



August 8, 2023

Citizens' Hold Erie Coke Accountable – Let Us Count the Ways

While the dust has settled since Erie Coke locked out its employees and shuttered the plant in December 2019, the air is not clear. There is much the public needs to know. Foremost, citizens have the right to weigh-in on how the site is to be cleaned up and put to better use.

The citizens' advocacy group, [Hold Erie Coke Accountable](#) (HECA) continues to monitor and press for Erie's interests. Many questions remain. With pivotal decisions soon to be made about the future destiny of the site, now is the time for the public to be involved.

HECA calls on all interested parties to disclose information now on the following list of concerns so to inform and invite public input. HECA intends to pursue the following items to fill remaining information gaps as it prepares to convene a public forum in fall 2023 on the status and future of the Erie Coke site.

- Site Ownership
- Site Cleanup
- Off-Site Release of Contaminants
- Federal Criminal Investigation & Victim Compensation
- Community Working Group

Site Ownership

The infamous Erie Coke site that bestowed 190 years of pollution, continues to be owned by interests controlled by Paul Saffrin*. [Bankruptcy](#) was declared on his other coke plant, Tonawanda Coke, after its scandalous record of violations including personnel [going to jail for pollution deceit](#). Contrast to Erie Coke, while the violations are equally egregious and federal criminal lawsuits presently unfold, Mr. Saffrin and company choose to hold on to the plant and [fight the federal environmental indictments](#) for violating air pollution rules for years.

*Erie Coke Corp. still exists as wholly owned subsidiary of an entity called Garner Limited Liability Company (LLC)...Garner LLC, a holding company, is owned by another holding company, Cooper Meridian LLC.... Cooper Meridian is owned by trusts controlled by the family of J.D. Crane, who owned Erie Coke until he died in 2014... After Crane died, his grandson, Paul Saffrin headed Erie Coke as CEO. [Erie Times News](#)

Erie Coke, apparently out of cash, has [over \\$1 million in mounting liens \(EPA Superfund alone\)](#) against the property in step with the rising cost borne by the public (US EPA and PA DEP) of clearing the site of incendiaries and dangerous toxics left behind and more recently, contracting in-depth assessment of contamination of the site. Ironically, the Daemen University (NY) [Paul A. Saffrin Institute for Sustainability and Civic Engagement](#) was bestowed with a [\\$1 million gift from his Foundation](#). Accumulated wealth and philanthropic tax breaks aside, the sorry saga is punctuated by Erie Coke's 2021 attempts to cut trees on the site and [sell the timber to raise cash](#).

Big corporate and community ethics questions loom.

1. How will the public's multi-million-dollar liens representing costs of site assessment and clean-up of toxics be paid?
2. Will Erie Coke be held accountable or will we the public eat the cost? What is the total thus far of public liens in step with [EPA's estimated clean-up cost of more than \\$7 million](#)?

HECA calls upon EPA, DEP, the City and County, and related public authorities to come forward now with details on intents and plans for possible transfer of ownership of the site. HECA asks these entities to do so now as opposed to such news sprung on the public without a time period for community discourse and input.

Let's not wait for after-the-fact surprises as cleanup, ownership, and future use will be an agenda item of the public forum HECA plans for the fall 2023.

Site Cleanup

The "modest clean up and they will come" strategy has not worked for the former GAF site* at the waterfront. This lesson informs the urgency of cleaning up the Erie Coke site the right way the first time around. The site is a toxic mess. Taxpayers are currently footing the bill of the site assessments, and it is going to be very expensive to remediate**. The public has a right to have a say regarding the cleanup options and who pays.

*As acknowledged by the Erie County Convention Authority, expedited cleanup of the GAF site Erie's waterfront ([where tar intermittently bubbles to the surface](#)) left road blocks to redevelopment. As reported by [Erie Times News](#), "With GAF, we believe that what needs to happen is this: we brought it to Act 2 compliance with the state in terms of the (environmental) remediation... We're probably going to need to commit to some kind of covenant with the developer in terms of any future remediation that's needed. That's an unknown. A developer might get nervous about it as soon as they start to dig to put in other infrastructure, so we're going to have to walk next to them on that in terms of what our responsibility would be moving forward. There's not a big concern about issues, it's more about elimination of risk to a developer," Gus Pine, Executive Director, Convention Center Authority.

**See the [Pennsylvania Department of Environmental Protection website](#) dedicated to updates on the Pennsylvania Hazardous Sites Cleanup Act (HSCA) investigation of the Erie Coke site.

