North Ridge Estates
March 16, 2005 Public Meeting

Agency Representatives:
EPA - Cliff Villa, Alan Goodman, Julie Wroble, Judy Smith, Jeanne O'Dell, and Dan Heister
DEQ – Cliff Walkey, Frank Messina
DHS SHINE – Amanda Guay

Cliff Villa gave an overview of the AO and explained the reasons for it.

> EPA negotiated with MBK for almost six months without reaching agreement about conducting a remedial investigation and feasibility study (RI/FS). We felt it was not productive to continue negotiations and issued a Unilateral Administrative Order (UAO) to the individual partners of MBK in order to move the process forward.

Alan Goodman explained why the RI/FS was still needed.

> During the past two years we have collected a lot of the information about asbestos at North Ridge Estates, but we still we need a final cleanup plan. The RI/FS is the process EPA must follow to produce a finished cleanup plan. The work remaining for the RI/FS is to finish characterizing the site, fill in data gaps, develop and analyze cleanup alternatives and take public comment on those alternatives.

Cliff Villa provided information about rules and regulations guiding relocation:

> Temporary relocation is generally in response to an event such as an oil spill or removal. Permanent relocation is usually considered a last resort because of the disruption to lives. In the history of EPA across the US, there are only about 20 documented cases of permanent relocation funded by EPA. (There have been more relocations as a result of private settlements between residents and responsible parties).
>
> The RI/FS is required process to evaluate permanent relocation as an alternative compared to other site cleanup options. If permanent relocation is selected as a remedy, the process takes about 7-9 months for negotiations with individual homeowners and resolution of other details required by the Superfund statute and Uniform Relocation Act.

Julie Wroble gave a summary of the findings of the soil sampling evaluation report

> The analysis completed last fall recommended avoiding asbestos containing material (ACM). The latest report evaluating the activity-based sampling results recommends avoiding soil disturbance. EPA feels this represents a higher level of concern. The report does not answer whether the risks are acceptable in the long term and it does not address past exposure.

Amanda Guay provided a brief review of measures to reduce asbestos exposure.

Questions and Answers

Why was the order issued to the partners of MBK instead of the corporation?

It was issued to parties not in bankruptcy.

Who are the parties?

Melvin L. Stewart, Mary Lou Stewart, and Kenneth L. Tuttle as Trustee of the Kenneth L. Tuttle, M.D. P.C., Employees Profit Sharing and Pension Fund for Kenneth L. Tuttle.

What is your best guess on the length of time it will take to complete the RI/FS?

About two years. (Questioner then commented that he was uncomfortable that his kid would have to live here two more years with uncontrolled contamination.)

How can you say that you don't know the time frame for cleanup?

Until we know what course of action is going to be selected we can not speculate how long it will take. The RI/FS is the process by which we identify, and evaluate alternative cleanup actions and select the final course of action.

Haven't you ever had a site like this to deal with before?

No. EPA Region 10 has had cases of contamination within and surrounding residential properties, but asbestos contamination as identified at North Ridge Estates appears to be unprecedented in this Region.

Can the 7-9 months it takes to complete a relocation process run concurrently with the competition of the RI/FS?

No. Remedy selection must come first.

Would the buyouts be billed to the PRP?

If EPA funded buyouts as part of a permanent relocation, EPA would seek to recover all costs, as provided by the Superfund statute.

Is there recourse outside of the EPA process for relocation?

Yes, for example the lawsuit filed by some of the homeowners against MBK. Private settlements of this lawsuit could provide for buyouts and relocation of residents before permanent relocation may be selected by EPA through the required process.

Our immediate concern is being out of the neighborhood by this summer. Can a temporary relocation turn into a permanent relocation?

They can be extended, but EPA policy discourages temporary relocations beyond six months.

Will we have input into the process of remedy selection?

> Yes. The RI/FS has a formal public comment opportunity to which EPA will provide a written response to each comment.

If MBK settles independently with the homeowners will we still need an RI/FS?

> Yes, but it may change the remedy selection since the individuals presently at risk have moved away. Our interest, however, is in protecting all residents, including those who might move into the development after present residents move out.

What will it take to use these relocation authorities?

> We currently have temporary relocation authority and will evaluate the need.

What can we do to move this forward?

> Continue to voice your issues, concerns and priorities to EPA.

Should we lobby our legislators?

> We can not advise you on whether to lobby your legislators. That will have to be your decision.

What else is there to study? Haven't you seen enough to make a decision?

