

**BO RIT ASBESTOS SITE COMMUNITY  
ADVISORY GROUP  
CONVENING ASSESSMENT REPORT**

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**Prepared for the U.S. Environmental Protection Agency  
Region III**

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## I. Introduction and Background

EPA Region III has been actively working with stakeholders at the BoRit Asbestos Site for some time. Stakeholders approached EPA about forming a CAG for the site, and EPA offered to contract for neutral facilitation assistance in convening a CAG that is representative of the diverse interests of the communities around the site.

This Convening Assessment was contracted by the U.S. Environmental Protection Agency through the agency's dispute resolution services prime contractor SRA International. The author of this assessment report, Melinda J. Holland, Holland & Associates, was the environmental mediator/facilitator selected by local "stakeholders" and the U. S. Environmental Protection Agency to provide neutral facilitation assistance in the formation of a Community Advisory Group (CAG) for the BoRit Asbestos site in Ambler, Pennsylvania. Ms. Holland's responsibilities included:

- Identifying and interviewing representatives of the diverse stakeholder interests within the communities surrounding the BoRit 32 acre asbestos site;
- Making recommendations on membership of core group of stakeholder interests that is representative of the communities and the range of interests potentially affected by the BoRit Asbestos site;
- Making recommendations on formation operating procedures and groundrules for the CAG;
- Providing an assessment report summarizing the above.

The area referred to in this assessment report as the "BoRit Asbestos Site" or "the 32 acre site" is comprised of three (3) asbestos<sup>1</sup> disposal sites, which are not listed on the EPA National Priorities List (NPL), in the Ambler area of Montgomery County, Pennsylvania<sup>2</sup>.

- The first portion is the approximately six acre Bo-Rit site located northwest of the intersection of Butler Pike and Maple Street in Ambler Borough, sometimes referred to as the asbestos waste pile property. This is the site currently owned by Kane Core Inc., which until mid-October 2005 was the subject of a controversial proposed high-rise development.
- The second portion is the Reservoir site, approximately 15 acres, adjacent to the northwest side of the Bo-Rit site on Maple Avenue in Upper Dublin Township, currently owned by the Wissahickon Valley Watershed Association LLC.
- The third site is the Wissahickon Park (a.k.a. Whitpain Park), approximately 11 acres, located to the northwest of the Reservoir site along Chestnut Avenue, between the reservoir and Mt. Pleasant Avenue in Whitpain Township.

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<sup>1</sup> General information on asbestos may be found in EPA Region 4's document "The Asbestos Informer" at: <http://www.epa.gov/region04/air/asbestos/inform.htm>

<sup>2</sup> For background information about the BoRit Asbestos site the following web sites might be helpful: [http://www.epaosc.net/site\\_profile.asp?site\\_id=2475](http://www.epaosc.net/site_profile.asp?site_id=2475)  
[http://www.depweb.state.pa.us/southeastro/lib/southeastro/borit\\_health\\_fact\\_sheet.pdf](http://www.depweb.state.pa.us/southeastro/lib/southeastro/borit_health_fact_sheet.pdf) ;

The total 32 acre site is referred to by different names by different stakeholders, thus the CAG may wish to select their own name for the group.

According to the EPA document entitled "BoRit Asbestos Site Questions and Answers dated March 12, 2007"<sup>3</sup>, at the BoRit Site, the EPA Removal Program is conducting a Removal Assessment to determine what next steps, if any, are warranted based on the sampling results being collected. When EPA has completed all the sampling from the Removal Assessment, the agency may take some action, refer the Site for further evaluation (i.e., National Priority Listing ["NPL"] consideration) or determine that no further action is necessary. EPA Region III has been conducting air sampling and analysis since April of 2006 with the most recent samples collected in August, 2007. EPA's BoRit site web page<sup>4</sup> states that "based on the October/November 2006 and March/May/June 2007 ambient air sampling results, residents in the vicinity of the BoRit Site are not being exposed to asbestos fibers from the Site at levels that pose an unacceptable or significant health risk. Nonetheless, EPA plans to continue the air sampling program to investigate whether changes due to seasonal variations are occurring".

The Pennsylvania Department of Environmental Protection (PADEP) has had oversight responsibility BoRit site for some time and reports<sup>5</sup> that it has been inspecting the 32 acre site on a yearly basis at minimum, with more frequent routine site visits in response to citizen concerns. In addition to PADEP Air Quality staff, these sites have been inspected by PADEP's Environmental Cleanup Program staff and by representatives of EPA.

## **II. Convening Assessment Methodology**

The first step in the convening assessment was gathering and reviewing background information obtained from the U.S. Environmental Protection Agency, the Commonwealth of Pennsylvania, and other agencies. The facilitator also undertook internet and regulatory research. For a partial list of internet addresses used in this research please refer to Appendix 1.

Before initiating interviews and telephone calls, the facilitator sent (primarily via email) a letter introducing herself and summarizing the planned convening activities (a copy of the introductory letter and the facilitator's biographical sketch may be found at Appendix 2). The introductory letter explained that the facilitator's first endeavor would be to conduct an assessment of the interests, issues, and goals related to the BoRit site and the possible formation of a Community Advisory Group (CAG). The letter also explained that the facilitator is not an advocate for EPA or any

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<sup>3</sup> [http://www.epaosc.net/sites/2475/files/q&a%20%20\(march\).pdf](http://www.epaosc.net/sites/2475/files/q&a%20%20(march).pdf)

<sup>4</sup> [http://www.epaosc.net/site\\_profile.asp?site\\_id=2475](http://www.epaosc.net/site_profile.asp?site_id=2475)

<sup>5</sup> Further information on PADEP's activities at the site may be found in the fact sheet at the following web site: <http://www.depweb.state.pa.us/southeastro/cwp/view.asp?a=3&q=484158&PM=1>

other party; but is an advocate for a fair, balanced, open, safe collaborative dialogue process.

