

# **BoRit CAG Meeting Minutes February 4<sup>th</sup> 2015**

## **Upper Dublin Township Building, 6.30pm.**

**Invited Guest speakers:** Messrs Stephan Sinding and Walter Payne; PA DEP.  
Mr John Zaharchuk; Summit Realty (Bast parcel developer)  
Mr Walter Hungarter; RT Environmental Services Inc. (Environmental consultant to Bast parcel development).

**Meeting called to order. Minutes of December CAG meeting approved.**

### **PA DEP Act 2 presentation:**

Messrs Sinding and Payne of PA DEP presented a powerpoint outlining the purposes and scope of the PA Act 2 and Brownfield's program and how it pertains to the approved RT Environmental Services Inc., proposal for the redevelopment of the Bast parcel. The developer intends to use the Act 2 site specific standard – pathway elimination for the soils at the site. The full presentation can be found at <http://www.boritcag.org/ppt/PADEP%20BAST%20presentation%20Feb%204th%202015.pptx>. A question and answer session followed which included (but not limited to) the following specific concerns:

- **On site supervision of the redevelopment:** PA DEP advised that the ACT 2 provisions require the developer to implement the final plan as approved by PA DEP. Periodic inspections may be made by PA DEP staff as deemed necessary, but ACT 2 is not a program that requires daily supervision of the development, requiring instead that approved contractors, with PG and PE qualifications, are used for the work (in this case qualified asbestos remediation contractors) and that the work is undertaken according to the approved plan requirements. PA DEP may conduct a final inspection before signing off on the remediation cap at the Bast site. The USA EPA, as a Federal agency advised that in the normal course of events they will not be involved in site inspections of the Bast site being developed under the State Act 2 program which is the jurisdiction of the PA DEP. However they are available should any unforeseen circumstances arise that require their involvement.
- **Covenant restrictions:** As part of the PA DEP sign off process, an environmental covenant will be drawn up by the developer as required by PA DEP (see slide 10 of above referenced PowerPoint). This covenant is 'evergreen' and responsibility passes with ownership of the property. In the case of the Bast property, the development, being a 115 unit rental property, will have a single legal entity owner at completion. The covenant will detail the inspection and maintenance requirements for the cap that is required by PA DEP to ensure the environmental cap is maintained effectively. The covenant can be made available for public comment prior to

finalization by the developer. EPA is not involved in the covenant.

- **Liability release:** Slide 5 of the PowerPoint details which persons/entities are covered by the ACT 2 liability release. The liability release only extends to matters pertaining to PA environmental law, not non environmental related issues. The liability protection only applies to the areas investigated and remediated.
- **Characterization of the site:** Concern was expressed as to whether the site had been sufficiently characterized to enable PA DEP to sign off on the Cleanup Plan since there was some previous correspondence questioning the matter. Mr Payne advised that this correspondence related to the change in ownership/development plan that existed under the Westrum (earlier developer) proposal. The larger Westrum project initially proposed development of both the Bast and Frumin tracts, but had subsequently been abandoned and replaced by the Summit Realty and RT Environmental proposal which now relates solely to the Bast tract. As such PA DEP is fully satisfied with the characterization and cleanup plan of the Bast tract, which can lead to an approval of the project by PA DEP under the Act 2 program.

### **Summit Realty, John Zaharchuk presentation:**

Mr Zaharchuk repeated the powerpoint presentation given to the RR&M committee the previous week (see presentation at [http://www.boriticag.org/ppt/Ambler CAG Presentation Summit Realty - 012715.pptx](http://www.boriticag.org/ppt/Ambler%20CAG%20Presentation%20Summit%20Realty%20012715.pptx) and RR&M meeting minutes at <http://www.boriticag.org/pdf/RR&M%20meeting%20minutes%20January%2029th%202015.pdf> ). For a pdf of the final clean up plan please see: <http://www.boriticag.org/pdf/Ambler%20Crossing%2070461-10%20FINAL%20ACT%202%20-%20CLEANUP%20PLAN.pdf>

The following items of information/concern were raised:

