



Looking for answers

Federal, state, county officials address concerns about CTS

by [Rebecca Bowe](#) in Vol. 14 / Iss. 15 on 11/07/2007

Some 200 concerned south Buncombe residents packed the Skyland Fire Department on Oct. 29, peppering state and federal environmental officials with questions about CTS of Asheville, a controversial hazardous-waste site on Mills Gap Road. U.S. Environmental Protection Agency staffer **David Dorian**, the on-scene coordinator for the site, gave a presentation detailing its history, current status and a game plan for moving forward. Other EPA staffers, as well as representatives of the North Carolina Division of Waste Management and Division of Public Health, were in attendance. Also on hand—squeezed into the standing-room-only crowd in the back—were the Buncombe County Commissioners, who had requested the informational session to get them up to speed on the issue and to provide some answers for area residents.

The plan was for EPA staffers to deliver a PowerPoint presentation and then answer questions submitted on index cards, but some residents simply spoke up, demanding answers. They wanted to know why the site has languished on the state's inactive-hazardous-sites list for more than a decade. They wanted to know when their drinking water, soil and indoor air will be tested for trichloroethylene, a suspected carcinogen that is the principal contaminant. And they wanted to know when the highly toxic ground water beneath the abandoned electronics-manufacturing plant—which continues to migrate into a neighboring spring—will finally be dealt with.



The elephant in the neighborhood: An overhead view of the former CTS of Asheville plant, which left a legacy of hazardous waste after shutting down some 20 years ago. Residents living in the adjoining subdivision, Southside Village, are concerned about possible health effects.

“Not a comprehensive cleanup”

Emphasizing that the EPA is committed to addressing residents' concerns, Dorian said he believed the meeting would be only the first of many. But he cautioned that the site poses “unique challenges to the community,” partly because it's not a federal Superfund site. The National Priorities List uses a scoring system to rank hazardous-waste sites based on the risk they pose to the public's health, he explained, and in four separate studies dating back to 1991, CTS of Asheville didn't make the cut.

As a result, the EPA lacks the authority to undertake ground-water remediation at the site—nor can it order CTS to do so. A system that the EPA required the company to install in 2006 to remove hazardous vapors from the soil is “a positive development,” said Dorian, “but it's not a comprehensive cleanup.”

Dorian says he's had ongoing discussions with CTS. “At this point, we now have a variety of things going on at the site,” he explains. “We will evaluate the feasibility of contaminant removal at the springs—and again, that's not a comprehensive cleanup, but it is a positive development.” The EPA also plans to further investigate harmful vapors in the soil, sample intermittent springs, and launch a new round of well-sampling. “Upon completion of those measures, we'll have a very complete view of the site: where contamination is, where it's going, where it's not,” notes Dorian. “And that would be the appropriate time to schedule some meetings with CTS and the state.”

North Carolina, meanwhile, *does* have the authority to force CTS to clean up the ground water,

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the law hasn't been enforced. Rising to his feet, **Jim Bateson** of the Division of Waste Management admitted that, yes, the site is in violation.

"Isn't it the responsibility of all of you to hold their feet to the fire and ask them to clean up that site?" demanded **Therese Figura**, who lives in neighboring subdivision Southside Village.

But Bateson indicated that playing hardball with the likes of the Elkhart, Ind.-based CTS would be no easy task. "It's very difficult for us to compel a voluntary cleanup," he said. "Sometimes, we just have to wait until we have the right kind of information. ... If you come in at the wrong time and just start pounding the rule book, they'll fight it, and you'll just have a cloud of dust around the rule book."

State Rep. **Charles Thomas**, who lives in the area and has spearheaded a number of community meetings about the CTS site, took a dim view of that answer, however, drawing applause when he declared, "We need to get the folks at the executive branch of the state government to enforce the law."

System overload

EPA Emergency Removal Response Branch Section Chief **Anita Davis**, who had traveled from Atlanta, spoke to concerns about the lack of timely attention to the site. "We have 29 on-scene coordinators," she said. "All of them have several sites. And all the sites are as bad as this." Despite the strains on their department, Davis said her office—which conducts emergency-response in eight Southeastern states—would be shifting resources to make the CTS site a higher priority.