The interviews of individuals or groups (stakeholders) who have an interest or concern regarding the BoRit site and the new CAG were the cornerstone of this convening assessment. The list of individuals interviewed may be found at Appendix 3. Although a formal list of interview questions was not utilized, in part to allow the person interviewed to share all information they felt relevant to the assessment, an interview guide used by the facilitator in the interviews is attached as Appendix 4.

The facilitator encouraged those interviewed to share their experience, interests, concerns and goals for the BoRit site and CAG. The interviews explored:

- The challenges and opportunities presented by the site;
- How the opportunities might be realized while overcoming the challenges;
- Key issues that need to be resolved; and
- Goals regarding the site and the CAG process;
- Key roadblocks anticipated in attempting to resolve those issues;
- The outcomes desired on the key issues;
- Suggestions on who should participate in a BoRit site CAG including additional stakeholders that should be contacted. In this manner the list of interviewees expanded significantly as the interviews progressed.

Interviews were conducted in person or by telephone with key stakeholders who might have an interest in the BoRit Asbestos site. Based on the background research, the facilitator developed a preliminary list of 20-30 organizations and individuals to interview, and sent letters of introduction. Additional interviews were conducted based on the findings from these initial conversations, which often included the names of other individuals with relevant experience and perspectives. Approximately 68 individuals were interviewed or provided important information.

The stakeholder interests interviewed included representatives from the following general categories:

- Residents of the various communities, townships and Boroughs around the site;
- Civic Associations and Residents Organizations;
- Environmental and non-governmental organizations;
- Federal and state regulatory agencies;
- Other government entities such as health agencies;
- Local government entities (including Montgomery County, the Townships and Ambler Borough);
- Owners of the site;
- Local business owners;
- Civic associations and fraternal orders; and
- Others as identified during the interviews.

As was explained to the interviewees, this final report reflects what the facilitator heard in the interviews, but every effort has been made to avoid attribution to specific individuals or organizations (unless the individual stated that attribution was

acceptable). The facilitator expresses her gratitude to those interviewed for sharing their experiences and opinions freely.

Based on the information received from the interviews, and independent research and analysis, the facilitator recommends potential candidates for membership in the BoRit CAG Core Group. This report also recommends a collaborative process (i.e., a process that provides the opportunity for all interest groups to participate in a balanced format) by which the CAG may be formed and conduct its activities.

The draft assessment report was reviewed by the U.S. EPA and PADEP, this report reflects their input, but no changes were made to the facilitator's recommendations. No individual or entity other than the U.S. EPA and PADEP reviewed the draft conflict assessment report. This is common practice to maintain the independence of the conflict assessment. As a consequence, the facilitator takes full responsibility for any errors, misstatements or omissions. This convening assessment report is only intended to provide a high-level overview of the circumstances and issues of concern to stakeholders, and offer recommendations on CAG membership, process, and operating guidelines.

This final conflict assessment report will be distributed to all stakeholders who were interviewed, and placed on EPA's web site at: <http://www.epaosc.net/borit> and is available to anyone who would like a copy.

#### CAG Informational Public Meeting

A CAG Informational Public Meeting was held at the Whitpain Township office complex on June 26, 2007. The meeting was facilitated by Amelia Libertz, EPA TAG Coordinator, and Melinda Holland, Holland and Associates, (independent mediator/facilitator). They were assisted by Larry Johnson and Vance Evans, EPA Community Involvement Coordinators. Approximately 55 people attended this public meeting. Ms. Libertz introduced the EPA CAG process and explained that:

- The CAG may be a vehicle for ongoing community understanding of the status of the response to the BoRit Asbestos site situation;
- The CAG will provide the community with an opportunity for input into the planning of future response activities insofar as they impact the community's interests; and that
- The CAG's role is advisory, EPA by law is required to be the ultimate decision-maker, but must - and very much wants to - receive community input before it makes decisions.

Ms. Holland described her ongoing CAG convening activities to the participants at the public meeting. She described potential opportunities for the CAG as including:

- Fostering dialogue and cooperation between the diverse groups/individuals in the community & around the 32 acre site;
- Exchanging facts & information w/in CAG and with Agencies;
- Understanding individual stakeholder views and desired outcomes;
- Developing consensus recommendations from CAG to agencies;
- Working cooperatively to achieve common goals; and

- Sharing information with member's constituents and the rest of the community.

The public meeting concluded with a question and answer session and discussion. A summary of the flip chart notes from the meeting is attached as Appendix 5.

### **III. Convening Interviews Summary**

Issues, Concerns and Goals Parties will Bring to the Table - This section summarizes what the facilitator learned through the convening assessment process, incorporating information gathered from the interviews. To preserve the confidentiality of the parties interviewed, the following summary of the information gathered during the interviews is not attributed to individuals.

This section summarizes in bulleted format, the issues, concerns and goals that interviewees expressed regarding the 32 acre BoRit Asbestos Site. The statements are organized by topics under general types of stakeholder groups. The statements in this section are paraphrased, although duplicate statements within categories have been combined. These stakeholder comments are not listed in any particular priority or order.

#### *A. Concerns and Goals of Residents Associations; Civic Associations; Community Groups & Individual Residents*

#### CONCERNS

##### **1. Concerns Regarding Protection of Health & Environment:**

- Health and safety must come before redevelopment;
- Documents and oral reports say that hazardous wastes were dumped on the 32 acre site by pesticide/herbicide manufacturer - this should be investigated;
- Other hazardous chemicals were dumped in what is now the reservoir by companies like AmChem, this needs to be investigated to see if cleanup of additional substances is needed;
- Concern regarding environmental impacts from asbestos in creek, the water, banks and sediments of Wissahickon Creek should be tested;
- Risks of kids and other trespassers being exposed to asbestos and taking it home on shoes, clothing, etc.;
- Survey of asbestos related cancer is needed for the communities within a certain distance from the asbestos site, not based on the Ambler zip code;
- Parts of the site were used as dump for household and industry wastes, would like to see investigation for other chemicals;
- Trespassers on site such as children fishing/playing, people riding 4-wheelers, dirt bikes, etc. may disturb asbestos so that it is released into the community;
- Part of the 32 acre site is in the flood plain, high water could carry asbestos downstream and deposit it high on banks where it would dry after flood waters recede - this increases risks of downstream residents to exposure;

- Do not try to dig up and remove asbestos, too much risk of exposure;
- Kids playing and fishing in Wissahickon Creek;
- Some businesses along Butler Pike near the site were built on top of asbestos waste, which is showing up as Tannery Run erodes;
- Impacts on the downstream watershed and Philadelphia water supply needs to be considered;
- The outflow from the Delaware River flows up the Jersey shore beaches - investigation should be made of the possibility of asbestos being deposited along the beaches.

