

Testimony of
Zulene Mayfield, Chairperson
Chester Residents Concerned for Quality Living
Before the House Judiciary Committee
9:30 a.m. August 3, 1995

Good Morning Chairman Piccola, Members of the House Judiciary Committee, and Ladies and Gentlemen. My name is Zulene Mayfield. I live at 2820 West Front Street, in the City of Chester, Delaware County, Pennsylvania. I am the Chairperson of Chester Residents Concerned for Quality Living. In late 1992, Chester Residents was formed to address the environmental injustices in our City. I am here today on behalf of the residents of Chester to give testimony as to the impact of the Pennsylvania Supreme Courts decision to invoke its power of Kings Bench jurisdiction with regard to Thermal Pure Systems, Chester, Pennsylvania.

In April 1995, a group of residents including myself made the journey from Chester to Harrisburg to witness the highest court in Pennsylvania administer the laws of the Commonwealth. However, within minutes of our arrival into the Supreme Court we saw justice elude us. Even though we didn't understand all of the legal posturing by both the lawyers and Justices, it was clear that something was wrong in the "Court". What we did understand was our lawyer Jerome Balter wasn't being afforded the same amount of time or leeway with the "Court" that Thermal Pure's lawyer was being given. It seemed as if we had walked into the lions den.

So we returned home without due process, without justice & without a ruling. We came home to a company being allowed to operate in Chester, Pennsylvania, without a valid permit. Even though we had read the Pennsylvania law that says waste processors need authorization from the state via a permit to operate. Thermal Pure processes infectious/chemotherapeutic medical waste. Waste from four states outside of Pennsylvania. Yet the Supreme Court basically said they don't have to bother with such a tedious rule i.e. a valid permit.

Prior to the Kings Bench takeover the community was so adversely affected by Thermal Pure's operation that we initiated litigation to protect ourselves. The action was taken because the Department of Environmental Resources failed to protect us. The initial assault on us by Thermal Pure, however only set the stage for what our lives are now subjected to.

Since the Supreme Court exercised its power in this case it has allowed a bad decision to worsen. Before The Department of Environmental Resources issued a "Cease and Desist Order" and when they still had a "valid permit", Thermal Pure had already demonstrated its inability to operate in compliance with the regulations of the Commonwealth. Now that they no longer have a permit this is a small sampling of Thermal Pure's operations : June 17, 1995 - Notice of Violation issued for Malodors; June 25, 1995 Notice of Violation issued for Malodors; and as recently as July 26, 1995 - Notice of Violation issued for Malodors.

The grossest violation of Pennsylvania law happened on July 14, 1995, when Thermal Pure experienced a malfunction of their boiler, rendering them unable to process nineteen (19) truckloads of infectious/chemotherapeutic medical waste on site. Thermal Pure neglected to notify either the Department of Environmental Protection (DEP) or the City of Chester Bureau of Health that they could not process the waste. DEP and Chester Bureau of Health were notified of the situation by residents and not Thermal Pure. Even though Thermal Pure is required to notify DEP and Chester City it did not comply.

The infectious medical waste was kept in unrefrigerated trailers while temperatures exceeded well above 100°. July 17, 1995 DEP informed the community that "they were working with Thermal Pure to find alternative sites to send the waste. On July 18, 1995 DEP official John Kennedy told the community that moving the waste was not feasible because it would not be safe to move it, and that DEP was going to allow the waste to sit in unrefrigerated trucks until Thermal Pure would either be able to process the waste or find the necessary refrigerated trucks to store it in. The same refrigerated trucks that Thermal Pure promised to have on site at all times, lies.

Finally on July 20 , 1995 the situation was resolved when Thermal Pure processed the last truck on site. SIX DAYS LATER!!! Six days of germs incubating , feeding and growing. Six days of mental anguish of not knowing what we were being exposed to. Six days of even more smells. Six days of Thermal Pure totally ignoring the Commonwealth's laws. This is the type of irresponsible operations management that the Supreme court is protecting.

A visitor in my home likened the area assaults of odors to the bombing in Sarajevo. The odors come like incoming shells and no matter what you are doing you immediately are overcome with the urge to run. In Sarajevo, they listen for whistles and sirens to take cover. In Chester, we watch for the "white smoke" to come from Thermal Pure's facility. When we see the "white smoke", almost in automatic robotic movements, all outside socializing ceases, and people take cover inside of their homes. In Sarajevo the Serbs hold people hostage by bombarding the city. In Chester, Thermal Pure holds us hostage by odors, constant truck traffic, mismanagement, and greed. THE SUPREME COURT OF PENNSYLVANIA IS HOLDING US HOSTAGE BY TAKING AWAY OUR ONLY DEFENSE!!

We have lost the right to enjoy our homes. Homes that we have worked hard to pay for. We are no longer able to sit on the porches that we pay taxes for, and socialize with our neighbors. Since this ruling we no longer feel as if we have rights. The degradation of our lives continues, sanctioned by the Supreme Court. It appears that even in the Highest Court of Pennsylvania, that money and who knows who, or who can afford who, prevails. How can the Highest Judicial body in Pennsylvania appear so biased? How can justices who are supposed to be the fairest interpreters of Pennsylvania law show such disregard for the law, by allowing a company like Thermal Pure to continue to do everything wrong?

Bad decisions everyday harm people. This was a bad decision by the Supreme Court and as the representative for Chester, I can tell you its just killing us.

Thank you.