

Environmental Justice Advisory Board

Rachel Carson State Office Building, Delaware Room, 400 Market Street, Harrisburg, PA
September 17, 2013 Minutes

Members in attendance

Laureen Boles, Eli Brill, Adam Cutler, Dr. Arthur Frank, Hazem Hijazi, Marcia Hinton, Dr. Clea Hollis, Rev. Horace Strand, John Waffenschmidt, Dr. Mark White (via phone).

Members absent (excused)

Mary Vuccola

Members absent (unexcused)

Erlinda Aguiar

Non-Members

Holly Cairns, Kimberly A. Morewood, Alice Wright, Eric Delio, Stephan Sinding, Walter Payne, Lawrence Holley, Charlie Scheidler, Susan Seighman, Rob Altenburg

Call to Order

Chair, Arthur Frank, welcomed everyone and called the meeting to order at 8:40 a.m.

Approval of Minutes

Dr. Arthur Frank called for Motion for approval of the May 7, 2013, minutes. Dr. Clea Hollis moved to accept and Adam Cutler seconded the Motion to approve the minutes. Motion passed to approve the minutes. Hazem Hijazi states that his name was misspelled in the May minutes, which shall be corrected.

Public Comment Period

There were no public comments presented.

EJAB Monitoring Matrix

There was no new information to be presented.

Manko, Gold, Katcher & Fox – Ardmore Plaza Update

Representative of Manko, Gold, Katcher & Fox attended via telephone. The Ardmore Plaza Shopping Center is located on Greenfield Avenue in the Borough of Ardmore in Montgomery County. The Site has been a commercial shopping center since the late 1980s, but was used by the former Autocar Company for automobile and truck production and maintenance as early as 1906. During an environmental assessment of the Site, chemicals including perchloroethylene (PCE) were discovered in groundwater in the southern portion of the property.

PCE is known to have been used as a solvent for metal degreasing operations. Once in the environment, natural processes can decompose PCE into compounds such as trichloroethylene

(TCE), which was also found in groundwater at the Site. The groundwater impacts are believed to be associated with historic operations at the Site by the Autocar Company. Early maps indicate that the company conducted metal fabricating operations inside its former facility in the area of impacts throughout the early 1900s. Fox Park Corporation is the current owner of Ardmore Plaza. Neither the current owners of Fox Park, nor the corporation itself, has any connection to the Autocar Company or the groundwater contamination that is currently being investigated.

In order to determine whether groundwater quality in the area surrounding Ardmore Plaza was impacted by the TCE and PCE detected at the shopping center, the current owners of Ardmore Plaza began an investigation in 2010 throughout the adjacent neighborhood.

Analysis of the groundwater samples either did not detect, or indicated very low level groundwater impacts in most of the neighborhood, but there were relatively higher levels of groundwater impacts in the area closest to the southern portion of the shopping center and at a point near a church on Greenfield Avenue. Because all of the residents and businesses in the area are connected to a public water supply system, drinking water in the area is not affected.

In 2011, the owners of Ardmore Plaza proposed the next phase of the investigation consisting of groundwater and vapor intrusion investigation activities within the six houses and the church closest to the highest levels of detected groundwater impacts. This phase of the investigation was planned in consultation with PADEP, and was designed to determine whether infiltration of groundwater into basements or volatilization of chemicals from groundwater into indoor air creates any risk of excessive indoor-air exposure. Should the investigation reveal indoor-air impacts related to Ardmore Plaza that are above standards, Fox Park agreed that it would remediate the indoor-air issue and determine, subject to DEP approval, what additional characterization is necessary.