## **2. Concerns Regarding Redevelopment & Future Use**

- Concerns over health risks from possible air exposure to asbestos from the site, especially if the site is disturbed for cleanup or construction;
- Any development on the BoRit asbestos piles would require moving asbestos - oppose that due to potential release into air - prefer cap in place;
- Concern that local governments and PADEP have a primary goal of redeveloping the site.

## **3. Concerns Regarding Agency's Process, Authority, Funding**

- Concerns over EPA sampling protocols - want more samples in dry conditions;
- RIFS from the AA Piles NPL site mentions the 32 acre site as having high scores and similar asbestos contamination to the AA Piles;
- Concerned and frustrated that EPA did not put the 32 acre site on the NPL when the Ambler Asbestos Piles were added;
- Lack of trust in EPA and PADEP and sample results;
- Concern that EPA is not following up on citizen requests for information, ex. asked for experts from the Libby Montana site;
- Do not believe that PADEP Act 2 Program will oversee re-development on the site in a way that will protect the community from exposure; it seems like the Act 2 Program's mission is development;
- Concerned that community was told they were safe from the risk of asbestos exposure after the Ambler Asbestos Piles were capped, yet nothing was done with the 32 acre site and no agency mentioned risks from it to the public;
- The brownfields program fails to acknowledge that some types of sites, such as asbestos and radioactive wastes, should never be built on - they should be capped and fenced so that no one is exposed;
- Analysis of cancer data by Ambler zip code was flawed - that zip is much larger than the area around the site [diluting the results] and does not include the neighboring communities in Whitpain and Upper Dublin Townships. Need to analyze data by street not zip code;
- Disbelief of health agency statements that there is no current health risk posed by the 32 acre site.

## **4. Concerns Regarding Impacts on Communities**

- Concern regarding past inequities in access to parks, open space, play grounds, etc. for the West Ambler community;



- Concern that digging up the asbestos at the site would require evacuation of homes adjoining the site and would destroy that part of the community (as happened when the Ambler Asbestos Piles were capped);
- Ambler needs land for development and an increased tax base.

**5. Concerns Regarding CAG Process:**

- Concern that formation of CAG with a wider range of interests such as business and local government, will dilute the effectiveness and impact of citizens efforts to hold the agencies to their job of making the site and community safe from exposure to asbestos;
- The CAG could be a way for EPA to say that they did extensive community involvement and move on with a no-action approach.

**GOALS**

**1. Goals Regarding Health and Environment:**

- Key goal is protect public from exposure to asbestos, thus cap/cover and restrict access to at least the asbestos piles portion of the BoRit site is preferred.

**2. Goals Regarding Future Use of the Site:**

- Open and green space use is preferred as future use of the 32 acre site;
- Oppose development on the site due to increased risk of exposure to asbestos;
- The 32 acre site could be an important link for trail connectors and connecting open space corridors. Whitpain open space plan recommended finding a way to gain access to the Wissahickon Valley Watershed Associations waterfowl preserve and that the entire 32 acre site become a conservation area;
- If the majority of the community wants green or open space future use (such as what was proposed by the WVWA) that is acceptable, or could support a reasonable level of development if it can be done safely;
- Part of the site could be paved for parking as Ambler needs more parking areas, paving would cap the asbestos;
- Some development could be OK if cleanup does not release asbestos into community, except oppose a high-rise;
- Cap all asbestos wastes, including asbestos on the banks of creek and reservoir, and use entire 32 acre site for green space, waterfowl refuge;
- Numerous studies show that converting brownfields areas into parkland can be a catalyst for accelerated economic development and an improved quality of life. Local governments need to support an open space future use for the 32 acre site if that is what public wants;
- Pennsylvania's "Growing Greener Program" which promotes creating a network of green spaces should incorporate and support the 32 acre site.

**3. Goals Regarding the Communities:**

- Want safe play ground and park for recreational activities (including an adult exercise facility like a walking track) for W. Ambler and Ambler children/adults to replace the loss of Whitpain Park;. Interested in building Boys/Girls Clubs in West Ambler.

#### **4. Goals Regarding Remediation of the Site:**

- 32 acre site should be listed on the NPL as it has the same type wastes as the Ambler Asbestos Piles NPL site;
- Entire site should be fenced (the creek does not provide an adequate barrier to trespassers), fences and warning signs should be maintained at all times and trespassing prevented;
- Make 32 acres an NPL site, cap the BoRit piles, stabilize the banks of the pond/streams in the Wissahickon Valley Watershed Association parcel so it is safe for wildlife and bird watching, and restore the park for recreational use;
- Cleanup and some re-use, or cap the site is acceptable if done safely with no release of asbestos into the community; but prefers to avoid digging into the asbestos due to possible release into the air.

#### **5. Goals Regarding the CAG Process:**

- Want all key stakeholders at the table for the CAG, and have candid, respectful, productive discussions;
- The CAG should investigate what is technologically feasible to provide protection from exposure to asbestos, and explore whether re-development can truly be done safely;
- Have the CAG get all the facts on table and review the options for the future of the 32 acre site and have the Townships and Borough to work cooperatively with each other and the citizens on this issue;
- The various local governments which have an interest in or involvement with the 32 acre site need to participate in a process that gets them to work together cooperatively for solutions and to plan future uses;
- CAG should have diversity of race, income levels, neighborhoods, etc. and all participants should be heard equally;
- CAG should be vehicle for open, safe, cooperative discussion of issues within the community and with the agencies;
- CAG will need some form of technical assistance grant (TAG) to hire their own technical expert to review technical information and agency actions.

