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13TH DISTRICT, PENNSYLVANIA

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COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515-3813
May 8, 2008

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The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

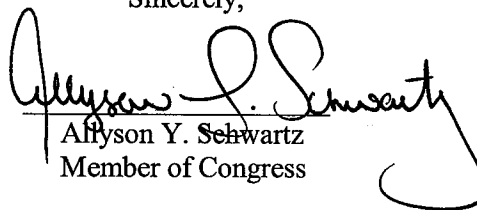
Dear Administrator Johnson,

I am writing to you concerning your agency's review of the Hazard Ranking System score for the Borit Asbestos Site in Montgomery County, Pennsylvania to determine whether it would qualify for listing on the National Priorities List (NPL).

As you are making this determination, it is important that you realize the strong support there is in this community for placing Borit on the NPL. I have received a petition from many constituents in support of putting this site on the NPL. In addition, the Community Advisory Group for the Borit site sent EPA Region III Administrator Donald Welsh a letter on December 28, 2007 stating that "including the Site on the National Priorities List (NPL) ... is ultimately in the best interest of our community." This letter (enclosed) was signed by various community leaders in the region. I realize that EPA's final decision will ultimately be based upon scientific analysis of the conditions at the site, but it is my strong recommendation that EPA consider the input of the community in this matter as it makes its determination.

Thank you in advance for consideration of my letter. If you have any additional questions, please contact John Sherry of my staff at (202) 225-6111 or john.sherry@mail.house.gov.

Sincerely,


Allyson Y. Schwartz
Member of Congress

CC: Hon. Rick Taylor, State Representative
Hon. Michael Gerber, State Representative
Hon. Stewart Greenleaf, State Senator
Hon. Edward G. Rendell, Governor
Hon. Katy McGinty, Secretary of Pennsylvania Department of Environmental Protection

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

December 27, 2007

Mr. Donald S. Welsh
Regional Administrator
United States Environmental Protection Agency - Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

Dear Mr. Welsh:

For the past six months, the BoRit Community Advisory Group (CAG), a diverse cross-section of government and community stakeholders, has worked diligently to understand the options available to mitigate the risks, and realize the potential presented by the largest un-remediated asbestos site in the United States. It is with that collective experience and the considerable knowledge of the BoRit Site by our members, that we the undersigned submit this response to the removal actions currently proposed for the three parcels situated within Ambler Borough, Upper Dublin Township, and Whitpain Township in Montgomery County, Pennsylvania.

It is the clear consensus of the CAG, on behalf of the government and community stakeholders represented, that we support the removal concept presented to us by the Federal On-Scene Coordination Team at our meeting of November 28, 2007. We strongly encourage the agency to complete the detailed planning required to execute this concept, allocate funding for its implementation, and commence work at the earliest possible opportunity.

However, the CAG respectfully requests that during the detailed planning phase, the agency fully consider and address the areas of concern the community has about each of the proposed actions. As described in Attachment (2), our concerns are grouped into the following five categories:

- 1) Effective and environmentally sensitive stream bank stabilization.
- 2) Complete and effective encapsulation or removal of all exposed asbestos-containing material.
- 3) Comprehensive monitoring during and after removal actions.

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

- 4) Collaboration with all of the responsible government agencies and property owners on the establishment of institutional controls.
- 5) Continued partnership with the CAG to produce and promote long-term solutions.

The CAG looks forward to continuing our close cooperation with the dedicated professionals at USEPA, the Pennsylvania Department of Environmental Protection, and all of the other agencies involved; to resolve these concerns and any others should they arise during the execution of the removal action.

For too many years, the BoRit parcels have posed real, potential, and unknown health risks to our community. This fenced-off blight is a significant detriment to the community's health and safety, property values, environmental quality, and indeed our spirit. The CAG believes the proposed removal actions under consideration can and should be a catalyst for a multi-governmental plan of action that addresses not only these 38 contaminated acres, but also how they relate and connect to the adjacent developed and natural environment.

In summary, please understand that the clear consensus of the CAG is that the proposed removal actions are necessary and desirable at this time. However, we also strongly agree that including the Site on the National Priorities List (NPL), a full remedial investigation/feasibility study (RI/FS), and comprehensive remedial action is ultimately in the best interest of our community.

