

# Sludge Watch ==> Pennsylvania - sludge feud leaves one dead one wounded

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Sludgewatch Admin:

A physical fight between a 40 year old man whose family's farm spreads sludge and an aged neighbor has left an 81 year old retired carriage curator from the Smithsonian Institute dead. The 81 year old had complained that sewage sludge spread on the neighboring farm had contaminated his drinking water spring.

In letters to the DEP the 81 year old had said that he believed he might be in personal danger.  
The 40 year old is in hospital with a gunshot wound.

Sludge regulations do not provide for dispute settlements - do not allow appeals of sludge spreading permits. Sludge regulators are unresponsive to sludge complaints. Neighbor to neighbor disputes escalate. Note that the sludged property in this story is apparently owned by a former municipal councilor. This often seems to be the case. Sludge is marketed to local municipal officials - the same officials who are supposed to represent the interests of their constituents. With the municipal officials in business with the sludge hauler - how are the constituents to be democratically represented in these controversial land use practices?

When sludge spreading starts in rural communities these kind of feuds fester... neighbor against neighbor, children against parents, family against family. Unlike urban life, rural community relationships are characterized by quiet tolerance, since rural families often occupy adjacent lands for generations. Tolerance stems from a need to maintain cordial relations to get through times of flood, fire, drought.

Sludge spreaders benefit from this rural reluctance to escalate complaints. The environmental and health damage done by sludge - and the constant reminder of the toxic assault of sludge - in well contamination, persistent stench, chronic illnesses, drop in realty value - can fuel bitter and long standing conflicts.

The economics and ethics of the sludge spreading industry with its 'Beggars Thy Neighbor' approach - is tragic in all its outcomes.

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[http://www.publicopiniononline.com/ci\\_10027419](http://www.publicopiniononline.com/ci_10027419)

Fatal feud leaves 1 dead, 1 wounded  
For years two Mercersburg men exchanged angry words over neighboring property along Blue Spring Road, south of town.

Now one is dead and one is recovering from gunshot wounds.

State police are investigating a homicide.

Speaking from his bed at Altoona Regional Hospital Monday night, Bryan E. Kendall, 40, of Mercersburg, said he and his neighbor, Don Berkebile, had had problems in the past. He said when they encountered each other Monday morning, Berkebile, 81, was carrying a gun.

"I tried to stay away from him. I didn't know that he covered up his pistol in a holster under a shirt. He hid it."

Kendall said he was driving down a lane near his home Monday morning, getting ready to go to work when Berkebile "hollered at me and said I ran over a corner boundary line, which is out in a cornfield."

Kendall said he was never in a cornfield, and that he "was in a lane, in my driveway." However, Berkebile, who reportedly had a brush fire burning at the time, continued yelling, according to Kendall.

Kendall recalled he stepped out of his truck to talk to Berkebile. As they stood about 10 feet apart, Berkebile allegedly said, "I saw you run over the corner in the cornfield!"

"I said, 'No you didn't, Don.' He called me an SOB and moved his shirt back and pulled a pistol out of his holster and shot me in the chest. I fell over and played dead. He put his pistol back into the holster.

"He kicked me in the leg to see if I was dead.

Seeing that as the only chance I had, I jumped him and wrestled with him. We scuffled there until he was knocked out or unconscious.

"I unbuckled his holster and threw the pistol away from the scene out into the yard. I called 911 from my cell phone until I collapsed."

Monday evening, Kendall was listed in stable condition at Altoona Regional Hospital, according to Pennsylvania State Police, Chambersburg. Kendall said he was not sure what happened to Berkebile.

According to Pennsylvania State Police, the shooting occurred at 7:35 a.m. at 9399 Blue Spring Road. They reported that Kendall and another male had been involved in ongoing disputes: "This morning a confrontation between the two males led to Kendall being shot with a firearm."

Kendall was flown to a hospital in Altoona.

"During the said assault the other male, whose name is being withheld pending death notification, died of injuries sustained during the altercation, and was pronounced dead on the scene by the Franklin County Coroner," police said in the release.

In 2003 Berkebile claimed that biosolids, or treated human waste, spread on the neighboring Grove farm field contaminated his spring. Grove farm is owned by Kendall's mother-in-law, Julia Grove, a former council member for the Borough of Mercersburg.

Berkebile's farmhouse plumbing was connected to the spring. He accused the Department of Environmental Protection of failing to enforce its regulations.

Berkebile sent long, typewritten letters about his concerns with the DEP to Public Opinion five years ago. In one letter he suggested he might be in personal danger.

Betty Hardsock of 9413 Blue Spring Road, said she has known Kendall for eight or nine years and Berkebile for more than 25 years.

According to Hardsock, Kendall was "a hot head."

"He and my son went bear hunting up in Williamsport," she said. "My son was the first to kill a bear and Bryan got so mad he packed up and left. He left my son up there. He's got a temper on him."

Jessica Pensinger, Hardsock's niece, said Berkebile was a quiet man who kept to himself.

Hardsock said Berkebile's wife had passed away some time ago and he had a close friend who lived nearby.

Berkebile was a retired carriage curator from the Smithsonian Institution in Washington. He lived 27 years in the 1770 farmhouse that he and his wife restored. He restored a few pieces in his workshop on the farm.

While at the Smithsonian he authored the Smithsonian Collection of Automobiles and Motorcycles in 1968 and Carriage Terminology: An Historical Dictionary in 1978. He also updated Smith Hempstone Oliver's book Horse Drawn Commercial Vehicles in 1978.

- Staff writer Keith Paradise contributed to this report.

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