingness of the EPA to provide the technical expertise is very important to the Superfund program. The issues are so complicated that lay people would not otherwise even know what questions to ask. Certainly the provision for a technical advisor is expensive. However, those persons are so important to a community who does not otherwise have that expertise available to it. Our small city could not afford the cost. That expert's presence levels the playing field.

It will always be important that the technical advisor understand their role. They are to represent the community. They need to ask the important questions of the agencies, engineers and contractors. They need to explain and interpret the process and the technical issues to the community. However, they must also be judicious and not unnecessarily create animosity. The process has enough conflict without artificially adding more. Dr. Terry did an exceptional job for us and for the process.

**The Establishment of the Alliance:** Earlier I spoke about the need for a forum in which all interested parties could participate. We established a meeting group which we called the Alliance. We brought together representatives from EPA, other federal agencies, several state agencies, local elected officials, the citizens' advocacy group and any private citizens who wanted to attend. The first couple of meetings twelve years ago were disasters because there was a great deal of anger, frustration and mistrust among the citizens, the potentially responsible party and the agencies. The potentially responsible party had brought in an outside firm to preside. However, after the difficulty of the first few meetings the group asked me, as Mayor, to preside.

This Alliance group has met every six weeks for twelve years! I have never missed a meeting to preside in those twelve years. We were able to

quiet the anger and encourage people attending to ask their questions and make their comments in a respectful way. We would meet for about four hours and break for lunch in the middle. Sometimes we would lose some citizens due to the break for lunch. I have paid for lunch for all the attendees these twelve years out of my personal funds. I felt that if our attendees could eat together, they would get better acquainted with each other, talk about their families or whatever, and a community would be developed. If the members of the group were asked about that today, and we are still meeting, I think that they would say that indeed a community of people from varying backgrounds has been formed.

We have been blessed through the years that there has been little change in the persons attending. Because the individual people have remained the same the forming and maintenance of the community feeling has been easier. Obviously some engineering people have changed. One of the agency representatives has died and we mourned his loss; others have gotten married and had children and we have celebrated those times in individual lives.

**Requirements for outside contractors:** Another element in the process which is utmost importance is that the engineers and contractors that EPA chooses must be able to relate to the people, be trustworthy in their reports and advice and be competent. Those outside persons for our site have all been outstanding. The contractor from Nicholasville, Kentucky, who has been here doing remediation for more than five years was excellent. As Mayor I have not received one single complaint in those five years about their work.

**Local Elected Leadership:** Another important strategy with community Superfund site work is be sure and get the local elected leadership involved. In cities and towns, the Mayor needs to be involved and committed. Our Woolfolk site has always been a high priority for me. The elected leadership ought to be able to bring the community on board with the process and act as an interpreter of the issues and progress.

**Patience, Perseverance, and Gratitude:** The attitude of the community is very important. They can be a hindrance. In Fort Valley we stressed constantly three essentials to our citizens. We must always have patience. A Superfund project will always be a long process. Secondly, persevere; stay involved and interested through the long term. And finally, be grateful for all of the assistance and financial resources that EPA is providing. The agencies do for us what we could not do for ourselves.

**Brownfields program:** Another important resource to Superfund site cities is the Brownfield program. Fort Valley has received two of these grants which were used for testing outside of the Superfund area in order to alleviate psychological fears of contamination. Agency staff in the department need to reach out to cities with a superfund site, evaluate the needs and assist with the procurement of the grants. Often the local community does not know what resources are available. We have received excellent cooperation from the Brownfield staff.

**Adequate funding:** Obviously, there are three major segments to Superfund work. The testing must be done to determine the nature and extent of contamination. Following the establishment of a Record on Decision, the cleanup plan, remediation follows. The final phase is redevelopment. How fast the testing and remediation phases proceed is primarily determined by funding. If EPA is having to provide the funding, in the absence of a potentially responsible party, then each site has to compete with many other sites for financial allocations.

Our city has been blessed to receive enough money to do the testing and all of the remediation with only one ROD remaining unfinished. One of our fears was that the process would get started but would then be abandoned or delayed in midstream for want of continued funding. If we are determined to locate contaminated sites for the protection of water through the Superfund process then it will be imperative for Congress to provide adequate funding. We cannot open up holes to excavate contaminated soil and then walk away without finishing because there is no money left. If that

occurred in our city of 9,000 people we would never be able to finish the work ourselves.