Please keep the CAG informed of developments during every stage of the removal action so that we can continue to carry out our advisory responsibility in the most effective manner.

We sincerely appreciate your staff's efforts on behalf of our community.

Very Sincerely,

BoRit CAG Members
Signature Page Attached

ATTACHMENT 1: Signature Page

ATTACHMENT 2: Detailed Response to Removal Actions Under Consideration

ATTACHMENT 3: Text of USEPA Community Update of November 2007

ATTACHMENT 4: Distribution

ATTACHMENT (1): SIGNATURE PAGE TO CAG RESPONSE OF 12/27/2007

MEMBERS

/s/ _____
Bob Adams
CAG Co-Chairman
Director of Stewardship
Wissahickon Valley Watershed Association

/s/ _____
Fred Conner
CAG Co-Chairman
Whitpain Township Planning Commission and
WhitpainResidents.org

/s/ _____
Salvatore Boccuti
Ambler Area Business Owner

/s/ _____
Dave Caddick
Ambler Area Business Owner

/s/ _____
Susan Curry
Ambler Environmental Advisory Council

/s/ _____
Eddie Curtis
Commander,
American Legion Post, West Ambler

/s/ _____
Ron Curtis
Ambler Area Business Owner

/s/ _____
Eileen Fournier
Upper Dublin Residents

/s/ _____
Lynn Hoffman
Mercer Hill Village Association

/s/ _____
Sharon McCormick
Citizens for a Better Ambler

/s/ _____
Anne Misak
Program Organizer,
Clean Water Action

/s/ _____
Diane Morgan
Controller-Elect, Montgomery County
and Lower Gwynedd Residents

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

/s/ _____
Michelle Naps, M.D.
Ambler Residents

/s/ _____
Beth Piling
*Senior Planner,
Montgomery County Planning Commission*

/s/ _____
Roman Pronczak
*Deputy Township Manager
Whitpain Township*

/s/ _____
Joanne Slade
*Health Officer,
Upper Dublin Township*

/s/ _____
Bud Wahl
*Mayor,
Ambler Borough*

/s/ _____
Joanne Walker
*Board Member,
Whitemarsh Township Residents Association*

/s/ _____
Flo Wise
*Chairwoman,
West Ambler Civic Association*

ATTACHMENT (2): AREAS OF CONCERN TO CAG RESPONSE OF 12/27/2007

AREA OF CONCERN #1: Effective and environmentally sensitive stream-bank stabilization.

- 1.1. All project work should proceed with respect for the natural environment of the Wissahickon Watershed.
- 1.2. Bank stabilization should be done in an environmentally sensitive manner, similar to the alternatives presented by USEPA. However, the stabilization must be able to withstand the potentially severe weather conditions, including heavy storm water volume, flooding, and high wind events.
- 1.3. Some type of dense, thorny vegetation should be considered for installation along the stream-banks. Such vegetation would make it difficult for trespassers to get to the embankments, or to disturb the cover that is to be installed. This vegetation would also help stabilize the embankments and would prevent erosion. (Please see Appendix (A) for a list of suggested native plant species).
- 1.4. Based on the information the CAG has at this time, we can only offer partial support to USEPA's proposed stream bank restoration plan. We strongly support the concept of the plan, which calls for vegetative cover rather than hardening the entire stretch of stream-bank (as was done downstream at the Locust Street pile). Until we are presented with a finalized plan, naming specific products to be used and specifying the method of installation, we cannot give complete support to this part of the project. The CAG requests that EPA keep us informed as more detailed planning proceeds, so that we may better evaluate and comment on the products and installation methods as they are developed.
- 1.5. The CAG understands that in the near future, PennDOT will be removing the dam in the Wissahickon Creek that is situated directly behind the BoRit Site. USEPA should coordinate its stream-bank restoration with the dam removal so as to provide the best possible stream-bank protection during and after its removal.
- 1.6. The CAG also strongly recommends a minimum 5-year monitoring period, to be performed by USEPA on a semiannual basis, and as necessary after any major flooding event. The restoration project should be evaluated for structural integrity, establishment of continuous vegetative cover, and the elimination of any asbestos exposure in the project area.

