

DRAFT FOR RELEASE

**DRAFT EXPLANATION OF SIGNIFICANT DIFFERENCES  
for the  
Ambler Asbestos Superfund Site**

**I. INTRODUCTION**

Site Name: Ambler Asbestos Superfund Site (“Ambler Asbestos Site” or “Site”)  
Site Location: Ambler, Montgomery County, Pennsylvania  
Lead Agency: U.S. Environmental Protection Agency, Region III (“EPA”)  
Support Agency: Pennsylvania Department of Environmental Protection (“PADEP”)

**II. STATEMENT OF PURPOSE**

This Explanation of Significant Differences (“ESD”) is being issued in accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (“CERCLA”), 42 U.S.C. § 9617(c), and 40 C.F.R. § 300.435(c)(2)(i) of the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) and is now a part of the Administrative Record for the Site. The NCP requires the publication of an ESD when modifications to the remedial action selected in a Record of Decision (“ROD”) are necessary, and such modifications significantly change, but do not fundamentally alter, the remedial action with respect to scope, performance, or cost.

This ESD is a draft document. It has been prepared to provide the public with an explanation of EPA’s proposal to modify the remedies selected for the Site to require institutional controls to ensure long-term protection of the remedies and to prevent human exposure to contaminated materials. This draft ESD will summarize the information that supports the proposed modification and confirm that the remedial actions as revised by this proposed modification will continue to comply with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. In this document all further references to “this ESD” shall mean this draft document. The modification proposed in this ESD will change, but not fundamentally alter, the remedies selected in the two RODs for the Site with respect to scope, performance, or cost. Thus, an amendment to those RODs is not required to document this change. EPA will accept comments on the proposed modifications to the remedies selected for this Site during a 30-day public comment period. Once the public comment period closes, comments will be evaluated and this draft will be revised as appropriate, and signed as a final decision document. Both the draft and final versions of this ESD will be incorporated into the Administrative Record for this Site.

This ESD and the information upon which it is based will be included in the Administrative Record. The Administrative Record is available for public review at the locations listed below:

U.S EPA, Region III – 6<sup>th</sup> floor Docket Room  
Ms. Anna Butch  
1650 Arch Street  
Philadelphia, PA 19103

Hours:  
Monday - Friday 8:30am - 4:30pm  
(215) 814-3157

Wissahickon Valley Public Library  
Ambler Branch  
209 Race Street  
Ambler, PA 19002

Hours:  
Monday - Thursday 10am - 9pm  
Friday & Saturday 10am - 5pm

The Administrative Record is also available online at:

[http://loggerhead.epa.gov/arweb/public/advanced\\_search.jsp](http://loggerhead.epa.gov/arweb/public/advanced_search.jsp)

### **III. SUMMARY OF THE SITE HISTORY AND SITE CONDITIONS**

The Ambler Asbestos Superfund Site (Figure 1) is the location of the disposal areas for wastes generated by three asbestos product manufacturing companies. The Site was placed on the National Priorities List of Superfund Sites on June 10, 1986, based on observations that asbestos-containing waste was exposed on the piles providing the potential for asbestos fibers to migrate off-site due to the action of wind or water erosion.

The Site, which covers approximately twenty-five (25) acres, is located in the center of a mixed commercial/residential area in Ambler, Pennsylvania. Approximately 6,000 people live within ½ mile of the Site. About 40 residences are located within 1/4 mile and the nearest residential properties are adjacent to the Site boundary. The Site is composed of three large piles of asbestos-containing wastes and a series of now backfilled wastewater settling and filter bed lagoons. The highest of the three piles is approximately 92 feet above the surrounding grade. Currently, the Site is fenced and there are no buildings or continuing operations on-site. The Wissahickon Creek and its flood plain border the Site. The west slope of one of the piles abuts against and into the Wissahickon Creek along Butler Pike.

The Site was previously owned by the Keasbey & Mattison Company (K&M), manufacturer of pharmaceuticals, such as Milk of Magnesia, and asbestos insulation products. K&M owned the Site from the late 1800's to 1962, when it sold the property and operations in two parcels. One parcel, which included the CertainTeed Scrap Pile (also known as the Pipe Plant Pile), was sold to CertainTeed, Inc., a manufacturer of asbestos products. That pile became Operable Unit Two (OU2) of the Site. Nicolet Industries, Inc. purchased the remaining property, including the Locust Street Pile, the Plant Pile and the filter bed lagoons. Those two piles and the lagoons constitute Operable Unit One (OU1) of the Site.

