

COMMUNITY ADVISORY GROUP
BoRit Asbestos Area
Ambler / Upper Dublin / Whitpain, Pennsylvania

To: BoRit Asbestos Area Community Advisory Group
From: Joanne M. Walker
Date: February 27, 2008
Subject: **Summary of the February 6, 2008, BoRit CAG Meeting**

Next Meeting:

The next BoRit Asbestos Area CAG meeting will be held as follows:

Date: **Wednesday, March 5, 2008**
Time: 6:30 – 9:30 p.m.
Location: Upper Dublin Township Meeting Room
801 Loch Alsh Avenue
Fort Washington, PA 19034

If you have questions or comments regarding the upcoming meeting or about this summary, please contact either Fred Conner or Bob Adams.

CAG Attendees

All Members of the CAG were present except the following: Eddie Curtis, Ron Curtis, Paul Leonard, and Bud Wahl. Alternates present were: Steve Ware and Mary Maxion.

Observers

The Observer Sign-in Sheet has been misplaced. If anyone has it, please return it to Fred Conner.

Meeting Highlights

- Introductions;
- Review CAG guidelines for meeting conduct;
- Presentation by EPA regarding NPL listing;
- Update from EPA on status of response to CAG comments to Removal Proposal and status of Removal Work;
- CAG discussion of next steps;
- CAG discussion of CAG membership issues.

CAG Co-Chair Fred Conner opened the meeting and advised that Melinda Holland, CAG Facilitator, was unable to attend due to flight delays. This was to have been Melinda's last meeting as the funding for her support work has run out. Mr. Conner advised that Joanne Walker was trying to obtain support from an intern from Temple University to provide administrative and research assistance to the CAG.

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Fred Conner then introduced Dr. Edward Emmett, Director of Community Outreach and Education for the Center for Excellence in Environmental Toxicology at the University of Pennsylvania (Center). The CAG Co-Chairs and Dr. Emmett have been discussing a possible partnership arrangement. The Center is funded by the National Institutes of Health (NIH). Its mission is to provide community support and outreach. Mr. Conner advised that Dr. Emmett would briefly describe the Center later in the meeting.

Larry Johnson of EPA provided an update to the CAG. Mr. Johnson stated that EPA is drafting a response to the CAG's letter of 12/27/2007 *RE: Removal Actions Under Consideration for the BoRit Asbestos Site*. A formal response to the letter from the Regional Administrator is coming soon. Mr. Johnson stated that the CAG's comments are being carefully reviewed. EPA is waiting for one document in order to complete its response. Mr. Conner asked Members to sign the hard copy of the CAG letter.

CAG Co-Chair Bob Adams reviewed the CAG guidelines for conduct during meetings. The agenda was reviewed and Mr. Adams asked if there were any items to be added. There were no additions. CAG Members and observers introduced themselves. A Member reminded everyone to sign-in. Amelia Libertz, EPA, advised that Melinda Holland's contract covered organizing and starting the CAG only and that work has been successfully completed.

Fred Conner introduced Dr. Emmett. Dr. Emmett advised that he is a medical doctor with a specialty in environmental toxicology. He described his program at the University of Pennsylvania. The program is the first of its kind in Pennsylvania and has been funded by NIH for two (2) years. The Center conducts research related to respiratory diseases including asbestos-related diseases, asthma, and airborne contaminants. The Center also researches environmentally-related reproductive issues. The Center has conducted research within specific communities. Dr. Emmett provided an example of an Ohio town where a community was dealing with air quality issues stemming from the production of Teflon.® The Center has technical expertise and is able to provide independent analysis. It is not a government agency. The Center could conduct research related to the BoRit Site; however, this research would take a long time. Dr. Emmett concluded his brief remarks by saying the Center was interested in a working relationship with the CAG.

Bob Adams introduced Charlene Creamer of EPA. Ms. Creamer is the Site Assessment Manager (SAM) for the BoRit Site. Ms. Creamer explained the process for determining whether a site is listed on the National Priorities List (NPL). She provided handouts on the NPL process to the CAG and observers.

Ms. Creamer provided background on the Site Assessment Program as follows:

- There are five (5) ways to evaluate a site:
 - The site may be referred to Removal for immediate action;
 - The site could be assigned for long-term action under the NPL;
 - The site could be referred to the state;
 - The site could be referred to another agency or another EPA program such as Water Division or Air Division;
 - There could be a no further action decision for the site.

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- There are five (5) criteria for evaluating a site for the NPL:
 - The site must be subject to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA);
 - There must be a threat of a potential release;
 - At least one of the following four (4) pathways needs to be affected: air, soil, groundwater, surface water;
 - There must be an identifiable source of contamination;
 - Human health or the environment must be at risk.

