

Fail-safe?

Hazardous-waste site falls through regulatory cracks

by [Rebecca Bowe](#) in Vol. 13 / Iss. 50 on 07/11/2007

CTS of Asheville shut down more than two decades ago, but for some former employees and neighbors of the electroplating facility, the memories haven't faded.

"The odors were bad," recalls **Mary McGraw**, who worked at the Mills Gap Road plant until its closure in 1986. "If you're in the plant, you're breathing it, and I spent 20 years in there." McGraw says she struggles with fatigue and heavy-metal poisoning, and she believes her condition may be linked to chemical exposure.

In the summer of 1999, a family living adjacent to the CTS site, who asked that they not be named, phoned the state Division of Water Quality after noticing a foul-smelling, oily substance in the spring that provided their drinking water. Tests conducted by a U.S. Environmental Protection Agency emergency-response team revealed 21,000 parts per billion of trichloroethylene, a suspected carcinogen. That's 4,200 times the allowable limit for drinking water.

The EPA immediately supplied the family with bottled water and helped them switch to the city water system. But two family members suffer from brain tumors, which they believe resulted from exposure to hazardous chemicals. Trichloroethylene, or TCE, is an industrial solvent that was used at the plant.

In addition, the EPA ordered the Elkhart, Ind.-based CTS Corp.—a multinational manufacturer of electronic components that reported net earnings of more than \$24 million in 2006—to pay for a cleanup. Seven years later, in July of 2006, a company-funded soil-vapor-extraction system began operating at the Skyland site. To date, the system has extracted some 1,400 pounds of volatile organic compounds from the most contaminated area, the EPA reports.

But those vapors are discharged directly into the atmosphere, and neighbors remain unconvinced that the problem has been adequately addressed. "You can still see it, and you can smell it," notes the woman whose husband and granddaughter have brain tumors. In February, the family had their spring water analyzed. TriTest, a laboratory in Raleigh, found TCE at a concentration of 293,000 parts per billion.

Meanwhile, Southside Village, a high-end townhouse development, has sprung up adjacent to the old plant. Years before, the EPA had documented hazardous chemicals running through a stream on that property, but construction was approved nonetheless.

Buncombe County Hazardous Waste Manager **Denese Ballew** said she hadn't dealt with the site directly because of the state and federal involvement, but she didn't seem surprised that a portion of the property had been developed. "There's a lot of these inactive hazardous sites around the country, and a lot have things built right on top of them," she noted. "If you look at the nation as a whole, there are literally thousands."



Under the surface: The shell of the former CTS of Asheville plant on Mills Gap Road, which is considered a hazardous-waste site due to trichloroethylene concentrations in ground water. contemporary photos by Jonathan Welch



Too close for comfort?: An overhead view of the CTS plant (center) and the residential development next door. State officials say residents have little to worry about, despite the nearby hazardous-waste site. Since they use water supplied by the city, the officials say, the neighbors are not affected by groundwater contamination. However, toxic substances were discovered in a spring adjoining the property.

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Not always, said Ballew. “A lot of it comes down to the land purchaser doing their job.”

In the meantime, a plume of contaminated ground water still lurks beneath the surface, and no comprehensive remediation effort is planned.

The incredible shrinking hazard

Hazardous substances had been detected at the CTS plant long before the neighbors’ 1999 complaint, but no remedial action was taken.

As far back as 1990, **Dave Ogren**, who lives on the opposite ridge, had phoned the state Department of Environment and Natural Resources, concerned that adverse health effects experienced by neighbors of the plant might be due to consuming tainted water. Long before the plant closed, says Ogren, he’d observed “a big, obvious chemical pond” on the property. “It was multicolored, and when the sun shined on it, it looked like rainbows.”

In 1991, an independent contractor brought in by the EPA conducted an investigation to determine whether the Mills Gap Road site should join the ranks of the worst of the worst: the National Priorities List for hazardous sites. “The ground-water pathway, the air pathway, and the surface-water pathway are of concern for the CTS facility,” the investigation noted, describing potential ways neighboring residents might be exposed to toxic chemicals. Yet despite finding “high levels of 1,2-dichloroethene, trichloroethylene, vinyl chloride, [polyaromatic hydrocarbons] and several unidentified organic compounds,” the study concluded that the site was not enough of a concern to warrant federal attention, recommending that no further action be taken.

At that point, supervision of the site was ceded to North Carolina’s Division of Waste Management, which listed it on the state’s Inactive Hazardous Sites Inventory. In such cases, the state issues annual, automated letters informing owners that their property is considered a hazardous-waste site, and providing a phone number they can call if they wish to initiate a voluntary cleanup. In practice, however, properties tend to languish on the list.

