

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

To: BoRit Asbestos Area Community Advisory Group
From: Schuyler Moon, CAG Intern
Date: March 27, 2008
Subject: **MEETING SUMMARY of the MARCH 5, 2008 SESSION**
Attachment: USEPA Responsiveness Summary (*See handouts distributed at meeting*)

Next Meeting.

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

Date: **Wednesday, April 2, 2008**
Time: 6:30 – 9:30 p.m.
Location: Upper Dublin Township Meeting Room
801 Loch Alsh Avenue
Fort Washington, PA 19034

Questions or comments regarding the upcoming meeting or about this summary, should be directed to Co-Chairs Bob Adams and Fred Conner.

CAG Member Attendees. All Members of the CAG were present except as follows: Dave Caddick, Eddie Curtis, Rosalind Johnson, Paul Leonard, and Beth Pilling were not present; Lynn Hoffman was represented by her alternate Jim Patton; Bud Wahl was represented by his alternate Steve Ware, and Flo Wise was represented by Mary Maxion.

Observers. More than twenty observers were present for this session.

Meeting Highlights.

- Introductions & Review of Guidelines for Meeting Conduct
- Update on Removal Actions to date from USEPA
- Response & Discussion on CAG Letter of 12/27/07, RE: *Removal Actions Under Consideration*
- Consensus on completing the discussion on CAG Membership at an Executive Session of the CAG in April
- Consensus on requesting support from the USEPA Technical Assistance Services for Communities (TASC) Program
- Brief discussion on Improving the CAG including: TASC Support; Drafting of an Annual Report; and other new ideas including the pursuit of community grants

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CAG Co-Chairs Bob Adams and Fred Conner opened the meeting by welcoming the members and observers present. Fred Conner reviewed the guidelines for meeting conduct.

The agenda was then reviewed and Fred Conner asked if there were any comments on it, or the February 2, 2008 Meeting Summary. There were no comments or requests for revisions.

Fred Conner informed attendees that Dr. Ted Emmett of Penn's Center for Excellence in Environmental Toxicology (Center), who was introduced at the last meeting, was unable to attend this evening's meeting. The Center remains anxious to participate in the CAG's efforts.

An update on removal actions was given by Eduardo Rovira, EPA, Region III. He reported that unfortunately, there was not much he could say officially because the removal plan is still going through the approval process. Jack Kelly of USEPA mentioned that the document that must be approved is called an "*Action Memorandum*." Mr. Kelly explained that this document is reviewed by the Regional Office and then must be forwarded to EPA Headquarters.

Questions from CAG members regarding the update on the Removal Actions were answered by EPA representatives, Larry Johnson, Eduardo Rovira, and Jack Kelly.

Q-1. What exactly is being looked at during the review process?

A-1. Due to the time frame and cost of the proposed action, the action must be examined for completeness and justification. It was also mentioned that all *Action Memorandums* do not go through EPA Headquarters, but this one must due to the asbestos contamination.

Q-2. As part of the package has a rough cost estimate been done?

A-2. A rough order of magnitude of the work to be completed is estimated to be at least a couple of million dollars. Once the *Action Memorandum* is approved, it will be made public. The document will include the cost information as well as what will be done and why.

Q-3. Does the EPA have a contractor in mind?

A-3. EPA already has contractors under contract for this type of work. The contractor who will execute the work is not likely to be the same one designing the specifications to be executed. The question of exactly what actions are required at the site remains.

Q-4. Is there a bid process?

A-4. EPA is likely to use a pre-awarded contractor as part of a national Emergency Response contract. After the final design specifications are complete, the contractor will execute the action.

Q-5. When will approval be granted?

A-5. A meeting on the *Action Memorandum* was held today and approval was given to forward the documentation to Headquarters. The time frame for review and approval at Headquarters is unknown, but it could be completed soon.

Q-6. What if Headquarters does not approve the action?

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A-6. All indications are that action is likely to be signed-off on without any problems. Unfortunately, there is no way to know exactly how long it will take.

Q-7. What exactly is meant by sign-off?