- EPA would have authority to evaluate, cleanup or ask a Potentially Responsible Party (PRP) to do the work.

- If the site gets a score of 28.5 or higher, it may be considered for the NPL. The NPL is reserved for the worst sites in the nation. The score is independent of risk. It is a management tool and has no correlation to the extent of risk at a site.

- If a health advisory is issued by the Agency for Toxic Substances and Disease Registry (ATSDR), the site would immediately be placed on the NPL. This option is extremely rare. Only two (2) sites in Region 3's 30-year history have been listed this way.

- The State may request listing the site on the NPL. Originally, every state was allowed one request to have a site listed on the NPL, regardless of EPA's opinion. Pennsylvania already used its one request; therefore, this option is not available.

- The Site Assessment Process was described as follows:
 - A Preliminary Assessment (PA) is completed first.
 - Site Inspection (SI) follows which includes collecting samples at the site.
 - A PA Score is developed. This number is based on information from records collected about the site. The Pre-Score can be considered a refined PA Score. It takes into account data collected from site sampling. The Shaw Report was based on a PA Score. This document will not be used by EPA in the Site Assessment.

- The Hazard Ranking System (HRS) was described as follows:
 - If the site is to be proposed for the NPL, an HRS Package will be developed.
 - The population in the affected area is considered.
 - Sampling data is included in the HRS Package.
 - EPA will consider any viable owners at the site.
 - The site will then be proposed for the NPL. This decision is generally made by EPA headquarters.
 - If the site is proposed for placement on the NPL, it is published in the Federal Register and a public comment period is opened.
 - The EPA would then respond to any comments and the site would proceed to listing on the NPL.

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- Ms. Creamer noted that EPA Region 3 encompasses Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Of the 6000 sites reviewed, only 200 have made it to the NPL.
- The CAG was advised that the earliest that the BoRit site could be proposed for the NPL was in the Federal Register that comes out in September 2008, with final listing in the March 2009 Federal Register.
- Ms. Creamer and Mr. Johnson explained that, after a site has been listed on the NPL, then a Remedial Investigation/Feasibility Study (RI/FS) will begin. This will include further investigation of the site. A risk analysis/assessment would be completed for the site.
- Ms. Creamer and Mr. Johnson stated that the Removal Program and Site Assessment work alongside each other. The Removal Program addresses immediate problems and acts quickly to resolve those problems.
- Ms. Creamer stated that Region 3 is currently communicating with EPA headquarters about the BoRit site. All communication at this time is confidential because it is pre-decision work. The CAG was provided with a copy of materials related to the Freedom of Information Act (FOIA) and the exemption for pre-decision work. See FOIA, Chapter 7, Section 5.

The EPA representatives (Ms. Creamer and Mr. Johnson) answered questions from CAG Members:

- ❖ Where is the process at this point?
 - Answer: When looking at the Superfund Flow Chart, EPA is at the arrow pointing to HRS Package.
- ❖ Do all four (4) pathways need to be met or just one?
 - Answer: Only one needs to be affected to get attention.
- ❖ Of the 6,000 sites that were proposed and the 200 that were listed, how many were asbestos related?
 - Answer: Not sure.
- ❖ Can Remedial and Removal occur at the same time?
 - Answer: Yes.
- ❖ If EPA commits to starting a Removal Action, will that prevent BoRit from going into the Remedial program?
 - Answer: No.
- ❖ Can the term “viable owners” be clarified?
 - Answer: A viable owner is someone who can pay for the cleanup/investigation.
- ❖ How is a viable owner determined?
 - Answer: EPA Civil Investigators will send a 104(e) Letter to begin an investigation to determine if an owner is viable. The owner must respond or EPA will take more stringent action.