- The Bast development (aka Ambler Crossings) is approved by Ambler Borough and PA DEP as a 115 unit rental property under a single legal entity ownership. The development will consist of 2 x four story buildings with full basements, an outdoor pool and a green open space. There will be parking spaces sufficient for the Ambler Borough ordinance estimated at approx 160 spaces (the exact figure not available at time of writing). There will be two entrances to the property, one from Maple street and the other from Chestnut street.
- In order to meet planning requirements it is estimated that 17,000 cubic yards of clean fill will be imported into the site and that elevation changes required on site will result in asbestos contaminated material (ACM) being excavated and redistributed around the site prior to the clean fill and physical caps covering the final placement of remaining ACM. The new buildings will sit primarily in the foot prints of the pre-existing buildings (now demolished). These foot prints were found to be areas of least ACM contamination.
- Air monitoring stations will be present throughout the period of excavation and movement of ACM. These will include mobile stations located according to wind direction (see details in clean up report referenced above). Daily reports of earth moving activity and air monitoring will be recorded and photographed as appropriate.
- The utility corridors will utilize the basement spaces in the two proposed buildings thus minimizing the distance traveled through ACM areas. Where utility corridors travel through

ACM areas 'clean corridors' will be trenched. As discussed in the previous RR&M meeting, Mr Chase commented that the width of these clean corridors appeared too narrow to accommodate any future excavation work that might be needed to access/service the utilities at a later date. This was taken on board by RT Environmental consultant Mr Gary Brown (at the RR&M meeting) who confirmed he would review the specification requirements.

- Summit Realty advised that in order to secure funding for the Ambler Crossings project a site specific environmental liability insurance policy was required and this could only be attained after the PA DEP had signed off on a successfully completed cap being installed as per the Act 2 specification and approval defined for the project. This insurance policy would include Ambler Borough as a named insured party. Mr Zaharchuk believes the need for attainment of this insurance policy, which runs for 15 years, is the best assurance that citizens can have that the development will be done to the required standards laid down by PA DEP under the Act 2 program.
- CAG member Sharon McCormick questioned whether any air sampling had been undertaken recently at the Bast Site. RT Environmental advised that samples had been taken in 2013 when test pits were dug on the property and when water cannons were used to evaluate their performance. RT Environmental advised that no positive detection's had been found during this testing phase. Ms McCormick asked for copies of these test reports. Questions were also asked as to the effect of earth moving activities at the Bast tract on the adjacent Frumin and Ambler Piles sites. RT Environmental advised they did not see any reason why such activity should affect the stability of these neighboring sites nor cause asbestos release from those sites that would affect public health concerns.
- CAG member Sharon Vargas expressed her opinion that she was not comfortable with housing being developed on this site and asked why the developer had chosen to build housing on this particular site. MR Zaharchuk advised that the site was a good site for such a rental development with its proximity to the SEPTA rail network. Ms Vargas expressed the hope that the developer would take a 'safe approach' to the development considering the material involved and the residential nature of the development.
- CAG member Andrew Salvador expressed concern as to the proximity of the Ambler Piles superfund site to the Bast site. The two sites are separated by the Chestnut street road which has an estimated width of 25 feet.
- A question was asked as to the extent of ongoing air monitoring after the cap had been completed and the PA DEP had signed off on the Act 2 compliance. RT Environmental advised that no further air monitoring would be required after the cap had been installed and the pathway to humans eliminated.
- Questions were asked about the risk of asbestos fibers migrating from the adjacent Ambler Piles and Frumin sites to the finished development at Bast. RT Environmental advised that when working on the Boiler House project none of the 8 or 9 samples of soils taken from around the Boiler house should any positive results for contamination, indicating that asbestos was not migrating from any of the Bast/Frumin or Ambler piles sites.
- CAG Co-Chair Diane Morgan asked if there would be any EPA involvement in the development of the Bast project. EPA confirmed that barring any unforeseen circumstances there would not be any direct involvement in the PA DEP Act 2 program by EPA. Diane also asked about the nature of the parking lot currently existing on the Bast tract adjacent to the Boiler House. Mr Zaharchuk repeated the information detailed in the RR&M report that this section of the parking

lot was a temporary structure that would be dug up and altered in accordance with the Act2 requirements. The cost of the clean up and cap part of the operation was also requested and Mr Zaharchuk advised it would be approximately \$6 million dollars