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

- 1.7. An Erosion and Sedimentation Control Plan, prepared in accordance with PADEP regulations and approved by the Montgomery County Conservation District, should be implemented and monitored so as to minimize erosion and prevent excessive sedimentation into the receiving watercourses or bodies of water.
- 1.8. Early and frequent coordination should take place with resource agencies including the U.S. Army Corps of Engineers, PADEP, PADCNR, PA Fish & Boat Commission, and the PA Historical and Museum Commission.
- 1.9. Authorizations should be obtained by/from all federal, state, county, or local agencies required by law before work begins on the proposed actions.

AREA OF CONCERN #2: Complete and effective encapsulation or removal of all exposed asbestos-containing material.

- 2.1. The proposed encapsulation and removal process should be done in a way that will not hinder or preclude more comprehensive remedial efforts in the future.
- 2.2. Encapsulation and removal methods should be done in such a way as to not cause more problems than they solve. That is, they should be done so that material being encapsulated or removed does not become airborne or pushed-off into the creek. The CAG assumes that USEPA has the expertise necessary to effectively supervise the work to be done and protect human health and the environment during the implementation phase.
- 2.3. The CAG requests the opportunity to review and comment on the detailed plans prior to the start of work. This opportunity will provide us with a better understanding of how USEPA will protect the community during the encapsulation and removal activities.
- 2.4. The CAG requests that status updates on the execution and monitoring phases of the encapsulation and removal process be made available to the CAG at least one week prior to our monthly meetings.
- 2.5. The USEPA may find it useful to designate a qualified individual or firm to perform the functions of an Environmental Monitor for the removal and encapsulation actions.

AREA OF CONCERN #3: Comprehensive monitoring during and after removal actions.

- 3.1. Continuous, comprehensive, and long-term monitoring should be conducted by USEPA during and after removal activities to minimize exposure risks. Periodic monitoring should be performed subsequent to the removal work to test the effectiveness of the remedy.
 - 3.1.1. Future sampling should be planned in collaboration with the CAG to ensure that all appropriate areas are tested. Efforts must continue to be made to address the community's ongoing high degree of concern about the Site and to promote an understanding of the health and environmental variables to be considered.
 - 3.1.2. From a toxicology standpoint, the risk calculations contained in the latest sample data do seem to have followed the "worst case scenario" approach. However, the methodology used to conduct the sampling may have underestimated some major factors known to community members (e.g. particular locations where asbestos content is believed to be high; weather variables such as dry, windy conditions; and children and animals physically active in contaminated areas).
 - 3.1.3. Independent testing and analysis of the Site and the surrounding areas would be helpful in addressing the ongoing community concerns.
- 3.2. The CAG fully understands that USEPA is not an agency with a clinical research mission. However, we encourage the agency to coordinate with all of the health agencies involved to implement a more in-depth, health data collection protocol.
 - 3.2.1. Community health data analyzed thus far, in studies by the health agencies involved, do not reflect the true incidence of mesothelioma, asbestosis, and other non-cancer asbestos-related diseases historically associated with the Site. Thus, there is reason to believe that the community health metrics currently in place cannot adequately estimate current or future disease.
 - 3.2.2. We encourage USEPA, along with all of the agencies involved, to take a more aggressive approach to new data collection (e.g. household surveys and coordination with medical staffs at local hospitals) to understand the community asbestos-related disease burden. In addition, assessment of liability payments for asbestos exposure in this region would be another data resource. Members of the CAG report index cases where specific individuals in our community were recently diagnosed with asbestos disease where proximity to the BoRit Site is believed to be the only known risk factor. The CAG and other stakeholders should be provided with the health data resulting from these studies.

- 3.2.3. The site should remain under USEPA and PADEP surveillance with active involvement by the agencies in long-term monitoring. This should include air sampling and indoor and outdoor dust wiping at times and locations where uncovered asbestos waste is evident from visual inspection or previous soil tests.

AREA OF CONCERN #4: Collaboration with all of the responsible government agencies and property owners on the establishment of institutional controls.