#### **6. Goals Regarding Agency/Government:**

- Want transparent decision making regarding the site by elected officials and agencies;
- Want input and assurance from ATSDR on health risks from the site currently and for future use scenarios.

### B. Concerns and Goals of Business Owners

#### CONCERNS

##### **1. Concerns Regarding Protection of Health & Environment:**

- Long-term welfare of Ambler and its residents;

##### **2. Concerns Regarding Agency's Process, Authority, Funding:**

- Does not accept EPA/PADEP's limited regulatory authority and questions EPA methods for sampling;
  - Concern that no money will be available to cap or cleanup the site;
- 3. Concerns Regarding Impacts on Communities:**
- Concern over people avoiding Ambler area during any cleanup/construction activity on the site that might disturb the asbestos;
  - Do not want to see the site remain as it is fences down, trespassers risk health, potential release of asbestos into community - that is bad for business and the community.
- 4. Concerns Regarding CAG Process:**
- Some community members do not understand the low-level of risk from asbestos at the site;
  - Effort is needed to educate CAG and public about the risks from asbestos during construction or cleanup and the safety of methods used to control asbestos release during construction or cleanup.

## GOALS

- 1. Goals Regarding Future Use of the Site:**
- Cap the piles on the 6 acre BoRit portion and give it to the watershed authority for open space and bird sanctuary;
  - Make Whitpain Park safe for recreational use;
  - Prefers that asbestos be contained on-site w/cap and allow it to be green space, wildlife refuge;
  - Some residential re-use on the site would benefit the Borough and area businesses.
- 2. Goals Regarding the Communities:**
- Would like to see more business in Ambler, need more residents and development but not on the BoRit site;
  - Addressing fears about potential health risks from the asbestos site would help area revitalization;
- 3. Goals Regarding the CAG Process:**
- CAG goal should be to help community understand risks from asbestos and from development on part of the 32 acre site; and help the community reach agreement on desired future use[s] for the site;

### C. Concerns and Goals of Environmental/Conservation Groups

## CONCERNS

- 1. Concerns Regarding Protection of Health & Environment:**
- The City of Philadelphia Water Department has an intake on Wissahickon Creek;
  - Wissahickon Creek is one of the most impaired urban watersheds; Wissahickon Creek and the Delaware River cannot accept any more stormwater runoff or

sewage contamination, thus additional development along the creek is problematic;

- Wissahickon creek is subject to flooding and erosion during storms which carries asbestos downstream where it is deposited along the banks to later dry and potentially be carried by wind or disturbed by humans or animals;
- Concerned about airborne asbestos risks;
- Asbestos along the creek and reservoir banks needs to be removed or contained;
- Concern over risks to children fishing/playing in creek.

**2. Concerns Regarding Agency's Process, Authority, Funding:**

- The Shaw report commissioned by PADEP showed a very high score for NPL listing, believe this was because of the risks of exposure to asbestos on and off the site;
- Concerned about possible EPA no-action alternative on this site;

**GOALS**

**1. Goals Regarding Health and Environment:**

**2. Goals Regarding Future Use of the Site:**

- Have 32 acres be mostly green space, with trail if possible. Limited development OK if can be done safely;
- Want the Borough and Townships to support an open space, trails and habitat use for the 32 acre site;
- 32 acre site is very important to the regions green space plans and should have trails that would connect already existing trails like the Green Ribbon Trail;

**3. Goals Regarding Remediation of the Site:**

- Capping/containing the asbestos is the best solution;

**4. Goals Regarding the CAG Process:**

- Technical advisory grant should be given to the CAG;
- CAG members should take a positive, collaborative approach to working with all involved interests to find a mutually acceptable solution and future use for the 32 acre site.

***D. Concerns and Goals of Local Government***

**1. Concerns Regarding Protection of Health & Environment:**

- The site could present a long or short-term hazard in its present un-contained condition;
- Concern over risks of release of asbestos into the air from the site, and on asbestos eroding from the banks of Wissahickon Creek which flows into other townships;
- Lack of maintenance of fences around the site;

**2. Concerns Regarding Redevelopment & Future Use:**

- Possible health risks and problems from construction on site;

### **3. Concerns Regarding Agency's Process, Authority, Funding:**

- Cleanup will be very expensive – local government cannot pay;
- Local government officials are not environmental experts and must rely on the findings of the regulatory agencies regarding sites like BoRit;
- Estimated cost of capping and stream bank restoration to restore park use is in the millions, finding funding would be difficult;
- If EPA will not clean it up and there are no PRPs with money - who will pay to clean up the site;
- Lack confidence in PADEP based on history at this site - there has been inadequate enforcement of violations such as when the fences/warning signs are down; the agencies have inadequate legal authority.

### **4. Concerns Regarding Impacts on Communities:**

- Several local governments are involved or have part of the 32 acre site in their jurisdiction, but see little coordination among them on future goals for site;

## **GOALS**

### **1. Goals Regarding Health and Environment:**

- #1 concern is health of citizens

### **2. Goals Regarding Future Use of the Site:**

- Favor reuse if it can be done safely with no health hazard;
- Open space is a major focus for Montgomery County residents, 75% majority voted in favor of a 150 million dollar bond issue to protect open space;
- County open space areas and trails adjoin the 32 acre site which needs to be connected;
- The Green Ribbon Trail and several open space corridors meet at the 32 acre site. Clean up the 32 acres to allow for trail, park, wildlife, and open space uses in accordance with county open space plan.

### **3. Goals Regarding the Communities:**

- Ambler needs land for residential development and parking near downtown shopping;
- Amber is the town center for Upper Dublin, want Ambler revitalization to succeed;
- Access to park, open space, recreational areas needs to be provided for West Amber and Ambler residents.