- A guest from the public gallery asked whether the developer was legally required to inform potential tenants of the history of the site and the adjacent ACM contaminated Frumin site and the Ambler Piles remediated Superfund site. Mr Zaharchuk advised that though they were not legally obliged to inform people it was their intention to do so by having a display center in the rental sales area which details the history of the site and its environs. Mr Zaharchuk emphasized that they were proud to show how a once contaminated industrial site was now being returned to productive safe use as housing and office space.
- CAG member Sharon McCormick requested to read into the minutes the opinions she had sought from outside sources on the Bast development project. These had been circulated to CAG members under the title “Asbestos experts cursory opinion of Bast/Frumin.” (see appendix A below). Sharon explained that Dr Bruce Case, Dr Arthur Frank and Dr Art Langer are asbestos experts, are highly published on asbestos and regarded as asbestos experts amongst their colleagues. Dr Bruce Case and Wilma Subra have done much work for the EPA. Dr Langer worked with Dr Selikoff at Mt Sinai in New York, on asbestos issues, and that the members of the Mt Sinai team were the first to provide a health analysis here in Ambler regarding the Ambler Asbestos Piles Superfund Site. She also explained that Dr Frank’s letter regarding the high rise project was attached so the CAG could read his expert opinion of that project. He states in his cursory opinion that he holds similar opinions of the development of the Bast parcel.

In response Mr Zaharchuk wished to know if these comments were being entered as expert witness testimony and if so whether he could have these people contact him with their specific concerns. At this point Mr Chase commented that having read through these extracts it was clear that these 'expert cursory opinions' could not in any way be read as scientific critics of the clean up plan as submitted by RT Environmental and subsequently approved by PA DEP. Furthermore, one of the commentators, Mr Bruce Case states clearly that he is “no expert in such matters (remediation)” and that he had not read the RT Environmental clean up plan prior to issuing his comments. Another commentator, Dr Art Langer details his qualifications in the bio submitted by Ms McCormick as having degrees in computer science, accounting and a doctorate in education. He currently specializes in 'technology management' so it is not clear as to his qualifications regarding remediation of asbestos waste sites. He also makes no reference to the RT Environmental cleanup plan in his nine line response to the 151 page RT Environmental report. A third respondent 'Wilma' in her 11 line response to the report fails to give any explanations or reasoning for statements such as “The potential for exposure of individuals who use the site and perform maintenance will continue to exist after the proposed remedy is implemented and construction completed.” Mr Chase felt that this lack of scientific argument was not helpful in understanding the issues at hand and that the comments as they are currently submitted have no value in evaluating the already approved PA DEP project.

Peter Lowry responded that this was not a court of law. It is a community advisory committee that has expanded its scope to include discussion on all asbestos sites in the area. He further stated that Mrs McCormick was providing the CAG with information she was able to obtain.

### **New CAG Member proposed**

Bob Adams is no longer the WVWA representative. He is now Dave Froehlich's alternate for the Site Owner - Reservoir Site seat.

John Ferro is now the representative for the WVWA.

The Whitemarsh Township Residents Organization terminated its seat at the beginning of 2014 and the Rules Committee's suggestion was to re-name that seat as a new Citizen-At-Large seat in order to maintain the number of committee members . Lynn Hoffmann has indicated that she would like to become a voting member of the CAG again, and she would be able to fill the newly re-named seat. The Rules Committee feels that this is an appropriate action to take. A vote will be taken at the next meeting to both change the designation and accept Lynn Hoffmann's application for the seat.

There being no time left for the remainder of the agenda items i.e. the RR&M report, the HERS report and the Gessner products update, the meeting was adjourned at approx 8.30pm.

### **Addendum:**

Mrs McCormick inadvertently attached the incorrect bio for Dr Art Langer. The bio detailed below is now the most accurate one for him. In addition, she has added the bios of all the experts she quoted above their comments which are attached at the end of the meeting minutes.

<http://gc.cuny.edu/Page-Elements/Academics-Research-Centers-Initiatives/Doctoral-Programs/Earth-and-Environmental-Sciences/Faculty-Bios/Arthur-M--Langer>

and a link to his publications on asbestos

[http://www.researchgate.net/profile/Arthur\\_Langer](http://www.researchgate.net/profile/Arthur_Langer)

Education

Ph.D.