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- ❖ If the previous owner is not involved now, but the present owner is still available, who is responsible?
 - Answer: If XYZ Energy buys property from ABC Energy which was contaminated by ABC, but XYZ did not perform due diligence when purchasing the property and ABC is bankrupt, XYZ would be responsible. If XYZ did perform due diligence, then ABC would be financially responsible. NOTE: Larry Johnson sent out an e-mail subsequent to the CAG meeting clarifying and correcting this response.
- ❖ What goes into the score and how are health risks weighed in calculating the score?
 - Answer: Waste characteristics and the population affected are considered. A risk assessment is not performed. Risk assessments are usually performed during the RI/FS. The score for BoRit has not yet been determined. Region 3 would recommend the site and then EPA headquarters would make the final decision. Congress gives direction on how many sites can go on the NPL. NOTE: Larry Johnson sent out an e-mail subsequent to the CAG meeting clarifying and correcting this response. EPA will look for alternatives other than NPL listing. The NPL is a last resort.
- ❖ Who has input into the recommendation for listing?
 - Answer: The On-Scene Coordinator and the Site Assessment Manager have input into the process.
- ❖ Will information from the Ambler Site be used towards a future remedial project?
 - Answer: Yes. It could help in expediting the RI/FS process. A CAG member questioned the FOIA exemption and was advised where to look in the handout for an explanation.
- ❖ CAG questions regarding viable owners were to be directed to the EPA attorney.
- ❖ If the site is scored but does not make the NPL, does it go onto a tentative list?
 - Answer: A scoring panel discusses the site with the regions. They will make a determination whether the site can be listed. Usually, 9 to 10 sites are addressed by the panel. The panel usually receives one request per region. EPA will continue to work with the Removal Program to alleviate any risk/migration concerns.
- ❖ Is the volume of waste considered in the process?
 - Answer: Yes. The Gilmore Report has been reviewed. EPA is working with the State to gather information.
- ❖ What happens if the site is not listed on the NPL?
 - Answer: Eduardo's work in the Removal Program will take care of the major areas of concern. The site will not be left as is; EPA needs to respond to the problem.
- ❖ Could the Removal Action be considered as insufficient effective in the future?
 - Answer: Yes. If that occurs, then EPA will re-investigate the site.
- ❖ If BoRit does not make the NPL, can the site apply again for a listing?
 - Answer: If EPA receives new information regarding the site, then it can be re-evaluated and proposed for listing again.
- ❖ Can the CAG see the factors that go into proposing the site for listing on the NPL in order to help "fill in the blanks"?
 - Answer: No. The public comment period will open with the HRS package is completed.

- ❖ What happens if the site is not proposed?
 - Answer: EPA will notify the State and will try to work with the State. EPA will know by Summer 2008 how things are proceeding. Lynda Rebarcheck, the PADEP representative to the CAG, indicated that the State would not be able to use the Hazardous Sites Cleanup Act (HSCA) because the site owners were known.
- ❖ Will new information regarding health risks re-open the investigation?
 - Answer: Yes.
- ❖ What is the timeline for the process if the site is listed?
 - Answer: Once a Remedial Project Manager (RPM) is assigned, data gaps will be filled in and contracts will be set up. Once the site is officially listed, the RPM will get funding to begin work. Funding for the site is contingent on the site's needs. The RI/FS process can take approximately 18 to 24 months. Remediation action does not take place during this time. Once the RI/FS is completed, the EPA will arrive at 7 to 9 options for the site. A Proposed Plan will be issued with the reasoning for not choosing the other alternatives. There is a public comment period on the Proposed Plan. EPA must respond to every comment in a Responsiveness Summary. A Record of Decision (ROD) will memorialize the final decision. The State will pay its required 10 percent of the costs. Then, the Remedial Design/Remedial Action (RD/RA) will commence. Engineering plans for the site will be prepared. Then, construction would begin.
- ❖ If the RI/FS ends with a recommendation of No Further Action, will the EPA remain a member of the CAG?
 - Answer: If EPA is working on the site, EPA will remain a member of the CAG.
- ❖ Can the CAG help with the HRS Package?
 - Answer: No.

ATSDR Update

A report regarding the BoRit site is still being prepared. It should be completed by early March. It will include a summary of the data and ATSDR's opinion on the site. Cancer data will not be included in this report; a separate report will discuss issues related to cancer concerns.

Next Steps/Miscellaneous Items Discussed

Larry Johnson of EPA then discussed next steps. He stated that the NPL process is continuing. Eduardo is looking at contractors and proposals for the Removal Action. For those who are not comfortable with the Removal Action, Mr. Johnson advised that EPA recognizes the CAG's concerns regarding physical security, erosion and exposed asbestos. He stated that the Removal Action will address those concerns. Mr. Johnson stated that the CAG's comments will be incorporated into the design of the Removal Action where it is appropriate. The Removal Action will be announced during a public meeting in March. The reason for the delay is that the health agencies want to present their studies. EPA will not be able to answer all questions at the public meeting. The Removal Action will be explained.

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The health agencies will be given an opportunity to present their studies. The Montgomery County Health Department and the State Department of Health epidemiologists are involved. All work with the site will begin with the Removal Action. Mr. Johnson said that he appreciated the CAG's work, but the Removal Work will need to begin. The design for the Removal Work will not be up for further review. There is a need to work within the construction season, which is a limited timeframe. EPA will determine the effectiveness of the Removal Action.