### **4. Goals Regarding Remediation of the Site:**

- Need to know method/costs/safety of cleanup or containment of asbestos before can consider any re-use of the site beyond green space.

### **5. Goals Regarding Agency/Government:**

- Want EPA to advise if it is safe to allow any re-use of the site.

### E. Concerns and Goals of Legislative Staff

#### CONCERNS

##### **1. Concerns Regarding Health and Environment:**

- Health and safety of constituents is the ultimate concern.

#### GOALS

##### **1. Goals Regarding the CAG Process:**

- CAG could address the three sites comprising the 32 acres individually as they might want to recommend a different future use and goal for each;
- Want to help constituents obtain answers to their questions and concerns regarding the site, would do same on CAG;
- Educate CAG and community on real risks posed by asbestos and the 32 acre site.

##### **2. Goals Regarding Agency/Government:**

- Have regulatory agencies remain responsive to community concerns and requests.

### F. Concerns and Goals of Federal and State Agencies

#### CONCERNS

##### **1. Concerns Regarding Protection of Health & Environment:**

- Consider risks of on-site exposure to trespassers;
- Concern of ongoing trespass despite fencing and warning signs;
- Air pathway is of primary concern;
- Health risks to trespassers on the 32 acre site should be considered in evaluating overall risks from the site;
- If the 32 acre site is capped, trees will have to be cut and stumps removed.

##### **2. Concerns Regarding Redevelopment & Future Use:**

- Health concerns exist about reopening the park area especially soil disturbance if any structures to be built.

##### **3. Concerns Regarding Agency's Process, Authority, Funding:**

- Concern that health of residents and safety from exposure to asbestos may not be the number one concern of some officials;
- Understand residents concern about cancer risk, but they have no reported cases of asbestos related cancer in the Ambler area that is not occupation related;
- The asbestos NESHAP regulatory standards are not adequate to protect public health and no other adequate regulations/laws exist;
- If EPA decides that they cannot take action regarding the site, will they withdraw leaving the site back in operation and maintenance mode under PADEP jurisdiction;
- The state may not have adequate funding to remediate the BoRit site;

- Question why EPA did not add the BoRit 32 acre site to the NPL when the Ambler asbestos piles site was listed.

**4. Concerns Regarding the CAG Process:**

- Starting the CAG now may raise public expectations that may not be fulfilled based on findings of the year-long sampling effort;
- What happens to the CAG if EPA withdraws from activity at the site;
- What type of input regarding the future use of the site will CAG members really have;
- Will this multi-year CAG effort be worthwhile, or serve to further frustrate area residents.

**GOALS**

**1. Goals Regarding Health and Environment**

- Want to see air samples during dry and other meteorological conditions;
- Fencing around the entire 32 acre site.

**2. Goals Regarding the Communities**

- Want citizens to feel comfortable with the final resolution at the site and to resolve any lingering suspicion of possible health threat.

**3. Goals Regarding the CAG Process**

- CAG should consider role in education of community regarding the dangers of trespassing on the asbestos sites;
- Continue to provide straight answers and credible information.

**4. Goals Regarding Agency/Government:**

- Complete summary/analysis of available asbestos related health data for the site is needed.

**IV. Convening Assessment Findings**

This section provides the facilitator’s analysis of the information gathered during the interviews and assessment process.

*A. Overview of Key Stakeholder Issues, Concerns, and Goals*

Virtually all parties interviewed stressed that one of their most important concerns was safety from exposure to asbestos from the BoRit Site for those living and working in the surrounding communities. Many also were concerned about the potential exposure to trespassers on the 32 acre site, which they stressed was likely due to the fact that:

- the Mercer Hill side of the site is not fenced;
- other fencing is not adequately maintained; and
- there are no play grounds or other nearby recreational areas for children living near the site.

Another concern raised by a majority of those interviewed was the potential risk of release of asbestos into the environment from possible redevelopment activities on the 32 acre site. A majority of interviewees also stressed a desire to see the site capped or remediated in such a way as to prevent the potential of future releases of asbestos.

Many interviewees expressed distrust and concerns regarding the regulatory and health agencies ability and willingness to take sufficient additional actions to protect public health and the environment from asbestos.

Regarding goals for the future of the 32 acre site, the majority of those interviewed expressed a preference for a green, open space, waterfowl habitat use. Many also suggested that some portion of the site be made into a recreational area with facilities for children and adults (also emphasizing the need that those using the area be safe from exposure to asbestos). Many interviewees stated that some limited re-development would be acceptable or preferred on the 32 acre site but stressed that development would need to be done safely without the release of asbestos into the community. Many acknowledge the Borough of Ambler's need for additional land for residential development and parking.

### *B. Environmental Justice Considerations*

The West Ambler community is a primarily African-American community with environmental justice concerns. West Ambler is located adjacent to the southern side of the 32 acre BoRit site and is in Whitpain Township. West Ambler residents expressed frustration over Whitpain Township's perceived neglect of their community. Interviewees from this community believe that the remainder of affluent Whitpain Township wishes to ignore West Ambler, and that services such as trash cleanup, curb/sidewalk construction/maintenance, etc. have not been provided at the same level as in the rest of the Township.

The residents are most concerned and frustrated over the closing of the Whitpain Park portion of the 32 acre asbestos site, which was the only recreational area easily available to the children and adults of adjacent West Ambler and Ambler Borough. The West Ambler residents interviewed stated that their highest priority was creation of space and facilities for recreational activities for children and adults in the nearby communities. They also stressed that recreational facilities be free from the risk of exposure to asbestos. Community leaders have engaged Whitpain Township officials in an ongoing dialogue on this issue. To address environmental justice concerns, the facilitator believes that the concerns of the West Ambler community should also be addressed within the CAG process. The facilitator has recommended members of the West Ambler Civic Association and an African-American business owner as members of the CAG core group.