Dumping of asbestos-containing waste at the Site apparently began in the early 1930's and continued to 1974. The Locust Street and Plant Piles are constructed of cinder berms erected to contain the wastes. Solid wastes from the manufacture of asbestos-containing products were then deposited within the berms, and flowing waste slurries were pumped into the bermed areas to contain the slurries and allow them to dry. The CertainTeed Scrap Pile was constructed by the dumping of broken wallboard and asbestos pipe products, which were further broken and compacted by tractors. The total volume of asbestos-containing waste in the three piles has been estimated to exceed 1.5 million cubic yards.

In 2005 a new owner, DC Ambler Properties LLC, purchased both parcels that comprise the Site.

#### **IV. DESCRIPTION OF SELECTED REMEDY AND REMEDY IMPLEMENTATION**

##### Remedy Selection

The United States Environmental Protection Agency (EPA) has issued RODs selecting the remedies for the two operable units of the Ambler Asbestos Piles Site, with the concurrence of the Commonwealth of Pennsylvania. The ROD for OU1 was issued September 30, 1988 (OU1 ROD), and the ROD for OU2 was issued September 29, 1989 (OU2 ROD). The OU1 ROD and the OU2 ROD are collectively referred to herein as “the RODs.”

The Remedial Action Objectives (RAOs) for OU1 are discussed in the OU1 ROD at page 35: “The objective of remediation of the asbestos-containing waste is to prevent migration into the ambient air and transport via stormwater runoff to Wissahickon Creek. A consideration of remediation of the magnesium/calcium carbonate is to improve the physical characteristics (increase strength, lower moisture content) in order to improve the stability of the piles and/or allow for off-site transport of this material. The objective of remediating the surface water in the settling basins and filter bed lagoons is to allow for discharge to Wissahickon Creek, or potentially to the local Ambler Wastewater Treatment Plant.”

The remedy selected in the OU1 ROD, on-site closure, required, among other things, the “placement of a cover system on each of the asbestos-containing waste piles and clean fill in the existing lagoon and settling basins” (page 56 of the OU1 ROD), and “[p]ost-closure inspections, maintenance of the piles, lagoon, and settling basin areas, and preparation of a contingency plan” (page 57).

The OU2 ROD lists, on page 19, the RAOs developed for OU2 as follows: “Effectively restrict access to unauthorized persons. These persons would consist primarily of trespassers, mostly children who have frequently accessed the site, based on historical reports .... Effectively remove, stabilize, or contain the asbestos contaminated media onsite so that potential direct contact/incidental ingestion exposures to onsite receptors are minimized, and potential releases of asbestos to ambient air and potential releases of asbestos to adjacent surface waters are not prevalent in concentrations which would create unacceptable risks to on and offsite receptors.”

The remedy selected in the OU2 ROD was also on-site closure, and required, among other things, “placement of a cover system on the CertainTeed Pile.... [p]ost-closure inspections, maintenance of the pile, and preparation of a contingency plan,” as well as “[r]estricting future land use to surficial activities by authorized personnel.” (Page 26)

##### Remedy Implementation

EPA negotiated a Consent Decree with each of the two identified responsible parties which required that each party implement the respective selected remedy under EPA oversight.

Through a Consent Decree (CD) entered on May 28, 1991, T&N plc (the parent corporation of previous owner K&M) was required to implement the remedy selected for OU1.

The Remedial Action selected and constructed for OU1 included draining and back-filling the lagoons, installing semi-permeable caps and surface drainage systems on the piles, and constructing an erosion control device - a concrete revetment - on the west slope of the Locust Street Pile to inhibit the erosion of the stream bank and the pile by the Wissahickon Creek. Also, as required by the ROD, the existing fences on the property were moved, repaired and posted with asbestos hazard warning signs required for asbestos disposal sites to discourage trespassing and vandalism. This remedy eliminated the lagoons and stabilized the piles against erosion by wind, precipitation and the Wissahickon Creek, reducing the threat of release to the air or surface water, and potential exposure to airborne asbestos. Additionally, the CD required T&N to develop and submit a long-term operation and maintenance (O&M) plan to ensure the continued integrity of the fences, pile covers and the revetment. The O&M Plan was submitted in May 1993.

EPA and CertainTeed executed a CD entered on November 29, 1990, which required CertainTeed to implement the remedy selected for OU2. The Remedial Action selected and constructed for OU2 included supplementing the existing soil cover, clearing and grading the pile to promote proper surface drainage, revegetating the pile and installing gabion boxes to reinforce the banks of the Stuart Farm Creek along the east slope of the pile. Also, as required by the ROD, the existing fences on the property were upgraded or replaced and posted with asbestos hazard warning signs required for asbestos disposal sites to discourage trespassing and vandalism. This remedy stabilized the pile against erosion by wind, precipitation and the Stuart Farm Creek, reducing the threat of release to the air or surface water, and potential exposure to airborne asbestos. Additionally, as required in the CD, CertainTeed developed and submitted a Post Closure Plan (equivalent to, and hereafter referred to as an O&M Plan) to ensure the continued integrity of the fences, gabion boxes and the pile cover.