- 4.1. Institutional controls (ICs) should be an integral part of any cleanup action at the BoRit Site, including the removal action currently planned by USEPA and any future remedial action that may be taken. The removal action currently calls for the capping of any exposed asbestos and the stabilization of creek and stream banks on the three parcels that comprise the Site. As a result, contamination at potentially high levels will remain in the subsurface on the Site. If not properly addressed, any possible future use of any of the three parcels could cause soil disturbance, erosion, or degradation of the soil cap (even if only during the construction phase), thereby again exposing the asbestos and threatening human health and the environment.
- 4.2. The CAG recognizes the fact that this Site is located in three municipalities and is comprised of three parcels with three different owners. It is likely that one or more of these property owners will want to develop their parcel for future use. For instance, the CAG is aware of the interest by Whitpain Township and residents near the Wissahickon Park parcel to use that parcel as some type of youth recreation facility. If a use can be accomplished without degrading the soil cover and without endangering the health and welfare of residents and children, then the CAG would support such a future use.
- 4.3. The CAG proposes that the ICs to be considered by the USEPA, PADEP, and the municipalities in which the Site is situated, include the following:
 - (a) Any development plans for the parcel must establish that such development can be safely accommodated;
 - (b) During the removal action and as part of any future use of the Site, at a minimum, the following construction practices should be considered:
 - (1) Limitations of work on days with high winds;
 - (2) Dust control, wet down, and daily soil cover requirements to prevent asbestos from becoming airborne;
 - (3) Notices to nearby residences, businesses, all effected municipalities, and the county of excavation times and dates;
 - (4) Stormwater management, soil erosion, and sedimentation controls specifically designed to prevent degradation of the cover;

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

- (5) Continuous air monitoring with public notification of any releases;
 - (6) Washing for all vehicles and equipment exiting the Site;
 - (7) A cap or liner with thicker soil overlay for any open areas to be used or accessed by the public (e.g. ball fields);
- (c) No wells on any parcel;
- (d) Deed Notices advising of the restrictions on the parcels' use.
- 4.4. The CAG recognizes that, in order to implement the ICs, cooperation and coordination will be needed between the three municipalities, the PADEP, the USEPA and the site owners. However, under CERCLA, the USEPA has the authority to impose ICs at contaminated sites. Further, the PADEP has statutory authority to impose ICs at this Site and to monitor for compliance. The three municipalities have the authority under the zoning, subdivision, and land development provisions of the Pennsylvania Municipalities Planning Code to impose ICs on these parcels to protect human health and the environment. The CAG requests that the USEPA initiate discussions with the PADEP, the three municipalities, and other stakeholders, to facilitate inter-governmental cooperation in order to implement the proper ICs at the Site. The CAG is willing to assist in this process to the fullest extent. USEPA is requested to work closely with the CAG and local governments in the development and implementation of institutional controls for the Site.

AREA OF CONCERN #5: Continued partnership with the CAG to produce and promote long-term solutions.

- 5.1. Support of a Multi-government/Multi-stakeholder Planning Process that leads to a Long-Term, Sustainable Solution.** Because the BoRit Site is segmented by municipal demarcation and scarred by industrial contamination and neglect, the natural environment in which it rests has not received the attention or appreciation it deserves. Nonetheless, the landscape at its core survives and could very well thrive if considered as a whole and integrated into the planning of the surrounding municipalities. This landscape is a vital component of the regionally significant Wissahickon Green Ribbon Preserve and critical part of over 60-acres of open space between Butler Pike and Mt. Pleasant Avenue. The removal concept proposed by USEPA must be a catalyst for real and meaningful follow-on actions. These actions should include a far-reaching, multi-municipal planning effort that addresses not only BoRit's 38-acres of brownfield's and waters, but as importantly, how they relate and connect to the adjacent developed and natural environments. The use of parts of the Wissahickon Park parcel as some type of youth recreation facility should be considered an integral part of any future plans for the area. It is time for area leaders to engage in an earnest and professional, multi-government/multi-stakeholder planning process to deal with the blighted open spaces in our midst. The CAG encourages USEPA to participate fully in this long overdue process. The agency could be especially helpful in this regard by providing examples of how similar sites have been transformed.