According to Division of Waste Management records, there are 684 inactive hazardous sites listed statewide—27 of them in Buncombe County.

Until the late ‘90s, state documents consistently described the CTS site as approximately 57 acres: a roughly 10-acre, fenced-in area that includes the shell of the former plant, plus a wooded area extending beyond the fence to the west. Evidence of TCE, benzene, vinyl chloride and other substances was documented again in 1993, when Environmental Toxicologist **Hanna Assefa** visited the site and ranked its toxicity for Division of Waste Management records. Her assessment clearly indicated that the site was “only partially fenced” and that the hazardous chemicals were flowing beyond the fenced area. Assefa found hazardous chemicals in a stream that crosses the area to the west of the fence, on the opposite side from the neighbors who’d been consuming contaminated spring water. That creek joins another stream and eventually flows into the French Broad River.

In 1998, this wooded area, which had been sold to a developer, was cleared to make way for Southside Village. Around the same time, Division of Waste Management documents suddenly began describing the hazardous-waste site as only a 10-acre, fenced-in parcel—even though the remaining acreage was never remediated or officially deleted from the Hazardous Sites Inventory.



Heavy metal: An archival photo from the early 1980s, when the CTS plant was still in operation. Trichloroethylene was used as a solvent at the electroplating facility, which produced wires and electronic equipment.

From hazardous-waste site to construction site

Environmental Engineer **Harry Zinn** of the Division of Waste Management maintains that even though Southside Village

III. THREATS TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

III.A. Threats to the Public Health or Welfare

The OSC has determined that the site meets the criteria for a removal action as defined under the NCP §300.415(b)(2) (Ref. 8):

(i) Actual or threatened exposure to nearby human populations, animals, or the food chain

residents may be living very close to a plume of highly contaminated

For the record: An excerpt from an April 4, 2002, EPA memo on contamination at the former factory site. The document noted that “[t]here is an immediate threat to the health and safety of nearby residents.” Since then, an extraction system has been installed to reduce the threat of exposure, according to EPA officials.

ground water, they don’t face a major health risk because they drink city water, not well water. Zinn says he took water and soil samples from the same stream near the subdivision in 2000 and found no contamination.

Asked how the recorded size of the hazardous-waste site had shrunk so dramatically, he responded, “I have no idea.” Zinn also maintains that his agency “did not know there were plans to build a subdivision.” He first learned about it when he showed up at the CTS site in 2000 and noticed the townhouses dotting the hillside, he says.

But **Richard Green**, the developer who built Southside Village, has a simple answer for why the hazardous-waste site shrank: “Because I bought some of it.”

Shortly after the plant shut down in 1986, CTS sold the bulk of the property for \$440,000 to Mills Gap Road Associates, a limited-liability company headed up by Asheville attorney **John Powell** and partners **Stan Greenberg** and **Fred Siosman**, according to county documents.

In December of 1997, Environmental Engineer **John Walch** of the Division of Waste Management prepared a document ordering Mills Gap Road Associates to file a plat with the county spelling out the presence of hazardous substances on their property. Unbeknownst to the agency, however, 44.89 acres beyond the fence had already been sold to Green’s firm, the Biltmore Group, in August of 1997, county records show. “We don’t have the resources to have attorneys go out and do deed research every time” such documents are prepared, Walch explains.

The property boundary wasn’t the only thing overlooked at that time: The agency’s order also failed to mention the presence of TCE or vinyl chloride—two of the most toxic chemicals that had been documented at the site. Division of Waste Management Public Information Officer **Cathy Akroyd** said that after researching agency documents, she could find no explanation for this omission.

By September of 1998, Green had declared his intention to develop a subdivision there. Greenberg says Mills Gap Road Associates shared its knowledge of the contamination when the Biltmore Group bought the 44.89-acre parcel. “We gave them copies of the environmental reports, and they had the option to close on it or not close on it,” Greenberg told *Xpress*. “What they did after they purchased it, I couldn’t tell you.” Mills Gap Road Associates still owns the 10-acre, fenced-in parcel where the contamination is believed to be highest.

In a letter dated April 21, 1995, Assefa (the Division of Waste Management toxicologist) notified Mills Gap Road Associates that vinyl chloride and trichloroethylene had been found outside the fenced-in portion of the 57-acre site. “Due to these concerns the site must maintain on the Inactive Hazardous Sites Inventory until further investigation is conducted,” she wrote. “No Further Action status under the Inactive Hazardous Site Program can only be achieved when it is determined the site is no longer a threat to human health or the environment.”