### C. Chances of Successful CAG Process

The facilitator believes that there is a good likelihood of a successful CAG process, especially if the CAG has the assistance of a trained, neutral facilitator at least in the early months of its activities. The stakeholders interviewed as part of this assessment are very interested in this site and CAG process and many of them are very knowledgeable about the site and related issues. The interviews revealed a strong interest in forming a CAG to work with the agencies and provide the community with a safe, balanced forum to discuss its concerns and goals. Based on the interviews, the facilitator is optimistic that the CAG process could successfully facilitate development of consensus within the communities surrounding the 32 acre site regarding the future of the site.

However, the interviews revealed that there has been a history of mistrust starting during the conflict over the 17 storey high-rise building that was proposed for construction by Kane Core Inc. on the 6 acre portion of the BoRit site. The dispute over the proposed high-rise resulted in a difficult and strained relationship between some of those opposing the high-rise and local government officials. There are 5 Ambler Borough Council seats up for election in November, 2007 and some candidates are focusing on the BoRit asbestos site as a campaign issue. It will be important to the success of a newly formed CAG to keep politics and campaigning off the table during CAG meetings.

There is also a significant level of mistrust of the state and federal regulatory and health agencies, and of their ability or willingness to take action to protect the public from risks of exposure to asbestos.

The facilitator found that there is a wide range among the stakeholders interviewed as to their level of knowledge about the site, agency activities, and technical issues. Thus, improving stakeholder's understanding of agency sampling protocols, data, risk analysis techniques, and legal/regulatory authority and limitations should be part of the CAG process. The CAG will have a much better chance of success if educational presentations are given on these topics (and other topics requested by CAG members) by recognized experts who have credibility with the CAG. The CAG can provide an opportunity for in-depth discussions between members and the agencies with the goal of mutual understanding, respect and re-building trust.

The facilitator concludes that some form of funding for the CAG to hire a neutral technical advisor would greatly improve the chances of a successful CAG process. If the CAG has its own technical advisor to help them interpret and evaluate technical information and proposals offered by the agencies, this will provide technical education to the CAG members, and will hopefully increased the understanding and trust of information provided by the agencies. The facilitator has recommended for CAG core group membership (or alternate membership) individuals with medical, scientific, engineering, and legal expertise in the belief that these individuals will assist the CAG from within in evaluating the technical, regulatory, and legal information related to the site.

The facilitator believes that the controversy surrounding the site and the lack of trust between many of the stakeholder interests that need to be involved in the CAG process, will necessitate the support of either an experienced, neutral facilitator, and/or strong unbiased leadership from within the CAG. The CAG will need skilled, impartial facilitation or leadership to develop a collegial, collaborative dialogue that focuses on the CAG's concerns and goals rather than past differences and personalities.

## **V. Recommendations Regarding CAG Formation and Membership**

### **A. Process and Basis for Recommendations Regarding CAG Membership**

Throughout the convening interviews and at the June 26, 2007 CAG information public meeting, the facilitator was pleased to note a great deal of interest and enthusiasm about the CAG. Unlike many advisory group processes where it is difficult to find an appropriate range of stakeholders who are willing to participate, in this case there is an abundance of interest throughout all interest groups. The large number of people who are interested creates a unique challenge, as it is very difficult for 50 people to sit around a table and have a meaningful collaborative dialogue in a reasonable period of time. In the facilitator's experience most Community advisory groups will usually meet monthly in the evening for two to three hours. In the facilitator's best professional judgment, 15 to 25 members is the optimum size for this type of group, which will allow for meaningful dialogue, and where there is time for all members to be heard.

In preparation for this convening process, the facilitator reviewed EPA's "Guidance for Community Advisory Groups at Superfund Sites"<sup>6</sup> which is designed to help EPA staff help convene and work with CAGs. This guidance document discusses general approaches for forming and operating a CAG, stressing that the CAG should reflect the composition of the community and represent the diversity of local interests. It provides examples of model approaches which MAY be used to select CAG members as follows:

1. Short-term Screening Panel Model – EPA may assist the community in organizing a short-term Screening Panel to review nominations for membership on the CAG prior to final member selection.
2. Existing Group Model - An existing group in the community—such as a group with a history of involvement at the Superfund site—may be selected as the CAG for that community, if, in fact, it does represent the diverse interests in the community.

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<sup>6</sup> <http://www.epa.gov/superfund/tools/cag/resource.htm> - has links to the EPA CAG Guidance, EPA CAG Toolkit, Fact Sheet, Technical Assistance Grants, and other relevant documents.

3. Core Group Model - EPA could select a Core Group that represents the diverse interests of the community. The members of this Core Group then would select in a fair and open manner the remaining members of the CAG with the goal of a final membership that represents the diverse interests of the community.

4. Self-selecting Group Model - EPA announces the opportunity to form a CAG, the local community identifies (in a fair and open manner) CAG members who they believe represent the diverse interests of their community. Realistically, it may take some communities a significant amount of time to fully select the CAG members.

5. Local Govt. Selection Model - The local government would select, in a fair and open manner, members of the community to serve on the CAG. This model may be appropriate at sites where a positive working relationship and established communication channels exist between the local government and the community

For the BoRit CAG, the facilitator recommended and EPA endorsed the 3<sup>rd</sup> option, with the facilitator recommending the Core Group based on the convening assessment findings. Having the facilitator select the core group takes advantage of the her 18 years of experience in recommending membership and structure of Community advisory groups that represent the diverse interests of the community.

In this convening assessment process the facilitator took considerable care to locate and speak with a wide range of interests and stakeholders within the communities potentially affected by or interested in the 32 acre site. The next section contains the facilitator's recommendations for core group membership for formation of a BoRit Asbestos Site CAG. Only one representative from each organization or stakeholder interest group has been recommended for core group membership.

At the first or second meeting of the core group, the group should address whether there is a need to add additional stakeholders or change the CAG membership. Under this approach the core group will be responsible for approving the final CAG membership.

There are many more talented, dedicated individuals who have expressed an interest in the CAG process, than the facilitator felt could fit into an appropriately sized CAG. Furthermore, the absence of anyone who was interviewed from the following core group list is no reflection on the suitability, talent, or interest of those individuals; rather it is that in developing these recommendations, the facilitator endeavored to limit each organization, or stakeholder interest, to one core group member and one alternate to keep the total core group members to a reasonable number.