> We have a lot of the information we need, but we can not get around the step of evaluating alternatives and characterizing the nature and extent of contamination.

What more do you need to know before moving on to temporary relocation? People in this neighborhood want out before the warm months. Can you make it happen?

> Temporary relocation is a possibility, but we would have to look hard for the money and resolve enormous logistics to make it happen.

How do you define living space? We have no space in our yard without asbestos.

Has this site been declared a superfund site?

> No.

All the agencies and the consultant hired by RP say this is an emergency, what more does it take? Why can't we call our situation and emergency and order MBK to move us out?

> EPA's use of emergency authority must be carefully considered on a case-by-case basis.

We have a great deal of soil information, people with personal knowledge and things like septic perk information. Can we use this information to run some alternative remedies and costs past the "scoundrel?"

Don't we already have a good idea about what the remedies might be? Wouldn't a quick and dirty analysis give us a measure of comparison? Even running costs for a less than optimum remedy would show that relocation is most cost effective.

> A focused feasibility study could be done to analyze limited alternatives in a more timely manner.

What else does EPA need to see? Why do you force our children to stay here?

> (EPA had not seen the analysis done by Kennedy-Jenks referred to by several people at the meeting. Tom Lindley mentioned that the information was contained in the affidavit in the civil litigation and has recently provided a copy to EPA.)

Are residents who live on the east side of the road on Thicket Court being included in the analysis? Identify risk where it exists and implement a remedy where needed.

EPA is required to investigate contamination wherever it has come to be located, and will evaluate risks and implement remedies wherever needed at North Ridge Estates.

Will you do a quick and dirty cost analysis for us?

> Alan will get back to the group on this. Don't want to do something that is not supportable.

If the focused assessment shows that permanent relocation is needed are we still obligated to do an RI/FS?

> Yes. We still have to ensure that the health of future residents will be protected.

Did this report make you more comfortable or less comfortable?

> Less. We don't necessarily need more data. What we need to do at this point is to find out what can be done to move the process forward to an acceptable outcome for the neighborhood. There are sites elsewhere in the US with high exposure (Libby, Minnesota, Asarco). The exposure here is also of concern and the report illustrates this.

Aren't we under "house arrest" when we have to stay in our houses?

> We realize that it is difficult to forego the use of your properties. After all, the outdoor setting is the reason most everyone bought homes here. However, it is important to continue current practices to minimize asbestos exposure and avoid contact with soil and ACM.

Is the wind a factor in calculating risk?

> (Julie Wroble is checking with Dr. Berman on whether wind was used as a factor.)

We don't trust MBK or Dr. Berman.

> EPA will continue to provide direct oversight over any investigation or cleanup work at the Site conducted by MBK, its partners, or contractors.

Now that the UAO has been issued, what is the effective date?

> Unless modified by EPA, the UAO will become effective 20 days after it was issued on March 15, 2005. After the effective date, the partners must provide a written notice of their intent to comply within 10 days.

What can we expect over the next couple of years?

> You can expect that a Remedial Investigation/Feasibility Study will be initiated this summer with further sampling activities, and that data from those efforts will be analyzed over the winter. There should also be at least one formal public comment period on a Proposed Plan recommending final remedial actions for the Site, which may include cleanup actions, permanent relocations, institutional controls, or combinations of those or other measures.

Will we see Alan and Cliff (Walkey) on site this summer?

> Yes, but not as continuously as Dan Heister was during the removal action.

When do you need the site access agreements by?

> Depends on the work plan.

Is there any chance you can relocate us even temporarily before school gets out this summer?

> We will look into it.

Additional comments from meeting attendees:

- Asbestos is not a problem unless fibers are released into the air.
- 1% is not a good benchmark.
- We know that surface contamination is widespread.
- Relocation may be cheaper than cleanup.
- We know there is a risk, so EPA needs to do their job and protect us from health hazard.
- We excavated two feet in our yard and asbestos is starting to show up on the surface.
- It is illuminating to see how much material has resurfaced.
- There are at least 15 places in Dr. Berman's report where it draws conclusions about risk. I don't want to be 70-years-old and have not done everything possible to protect my kid.
- This is wrecking our lives. We don't want to make our kids sick.
- There is no possibility to removing this contamination. A few inches wouldn't be effective. They would have to go down 18" to 24" inches, place a geotextile fabric and put clean soil over the top.
- School gets out on June 16 and I don't want to live here with my kids for the summer.