

October 15, 2009

A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Mr. Meiburg:

The Wingate Municipal Incinerator is located at 1300 NW 31st Avenue in Fort Lauderdale, Florida. This incinerator was annexed into the 'Negro District' of the City of Fort Lauderdale. The dates of operation were 1954 to 1978.

I am a resident of the 'Wingate' area and experienced the ash falling on our house and cars during that time period. My parents and neighbors are the victims of the toxins that contaminated the air and water. My parents were Mr. Douglas J. McCoy and Dr. Leola R. McCoy. My mother was the advocate to educate the community about the toxins that the Wingate Incinerator had spewed in the air, buried in the soil and dumped into the waters.

I am informing you that EPA Region 4 on many accounts FAILED the community regarding the clean up of Wingate.

1) The EPA site analysis was shoddy and incomplete. FOIA requested by Legal Aid Service of Broward County, legal counsel for Wingate, showed a general lack of follow-through regarding nailing down PRP (potentially responsible party) characterization. The EPA did not require large corporations to provide adequate information as to the extent of their role in disposal of waste at the site—legally or otherwise. EPA FAILED to gather large revenue from the companies that could have been used in the clean up of Wingate.

2) The EPA granted a TAG grant to the wrong people. A TAG grant was a \$50,000.00 grant under the Superfund Law that communities can apply for to hire scientists to help them navigate the process of decision and allow for educated community input for the Record of Decision. The TAG grant for the Wingate community went to a personal friend of the then City of Fort Lauderdale Commissioner Carlton Moore. This decision was legally challenged but we lost.

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3) Because of #1 above the apportionment of responsibility under the Record of Decision and the Consent Decree was skewed, giving the City of Ft. Lauderdale the greatest responsibility. In effect, it appeared that the City put itself forward as the number 1 bad actor so that it could spare the corporate defendants (PRPs). The outcome resulted in the community having to pay the greatest portion of the cleanup. This is accomplished by an added assessment on residential water bills. There was much ado about the fact that at decision making time a lot of political favors were being handed out to our city and county commissioners, this was ignored by the powers that be.

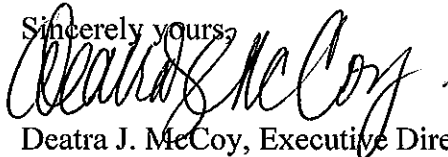
4) The EPA was content to have representatives of Waste Management take on the role of leadership in what became labeled as the Wingate Cooperating Parties Group. The way the Superfund law works, EPA tells the PRPs to either come up with a plan to clean up that EPA can approve, or EPA will do it for them and send them the bill. This group decided on the former and it was headed in Waste Management's office in Atlanta and managed by its staff. Fairly quickly the group came up with a remedy, the cheapest possible remedy (besides doing nothing at all), and had the added benefit of allowing one of Waste Management's subsidiaries.

5) The EPA WAS NOT responsive to cries from the community for help with these issues.

I think the biggest, underlying injustice here is (obviously) that NO ONE was willing to spend money on the community. It was just too easy to act as if the contamination wasn't that bad, could easily be covered, and thus be protective of the community (short-sighted and asinine), and that a full analysis of the surrounding area and effect on community health wasn't warranted. That attitude just wouldn't fly in a white affluent area. Legal Aid Service of Broward repeatedly brought that up and used the Tarpon Springs site as an example.

These issues are highlighted because it vital to know the past errors to prevent the errors to be repeated in the future. On behalf of the Wingate community, EPA Region 4 needs to revamp its application of policies that is consistent with the Presidential Order 12898.

Sincerely yours,



Deatra J. McCoy, Executive Director

L.E.E.S. Justice

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