Web References

Seminar Detail

[www.dri.org](http://www.dri.org), 28 Mar 2005[cached]

Arthur M. Langer, Ph.D. Arthur M. Langer, Ph.D., is the Director of the Center for Applied Studies of the Environment in the Graduate School and University Center of the City University of New York in New York City. He also serves as the Deputy Executive Officer of the Ph.D. program in Earth and Environmental Sciences at that institution. Professor Langer has published extensively in the field of mineral dust and inorganics in the environment and their risk to human health.

2008 Asbestos Medicine

[www.dri.org](http://www.dri.org), 27 July 2008 [cached]

Arthur M. Langer, Ph.D.

Arthur M. Langer, Ph.D., is the director of the Center for Applied Studies of the Environment in the graduate school and University Center of the City University of New York in New York City. He also serves as the deputy executive officer of the Ph.D. program in earth and environmental sciences at that institution. Professor Langer has published extensively in the field of mineral dust and inorganics in the environment and their risk to human health.

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Arthur M. Langer, Ph.D., Center for Applied Studies of the Environment, New York, New York

## Appendix A

### Asbestos experts cursory opinion of Bast/ Frumin

Dr Art Langer Bio: <http://www.alanger.com/>

From

: **ArtLanger@aol.com** (ArtLanger@aol.com)

Sent: Fri 1/09/15 6:16 PM

To: sharmc-1@hotmail.com

Sharon,

Interesting to be sure. The asbestos may be the least of the issues to be addressed. The organic compounds are both toxic and volatile and release from water and soil is virtually guaranteed. Levels of potential exposure? Unknown. Risks to health? Ditto.

No information is given regarding particle-size distribution of the fiber types and whether or not the concern is focused on their potential to be made airborne. Amosite and crocidolite (the latter spelled incorrectly in two places and both versions are different and incorrect) bring up the issue of ingestion (peritoneal mesothelioma).

Bottom line? Isn't there another area that could be used? I am reminded of Hooker Chemical and Love Canal.

Art

Bio for Dr Case: <http://bwcase.tripod.com/>

From

:

**Bruce Case** (bruce.case@mcgill.ca)

Sent: Sun 1/25/15 10:03 PM

To: sharon mccormick (sharmc-1@hotmail.com)

Hi Sharon – sorry this is taking a while. I have read through one of the two documents (the assessment, not the “plan”) and my preliminary impression is (you will not be surprised) that there is no place for a “housing development”. Of the six regulated forms of “asbestos”, FIVE are here in spades, and in huge amounts covering MOST of the surface, found lying on the surface and at considerable depths, and at concentrations of one to ten per cent by weight. Which basically means that MOST of the soil contains a huge amount. I don't see how capping can deal with this, nor for that matter is it any routine task to do construction in such an area.

Question is, what can be done? I am no expert in such matters (remediation) but it seems to me this is no ordinary remediation site. The ACM is deeply embedded, on the whole site, and construction workers would certainly be at risk without maximum precautions. Even with maximum precautions, I would want to know how close are other habited areas and how close could they be without airborne particulates (including both crocidolite asbestos and amosite asbestos) providing exposure?

Generally I would think in such an area only the total removal – not capping – of the ACM would be a possible solution. But even that would be difficult (and of course expensive). Plus, given the publicity associated with this kind of huge remediation project, who then wants to live there?

Finally while I appreciate the folks who did this did hard work and not to be picky, but it is not encouraging to see that they cannot even spell some of the names of the “toxins” they are attempting to deal with. Like, “crocidolite”, or “Blue Asbestos”, which CertainTeed used in their cement pipe manufacture.

I still have to read through the “remediation plan” (the 151 page doc). As I noted, I am no expert in remediation, but this sounds like one terrible place to put a housing development. Maybe folks there should have a talk with some of the residents of Jefferson Parish (where Manville scrap from cement pipe was used to make driveways and schoolyards and which is the home of America's biggest

mesothelioma epidemic)\* or Libby, Montana.

At the very least I would think such a plan would have to be vetted by EPA / ATSDR and / or equivalent state agencies; in other words it would have to be far more than the usual environmental review as this place is unique in North America.