HECA calls on the owner, city, county, authorities, etc. to come forward now to state their intentions regarding remediation of the site. The upcoming HECA forum will explore site cleanup options of which the public needs to be informed and have input.

Each site clean-up option has complex pros and cons. The cleanup options (which determines/limits future use) include:

1. Superfund: Designation and cleanup to very high standards with the property treated as a federal Superfund Site with we/the US government footing the bill.

2. PA Act 2: Cleanup under Pennsylvania's Land Recycling Program (called 'Act 2') that allows the voluntary cleanup efforts thru tiered cleanup standards that focus on intended re-use combined with financial incentives and liability protections.
3. Polluter pays: The public deserves to know the status of any cost recovery efforts being pursued by PA DEP under the Hazardous Sites Cleanup Act (HSCA) law that gives the agency authority to seek reimbursement for public funds spent on Department-funded cleanup actions from persons responsible for releases of hazardous substances.

For all options, HECA proclaims that the public (especially the proximate, officially-declared "Environmental Justice communities") have a right to know: Who will pay (Erie Coke, the public, or new owner) and who decides the level of clean-up which in turn dictates future uses?

Highly relevant to Erie Coke, a [recent investigative report by Erie Times News](#) about the now-being-demolished Quin-T, EMI sites "another contaminated property of which the public is stuck with cleaning up the mess), included this salient statement by a resident, 'I thought maybe when they shut it down, someone would come to the neighbors and tell us if we needed to worry about the condition of that building or if we needed to wear masks or anything, or what they were going to do about the property eventually,' Green said". Hold Erie Coke Accountable intends for this injustice to not reoccur.

Concerns about Off-Site Release of Contaminants at Erie Coke

Following federal EPA's (Superfund and Emergency Management Division) emergency sweep of the site to remove left behind incendiaries and dangerous chemicals*, the PA Department of Environmental Protection has subsequently taken over the job of assessing the extent of pollution to the ground, ground water, and surface water. DEP contracted the firm OBG/Baker to examine the site, drill holes to draw samples, etc.

*Hazardous debris [like mercury-laden water, asbestos-covered pipes, and corrosive chemicals simply abandoned in the plant's on-site lab](#) posed the most immediate threat to public health, welfare, and the environment.

On July 27, 2023 PA DEP, after overseeing more than a year of pollution monitoring at the Erie Coke site, published its [final Site Investigation Report](#). Monitoring completed by a private firm is the foundation of the 3,711-page report (which takes some 10 minutes to load on one's computer). The report concludes, "in general, the site can be considered a potential threat to human health and the environment". Elevated contamination levels at different monitoring sites led the investigators to conclude that, among other findings, that runoff from the site "has adversely affected the water quality of Lake Erie" and "contaminants are likely leaching [into the Lake Erie shoreline] from decades of disposing of process waste".

For example, in its January 6, 2023 "[Letter Report No. 1](#)" the consultant included extensive tabular data providing details about the widespread contamination they found on the site. Pollutants at higher-than acceptable levels included:

- metals (Iron, Manganese, Lead, Arsenic and Mercury)
- the volatile carcinogen Benzene, and
- numerous semi-volatile compounds – including several carcinogenic Polycyclic Aromatic Hydrocarbons (PAHs) that are known to bioaccumulate.

Among ten spots where sediments were sampled along the northern edge of Erie Coke on the Lake Erie shoreline, the worst PAH-contaminated site was less than 100 yards south of the Lampe Marina.

Based upon the results of their Fall 2022 sampling, OBG/Baker installed over a dozen monitoring wells. In the resulting "[Data Summary Report #2](#)," dated March 8, 2023, one of the more concerning findings was that the worst Benzene-contaminated groundwater on the property was found in the northernmost monitoring well. The same well had the second-highest concentration of Naphthalene among all wells. The well was drilled only about 100 yards west of the Lampe Marina, and approximately 400 yards from the South Pier. If groundwater moves north, as reported by OBG/Baker, these chemicals would presumably be dispersing toward the South Pier and Erie Harbor Channel, areas used by Erie fishermen that do not fish from boats.

The consultant's modest groundwater analysis done at the northern end of the Erie Coke property did not support determining the exact direction of groundwater movement from aforementioned test wells. Thus, another worrisome question is whether subsurface contaminants from Erie Coke may be entering the Lampe Marina or the Confined Disposal Facility (CDF) between the marina and the South Pier.