A-7. EPA Headquarters must formally approve the proposed actions because asbestos is the primary contaminant.

CAG Member and Environmental Attorney, Joanne Walker mentioned that she had a lengthy conversation today with the EPA attorney responsible for the Site. Mrs. Walker offered that everything said by the EPA representatives this evening thus far was consistent with her informal discussion with the EPA attorney. Mrs. Walker also noted that the asbestos component adds an extra layer to the approval process and no specific dates for approvals were given to her by the EPA attorney. Larry Johnson mentioned that the Site is somewhat unusual so, there are many different issues that had to be considered.

Next, the response and discussion of the CAG letter from 12-27-07 was lead by Larry Johnson of the EPA. Mr. Johnson said that the letter submitted by the CAG had important influence on the actions being proposed and the input from the community was crucial. He also noted that the Agency has tried to incorporate all of the CAG's suggestions into the action plan. Two handouts were distributed by Mr. Johnson which both documented EPA's responses to the CAG's five areas of concern. Each of the areas of concern was then addressed by Mr. Johnson with clarifications by Mr. Rovira and Mr. Kelly. Questions and discussion ensued after each area was addressed. The handouts provided should be referenced for a more thorough understanding of the relationship of the questions listed below and the EPA's unofficial responses.

Area of Concern #1- Effective and Environmentally Sensitive Stream-Bank Stabilization

- ❖ What long term monitoring of the site will be done? (*RE: EPA response to 1.6*)
 - Answer- Long term monitoring of the site is based on what CERCLA allows EPA to do.
- ❖ Why is a vegetative cover being considered if it did not work effectively on the site across the street and allowed fibers to migrate into creek there? (*RE: EPA response to 1.6*)
 - Answer- EPA intends to monitor action to make sure it works. Removal actions are likely incorporate several technologies and vegetative cover is not the only portion of the proposed plan. Vegetation is not being relied on entirely as a remedy, but will aid in other aspects such as preventing trespassing. More information will be provided as design specifications are completed.
- ❖ Why is the site not going to be monitored for an extended period after the action with at least a five-year inspection program? (*RE: EPA response to 1.6*)
 - Answer- The job of the EPA is to make the site safe, do it right, and move on to the next emergency situation. EPA's emergency removal program does not have as a primary responsibilities the long-term monitoring of sites. Right now the site is still moving through the NPL process. The remedial program is specifically designed for monitoring

and inspections. At this stage, it is unknown what if any remedial plans will be implemented.

- ❖ U.S. Army Corps of Engineer projects involving hazardous waste sites require at least three year monitoring, so why would the BoRit site not be monitored for at least 3-5 years? *(RE: EPA response to 1.6)*
 - Answer- Currently the site remains in the gray area between removal and remedial actions. Technically it is still in the removal stage and nothing beyond the actions proposed can be done. If the Site is designated for remedial actions, then the Agency could have longer term monitoring responsibilities. Also, it depends what is meant by monitoring for five years. If what the EPA has done does not work, then they will come back and correct it. CERCLA gives requirements that need to be met concerning monitoring. Monitoring the site by taking air samples after the hazards have been removed or covered is not a priority unless the Agency is convinced that it is necessary.
- ❖ Will access to site be permitted during and/or after removal actions have been completed?
 - Answer- The removal actions will discourage trespassing and the plans for this will be incorporated into the design. A fence is in the proposal for during and after the project. A permanent fence is proposed for after project completion.
- ❖ Are only exposed asbestos areas going to be covered?
 - Answer- This is a difficult question to answer until the design specifications are completed. Mr. Rovira speculated that that exposed areas would be on top of piles not necessarily along the stream-banks.