The initial implementation of the proposed indoor air assessments was significantly delayed because of reluctance by the residential property owners and the church management to allow access to their properties. Public outreach was conducted and, to date, access has been granted to allow the proposed indoor-air assessments to proceed at the church, the pastor's residence associated with the church, and three of the six residential properties closest to Ardmore Plaza. Groundwater and indoor or subslab air was sampled at each of the properties, with the exception of the pastor's residence where only groundwater was sampled. No chemicals associated with groundwater contamination were detected at any of the sampled properties at levels exceeding PADEP's most stringent indoor-air criteria. However, because the owners of the remaining properties continue to deny access to their residences despite repeated requests, the final three planned indoor air assessments have not been conducted.

The public participation efforts of Fox Park Corporation have included: providing presentations at community meetings in 2011 and 2012 and repeatedly reiterating an openness to attend and provide information at any additional meetings; publishing and distributing notification of the proposed Act 2 remedial work; drafting and distributing Fact Sheets summarizing the remedial investigation status; direct outreach to the owners of properties where indoor-air assessments were proposed, including correspondence and house visits by the consultants for Fox Park;

detailed communications with Lower Merion Township Commissioner Steven Lindner; a briefing provided to Reverend James Pollard of the Zion Baptist Church; and responding to requests for information by the attorneys and environmental consultant working on behalf of community members. The information produced has included all environmental data from the off-site investigation and all communications between Fox Park and DEP.

Since May of 2011, Fox Park has submitted quarterly progress reports to DEP detailing the remedial work done as well as the proposed next steps. Whenever asked, Fox Park has provided DEP with any information it has requested with respect to Ardmore Plaza. This included a detailed submission to Stephen Sinding in 2011 that outlined the background of the site and the efforts by Fox Park to date.

Rx Disposal

Larry Holley, Waste Minimization and Planning Environmental Program Manager, DEP, spoke regarding prescription collection and programs that DEP has in place. Mr. Holley stated that pharmaceutical collections are one of the most complicated issues that the Office of Waste Management has undertaken. These materials may be considered hazardous waste or controlled substances and that may increase costs and may involve other agencies, including the Drug Enforcement Agency state and local, law enforcement, and Department of Health, among others. An overview was also given on Waste Minimization and Planning Environmental Program and handling of controlled substances. Mr. Holley then opened the floor for questions or comments from EJAB members which included rules from other states, collections of hazardous waste in PA being taken to other states, and it being a crime to give or take hazardous waste to another entity.

Meeting Acting Secretary Abruzzo

Dr. Frank introduced Acting Secretary Abruzzo who spoke to the board on several pertinent issues, as well as answering questions from the board on: the prescription drug disposal issue, permitting issues, and compliance. The Community Environmental Project policy was discussed and ways EJAB can assist with this. Also, board members made suggestions on ways DEP staff could improve their role in Environmental Justice communities.

Ardmore Plaza – Rev. Pollard and Community Members

Southeast regional office staff stated that they want to resolve this issue between the community and Ardmore Plaza. The main concern is for the three homes that have not been tested. Dr. Arthur Frank then welcomed Rev. Pollard to the meeting. Rev. Strand gave a summary of the earlier phone conference where representatives from Manko, Gold, Katcher & Fox, stated that they are committed to solving the problem that originated from their property that might have infiltrated into homes in the community; however, they do not want to take responsibility for anything else that may be there that does not relate to that issue created by AutoCar. Rev. Strand stated that he asked the representative from Manko, Gold, Katcher & Fox, why they thought that the residents of the three homes are reluctant to have the testing done. Rev. Strand then turned the floor over to Rev. Pollard.

Reverend Pollard responded that the reason why is the issue of trust. Rev. Pollard stated that he was glad to hear that Manko, Gold, Katcher & Fox is willing to do what they feel needs to be

done, and would ask them to just consult with their attorneys, who are members of the Williams, Cuker and Berezofsky Law Firm in Philadelphia. Rev. Pollard further indicated that if Manko, Gold, Katcher & Fox would negotiate with the community's attorneys that he was sure that they could all come to a satisfactory conclusion to the problem. Possible causes for lack of trust include misunderstanding regarding how houses were selected for testing and perceived conflicts of interest regarding the zoning board.