- 5.2. Continued Assessment.** The CAG strongly agrees that a National Priorities List (NPL) listing, a full remedial investigation/feasibility study (RI/FS), and remedial action is ultimately in the best interest of our community. It is important that assessments of the Site for inclusion on the NPL continue in parallel with the removal actions proposed. The CAG acknowledges that the removal actions do not preclude the Site from being listed on the NPL. We look forward to the presentation by the Site Assessment Branch at our January 2, 2008, meeting.
- 5.3. Continued Surveillance.** The Site should remain under USEPA surveillance with active involvement by the agency in long-term monitoring and coordination with the community. Under no circumstances should the Site revert to the level of primary oversight by the Commonwealth of Pennsylvania unless and until the commonwealth's National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations are made more stringent.
- 5.4. Continued Investigation.** While the removal actions proposed represent a significant investment by the federal government, even at their conclusion, the Site will remain a fenced-off, contaminated brownfield in a densely populated and otherwise robust community. All available funding sources should be assessed, including the investigation of old liabilities that may carry forward to current business operations, in order to contribute to the funding of a sustainable, long-term solution.

ATTACHMENT (2) - APPENDIX (A): AREAS OF CONCERN TO CAG RESPONSE OF 12/27/2007

**SUGGESTED NATIVE PLANTS
FOR BORIT AREA RESTORATION**

The following plants were chosen on the basis of their fitness for use on and around the BoRit Site, which is a lowland area with some flood inundation. Another criterion for selection was “thorniness” which is meant to help deter persons attempting to gain access to the Site. These plants should be planted starting at the top of bank and continuing back at least 20 feet to give the thickness necessary to act as an effective deterrent.

<u>COMMON NAME</u>	<u>LATIN NAME</u>
Honey Locust	<i>Gleditsia triacanthos</i>
Swamp Currant	<i>Ribes lacustre</i>
Missouri Gooseberry	<i>Ribes missouriense</i>
Wild Plum	<i>Prunus americana</i>
Brainerd’s Hawthorn	<i>Crataegus brainerdii</i>
Red-fruited hawthorn	<i>Crataegus coccinea</i>
Greenbrier	<i>Smilax rotundifolia</i>
Swamp Rose	<i>Rosa palustris</i>
Virginia Rose	<i>Rosa virginiana</i>

ATTACHMENT (3): TEXT OF EPA COMMUNITY UPDATE OF NOVEMBER 2007

**Bo-Rit Asbestos Site
Ambler/Whitpain/Upper Dublin
Montgomery County, PA
November 2007
Community Update**

EPA Completes Air Sampling

The U.S. Environmental Protection Agency (EPA), in partnership with the Pennsylvania Department of Environmental Protection (PADEP), completed its final round of air sampling at the Bo-Rit Asbestos Site.

Important results of these August/September samples are summarized below. All of the sample results are available to the public on EPA's website at www.EPAOSC.net/BoRit.

- The results of EPA's samples verified that no airborne asbestos was detected off-site.
- Three on-site sample results did show measurable levels of asbestos in the air.

However, EPA would only be concerned about these levels if people were exposed to them on a daily basis, 24-hours per day, and for a period of 30 years or longer.

Again, these levels were detected **only** within the fenced perimeter of the site.

Summary of the Air Samples Where Asbestos was Detected

Three out of seventy-eight samples taken on the site had measurable, airborne asbestos:

1. A concentration of 0.00049 fibers per cubic centimeter of air was found in a sampler located at the pile.
2. A concentration of 0.00048 fibers per cubic meter of air was found in a sampler located at the pile.
3. A concentration of 0.00098 fibers per cubic meters of air was found at the former park, which is no longer open to the public.

EPA Proposes Plan of Action to Stabilize Site

EPA, in cooperation with PADEP, is proposing several steps to help ensure that site conditions do not worsen, including:

- Encapsulating the areas on the site where asbestos is exposed.
- Potentially removing and disposing of large pieces of asbestos-containing materials, like cement pipes.
- Stabilizing all of the stream banks adjacent to the site to minimize and prevent further erosion of the banks. The banks will be stabilized in a way that will blend with the native vegetation and will provide long term protection.

All proposed work will be conducted by EPA and we will take every precaution to ensure that human health and the environment is protected during these activities.

Next Steps

EPA will present its proposed plan of action at the next Community Advisory Group (CAG) meeting and ask for its comments to the plan. In January, EPA plans to hold a public meeting for the community to explain all of the sampling results and EPA's final plan of action.

EPA also invites you to provide your comments on the action plan presented in this fact sheet.

RE: Removal Actions Under Consideration for the BoRit Asbestos Site

ATTACHMENT (4): DISTRIBUTION LIST TO CAG RESPONSE OF 12/27/2007

TO BE ATTACHED.