Area of Concern #2: Complete and Effective Encapsulation or Removal of all Exposed Asbestos-Containing Material

Comments made by Larry Johnson before taking questions:

- Regarding 2.3, there will be no commentary at this point until EPA is ready to move forward with work.
- Regarding 2.4, there will be an EPA representative on site, probably at least once a week, to answer questions from the community.
- ❖ Would it be possible to hire an independent safety firm to monitor the site during removal or even just remedial stage? *(RE: EPA response to 2.5)*
 - Answer- EPA has in the past hired scientific contractors to help oversee removal work being performed.
- ❖ The CAG has discussed possibility of a consultant and wants to know if EPA will have someone monitoring removal action? *(RE: EPA response to 2.5)*

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- Answer- Nothing is going on behind closed doors. An on-scene coordinator will be available during the work on site.
- ❖ Will someone be available at the site weekly to answer questions? *(RE: EPA response to 2.4)*
 - Answer- A trailer for EPA personnel and contractors is likely to be located on site. People can call the trailer, but no one will be allowed on the Site.
- ❖ Is it possible for the CAG to comment on the work plan and if so, what is the process of doing so? *(RE: EPA response to 2.3)*
 - Answer- After sitting and talking about the plan, all reasonable concerns will be considered. General language is used in the *Action Memorandum* so that changes can be made quickly should circumstances warrant.
- ❖ If any changes are made to the document then will it have to be re-approved?
 - Answer- *Action Memorandums* are written in a flexible manner so they will cover whatever is expected to be necessary.
- ❖ If it is discovered that something else not included in the final plan is needed, can the EPA get more money?
 - Answer- Yes; but the allocation of more funding must be justified. Approvals for additional funding are usually not as lengthy as *Action Memorandum* process.

Area of Concern #3: Comprehensive Monitoring During and After Removal Actions

Comments made by Larry Johnson before taking questions:

- Regarding 3.1.1, EPA sees no need for sampling right now.

Comments by the EPA Toxicologist regarding samples taken on-site *(RE: EPA response to 3.1.2)*:

- Samples were taken from areas on-site believed to have the most asbestos.
- Different weather conditions were considered when conducting the sampling.
- ❖ Was a quantitative measurement of moisture content during sampling taken? *(RE: EPA response to 3.1.2)*
 - Answer- None of the samples taken had more than 50% moisture content.
- ❖ What was the “worst-case” sample taken from site? *(RE: EPA response to 3.1.2)*
 - Answer- The creek bank along the park perimeter yielded the highest concentrations of asbestos. It was noted by the EPA Toxicologist that the best conditions for a “worst-case” scenario sampling would be an extended period of very dry weather.

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- ❖ Did EPA get a “worst-case” scenario sample from site? *(RE: EPA response to 3.1.2)*
 - Answer- No; but even if a “worst-case” sampling had been possible, it would not have changed the proposed removal actions.
- ❖ Does EPA have access to the site?
 - Answer-Yes
- ❖ If EPA plans no more air sampling after removal action, how will anyone know if asbestos particles are still airborne or not? *(RE: EPA response to 3.1)*
 - Answer- At this time, the Agency does not see a need for additional air sampling if areas that are not a problem currently are to be covered and the stream-bank will be covered much better than it is now. EPA is open to sampling during an extended dry-spell, but another lengthy sampling effort is not likely.
- ❖ If the removal actions taken by the EPA are insufficient can situation result in a lawsuit?
 - Answer- EPA representatives present were not at liberty to discuss any liability issues.

At this time observer questions and comments were taken:

- ❖ Are hurricanes and wind speed considerations involved in design solutions?
 - Answer- All factors will be taken into consideration in terms of a remedy for the Site. A permanent solution is desired. EPA does not want to have to redo work, but it may not be possible for the design specifications to address the most extreme weather conditions imaginable.

After a brief recess, the session continued.

Area of Concern #4: Collaboration with all of the Responsible Agencies and Property Owners on the Establishment of Institutional Controls

Comments made by Larry Johnson before taking questions:

- Mr. Johnson announced that he was not authorized to discuss institutional controls.
- Questions on IC’s should be directed to CAG Member Joanne Walker who could discuss them with the EPA attorney responsible for the site.
- Regarding 4.3, IC’s are common controls EPA will abide by.
- Regarding 4.4, there is an edit that will be distributed to CAG Co-Chair Fred Conner.

Because the EPA representatives present were unable to discuss institutional controls, there was no further discussion or questions on this area of concern.