Joint Session with the Citizen's Advisory Council (CAC)

Office of Health Equity, PA Department of Health: Dr. Hector Ortiz, Director of the Office of Health Equity (OHE), PA Department of Health (DOH), gave a presentation on the OHE mission and collaboration with community organizations and other stakeholders in both the public and private sectors. He explained that OHE provides leadership to increase public awareness of health inequities and is funded through the Federal Office of Minority Health State Partnership Grant. Dr. Ortiz also spoke about the Refugee Health Program which is a partnership between the Office of Refugee Resettlement in the PA Department of Public Welfare. Dr. James Logue joined the presentation and reviewed the responsibilities of the Division of Environmental Health Assessment within the DOH Bureau of Epidemiology. EJAB and CAC members asked about data collection, technical support provided to private citizens and data review. Dave Hess complemented DOH for their groundbreaking work in reviewing potential impacts from hydraulic fracturing within the oil/gas industry. Dr. Ortiz offered to notify CAC and EJAB when the annual Health Disparity Report is issued (this report is not yet available).

Community Environmental Project (CEP) Policy: Holly Cairns, Acting Director, Office of Environmental Advocate reported that she expected the draft Community Environmental Project Policy to be released for public comment by the end of the year. She indicated that both CAC and EJAB members would be informed when it comes out and would have an opportunity to comment. Executive Assistant, Ann Roda added that the comments provided are very much appreciated, and that all suggestions are being reviewed.

EJAB/CAC Collaboration Discussion: Chair Terry Dayton opened the floor for discussion and asked EJAB members to identify issues of importance in EJ communities. Dr. Strand stressed the importance of communities having information and a voice with respect to what is happening in their communities. He thought that the EJAB work over the years has improved relationships with communities and DEP has responded to many of their suggestions. He did note the failure of the Governor's Office to reappoint Gail Conner to CAC as well as a lack of representation from Delaware County and Philadelphia were issues. Terry Dayton noted that Ms. Conner was a respected member of Council and continues to serve as CAC's representative to the Environmental Hearing Board Rules Committee. He noted that appointments to Council are made by the Governor's Office, the Senate President Pro Tempore and the Speaker of the House independent of input from Council. CAC members noted that reappointment to Council is not automatic however members can continue to serve until reappointed or replaced. Marge Hughes reviewed the current vacancies on Council, one appointed by the House, one appointed by the Senate and 3 Governor's Office appointees whose terms have expired.

Adam Cutler noted that EJAB has talked about doing a listening session somewhere in the state to reach out to communities to understand their issues. He asked what types of things CAC

thought are issues that may be of concern in communities, where they should go, what type of agenda, etc. Several CAC members explained CAC's use of sub-committees and regional meetings. It was also suggested that it might be best when going into a community to have a focus topic which allows the community to concentrate on a specific issue to be addressed. Pat Lupo interjected that she believed some issues of concern are going to be around the "built" environment as opposed to air, land and water. She explained that many don't think of the "built" environment as an environmental issue when, in fact it is because that is where people spend the majority of their time and is the environment that is going to impact them the most, especially their health.

John Waffenschmidt suggested that the Chester Environmental Partnership be used as a model for communities to consider. He indicated that early informed meaningful involvement of the public results in fewer issues that need to be addressed because the stakeholders work in cooperation. He supported the CEP process as a terrific mechanism to solve local problems. He also mentioned his company, Covanta, is the only one with an EJ policy in the state. Terry Dayton thanked the EJAB members for their participation in the joint session as they returned to their separate board meeting.

New/Unfinished Business

Dr. Frank suggested having a listening session in a community with Oil and Gas activities, but after discussion, Dr. Strand made a motion to hold a session in the City of Chester. John Waffenschmidt seconded the motion. The motion was approved to hold the meeting in May 2014 in Chester.

Adjournment

Dr. Strand called for Motion to adjourn the meeting at 2:46 p.m. Motion seconded by Adam Cutler. Motion passed.