Fred Conner commented that the CAG's areas of concern in its response letter were all legitimate and meant to assist EPA in their planning. The CAG process should not be considered as an obstacle to moving forward with the Removal Action.

Larry Johnson stated that he will be on site at least once each week during construction to address community concerns.

A Member asked if the CAG could give suggestions for institutional controls. Mr. Johnson stated that this is not common, but could happen. A CAG member asked if there could be a blog from the construction site that described weekly progress. It was suggested that the CAG could run the blog. Mr. Johnson stated that he would check into this.

A Member raised the point that many of the CAG's concerns were related to construction methods and techniques. This is a pre-bid issue. How will this be addressed and will it have an impact on contract bids? Mr. Johnson stated that he needed to check with Mr. Rovira on this.

Mr. Johnson requested that the CAG collect its comments and questions and submit them as one package in order to allow him to more efficiently respond. Mr. Conner stated that we needed to work through how this would be done.

A Member raised concerns about the creek. Mr. Johnson stated that he has never seen people using the creek. Several Members stated that they have seen and know people who use the creek. A Member asked if the EPA will stop recreational activity in the Wissahickon? Mr. Johnson stated that EPA will not allow trespassers on the eastern side. EPA has no authority on the western side of the creek. He asked if the State could do something? A CAG member asked about the State's stocking the creek with fish. Mr. Adams advised that the State does not stock fish in Ambler. Mr. Conner stated that EPA should coordinate with the State regarding activity in the creek.

A CAG member asked if the bid package for Removal Action work would be available. Mr. Johnson stated that he was not sure and would report back.

Mr. Johnson asked if the CAG wanted to meet before the public meeting. Mr. Conner stated that the CAG should participate in the public meeting because it represents the community.

Observer Comments

An Observer asked if, after Removal, can Institutional Controls (ICs) be put into place. Mr. Johnson indicated that ICs are a last resort and it is best to work with engineering controls.

An Observer asked why the asbestos is on the river bank. This discussion was continued to another time. Another Observer asked why the samples were taken from such random areas. This question would be referred to Mr. Rovira.

U.S. Rep. Allyson Schwartz's District Director advised that there is information on the web about other contaminated sites in the 13th Congressional District. A representative from EPA indicated that this might be a good way to get a view of the process and how long it takes.

Mr. Adams stated that the CAG would take a break and then reconvene in Executive Session to discuss membership issues. The EPA representatives were thanked for their presentations.

Executive Session

After the break, the CAG reconvened with only CAG Members present. It was agreed that the CAG Rules provided that 2/3 of the Members present were needed to pass any new initiative. EPA and PADEP are Members, but they vote only on CAG membership.

Sharon McCormick updated the CAG on the petition that has been circulating. She stated that there are 1,225 signatures on the hard copy and 470 online. She has also conducted a "rough health study" which indicates that of 498 people in the 19002 zip code, 49 people reported having family that suffered from an asbestos-related illness.

Mr. Adams directed the CAG to the need for membership replacements. He advised that Ron Curtis has resigned. Rosalind Johnson has been nominated as a replacement for Ron Curtis as a representative of West Ambler. Paul Leonard, Upper Dublin Township Manager, has asked to be replaced but has not suggested a replacement. Because he is a township representative, he needs to recommend his own replacement. His alternate has moved from the area. Eddie Curtis, the American Legion member, has never attended a meeting. It was suggested that Fred Robinson, Deputy Commander of the American Legion Post replace Eddie Curtis. There was some confusion on this and the replacement for Eddie Curtis was tabled.

After discussion among the CAG Members, a vote was taken and Rosalind Johnson was selected to replace Ron Curtis.

The group then tried to examine the various aspects of CAG membership with respect to number of members, number of stakeholder groups, apparent duplicate memberships, and whether new groups should be added.

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It was agreed that one seat should continue to be reserved for the Ambler section property owner (Kane-Core). It was also generally agreed that 25 members seemed to be the most that could be managed effectively.

The issue of Dr. Emmett serving as an ex-officio member was raised and there was general agreement that this would be beneficial to the group if Penn's CEET was able to participate in the CAG process.

The CAG discussed adding new stakeholder groups, including but not limited to a group referred to as Victims and/or Families of Victims Affected by Asbestos. The group was not close to consensus as the meeting came to a close. This issue was tabled for future discussion at either the March or April meeting depending upon whether EPA is ready to present its response to the CAG's letter at the March meeting.

It was agreed that the next meeting should focus on the EPA presentation regarding the removal actions and the planned public meeting. Therefore, membership issues might have to be tabled until the April meeting.

Members agreed that the group needed to work to improve the CAG process at meetings.