More later -

Bruce

\* source: NIOSH statistics on County mortality, 2000 to 2009, published to the web September 2014.

Jefferson Parish is a relatively small (by population) county across the Mississippi from New Orleans; they have on average 15 mesothelioma deaths per year and rate (about 35% female) which is in the top 50 – of those in the top 50 this small county has the largest number of deaths, although there are a few counties where the rate is higher. Of the latter though, some are also former Johns Manville sites, including the county in Somerville NJ where the town of (and former Plant of) Manville is located. See [http://wwwn.cdc.gov/eworld/Data/Malignant\\_mesothelioma\\_all\\_sites\\_Top\\_50\\_counties\\_with\\_highest\\_age-adjusted\\_death\\_rates\\_per\\_million\\_population\\_US\\_residents\\_age\\_15\\_and\\_over\\_20002009/806](http://wwwn.cdc.gov/eworld/Data/Malignant_mesothelioma_all_sites_Top_50_counties_with_highest_age-adjusted_death_rates_per_million_population_US_residents_age_15_and_over_20002009/806) accessed today.

(Two counties in Eastern PA, Lebanon and Delaware county, are also on the list

Dr Arthur Franks Bio: <http://publichealth.drexel.edu/academics/faculty/Arthur%20Frank/>

From

: **Frank,Arthur** (alf26@drexel.edu)

Sent: Sat 1/24/15 3:25 PM

To: sharmc-1@hotmail.com

Dear Ms.McCormick-I have reviewed the documents you sent me and have a few thoughts which are not very different from my thoughts of some years back. There clearly is significant contamination of the soil with asbestos ( I will not comment on the chemicals, some of which are carcinogenic). I read the plans and have some serious concerns in that there will be continued and very likely increased contamination in the air, and maybe Wissahicon Creek too, and that if anything by way of services is buried into the soil which would still be contaminated with asbestos then if repairs are ever needed in the future then it once again becomes disturbed and gets into the neighborhood air. I would be much happier, understanding that to take out ALL the contaminated soil is likely to be prohibitively expensive, that clean soil just be used to cover over the site and that any building would not in any way go down and disturb the contaminated soil-ie-leveling by dozer or placement of pilings into that soil. I had shared these same thoughts years ago when contacted about this matter when there was a plan for a 17 floor building(not clear how big these are to be). If you wish to discuss feel free to call me at my office during the week at 267-359-6048. Arthur Frank

Wilma Supra bio : [http://www.epa.gov/air/ej/conference2007/Wilma\\_Subra\\_Bio.pdf](http://www.epa.gov/air/ej/conference2007/Wilma_Subra_Bio.pdf)

From

: **SubraCom@aol.com** (SubraCom@aol.com)

Sent: Sun 1/04/15 8:35 PM

To: sharmc-1@hotmail.com

The proposed method for cleanup is the cheapest method but not the most protective of human health and the environment.

As is stated, asbestos is in the soil over the entire site. The entire site will continue to be contaminated with asbestos as a result of the inadequate remediation prior to construction.

The best portion of the remedy is the clean utility corridor. The corridor will have the asbestos contaminated soil removed, the walls and bottom lined with geotextile filter fabric and then filled with clean soil.

As stated on page 5 of the cleanup plan, individuals at risk due to asbestos in the soil are construction personnel, offsite receptors in nearby residential areas and maintenance and users of the site.

The potential for exposure of individuals who use the site and perform maintenance will continue to exist after the proposed remedy is implemented and construction completed.

Wilma

In a message dated 12/24/2014 12:31:14 P.M. Central Standard Time, sharmc-1@hotmail.com writes:

Hello Ms Subra

My name is Sharon McCormick. I live in Ambler PA - home to the largest asbestos waste disposal sites in the US. I have been fighting for true clean up efforts here in this town for the last 10 years and I have made great strides, but my battle has gone backward a bit this year. Recently, a developer was granted permission to build an apartment building on a pile of asbestos containing 21 feet of up to 90% asbestos - all fiber types . I am attaching documents for your easy reference. The PaDEP and EPA are in approval much to my horror.

I need help.

Thanks for your time and consideration. Please let me know if you are interested.

Sincerely,

Sharon McCormick

215 591 0407