Whatever process is advanced by the PA DEP or US EPA to remediate the extensive contamination evident on the Erie Coke property, HECA applauds the report's recommendation for additional monitoring and a presentation by the consulting firm to DEP regarding further investigation toward evaluating and stopping any possible off-site releases. Indeed, akin to the aforementioned Quin-T/EMI concerns, at a time when Erie residents are expressing concern about a lack of information shared with them about the public health threats of former industrial sites, DEP should be reaching out to residents about its Erie Coke findings. *

*"While the Erie Coke property is situated in an industrial enclave, it is a prime piece of real estate along Lake Erie. It is paramount that Erie does not sleepwalk through the cleanup process this time around. We have the GAF property as a reminder of what happens when not enough residents actively take an interest in the process...If the residents of Erie are waiting for a meeting for someone to show us the plans for the Erie Coke property, then we may forfeit our right to have a say in what happens. The lesson learned from GAF's closure is that we as citizens need to take a much higher degree of active interest in the cleanup and development of former industrial properties." [Erie Reader March 2021](#)

HECA calls upon DEP and EPA to report now on the status of final site assessment process and reporting, to implement consultant recommendations to expand the scope of their contamination investigations, and to address when there will be opportunities for public input/comments about current findings as well as exactly how future remediation at the site will be advanced.

Federal Criminal Investigation & Victim Compensation

At the invitation of the U.S. Attorney's Office of Western PA, [HECA continues its outreach](#) to the community to inform the public of their right to be informed of and participate in the federal lawsuit and possibly be compensated for hardships related to the indictment of Erie Coke.

On November 15, 2022, Erie Coke Corporation, along with the plant superintendent, was indicted by a federal grand jury in Erie on, among other charges, violation of the Clean Air Act. Now, the U.S. Attorney's Office of Western PA is [inviting victims of Erie Coke to come forward with statements about how they have been negatively impacted.](#)

Hold Erie Coke Accountable encourages anyone who believes they have been negatively impacted by Erie Coke's offenses, to complete and submit a victim impact statement. HECA urges related authorities to update and increase communications in order that more Erieites be informed. The upcoming HECA forum will seek to elevate the matter of citizen rights and compensation.

As Erie sets sights on the future, a bit of nostalgia is apropos. Stirring the imagination for what could be again, are the descriptive words echoing visions to be relived by and for the people of Erie:

The Erie Coke site, anchored Kingtown, a working-class neighborhood on Erie's lower east side. "Settled mainly by the Irish and the Scotch with some Germans mixed in, the district fronts on what was at one time the most beautiful sand beach along the shores of Lake Erie. You could wade out a quarter of a mile off the foot of East Avenue. The water seldom reached a depth of four feet. A carpet of smooth sand covered the lake bottom at this point. To the east of Kingtown, the Land Lighthouse stands on the bluff. Running along the east edge of the plot, where Dunn Boulevard now is, was a flower covered ravine known as the Devil's Backbone. It ran to the lake and was the favorite route of the May Walks of years gone by. Wayne, Ross, and Newman streets ran to the beautiful Cedars grove on the Lake Front. There was a dance hall and restaurant there and a nice bathing beach. It was the scene of many picnics in the old days...." Carney, John. *Tales of Old Erie*. Advanced Printing and Litho Co. 1958.

Erie Coke Community Working Group

HECA calls upon the governing bodies and authorities to empanel a formal Erie Coke Community Working Group comprised of community residents and key stakeholders to support the remediation and revitalization of the Erie Coke site relative to public and private processes.

The community surrounding Erie Coke's sister site, Tonawanda Coke, advocated for the creation of the [Tonawanda Community Working Group](#). Erie deserves the same working group structure, which would integrate the community into the remediation process and ensure stakeholders engage directly in the planned comprehensive investigation and remediation of the former Erie Coke property. The Working Group would foster meaningful participation that reflects the diversity of interests and perspectives from the Erie community and encourage public input in the cleanup and redevelopment of the site.

HECA asserts Erie deserves to determine the best destiny of the Erie Coke site before history repeats itself in trading away a cherished public amenity for private excess.

Sister Pat Lupo, OSB and Dr. Mike Campbell, citizen scientist, Hold Erie Coke Accountable co-chairs

[Hold Erie Coke Accountable](#) is a non-partisan citizen and community initiative, inspired by the civic resolve that Erie's rise as a leading 21st Century city of choice rides on high quality of life and a healthy environment, requiring that Erie Coke cease violating its air quality emissions permit and stop contributing to foul-smelling air in our community. HECA leadership is provided by community members Erie Benedictine Sister Pat Lupo and citizen scientist Dr. Mike Campbell.