



WildLaw

A Non-profit Environmental Law Firm

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:

In 2003, the residents of Tallevast, Florida, a small, but historic community just north of Sarasota, discovered that their groundwater had been contaminated. They did not discover this information via a notice from the government or a community meeting by the responsible party. Instead, a resident awoke one morning to a drilling crew performing a boring in her lawn. When asked what they were doing, she discovered that Lockheed Martin had dispatched them to begin testing that would precipitate a long and grueling ordeal for the Tallevast community; an ordeal that is still far from over.

The plant site was a precision weapons manufacturing facility, which changed hands throughout the years, but is currently owned by Lockheed Martin. So far, Lockheed Martin and the Florida Department of Environmental Protection (FDEP) have identified ten chemicals that have leached into the groundwater of the community. The community fears that time will prove that number to be far greater. Since the community utilized wells for drinking water and other domestic uses, the discovery of the contamination posed particular problems and the residents were devastated that they had spent a countless number of years consuming poisoned water. The most egregious part of the entire situation was that the county and Lockheed had known for almost three years about the contamination and had done nothing to warn the community. A community drinking out of contaminated well water! There was a loophole in Florida's notification law at the time that required notification, but did not provide a time frame. Because of the incredible disregard of the community through this failure to notify and the hard work of the Tallevast residents and their attorneys, the Florida legislature changed the law in 2005. Now called the Tallevast rule, there are specifically mandated time frames in which responsible parties must notify adjacent property owners. While this law is a much needed improvement, it does nothing to erase the harm caused by the failure to warn this community.

The federal and state contamination laws are woefully inadequate to protect the individuals and communities affected each year by contamination. At the beginning of the Tallevast case, the EPA and the FDEP could not even decide whether this should be a federal Superfund site or whether the responsibility for clean-up lay with the state. The state eventually took

Florida Office

233 3rd St. North, Suite 203 • St. Petersburg, Florida 33701 • p: 727.388.3654 • f: 727.388.4284 •
www.wildlaw.org

responsibility for the site, an ever more frequent occurrence since the funding for the federal Superfund program is far from ideal. The ramifications of the choice of state governance are felt daily in the battle over the clean-up of Tallevast. Since the Florida program (Fla. Stat. 376.30701, hereinafter RBCA) has far fewer opportunities for public involvement than its federal counterparts, the residents of Tallevast have to beg, borrow and steal for any sort of meaningful participation in the clean-up process. They are well aware that the few gains they have made over the past six years are solely a result of sporadic prompting of Lockheed by the FDEP or the whims of the massive juggernaut that is Lockheed Martin. The residents of Tallevast are a cohesive and strong community, but they cannot match the resources, experience and legal expertise an immense corporation like Lockheed Martin wields.

Over the past six years, the residents of Tallevast have been participating in what Lockheed has declared a “collaborative” process to create a Remedial Action Plan (RAP) to clean-up the community in the most efficient way possible. The residents came to the table with high hopes, eager to partner with Lockheed and do what was necessary to restore their community. Yet, continually the residents have been met with broken promises, calculating and manipulative moves by Lockheed, government agencies that “lawyer up” when approached and state laws that do not even come close to assisting the people they were purportedly designed to help. RBCA and its associated administrative rules, create a clean-up scheme that utilizes only the responsible party and the government agency. The actual residents of Tallevast affected by the pollution and associated clean-up can only turn to the inadequate provisions of the Florida Administrative Code or the occasional mandate by a government agency that requires Lockheed to take into consideration the views of the community. In addition, RBCA gives the responsible party a level of discretion that verges on unbridled. These factors, taken together, amount to disaster for communities faced with a protracted clean-up.

Currently, after six years, we are on the third version of the RAP. This version shows little improvement over the first two. The current RAP projects a 50-100 year clean-up time frame. That is after a 3-5 year build out of the remedial system. It fails to utilize the most efficient clean-up methods and neglects to consider the people that will have to live in close proximity to an active remediation site. Just recently Lockheed Martin informed the community that they would no longer consider relocation of Tallevast. Thus, much, if not all, of the community will have to live out the rest of their lives above a plume of contamination, a heartbeat away from a noisy, disruptive, dirty remediation site.

The residents of Tallevast have continually appealed to the EPA to assist them in their plight. All such requests have fallen on deaf ears and have been met with silence. The residents of Tallevast are desperate for the resources and experience the EPA possesses. They are looking for their guidance and insight and have seen little, if any, engagement from the agency.

We thank you for the opportunity to communicate the concerns of the Tallevast community to you. We hope that this provides insight and will help to bring about change in the way clean-ups occur.

Sincerely,

Sarah Schwemin
WildLaw Staff Attorney