The BoRit Asbestos Piles, Ambler, Pennsylvania

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At CPEO's "Brownfields 101" workshops, I normally explain my understanding of the benefits of Brownfields redevelopment. At blighted properties where there is no viable—that is, with money—polluter responsible for cleanup, a developer can conduct cleanup or other risk management activities as part of construction for reuse. Resources to protect public health, in this case, come from the savings associated with "moving dirt" for other purposes as well as the value added by redevelopment. It's a good way to make sites safe, as long as they are not too contaminated, too complex, or too large.

On January 28, 2007, I visited a site in Ambler, Pennsylvania, where officials face that choice. Should the six acres of the BoRit Asbestos Pile now owned by a developer be addressed as a Brownfield or as a hazardous substance cleanup?

Ambler is less than 15 miles north and upstream of downtown Philadelphia. My hosts were Sharon and Dan McCormick, who live just a couple of blocks from the contaminated site.

Borit Pile with McDonalds barely visible in background

The 38-acre BoRit site consists of three parcels along the eastern bank of Wissahickon Creek, less than a mile from the Ambler Asbestos Piles sites, which was remediated by U.S. EPA as a National Priorities List (Superfund) site in 1993. The developer-owned parcel covers six acres just across a small creek, Tannery Run, from three commercial buildings: Sons of Italy, an auto repair shop, and McDonalds. Just to the northwest is a reservoir currently owned by the Wissahickon Watershed Authority. The Wissahickon Valley Watershed Association (WVWA) hopes to acquire the reservoir and improve it as a waterfowl preserve. To the northwest of the reservoir is the former Wissahickon Whitpain Park, owned by the township of Whitpain. This triangular, park was closed more than twenty years ago because of asbestos releases.

Ambler itself grew up as a company town for the Keasby and Mattison Company, one of the nation's leading manufacturers of asbestos products such as electrical insulation, brake linings, piping, roofing shingles, and cement siding, K&M operated in Ambler from 1897 to 1962. Two other firms, Certainteed Corporation and Nicolet Industries, acquired K&M's property, producing asbestos products such as pipe and auto parts until 1974 and 1987 respectively. K&M apparently disposed of defective products and manufacturing wastes at the site from the 1930s through the early 1960s, and its successors may have continued the practice.

While the piles on Locust Street and K & M main plant were placed on the NPL and capped after extensive study, the BoRit piles did not qualify for NPL listing "due to a lack of an observed release to the surface water or groundwater. The site also had a vegetative cover which would reduce a release of asbestos via the air pathway." Instead, the Pennsylvania Department of Environmental Protection (PADEP) managed the site under Clean Air regulations, requiring a cap or soil or soil and vegetation, fencing, and signage. PADEP issues a regular series of Notices of Violations as early as 1984 (to Nicolet) and as late as 2002 (to Bo-Rit Corporation, the owner at the time). Given those violations, it's hard to understand why the property was never listed. (Some of the violations may have applied only to portions of the property.)

In 2001, Gilmore and Associates conducted an Environmental Site Assessment of the southerly six acres for the Montgomery County Redevelopment Authority. The site Assessment appears to be the source of much of the available detail about the site. Gilmore reached two significant findings:

First, it concluded that under current use—fenced-off open space—the site remedy was suitable and the property was in regulatory compliance. This latter part of this conclusion is somewhat disturbing, given that PADEP noted visible violations just four months later.

Second, Gilmore recommended that the site be considered for non-residential use, to allow use of a less protective cleanup standard.

In 2003, a developer now known as Kane Core acquired the southerly six acres at a Sheriff's sale. In late 2003, Kane Core filed an Asbestos Abatement form with PADEP, but the agency made it clear that it would have to submit a detailed plan for approval.

Kane Core proposed to construct a 17-story condominium structure on the property, prompting widespread concern from neighbors in low-rise Ambler. The proposal also triggered renewed interest in the site's hazardous conditions. At some point, Kane Core switched to proposing, informally, commercial development.