On August 30, 1993, EPA issued a Final Close Out Report documenting that the construction activities at both operable units had been completed. The Site was deleted from EPA's National Priorities List on December 27, 1996.

#### **V. DESCRIPTION OF SIGNIFICANT DIFFERENCES AND THE BASIS FOR SUCH DIFFERENCES**

In the course of performing the statutory five-year review of the Site, issued September 25, 2007, EPA determined that institutional controls are necessary to provide for protection of the installed remedies to assure long-term protection of human health and the environment. The remedies selected by EPA in the 1988 OU1 ROD and the 1989 OU2 ROD required engineered structures to cap the wastes and long-term operation and maintenance plans to maintain and repair those engineered structures. However, the RODs did not establish requirements for institutional controls to protect and ensure the continued integrity of the engineered structures. Accordingly, in this ESD EPA is modifying the remedies selected in the RODs to require institutional controls prohibiting activities on the Site unless appropriate investigations are conducted, and approved by EPA, in consultation with the Pennsylvania Department of Environmental Protection (PADEP), to ensure that any considered activities are appropriate to the Site and existing remedies, and will not compromise the established level of protection of human health and the environment.

Specifically, institutional controls will be established to prohibit:

- 1) Any on-site excavations or activities that would disturb the soil;
- 2) Any installation or building of structures on the capped areas of the Site;
- 3) Any activity that could compromise the integrity of the erosion control devices, specifically the revetment and the gabions installed to prevent erosion from the Wissahickon and Stuart Farm Creeks;
- 4) Any disturbance of the vegetative growth that stabilizes the caps and surfaces of the Site;
- 5) Operation of heavy equipment or vehicles on the capped areas of the Site;
- 6) Any modification of the Site fencing; and
- 7) Any activity that could potentially disturb or interfere with the continued stability and integrity of the existing remedies

The above prohibitions would apply to activities unless appropriate investigations and plans are submitted and approved in advance by EPA in consultation with PADEP. EPA will not approve activities that compromise the remedial action objectives developed for the Site, that compromise the remedies, or that are not protective of human health and the environment. EPA will consult and coordinate with PADEP when determining whether or not to approve proposed activities.

The required institutional controls could be implemented through property use controls such as easements and restrictive covenants and/or governmental controls such as zoning ordinances. For example, the institutional controls could be implemented through an environmental covenant between EPA and the current owner of the Site property, pursuant to the Pennsylvania Uniform Environmental Covenants Act, 27 Pa.C.S.A. §6501 et seq. In addition, PADEP may issue an Administrative Order (“512 Order”) pursuant to Sections 512(a) and 1102 of the Pennsylvania Hazardous Sites Cleanup Act (“HSCA”), 35 P.S. §§ 6020.512(a) and 6020.1102, which grants PADEP the authority to issue such orders precluding or requiring cessation of an activity or activities at a facility which PADEP finds would disturb, or is inconsistent with, a response action being implemented at that facility.

This modification to the Selected Remedies set forth in the RODs does not fundamentally alter the basic features of the Selected Remedies with respect to scope, performance, or cost. The modification provides for the implementation of institutional controls at the Site to protect the engineered remedies (the engineered caps and erosion control devices). The long-term effectiveness (i.e., performance) of the existing remedies will be enhanced by providing greater assurance that the containment strategy being implemented at the Site will remain uncompromised by potentially harmful land uses. The institutional controls will not have an appreciable impact to the cost of the Selected Remedies. EPA has made the determination that a modification to the RODs requiring the institutional controls discussed above is warranted to ensure the protection of human health and the environment.

## **VI. SUPPORT AGENCY COMMENTS**

The changes to the RODs as described in this ESD have been coordinated with PADEP pursuant to 40 C.F.R. § 300.435(c)(2). (EPA anticipates receiving a PADEP letter of formal concurrence on the changes. This section of the final ESD will indicate the date such a letter was received.)

## **VII. STATUTORY DETERMINATIONS**

EPA has determined that the modified remedy as described in this ESD complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. EPA believes that the remedies set forth in the RODs, as revised by this ESD, will remain protective of human health and the environment and will meet the Federal and State requirements that are applicable or relevant and appropriate to the remedial action as described in the RODs. Since there are no ARARs associated with the implementation of institutional controls, the ARARs established at the time of the RODs remain in place in accordance with 40 C.F.R. § 300.430(f)(1)(ii)(B).

## **VIII. COMMUNITY INVOLVEMENT**

This document containing EPA's proposed modifications to the remedies selected for this Site was released to the public on 07/08/09 for review and comment. EPA will accept comments on these proposed modifications during a 30-day public comment period beginning 07/08/09 and ending 08/06/09. Once the public comment period closes, comments received will be evaluated and this draft will be revised as appropriate, and signed as a final decision document. Both the draft and final versions of this ESD will be incorporated into the Administrative Record for this Site.