Nonetheless, when the Biltmore Group bought the 44.89-acre parcel, no notice of hazardous substances was recorded on the plat. “I was not aware of any contamination at that site at all,” said Buncombe County Zoning Administrator **Jim Coman** (who signed off on the plat).

But Green tells a different story. “We checked with the state to make sure that there was not a problem developing the property at Southside Village, and we also took steps to make sure that they weren’t calling for any kind of remediation on our property.” Green says he took the same precautions with the county and that Coman was “quite aware of the situation.”

Coman, however, maintains that any evidence of hazardous substances would have been a “red flag” making it harder for Green to win county approval for his townhouse development. “I think the Board of Adjustment would have been interested in seeing any documentation related to contamination out at that site,” notes Coman.

Green says he first learned about the tainted stream when Powell and Greenberg shared their records with him. “There was a small amount of trichloroethylenes [sic] that were tested in that little creek

trichloroethylenes [sic] was at a fairly low level ... slightly outside of the federally mandated guidelines. And it was a danger only to, say, shellfish, lobster, something like that, and people who eat the shellfish or whatever. But since there's city water in that area, it really wasn't a concern to anybody."

As for health risks, Green says: "If you go down there and play in it and drink the storm-water runoff for 20 years, then maybe you'll get cancer. I don't know; I'm not trying to be facetious, but I don't know. I'm not a scientist, you're not a scientist, and I'm telling you what I know. Now, I wouldn't have bought the property from them if I had thought that it was a big problem."

Prospective buyers at Southside Village, notes Green, "received a letter from our environmental engineer, who had reviewed everything, and he didn't see any problems since we were on city water." Green has long since sold off all the units and is no longer financially connected with the development.

Routes of exposure

Although Zinn of the Division of Waste Management found no contamination near the subdivision in 2000, a surface-water sample collected by this reporter in May of this year contained 630 parts per billion of TCE. The sample was taken from the same creek, downstream of Southside Village and farther down Mills Gap Road.

The testing was conducted by Pace Analytical Services of Woodfin, which noted that the actual amount of TCE present could be a good deal higher, because the recorded level exceeded the range of their instruments. Asked about this persisting toxicity, Zinn said he couldn't comment, because he had no knowledge of how the sampling was conducted.

But Weaverville resident **John Sticpewich**, a retired petroleum geologist who has extensive experience with ground water, said the reported level of TCE is unusually high for surface water. "I would definitely be concerned to hear that kind of reading in a flowing stream," he said. "If it's showing up in tests in creek water ... you have a nasty situation."

The EPA's administrative record of the site is available to the public at Pack Library. A 2002 EPA memo to the Division of Waste Management noted that a subsurface soil test conducted inside the fence in 2001 had found TCE at a concentration of approximately 830,000 parts per billion. That sampling, taken some 30 feet below the surface, was done in connection with the site cleanup the EPA had ordered CTS to pay for.

Upon hearing about the TCE levels at the site, **Hope Taylor-Guevara**, executive director of Clean Water for North Carolina, reacted strongly. "That's pretty frightening—that's thousands of times the safe drinking-water standard," she noted. "Anytime you have [contaminated ground water], that's going to be a source of a continuing, growing plume. You have to assume that those concentrations are spreading." That plume, she maintained, should be contained and constantly monitored. A former biomedical researcher at the National Institutes of Health and Duke University, Taylor-Guevara has a master's degree in environmental chemistry and biology.

According to the Agency of Toxic Substances and Disease Registry, trichloroethylene is a suspected carcinogen. Inhaling small amounts can cause headaches and respiratory problems, and ingesting it could cause liver and kidney damage, impaired immune-system function, and impaired fetal development in pregnant women. "There is an immediate threat to health and safety of nearby residents," the 2002 EPA memo stated. "Human exposure to site-related contaminants may occur via skin contact, inhalation and/or ingestion of contaminated water or soil. Although the contaminated springs are not currently employed as potable water sources, they remain potential points of human and/or environmental exposure as they are entirely uncontrolled with regard to access."

The soil-vapor-extraction system now in place at the site is meant solely to reduce the risk of exposure, according to EPA On-Scene Coordinator **David Dorian**. "Under the Emergency Response Branch, our approach is to remove the exposure. This is not a ground-water remediation," he notes. The system, a series of wells installed in a hexagonal grid pattern, will remain in operation as long as it continues to extract volatile organic compounds, says Dorian.