**Difficulties for our city in redevelopment:** Redevelopment is the process left primarily to the community. EPA did provide to our city a redevelopment planning consultant who helped us understand how to develop a redevelopment plan. In order to better understand the challenges of this last phase of the process I want to mention some peculiarities facing our city.

- 1. Small population:** We are a city of only about nine thousand people. However, we are the location for Fort Valley State University. The small population means, among other things, that we cannot generate internal capital from public funds to spend on redevelopment. We also have a higher than average rate of unemployment and a below average level of income per household.
- 2. Proximity to larger cities:** We are not a suburb city and yet we are only 30 minutes from over 250,000 people in Macon and Warner Robins, Georgia. Therefore, it is very difficult for us to maintain a viable commercial district because of our proximity to larger shopping areas. The result is that it will be very difficult to attract commercial businesses into our eleven acre Superfund site. Private development pays property taxes and rent, both of which could be used by our development authority to develop and market the property.
- 3. Limited Uses:** Therefore, our city will probably have to redevelop the site for recreational, educational and government purposes. None of those uses pay property taxes or rent. Without a revenue stream, it will be difficult to amortize development loans.
- 4. Location of Site:** Some Superfund sites are outside of town or located in remote industrial parks. However, the eleven acre Woolfolk Superfund site is only two blocks from our commercial downtown district and in the middle of a residential neighborhood.

Therefore, we do not have the option of putting a chain link fence with no trespassing signs around the site and leaving it as is. The Region Four and national EPA staffs have been very helpful to us in our effort to locate funds. Much of our redevelopment will have to be done with grant dollars

- 5. Redevelopment already begun:** Adjacent to the Superfund site we have already built a beautiful community library and restored an antebellum house for the housing of our quasi-public agencies. These facilities were built and restored using grant dollars without the city having to borrow any of the cost.

**Some suggestions:**

- 1.** EPA staff could develop an **all-inclusive manual** for community leaders and citizens that explains the typical process of a Superfund project. Using an outside facilitator, there ought to be a series of **community meetings** for information and to receive questions. These meetings do not need to be defensive sessions for the agencies. Therefore, the answers to questions or concerns raised need to be made after the meeting. Otherwise people's angry emotions will control the meeting making it less productive.
- 2.** The agency has many different departments. A team of people from the various EPA departments needs to be with the community periodically to respond to concerns. For example, the legal issues with a Superfund site are very important to the community especially in redevelopment. When and how should legal title to the site be changed? Will there be remediation liens placed against the property for the benefit of EPA that might inhibit development? When will prospective purchaser agreements be available to ensure against later liability for historic contamination? Will covenants have to be prepared and recorded on the chain of title if some property has

limitations on future development due to subsurface membranes? Therefore, EPA regional legal staff needs to be present in the community to help us with the legal issues.

3. Given the difficulty that some small cities will have with redevelopment, see the earlier comments *supra*, the EPA needs to develop more extensive assistance for the third leg of the project, redevelopment. The eligibility for assistance either with money and/or from staff could be based upon qualification criteria. The costs and difficulties of redevelopment may not be any greater in a large city than for us. But there is a great difference in our ability to internally finance.
4. A mandate needs to be established requiring local elected leaders to be involved. I cannot imagine that they would not want to be, but I understand there are some sites in Region Four where they are not involved.

It ought to standard regulatory procedure that an Alliance system, see my discussion *supra*, be established at all Superfund sites. EPA staff should be provided that can enable a constructive process over the long period of time. Such an effort will greatly facilitate the process and lead to a more successful project. The Woolfolk project and our city are very good examples of what can be achieved by community building around the task rather than fractured outrages.

**Awards to Fort Valley:**

- Chosen as one of only thirty **Cities of Excellence** in Georgia.
- Chosen as a **“Top City”** by a statewide magazine publication.
- Awarded the United States Environmental Protection Agency’s Region Four **Excellence in Site Reuse Award**.

- As just announced, Fort Valley has been named a national award winner for **“Excellence in Community Involvement”** for years of collaboration and coordination between agencies, including EPA, and the community.

**In Conclusion:** On behalf of my city, thank you very much for this opportunity to provide this memorandum and to testify. Our experience with the United States Environmental Protection Agency has been outstanding. I hope that after more than twelve years of experience I have been able to provide some useful observations.

Respectfully submitted,

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Fort Valley, Georgia