Area of Concern #5: Continued Partnership with the CAG to Produce a Long-Term Solution

Comments made by Larry Johnson before taking questions:

- Regarding 5.1, the EPA is willing to work with CAG and stakeholders to help remediate the Site, but only time will tell if the remedial actions are authorized.
- Regarding 5.3, Mr. Johnson said that the State has primary oversight as far as NESHAP involvement.
- Regarding 5.4, responsible party information is still speculative at this point.
- ❖ Has EPA done any responsible party investigation? *(RE: EPA response to 5.4)*
 - Answer- Yes. EPA has an investigator assigned and the CAG may want to speak with them.
- ❖ Has EPA contacted Kane-Core? *(RE: EPA response to 5.4)*
 - Answer- Yes they have been contacted, but it is unknown what if/any investigation has taken place at this time.
- ❖ What avenues can be pursued in reference to scientific studies that the EPA does not cover?
 - Answer- Dr. Emmet Smith, specializing in Environmental Toxicology at University of Pennsylvania, may be the CAG's best resource for scientific help. There is nothing in the EPA rules preventing other studies as long as they do not interfere with EPA procedures.
- ❖ Is EPA the lead investigative agency in charge of the site?
 - Answer- EPA is the removal assessment leader. State is lead as far as NESHAP.
- ❖ Is there anyone that the DEP assigns to the site?
 - Answer- Yes, Tim Cherry.
- ❖ Are there any objections to CAG meeting with DEP separately?
 - Answer- No. Such a meeting is highly encouraged.
- ❖ Can multiple influences help EPA implement remediation plans?
 - Answer- Yes. More information, education, and involvement can only help. Grants for these kinds of things could also help.
- ❖ Is a public meeting still going to be scheduled for March 08'?
 - Answer- Not sure because the Agency wants all the right people at the meeting for questioning. Mr. Johnson will be sure to let CAG know about such a meeting well in advance.

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- ❖ When can CAG see removal plan and *Action Memorandum*?
 - Answer- *Action Memo* will be available first then the plan. Neither can be looked at until they have final approval.
- ❖ Can CAG have a commitment of immediate notification from the EPA when the removal plan can be viewed?
 - Answer- Yes.

Focus of Next Meeting

Next, CAG Co-Chair Conner proposed that due to time constraints, the membership related discussion should take place at the next meeting. It was agreed that the April meeting will be an executive session and include the following items for discussion: membership and improvements to the overall CAG process. **The April 2, 2008 meeting will be an Executive Session for voting members only (including Agency representatives).**

TASC Services Information.

Amelia Libertz of EPA, presented information on a new program available to the CAG called Technical Assistance Services for Communities (TASC). A handout was provided that outlined what TASC can do to help community. Ecology and Economics Inc. of Charlottesville, Virginia, is contracted to provide consultants for a variety of different requirements. To request support, a letter should be sent to Amelia Libertz or Carrie Deitsel of EPA describing what kinds of services are desired. Ms. Libertz said that she will then work with Headquarters to identify what support can be provided. If and when the contractor is directed to support the CAG, EPA will communicate with a chosen member of the CAG. Separate requests could be made for different kinds of support based on the expertise required. Ms. Libertz said that she would look into if there was any limit to the amount of requests that can be made.

Brief Discussion on Improving the CAG Process.

Co-chair Conner suggested that an Annual Report of the CAG might help tell the story of our efforts and would be useful in raising awareness of the Site. CAG intern Schuyler Moon could help with the draft. He then asked if anyone would like to help draft such a report. CAG member Sharon McCormick volunteered to help.

A power point presentation that provides a historical perspective on the BoRit Site has been created by several CAG members. There appeared to be agreement that the CAG was interested in seeing the presentation.

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It was suggested that the CAG might want to look into grants to help fund our efforts. A brief discussion ensued about what the grants could be used for including funding the “best science possible” and planning for multi-municipal solutions for the Site.

At the conclusion of the meeting, CAG member Sharon McCormick reported on the status of the petition to support NPL listing of the site.

The meeting adjourned at 9:35 p.m.