In the wake of growing community interest, PADEP agreed to conduct "baseline sampling" for the entire site. However, it turned out not to have enough money, so U.S. EPA stepped in, establishing an Emergency Response under CERCLA, the Superfund Law. EPA has contracted for a series of air, soil, sediment and water sampling events on the property, and it is evaluating alternatives for streambank stabilization as well as other actions to control environmental releases.

Exposed asbestos waste

Meanwhile, in late 2003 Kane Core signed a Prospective Purchaser Agreement with PADEP, under the state's Act 2 brownfields program, which would absolve it of certain liability in redeveloping the six-acre parcel, but U.S. EPA is still evaluating the potential status of Kane Core as a Bona Fide Prospective Purchaser under the 2002

federal Brownfields Law. The regulatory agencies have not ruled out development of the property, but Kane Core has not yet submitted either a Notice of Intent to Remediate to PADEP or a commercial development proposal to the town.

The Kane Core property is heavily vegetated, but chysotile asbestos products such as broken roof tiles are visible from beyond the fenceline and Wissahickon Creek. The Asbestos Pile rises as much as 30 feet above the ground and half as far below. The volume is about 150,000 cubic yards. Wastes deposited there include a slurry of spent magnesium and calcium carbonate as well as unusable products such as defective shingles.

The adjacent 15-acre reservoir is formed by a berm of asbestos shingles, millboard, and soil. It is likely that the reservoir bottom contains asbestos product waste. Remediation is necessary for it to serve as a viable conservation area.

Wissahickon Whitpain Park with housing just across the street

The triangular former park area is roughly 17 acres. It rises a few feet above grade. It received out-of-spec asbestos products as well as other solid wastes. Though the property is vegetated, asbestos waste is visible at numerous locations.

EPA's Environmental Response Team has begun a series of sampling events at the BoRit site that will continue for at least another year, apparently taking place in each season of the year. Thus far, it has concluded, "Based on October and November 2006 air sampling results, residents in the vicinity of the Site **are not** being exposed to asbestos fibers from the Site at levels that pose an unacceptable or significant health risk." They will decide on next steps once sampling results are in. The team also has found no increases in asbestos-related disease. It does note, however, that some asbestos-related diseases have a long (30-year) latency period.

Local activists are skeptical of EPA's assurances, but that's not the point. The entire site needs to be remediated. Even if hazardous levels of asbestos are not being released into the environment today, it is inevitable, without remedial action, that releases will take place in the future. Further, the former park—a vital need in the predominantly African-American neighborhood it serves—must be remediated to be put back into use.

Based upon the deliberations that led to capping as the primary remedy at the nearby NPL site, activists accept *capping* as the principal remedial approach at all three BoRit parcels. That is, they accept the argument that any soil disturbance is likely to put people at risk.

Therefore, they oppose treating the Kane Core parcel as a brownfield. Using redevelopment as the mechanism to conduct cleanup would fail on two counts. First, redevelopment would unacceptably require soil disturbance. Second, it would not address the entire problem—all three connected parcels.

In 2003, Shaw Environmental submitted to PADEP a Hazard Ranking System scoresheet, using EPA software re-rating theBoRit site. The combined score of 83 greatly exceeded the 28.5 screening threshold for possible NPL inclusion. The conclusion is clear: this is a Superfund caliber site. To protect public health and the environment, it should be regulated as an NPL site and, in the absence of the identification if a responsible party capable of contributing significant funding, money from the depleted Superfund should be allocated for this site. Because the effort will probably involve the capping of less than 30 acres, full remediation is likely to be under $50 million, affordable if the fund were not already bankrupt.

In the past, EPA officials told local activists that adding the BoRit Asbestos Piles to the National Priorities List would not accelerate or improve the environmental response. If that's true, it's only because the Superfund cupboard is bare. More recently, however, I've learned that EPA is considering compiling an official Hazard Ranking package to support possible listing.

I agree with Sharon McCormick and her neighbords that redevelopment as an approach to cleanup would not be safe. To protect the resident of Ambler, originally an asbestos-company town, funds must be found to control the contamination as a hazardous waste response, not as a Brownfield.