The facilitator encourages the CAG to form special working groups (focused on particular topics) comprised of CAG members, alternates, and other volunteers (as the CAG members find appropriate) to allow more people to become actively involved in the CAG process.

### C. Recommendations for CAG Core Group Membership

The following is a list of stakeholder organizations and individuals whom the facilitator recommends for the initial core group of the CAG. They are grouped under loose categories for convenience.

#### COMMUNITY ORGANIZATIONS AND CIVIC GROUPS

- Citizens for a Better Ambler – Sharon McCormick, (alternate – Dan McCormick);
- West Ambler Civic Association - Flo Wise, (Alternate – Robin Perry);
- Whitpain Residents Organization – Fred Conner (Alternate - Susan Mudabi);
- Whitemarsh Township Residents Association – Joanne M. Walker, Esq., WTRA Board of Directors (Alternate – Anthony J. Hibbeln, P.E., WTRA Board of Directors);
- Mercer Hill Village Association – Lynn Hoffman;
- American Legion Post 00769 (West Ambler) - Eddie Curtis, Commander.

#### ENVIRONMENTAL/CONSERVATION GROUPS

- Clean Water Action - Alisha Deen-Steindler;
- Wissahickon Valley Watershed Assoc. – Bob Adams, Director of Stewardship; (Alternate - Tim Hughes, WVWA Board of Directors) (WVWA also is a owner of part of the 32 acre site);
- Susan Curry - Ambler Environmental Advisory Committee; (Alternate - Charlie Stewart, EAC member).

#### LOCAL BUSINESS OWNERS

- Sal Boccuti, Aerial Photography, (also member of Sons of Italy);
- Dave Caddick, Caddick Construction (utility construction);
- Ron Curtis, Jr., Final Touch Barber Shop.

#### LOCAL GOVERNMENT

- Borough of Ambler – Mayor Bud Wahl (Recommend that the alternate be from Borough Council);
- Upper Dublin Township – Paul Leonard, Township Manager;
- Montgomery County Planning Commission – Beth Pilling Sr. Planner (alternate Mike Stokes, Deputy Director);
- Whitpain Township - Roman Pronczak, Deputy Township Manager, (The Township is also owner of the Whitpain Park portion of the site);
- Philadelphia Water Department; Jason Hunt, Manager, Source Water Protection.

#### LEGISLATIVE

- PA Representative Rick Taylor by Joe Carlucci, Chief of Staff;
- PA Representative Mike Gerber by Dominic Folino Chief of Staff;
- PA Senator Stuart Greenleaf by Pat Beadling, Chief of Staff;
- Congresswoman Allyson Schwartz - by Julie Slavet, District Director (prefers to be an observer).

#### OTHER STAKEHOLDERS

- Michelle Naps M.D. - Local physician;
- Eileen Fournier – Upper Dublin Township resident;
- Diane Morgan – Lower Gwynedd Township resident.

#### SITE OWNERS

- (Wissahickon Valley Watershed Assoc. – Bob Adams (Listed under conservation organizations, above);
- (Whitpain Township - Roman Pronczak, Deputy Township Manager - listed under local government above);
- (Unable to reach Kane Core representatives, sent written notification etc.).

#### HEALTH AGENCIES (ExOfficio)

- Pa. Dept. Health – Barbara Allerton or alternate [only available part time, may want to share slot with ATSDR];
- ATSDR – Lora Werner or alternate [only available part time].

#### REGULATORY AGENCIES (ExOfficio)

- U.S.EPA - Larry Johnson, CIC, and Edwardo Rovira OSC;
- PADEP – Lynda Rebarchak, CRC

#### OTHER POSSIBLE STAKEHOLDERS WHICH HAVE NOT YET CONFIRMED INTEREST

- Whitemarsh Township;
- Lower Gwynedd Township;
- Wissahickon Fire Company;
- Pennsylvania Environmental Council.

#### POSSIBLE CAG RESOURCES (organizations which have offered to assist the CAG on an as-needed basis)

- Redevelopment Authority of Montgomery County – Jerry Nugent, Director (may be able to provide some technical assistance to the CAG through their environmental consultant);
- Clean Air Council – Joe Minott, Esq.

## **VI. CAG Process Design Recommendations**

### ***A. CAG Operating Structure***

This section highlights some of the considerations that will be important in organizing and operating the CAG to maximize its success. To achieve effectiveness, the group must have a clear mission, operating procedures, and good leadership. Ongoing communication systems must be established, ground rules and logistics must be in place that will help the CAG achieve its goals and ensure productivity. These include proper meeting location, accessible meeting times,

skilled neutral facilitation, access to information, technical assistance, and meaningful and productive agendas.

Proposed draft CAG Mission and Operating Procedures may be found at Appendix 6. The Mission and Operating Procedures provide details on how the facilitator recommends the CAG process be managed.

Topics covered in the draft Mission and Operating Procedures include:

- Mission, goals, commitments;
- Roles and responsibilities of the participants;
  - CAG members;
  - EPA and PADEP;
  - Facilitator;
  - Technical resources.
- Decision making process;
  - Consensus;
  - Majority/minority reports;
  - Use of consensus recommendations;
  - Work groups.
- Procedures to be followed at meetings;
  - Open meetings;
  - Conduct at meetings;
  - Observers;
  - Media Relations;
  - Meeting summaries;
  - Agendas;
  - Neutral Facilitator;
  - CAG Chairpersons;
  - Administrative support;
  - Amendments to Mission and Operating Procedures; and
- Process safeguards for the participants;
  - Good faith;
  - Personal attacks;
  - Right to caucus.

#### B. Information or Research Necessary Prior to or During the CAG Process

Based on the findings of this convening assessment, the facilitator believes that the BoRit CAG will have a strong interest in obtaining in-depth technical information related to the site. The CAG is also likely to want the assistance of an independent technical advisor to assist them in evaluating the information obtained. The facilitator recommends orientation programs by technical (and perhaps regulatory/legal) experts acceptable to the CAG membership. These technical orientation programs could cover the topics listed above and other topics identified by the CAG.