This ESD and the information upon which it is based will be included in the Administrative Record. The Administrative Record is available for public review at the locations listed in Section II of this ESD. Questions concerning EPA's action should be directed to:

Jim Feeney  
Remedial Project Manager (3HS22)  
U. S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-3190

## **IX. SIGNATURE**

This Explanation of Significant Differences modifies the selected remedies set forth in the RODs for the Ambler Asbestos Superfund Site to include institutional controls.

Approved By:

\_\_\_\_\_  
Director  
Hazardous Site Cleanup Division  
EPA Region III

\_\_\_\_\_  
Date

( note: Following the public comment period and any necessary revisions, the ESD will be signed and issued by EPA as a final decision. )

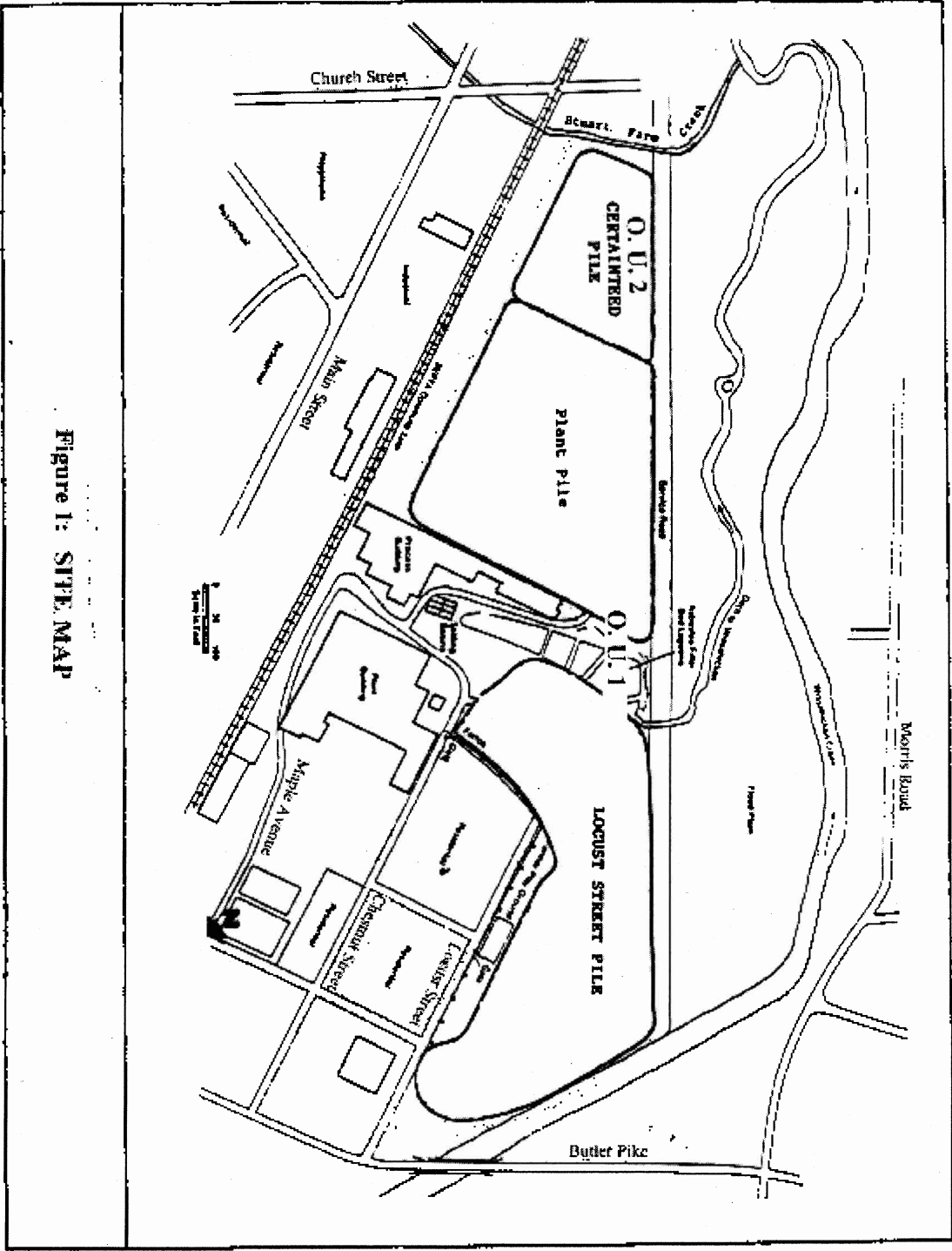


Figure 1: SITE MAP