

NorthRidge Estates at Klamath Falls

Summary of issues raised at meetings on January 16, 2003:

Residents want their families to be safe from exposure to asbestos

Residents want to maintain the value of their property

Residents want to be able to refinance or get a loan on their property

Residents want to know what the future liability will be if they rent or sell their property

Residents want to know how much contamination there is and where it is located

Residents want to have the property cleaned up quickly

Residents want to be informed about plans and timelines for cleanup

Residents want to know who will be responsible and accountable for cleanup

Residents want a thorough cleanup done right the first time

Residents want to know if the firing range will also present a concern

Northridge Estates at Klamath Falls

Issues and Questions – (This is not an exact transcription, but as close as the note taker could get to reflecting actual questions and comments)

January 16, 2003

Agency representatives: DEQ: Peter Brewer, Frank Messina, Jane Hickman; EPA: Dan Heister and Judy Smith; DHS: Michael Heumann and Janice Panichello

Residents only meeting 4 - 6 p.m. (about 75 people attended)

{Meeting started with Peter Brewer providing a brief history of the site from military barracks to present day. The meeting was then opened for discussion}

Why does map of contamination only cover the north side of the road?

The old buildings were on the covered side.

Will DEQ look at the other side of the road before the cleanup is done?

Yes. The whole area will be evaluated; we just don't know where the line is yet.

The map shows five disposal sites. How will we know if there are others?

Trying to find and interview demolition workers.

Will DEQ do the investigation or will MBK's consultant?

Consultant will do the investigation under DEQ oversight.

Will you be able to tell if there is asbestos on my lot?

Should be able to tell what is there. We will do our best.

Remark – need to know with certainty since I am raising a family here.

Will information be shared with the public?

DEQ records are public information. There may be copying costs.

I'm on a non-identified property and have mounds of asbestos stuff. How do I get it included?

How long will the cleanup take?

Planning will take several months.

Air monitoring early spring/summer

Dumpsites may be removed in next couple of weeks w/ local air/soil sampling

Can we review the abatement cleanup plan?

Yes, it will be available for review.

If monitoring shows bad air aren't we already exposed?

Area must be kept damp during removals.

EMS/Medford will do air/soil monitoring

Remark – No one told us there was a problem when our houses were being built.

If MBK did everything DEQ and EPA asked for, why are they still liable?

Problem was discovered after buildings were down. At the time in law, buried or "encapsulated" material was not considered a threat. Under the order, they had to get proper permits and get local deed restrictions. Deed work was not done.

Why didn't the county do something?

The county may not have known of the deed requirement, but MBK did.

Why didn't MBK get the restrictions?

They are talking to us about this through their attorneys.

{A number of liability questions were voiced}

Asbestos law is very complicated. We work through responsible parties whenever possible.

What is the liability of the military?

When the site was no longer needed by the military all the buildings were still intact and it was given to the state for other beneficial use with a clean bill of health, so they are not considered liable.

What would the deed restrictions have accomplished?

Identify locations of the disposal sites and controls on future use.

What are the health risks associated with asbestos?

Michael Heumann gave general information with the caveat that site-specific information was not available yet. Provided several reference materials to audience. No short term or acute health effects from asbestos. Long term or chronic effects take 15-40 years to show up. How long the exposure was and how much asbestos you are exposed to are risk factors. People who work with asbestos are at highest risk. Three diseases brought on by asbestos are lung cancer, mesothelioma and asbestiosis. Smoking magnifies risks hugely.

Is anyone representing the asbestos contractors?

Unknown

Will EPA or DEQ pay the costs of someone who doesn't want to live in house while the cleanup is going on?

After the site characterization is done, are you going to require the steam pipe and buried material to be removed?

Buried things don't pose a risk.

Response – the buried pipe affects the market value of my house.

Doesn't DEQ feel a moral responsibility to clean it up?

No – not if it doesn't pose a risk. Sometimes leaving it in there is the best option.

{General verbal chaos ensues for a minute}

However, that is why we need to know where it is. It is not possible to remove every piece of asbestos at this site. We have to look at what is reasonable to do.

Remark – But you are talking about our property value here. Remove it, remove it.

I own a house here so when I sell it am I now in the chain of ownership. What is my liability?

Will DEQ be able to give me a letter that says my property is clean?

We are working towards a “no further action” letter but it may have caveats

How long is cleanup going to take? The first 18 months is not encouraging.

In negotiations with MBK. In addition to whole site evaluation they need to help property owners with immediate removal needs.

How soon will you start to sample and do removals?

May want to wait for dry weather. Snow is containing asbestos fibers so risk may not be evident right now.

What was the date and timeframe of the order?

There is a cougar den and other tunnels into and out of the pool disposal site. Is the whole pool going to be removed?

If pipes are broken and wind liberates the fiber am I at risk?

How soon will you take soil samples?

As early as next week.

Why wasn't sampling done before?

Did not know there was so much in the soil.

How can we be sure MBK won't drop the ball again?

MBK has been cooperative; there have been some problems such as notices being returned in the mail

What is the federal involvement at this site?

*EPA is participating in an advisory capacity
DEQ is holding the gun to compel cleanup*

Remark – Properties around the mine were “cleaned up” and there is still a huge problem out there.

Who is watching over the contractors shoulder to make sure they are doing what they are supposed to do? Quality of work last summer was horrible. The contractors gave up on the project and went away leaving stuff in the weeds and an abandoned vehicle.

So I am hearing that conditions on the site do not agree with the letters you are receiving that says the site has been cleaned up?

