

# **BoRit CAG Meeting Minutes October 7<sup>th</sup> 2015**

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

Meeting called to order: Co-Chairs Diane Morgan and Bob Adams presiding.

1) **The August minutes:** Approved subject to corrections that Mr Steven Moroldo wanted to add subsequently.

### **2) Upenn Study update:**

Richard Pepino is Coordinator of the Academically Based Community Service (ABCS) courses in the Department of Earth and Environmental Sciences at Upenn. Together with several researchers from Upenn, Mr Pepino and colleagues, having visited the BoRit site earlier in the day, gave an update on their research programs.

The studies will incorporate many areas of investigation including: bio-markers, genetic predispositions, asbestos mobility through materials, bio-radiation and possible mesothelioma treatments (flax seed being cited as one). The study was expected to yield first reports in about six months.

### **3) EPA Feasibility Study (FS) update:**

Jill Lowe of the EPA advised that the FS for the CAG was expected to be released within the next week. A digital copy of the final draft is to be sent to co-chairs. Ms. Diane Morgan asked about the status of the task expert. Ms. Carrie Dietzel (EPA) has submitted a technical directive for processing.

The FS report has a 30 day public comment period from the date of official publication. Ms. Diane Morgan said that that might prove troublesome as the next CAG meeting is in December. Ms. Jill Lowe advised that an extension to the 30 days may be possible and the early courtesy copy of the FS to the CAG was intended to give the CAG extra time for comment. The subsequent Proposed Action Plan (PRAP) is expected to be released by the EPA in January 2016.

Ms. Jill Lowe explained that the Feasibility Study goes over the pros and cons of the evaluated remedies. It does not disclose which option will be chosen, but is more in depth than the PRAP. The FS reviews available remedies for the BoRit site and narrows down the choices using different criteria including cost. The FS includes an introduction, a regurgitation of previous information, and a breakdown of alternatives and evaluations, together with conclusions.

Ms. Jill Lowe advised that it was the intention to hold a public hearing with a stenographer in which comments can be made and recorded. There will be an explanation of the proposal and a 30 day comment period (possible extension if requested).

Ms. Sharon Vargas asked how long after the hearing is the final plan due to be released and is there an appeal process. Ms. Jill Lowe said that based on going through the comments, it can take from three months to a year. If there is public protest, the remedy can be modified. Thereafter legal challenges to the plan are limited to issues of process. Ms. Vargas wanted the legal process clarified.

#### **4) HERS Report**

Ms. Lora Werner reported on the HERS meeting of 9/11/15. The following 3 recommendations were made:

a. The workgroup agreed to recommend that the CAG request from EPA their most recent inspection reports from 2015 at the Ambler NPL site.

b.

The workgroup agreed to ask the CAG to request that EPA share their plans for addressing any potential impacts to the Ambler site if the Bast/Frumin sites are redeveloped and heavy equipment is operated nearby at a future CAG meeting.

c.

The workgroup agreed to reiterate to the CAG and EPA its interest in additional ambient and activity based air monitoring data from near the Bast/Frumin sites in their current state.

#### **5) Environmental Covenants (EC):**

Mr. Peter Lowry gave a power point presentation on Environmental Covenants (see <http://www.boriticag.org/about/presentations.html> for the full .pptx file)

There will be environmental covenants for the BoRit site and other asbestos contaminated sites in the Ambler area that are seeking redevelopment, e.g. Bast, Frumin. These covenants are negotiated by the appropriate authorities with the property owners. In the case of the Bast tract it will be between Summit Realty Advisors LLC and the PA DEP. The CAG will have an opportunity to review the covenant and make suggestions and comments.

Mr. Bob Adams asked whether a future owner could challenge the covenant. Mr. Pete Lowry replied that the EC is a legal document. The covenant could be challenged if there were compliance issues. The covenant has a reporting requirement. The reporting interval could be shorter than a year. It must be in writing. There are time limits for non-compliance. Any site work that could affect contamination is subject to the covenant.

Ms. Diane Morgan mentioned that the Ambler Boiler House has an environmental covenant which calls for a yearly visual inspection, and repairs must be done within a reasonable time limit.

There were many other questions raised and debated on the issue of environmental covenants ranging from contents to legal enforcement. Specific issues can be addressed as and when the covenants are negotiated, which will not be until later in 2016.

Mr. Eric Chiang (Clean Air Council) said that no matter how the EC is framed citizen vigilance is needed to ensure compliance.

Ms. Sharon Vargas said that when covenants are in place that require inspections from public agencies, these reports are publicly available, but that private reports from non governmental agencies may not be available to citizens. Consequently she didn't understand how this is protective to human health. If that is the case, if there is public and private partnership, why can't residents request an inspection? Mr. Bob Adams answered that residents can request inspection. Mr. Pat Patterson said that an inspection can happen but that there isn't a timeline. Mr. Pat Patterson said that Ambler is not mandated to inspect because the covenant is between the state and the developer, but anyone in the borough can report violations.

## **6) BoRit Site/Bast and Frumin parcels**

Ms. Sharon Vargas asked whether there is any way the EPA has the option to revisit perimeters of the BoRit site and change to include a wider area. Ms. Jill Lowe advised not and that the boundaries are clearly delineated.

The Bast and Frumin sites are not part of BoRit and not under EPA jurisdiction, but PA DEP jurisdiction. Mr. Joe McDowell (EPA) said that the delineation of the Superfund site is set by the rule making process. The ability to expand a site relies on whether or not contamination is found on adjacent parcels. If BoRit is defined one way, but waste has migrated to adjacent areas, they can be included even if they were not part of the definition during the proposal.

A question was posed as to whether EPA intends to do any air sampling of the Superfund site after remediation? Ms. Jill Lowe said EPA will do confirmation sampling and that there will be a long term monitoring plan, which as yet is not defined, but would be based upon the final remediation action chosen and existing conditions upon completion of remediation work. If the remedy chosen is removing all asbestos, sampling wouldn't be needed.

Ms. Sharon McCormick asked how would Ambler train and pay people to inspect Bast/Frumin if they would have to be professionals. Mr. Pat Patterson (PA DEP) said that additional professional staff are not needed because the signs the general public would be looking for (holes and cracks) would not require expertise. Ms. McCormick said that the EPA shows how difficult this is, and asked how would someone be able to detect asbestos if they were not a professional. Mr. Patterson said that residents can report concerns and ask for a professional inspection.

Ms. Jill Lowe updated the status of the BoRit reservoir. The island is completed and the reservoir is being filled with water from the Wissahickon creek at a rate of approximately 200 gallons /hour.

Mr. Steven Moraldo asked what the Geo-textile membrane used in the reservoir berms is composed of.

Ms. Jill Lowe explained that the plastic liner was put in place not to aid in asbestos remediation but to reach the safety factor that the army corps required for the berm to satisfy engineering requirements.

Ms. McCormick asked if there is a known life expectancy of the membrane? If it degrades then that is a problem. Mr. Moraldo asked what the plan was to fix it in case of degradation. The membrane, being plastic, has a generational life expectancy.

## **7) CAG Co-Chair election**

Voting for the CAG Co-chair seat currently held by Diane Morgan was supervised by the Rules Committee members Sal Boccuti and Kim Hirshberg. Candidates were Ms. Diane Morgan and Mr. Gordon Chase. Non-voting members left the meeting. The votes having been tallied, Mr. Gordon Chase was voted in as co-chair. For the next two year term commencing immediately.