And though the chemical fumes extracted from the soil are discharged directly into the atmosphere, the EPA did monitor air-pollution levels at the fence line when the system was installed to make sure they didn't violate clean-air standards, says **James Webster**, who was the on-scene coordinator before

Meanwhile, the threat of further ground-water contamination has not been eliminated. "To get at that deeper ground-water phase, this site would have to move from emergency response to the remedial phase," Webster reports.

And even though the Southside Village residents are on city water, "As the plume moves, there is a possibility that other wells could be affected," notes Webster. In 1999, the EPA sampled nine residential wells within a half-mile radius of the facility, according to agency documents. TCE turned up in one well, and those residents were also switched to city water.

The problem is that ground water doesn't tend to stay put. "Where the plume was 10 years ago is probably not where it is now," notes Sticpewich. "Ground water moves. The rain trickling to the water table moves it, and eventually, at the river, the water table hits the surface."

The long haul

Judging by the troubling smell that still issues from the neighboring family's spring and the levels of contamination in the creek downstream, the CTS site is still a long way from being cleaned up. Mary McGraw, who spent two decades working at the plant and now takes assorted medications every day, believes more needs to be done. "They preach to us every day on TV," she says. "I watch *Oprah*, and they talk to us about going green. How can you go green when you've got these big pots of pollution? It's like a smoker taking vitamins."



If I knew then ... : Outside the gate of the old CTS plant, Mary McGraw recalls the 20 years she spent working there. "I used to grind up fiberglass," she remembers.

McGraw and the site's immediate neighbors aren't the only ones who are concerned, either. Asheville resident **Barry Durand**, who brought the situation to the attention of *Xpress*, first learned about it from a concerned Mills Gap Road resident. Durand began taking independent samples and doing his own research, meeting with former plant employees, speaking with area residents and snapping photos of the contaminated springs. Durand says he even drove to Raleigh to obtain state records.

And on June 21, he urged the Buncombe County commissioners to pressure the EPA to address the ground-water contamination. "With this high of a concentration ... it's going to end up in somebody's well," Durand said later. "Somebody right now may be drinking some very 'hot' water."

Meanwhile, the old plant sits abandoned, with little to suggest that it could represent a health threat. Graffiti, busted windows and clipped barbed wire all suggest that the dilapidated, one-story structure is readily accessible to curious explorers, and there are no signs alerting the public to the presence of hazardous substances.

CTS of Asheville chronology

1986: CTS of Asheville shuts down.

1987: CTS sells 53.54 acres of the 57-acre property to Mills Gap Road Associates.

1991: An independent contractor finds "High levels of nickel, cadmium, iron, magnesium, manganese, potassium, silver, vanadium, beryllium, barium, copper and zinc ... 1,2-dichloroethene, trichloroethylene, vinyl chloride, [polyaromatic hydrocarbons] and several unidentified organic compounds" on the 57-acre property yet recommends "no further remedial action."

1993: State Division of Waste Management Toxicologist Hanna Assefa describes the 57-acre site as "only partially fenced." A stream sample drawn from the western portion of the property reveals that trichloroethylene has migrated into a stream outside the 10-acre, fenced area containing the facility.

1997: In August, Mills Gap Road Associates sells 44.89 acres of the property to the Biltmore Group but retains the 10-acre parcel.

- In December, the Division of Waste Management orders Mills Gap Road Associates to record and file notice of hazardous substances on their property.

1998: In August, Mills Gap Road Associates files notice of hazardous substances on its 10-acre portion of the site.

- In September, Buncombe County approves a plat for the Southside Village subdivision.

1999: In August, neighbors of the 10-acre property on the opposite side of the subdivision discover an oily substance in their spring. The EPA finds trichloroethylene at 21,000 parts per billion in their drinking water.

2001: In May, a subsurface soil test reveals trichloroethylene at some 830,000 parts per billion beneath the old factory.

2006: In July, a soil-vapor-extraction system begins operating at the site to remove the risk of exposure.

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Typical.

[mandoman](#)

Jul 11, 2007
at 11:26 AM

These hazardous waste sites sound like excellent places to put gated communities!

[Chuck Connors](#)

Jul 12, 2007
at 12:55 AM

Agreed, I see a fabulous back 9 there, just wear a latex glove in case you lie in a water hazard.

[mandoman](#)

Jul 12, 2007
at 10:33 AM

This is horrible.
Action must be taken to clean up!

Lynne

Jul 14, 2007
at 05:49 PM

We talk so often about referendums around here. Why can we not push for this situation? Seems more important than avoiding another Wal-Mart Development to me.

Josh

Jul 24, 2007
at 04:24 PM