

US District Court  
Honorable Judge Richard L. Young  
Birch Bayh Federal Building  
United States Court House  
46 East Ohio Street, Room 105  
Indianapolis, Indiana 46204

5 June 2006

Reference Case: No. IP 81-448-C Y/F

Dear Judge Young,

Since 1990 I have written several letters to your court, one to Judge Dillon and one to Magistrate Foster, concerning the above mentioned case. In each case my purpose was to inform the court on how the general public felt about actions involved in the PCB cleanup in the Monroe County area.

Since the Consent Decree signed in 1985, the general public has been excluded from any meetings between the parties. Although I petitioned Magistrate Foster for inclusion in these meetings, and was denied, he did express openness to receiving comments from time to time as appropriate milestones were met in this case.

As president of COPA (Coalition Opposed to PCB Ash in Monroe County), a grass roots organization of business, professional, scientific and a general cross section of citizens from Monroe County, my goal has been to educate the community on the issues related to the PCB settlement and cleanup.

Through a Federal Technical Assistance Grant, COPA has hired independent professionals in Risk and environmental cleanups to better evaluate and have input on EPA proposed remediation for the PCB contaminated sites. I have also chaired the Environmental Committee for the Bloomington Rotary Club and participated with City and County government committees, again related to the PCB cleanup.

Since the early 1960's PCB contamination continues while EPA and the governmental parties negotiate and wait on Westinghouse (CBS, Viacom,) to agree to an approved remedy. Although many sites have been cleaned, several major sites continue to contaminate the environment and pose a health threat the citizens of Monroe County.

For 20 years Westinghouse (CBS) has delayed, argued, and hired high powered attorneys and environmental specialist all in an effort to reduce or delay their responsibility for creating the contamination and paying for an approved cleanup. I have been involved in countless meetings where Westinghouse has lied to the community, while spending millions to avoid cleanup costs but more importantly, avoid setting a precedent for being responsible for PCB contamination and damage elsewhere in the country. Why else

would they spend more to avoid the proposed cleanup than it would have cost them to do the right thing and clean it up years ago?

I will avoid going into the many scientific and environmental details that Westinghouse will no doubt try to use as an argument for not doing anything. Needless to say CBS will argue that everything is fine and all the governmental parties, outside environmental risk experts used by the governmental parties and SENES of Oakridge Tennessee, who we hired, are all wrong and that the risk is way over exaggerated.

I do not pretend to be an expert on any of this issue. As a private citizen I have been involved for 20 years only to promote education on the process and hopefully insure a safe and sane cleanup. Whatever the level of known and unknown risk there is associated with the PCBs that Westinghouse dumped throughout our community, should it not be their responsibility at their cost to clean it up? Should our community continue to suffer the cost of this problem in so many ways?

I am writing the court to ask that you thoughtfully consider what has been happening in our community since the PCBs were first discovered in the early 1980's. Our web site COPA.ORG has enough history, data and technical detail to absolutely overwhelm any interested reader.

I believe the majority of the Bloomington community, scientific community at Indiana University and others from all governmental parties involved in this issue feel the proposed remedy's are necessary, protective of human health and the environment and are reasonable. They will not return these sites to full use, there will always be some stigma to Bloomington related to PCB contamination, but I believe the proposed remedy's and long term monitoring provide the best option we can expect.

I am offering this letter from the Bloomington community because it is the only way we can communicate with the court. There may be real legal reasons why the community has been locked out of negotiations between the parties but we are the one that have to live with the results.

It is true Westinghouse will try to overwhelm the court with legal and scientific debate, cloud the real issues and paint themselves as good corporate citizens. They will argue they spent millions of dollars on an incinerator that would have worked and that everyone agreed to back in 1985. It is also true that this was an experimental solution at best and eventually all parties including CBS scrapped the idea. All the testing and probing by CBS during the last 10 years has done nothing but to support the need for water treatment and long term monitoring. The incinerator they did not really want to build, even if permitted, would not have solved the problem we now know exists and would have only added an additional hazardous waste site to the Monroe County inventory.

Had you lived in Bloomington for the last 20 years or talked to the many scientific department heads at IU about this issue, you would realize how many inconsistencies CBS has had in all of their public relations and remediation plans. Their delay in reaching agreement with the government parties has permitted continued contamination

of our community, hardly a record of a “good corporate citizen”. What is even sadder is that they could have agreed years ago to do the proper cleanup and it would not even make a dent in the corporate financials.

In CBS’s Report to the Court and Request for Status Conference filed on May 31, 2006 CBS makes the statement that they have worked in good faith to meet the agreed upon timelines. In fact EPA has had to delay and postpone ROD Amendments because of their delays and continued disagreement with all the parties. CBS indicates they are at an impasse. The impasse is they are trying to avoid as much liability as possible, call the risk insignificant and the remedy excessive. Would it surprise the court to hear all the government parties, who are in general agreement with public opinion, believe there is significant risk and the proposed remedies are needed to protect the public and the environment. I sincerely believe CBS new years ago they would end up where they are today and that it was part of their plan to delay, delay and delay. One more year not having this on any balance sheet is one more year of good stock prices!

CBS uses the term with the court, “Court Intervention”, and then states this does not necessarily mean litigation. Ask them how many times since 1994 CBS has threatened the government parties with litigation. “If you don’t negotiate we will litigate”! Of course they also argue they should not have to pay because of the Consent Decree, which in our opinion has be altered in fact so much it does not even exists except when it benefits CBS.

The argument should not be about if CBS has to cleanup the sites and pay for it, but why they should not have to reimburse our community for what they really cost us which cannot even be measured in dollars. The are responsible for the contamination and should be prepared to cover the cost in keeping the community safe, regardless of how many years it takes.

Our fear is that CBS will outspend all the government parties in hiring legal and environmental experts to support their case and that in the end the court will have to decide the fate of our community. This letter may be our only opportunity to express our feeling to the court. We are asking the court to step in and force CBS to meet its good faith obligations, move forward with EPA and the government parties proposed remediation of the sites.

EPA and the State of Indiana have shown they can and are willing to work to clean up the contamination. With out the building of the Illinois Water Treatment plant and other EPA directed cleanup activities Monroe County would be in a much worse situation than we are today and our environment would have continued to be contaminated with new PCB releases.

Sincerely,

Mike Baker  
President – COPA (Coalition Opposed to PCB Ash in Monroe County)  
2454 Curry Pike  
Bloomington, Indiana 47404