{The entire room rumbles agreement that the contractor did not do what he was supposed to do.}

How many samples will be taken?

Will be determined in sampling plan

Will probably use a grid

Sample likely areas

Remark – chunks were hard to see when lots were covered in weeds. Cleanup would be more effective in the fall.

What does the asbestos roofing and floor tile look like?

Roofing is gray tarpaper

Tiles are blue and red

If lots are deed restricted, does that protect MBK from more liability?

No. Exposed materials need to be cleaned up.

Remark - We are fighting to get loans because of the hazardous waste situation.

Plenty of cases where deeded sites have become productive again

Would you buy my lot?

What if I clean up my lot but it is recontaminated by stuff blowing over from my neighbor's lot?

Can humans be tested for exposure?

What is acceptable time frame for the survey of the site?

We are working to make sure it happens as quickly as possible.

Our main concern is health, but we also have a serious economic concern. If the developer can do work up front, how can we stabilize it?

{Several questions about firing range and FUDS}

Is there a mechanism to insure information is delivered as it is available?

Homeowners are forming a committee to work on this.

Request – Please distribute information and sample results as soon as you get it.

How long is the process going to take?

We will negotiate a timeline with MBK, but we don't know what that is yet.

Public Meeting 7-9 p.m. (about 60 people attended)

{About half of the resident group stayed for the public meeting. This meeting was attended by MBK's attorney Mr. Bunch, and an asbestos contractor}

Is anything with asbestos considered dangerous?

Law regulates materials with more than 1% asbestos content.

Wasn't there a survey of the firing range done in the 90's by DOD?

DEQ was given funding to take those studies and evaluate them.

Remark – A neighbor to the firing range thought the problem was minimal

Who owns the firing range property?

Not sure.

Why has it recently become a concern?

Proximity

Can you explain different kinds of asbestos and tell us if some kinds present more of a danger?

Crysolite, amphycte chrysotile; amosite

Floor 10%, Siding 20%, Roofing 70%

NESHAPS gives guidelines for contractor handling. Can't you just pick it up and throw it in the garbage?

Friable vs. non-friable explanation

Material breaking and releasing fibers is main risk.

Fifty tons of what was removed last summer by the contractor?

Concrete Asbestos Board siding with some dirt mixed in.

I landscaped my property and got rid of all visible asbestos. Will I be liable if I sell the property and someone digs below and encounters debris?

Are you liable for cleanup if you are in the chain of title?

Whoever had ownership at time of release or had reason to know.

Bunch – (MBK's lawyer)

When MBK took over the property, 50 of the 70 buildings had been knocked down. MBK demolished approximately 20 buildings. Mr. Stewart appeared genuinely shocked when told additional cleanup was needed last year. Corp of Engineers was turned away eight years later when they had money to spend.

EPA talked about how small amounts of hazardous substances in the home may not be regulated, like PCB's in florescent light bulbs or popcorn ceilings. Provided vision that homeowners will get a letter saying DEQ and PRP have problem reduced to acceptable level and the problem is contained.

Can I sell my cleaned up property without disclosing anything?

Realtor said there is a check-off box on known asbestos hazard on the disclosure form.

The DEQ letter will say, "no further action" instead of "all cleaned up?"

Yes

Why do we have to disclose asbestos if it wasn't disclosed to us? I can also appear genuinely shocked if needed.

Once cleanup is done can deed restrictions come off?

Better term might be deed notice. Clean up might involve leaving some buried material and it should be noted.

Bunch – One banker said deed restriction would render property valueless

Remark – EPA already suggested material be buried on site in the 70's and it didn't fix the problem.

What is MBK planning on to clean up pipe and burial sites?

Plan to remove buried pipe and prioritize homes. Maybe entire subdivision needs to be sampled.

In terms of asbestos laws it is OK for pipe to stay underground. The deed restriction would inform future owners.

MBK says just go get the stuff out of there.

If the pipe runs under my property, should a sign say, "don't dig there or notify DEQ?"

Remark – you can say anything you like, but the banks have to buy it.

Remark – loans have already been denied even Scott Valley homes not in the barracks area.

Remark – Deed restrictions can keep a loan from being sold in the secondary market.

Remark – Banks are operating on perception, not actual known risk.

There are a lot of financial concerns here. What is your timeline for quantifying the risk?

We are working on getting through the planning process as quickly as possible.

Remark – You can't sell your home with visible asbestos and we all have visible asbestos.

Bunch – either things were missed or something brought it to the surface – {admitted surprise at seeing so much on a recent site visit and said they would go get it right away }

Remark – We have health concerns and we also have financial concerns and we don't want to live in an asbestos contaminated area.

Remark – We need to make sure that the problem can be fixed

What is the next step if the problem can't be fixed?

Will someone buy us out?

Why wasn't this disclosed to us when we bought the property?

The panel members here seem to have a sense of urgency. Where is this in the priorities for your respective agencies? Both DEQ and EPA responded that they consider this to be a very high priority project.

Will you retire on this project if other projects stand in the way?

At the earlier meeting someone said it would be four months until the comprehensive plan was approved. Can this be done in stages so parts of the project can move ahead?

Will there be a mechanism for homeowners to review the plan as it is in process?
Yes – just not sure what the review opportunity will look like yet.

{Discussion about sampling and the importance of doing it right the first time}

Who does sampling and how does MBK find a reputable state-of-the-art contractor
EPA can probably find a list of people who have worked at Libby Montana

Are stories true that Realtors are not showing property?
Realtor replied that they are required to disclose by law.

How large of an area might be affected? Can fibers blow around?