Informational or educational presentations may be included in all of the initial meetings, but should not be lengthy or formal. Presentations should be provided by experts that the CAG believe are credible and trustworthy. Educational or informational topics might include (if requested by the CAG):

- Potential health impacts from various asbestos exposure scenarios;
- Evaluation of risk from exposure to asbestos;
- Asbestos sampling and analysis techniques;
- Federal and state regulatory programs and legal authority relevant to asbestos at the BoRit site;
- Other presentations on technical or issues identified, as needed, by CAG members.

Several community members have already conducted extensive research into EPA and PADEP records related to the BoRit site, and may want agency assistance in obtaining additional information.

*C. Estimated Resources (EPA and Facilitation) Recommended for a Successful CAG Process*

In the initial three to six months of this CAG's operation, skilled neutral facilitation will be crucial to building trust between the parties, setting goals and priorities, staying focused on the CAG's mission, goals, and agenda topics, and developing areas of agreement.

Role of a neutral CAG facilitator:

- Identifies stakeholders initially and throughout the process;
- Maintains a level playing field for all participants;
- Builds trust with parties through confidential pre-meeting and between-meeting interviews;
- Helps clarify roles and purposes of the group;
- Drafts procedural guidelines for the group process;
- Helps parties identify and prioritize the issues that need to be discussed;
- Breaks through impasses that develop because of technical complexity, political visibility, poor communication, personalities, or past history;
- Summarizes and documents agreements to date;
- Maintains the momentum of the process;
- Coordinates and builds linkages/trust among participants; and
- Ensures that all issues are addressed and all parties have an opportunity to be heard.

EPA resources needed to support the BoRit CAG include administrative support tasks as described in the draft CAG Mission and Operating Procedures, attendance at all CAG meetings, providing information as requested by the CAG, and providing professional neutral facilitation for the CAG.

#### D. Initial CAG Core Group Meeting

After the convening assessment report has been distributed, EPA and the facilitator will send the invitation letters to the core group members. The facilitator will contact core group members to schedule the first meeting.

At the initial core group meeting the group should review/adopt the Mission and Process Guidelines, and discuss if the CAG membership needs to be expanded or changed. If the core group members wish to expand or change the membership to complete formation of the BoRit CAG, time must be allotted to discuss the process for finalizing CAG members.

The following topics should be addressed at the first or second meeting (as time allows):

- CAG mission, goals and process;
- The roles of the participants, and the facilitator;
- Process for keeping members' constituencies informed and involved;
- replacement of members if they resign;
- Discussion and adoption of ground rules and operating procedures, including
- agreements on when and how individual participants will discuss group activities with others, and media relations ;
- Meeting logistics - time, date, and duration;
- Future meeting location(s) - consideration of travel distances, costs, and regional distribution;
- Discussion and the categorizing of concerns and issues (for future agendas, white papers, work group action, etc.)
- Discussion about topics and goals for future meetings;
- Informational or educational presentations on issues requested by the CAG;
- Formation of Workgroups to address high priority issues, assignment of workgroup activities, schedule, and methodology.

One of the initial meetings could also include a role-play exercise, selected and organized by the facilitator, which helps participants experience the advantages of effective communications and of using a collaborative approach to problem solving. This would help group members break through preconceived ideas or stereotypes about each other, and develop the skills of collaborative dialogue (as opposed to advocacy). Early in the CAG process, a BoRit site area tour could be offered to interested CAG members and alternates by agency personnel.

#### E. Ongoing CAG Meeting Activities

If ongoing neutral facilitation support is not available to the CAG, the facilitator recommends waiting until after the first or second CAG meeting (to allow members time to get to know each other) to select two CAG Co-Chairpersons. The facilitator recommends that these co-chairs come from different stakeholder interest areas to help provide balance in their leadership.



Developing Consensus - If during future meetings, the CAG decides that it wants to develop consensus recommendations or documents, the facilitator or CAG Chairpersons should guide the group through the *consensus building process* which includes:

- Identification and categorization of key issues and concerns;
- Identification of information or education needed to assist in issue resolution;
- Development of options for solution of key issues and concerns;
- Development of agreements on options;
- Finalization of a summary of areas of agreement and disagreement; and
- Next steps, if any.

Moving the Process Forward Between Full CAG Meetings – (use of workgroups, conference calls, and electronic document review) - A lot of work will need to be completed in between meetings to accomplish the goals for this process in a timely manner. It is recommended that the CAG set up topic-based, small working groups at one of the early meetings. As most or all of the work of a CAG is done by volunteers, it is advisable to involve the alternates in working groups to spread the responsibilities for reviewing and drafting documents, research, data analysis, education, etc. Work group members may meet by conference call or in person as they choose. Documents drafted by work groups should be shared with the full CAG, (electronically if possible) prior to the CAG meeting at which the work group's product is to be addressed.

These workgroups will continue work began at full group meetings, and share progress at the next meeting or on conference calls. The use of working groups can help the CAG make significant progress in between full group meetings. The workgroup topics would be based on the highest priority issues/activities identified by the stakeholders at the first or subsequent meetings. Each workgroup will be encouraged to have membership from all stakeholder "interests" to the greatest extent possible. Work groups could also include some individuals who are not members of the CAG or alternates, if acceptable to the CAG membership.

#### *F. Measures of Success and Evaluation Plan*

With the assistance of the neutral facilitator, the CAG should develop its own measures of success and a process for evaluating its progress. If facilitation support is available to the CAG, the facilitator should assist the CAG in developing and administering a periodic evaluation plan or survey.

## **VII. Conclusion**

The facilitator was very impressed with the high level of interest and commitment to the BoRit Site CAG process exhibited by the majority of stakeholders interviewed as part of this assessment. These well-informed, dedicated stakeholders should be able to create and sustain a highly successful advisory group process.

## **VIII. List of Appendices**

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