Although a full remediation remains on the back burner, other steps will be taken to ensure that people living near the site aren't exposed to toxic chemicals persisting in the ground water, soil, surface water and air. In addition to the well sampling, they'll chart a map of harmful vapors in the subsurface to determine whether nearby residents are at risk of inhaling fumes that may have crept into their homes from underground. In addition, the N.C. Division of Public Health intends to partner with the federal Agency for Toxic Substances and Disease Registry to conduct a health assessment for the surrounding area.

Some residents wanted to know if the health assessment would factor in cancer rates in the immediate area. "There are people there now that have cancer up and down the road," called out one longtime resident who lives downstream from the factory. An agency representative replied that the information gathered could later be linked with data from the state's cancer registry.

The abandoned factory, which is covered with graffiti and typically stands with its doors wide open, is owned by Mills Gap Road Associates, an Asheville-based LLC founded by attorneys **John Powell** and **Stan Greenberg**. The EPA has given the property owners and CTS 30 days' notice to post signs outside the fenced 9-acre property warning people about the chemical hazards, and to install fencing to restrict access to the contaminated springs, said Dorian.

How did this happen?

Another question raised during the meeting was how the Southside Village subdivision had come to be approved in back in 1997, given that the roughly 46-acre property it was built on was originally documented as part of the CTS hazardous-waste site.

Dorian deferred to local officials, saying the EPA's involvement began after the sale. Pressed for answers, Buncombe County Zoning Administrator **Jim Coman** read from the minutes of the Aug. 13, 1997, Board of Adjustment meeting at which developer **Richard Green** won approval for the project.

"Mr. Green said the state has issued a no-action letter," the minutes state. "He said there was a slight level of trichloroethylene below the old factory.

"Mr. Greenburg said there has also been a no-action letter issued by the federal government. He said they have had testing by Alpha Environmental Systems of Brevard on hazardous material behind the plant, and that level drops each year—but that's a different tract of property. He said the report was done specifically on what Mr. Green had in mind."

Developers aren't scientists; nonetheless, the information they presented to the Board of Adjustment was evidently deemed sufficient to take the site off county government's radar as a possible source of

concern.

“If you talk to those officials [at the Board of Adjustment] today, they will say that letter did not indicate what the developer at the time tried to imply it indicated,” Board of Commissioners Chair **Nathan Ramsey** told *Xpress* after the meeting.

And 10 years after the Board of Adjustment signed off on the property, there is still no system in place linking state records—such as the inactive-hazardous-sites inventory—with county records documenting zoning changes and property transfers.

The problem is not unique to Buncombe County, Ramsey learned from state Environmental Engineer **Harry Zinn**. “I asked him, is there any county in the state that takes into account properties’ environmental issues when they go through the development process? And he claimed ... he was not aware of any county in the state of North Carolina” that has such a process in place.

The state did require the owners to document the existence of contamination on the property deed for CTS, but that safeguard evidently failed when it came to the transfer and development of the property.

The issue stems from a lack of coordination among government entities, which often act independently of one another. “There’s 20-something [hazardous-waste] sites in Buncombe County, to our knowledge,” Ramsey said. “Some sites in the county are on the National Priorities List, so that would indicate that they are more toxic than CTS.” The process of linking that data with county records is just getting under way, he added. “But I’ll tell you right now, if—at any of those other 25 sites in the county—someone tried to sell off a portion, if EPA or DENR did not stop them from doing so, the county has no legal process in place right now to stop them.”

Ramsey added that it’s time for the county to “step up to the plate” and offer additional well sampling to residents living near CTS. At press time, the Mills Gap Road contamination issue was on the agenda for the Board of Commissioners’ Nov. 6 meeting. The commissioners will also discuss their legal options regarding the site in closed session, said Ramsey.

But he also echoed Bateson’s assertion that it would be difficult to simply demand a full-scale cleanup, warning, “If we are not careful and we go at this in an adversarial way, they can use the court process to take another 20 years.”

Commissioner **David Gantt** took a different tack with regard to pushing for a cleanup. “I think the next step is to force and keep the pressure on the state and federal regulators to clean up the site and to make CTS and Mills Gap [Road] Associates responsible for any damages,” he told *Xpress*. “I am hopeful the county can ... continue to hold their feet to the fire and make sure these things are monitored and fixed. And as someone who lives about three miles away and uses well water, I want to make sure my water’s safe for my family.”

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