

Superfund NEWS

July 2017

New EPA Policies threaten Waste Pits Clean-up

Superfund Budget Reduced - Environmentalists concerned

By Gilbert Hoffman

Environmental groups around the country are sounding the alarm, after the head of the federal EPA (Environmental Protection Agency), Scott Pruitt, issued a memo outlining a new strategy to clean-up Superfund Sites.

Although the memo says it is seeking a faster and more economical approach to these clean-ups, environmentalists such as Jackie Young of the San Jacinto River Coalition and THEA, think the real message is that the government plans to do less remediation, and make it easier for polluting companies to avoid paying for the clean-ups. EPA has the task of monitoring the remediation, and Young notes that Pruitt has planned a 30% reduction in his budget for Superfund work.

In response to Pruitt's Superfund Task Force, a People's Task Force has been formed nationwide, by about 70 groups concerned with the environment. Locally, this includes the San Jacinto River Coalition, and THEA, Young's environmental organization.

Concerned about the affects that EPA's new Task Force recommendations might have on the clean-up of the San Jacinto River Waste Pits, Young issued the following statement:

PEOPLE'S TASK FORCE ON THE FUTURE OF SUPERFUND VOICES FROM CONTAMINATED COMMUNITIES ACROSS THE COUNTRY

The Trump Administration and newly-appointed EPA Adminis-



EPA ADMINISTRATOR SCOTT PRUITT, center, meets with his newly formed Superfund Task Force. They are charged with making recommendations to streamline the process of cleaning up the nation's Superfund sites.

EPA Head Scott Pruitt makes on-site tour of San Jacinto Waste Pits



On Friday, September 15, 2017 EPA Director Scott Pruitt, with EPA staff from Dallas Region and Washington, toured the San Jacinto River Waste Pits site, to gain firsthand information on the situation. Afterward, Pruitt gave an interview to Fox Channel 26 Greg Groogan, indicating a permanent solution was required, but not saying which method he favored.

trator Scott Pruitt claim to desire to return Superfund cleanups "to their rightful place at the center of the EPA's core mission," however their actions speak differently: their proposed budget includes a 30% cut in funding to the Superfund. Last month, he assembled a Task Force to provide recommendations for the future of Superfund, however his memo raises major concerns about decreasing cleanup oversight, privileging corporate interests over public health, and a lack of community involvement.

We aren't going to let him get away with this. We will not allow our voices to be drowned out by corporate interests. Local Superfund organizers from sites around the country have come together to create the People's Task Force to advocate our recommendations on the future of Superfund, based on our years of on-the-ground experience. Representatives of over 20 Superfund sites and 70 environmental organizations have signed on to the People's Task Force, which is being released to local and national media outlets today."

Jackie Young, SJRC president says "Superfund is the only chance we have at getting the Waste Pits fully cleaned-up before a major hurricane strikes our coast. The parties responsible for the Pits



JACKIE YOUNG

Continued Overleaf

Who is involved in the San Jacinto River Waste Pits Superfund?

US EPA

The federal Environmental Protection Agency is the lead in dealing with the Superfund site. Congress has designated them with the responsibility to solve the problem.

PRP

Potential Responsible Parties include successors to the perpetrators of the Waste Pits. These include International Paper, and Waste Management.

US CONGRESS

Most legislators whose district includes the San Jacinto River, have expressed the need to remove the Waste Pits. This includes Congressmen Gene Green, Brian Babin, Ted Poe and others.

HARRIS COUNTY

County Attorney Vince Ryan led a lawsuit to make the Responsible Parties pay for remediation of the site. He won a \$29.2 million dollar judgement to be spent on environmental improvements in the area.

SJRC/THEA

A Citizens movement, led by previous Highlands resident Jackie Young, has been the leading voice to have the Waste Pits totally removed. She heads San Jacinto River Coalition, and the new Texas Health and Environmental Alliance, Inc.

KEEPITCAPPED

A Citizens Group named San Jacinto Citizens Against Pollution located in Baytown has a web site espousing its belief that a permanent cap is the best solution. Thomas Knickerbocker is their attorney, but the leadership is anonymous.

Environmental Warnings

New EPA Budget threatens Waste Pits

don't want to clean them up as the EPA has proposed and we need the EPA to hold the companies responsible to protect our environment and future generations!"

Attached below is the People's Task Force recommendations:

So far, the Pruitt Administration has been markedly secretive: unlike previous administrators, he has never made his schedule publicly available, ignores Freedom of Information Act requests, and has imposed silence upon the Administrative Office's phone line. His Task Force has been similarly opaque: he has not disclosed who staffs the Task Force aside from Albert Kelly, a prior bank chairman with no environmental experience. Furthermore, despite the fact that the 30-day timeframe has expired, he has not released the Task Force recommendations or comments.

Superfund cannot be lead like a business — decisions that affect the health of thousands of communities cannot be made behind closed doors by financially motivated industry stakeholders.

This is why we have come together to publicly release our recommendations, and we urge Pruitt to act with integrity and do the same.

EXCERPTS FROM PRUITT'S MEMORANDUM ON THE NEW SUPERFUND TASK FORCE:

E. SCOTT PRUITT
ADMINISTRATOR

May 22, 2017

MEMORANDUM

SUBJECT: Prioritizing the Superfund Program

FROM: E. Scott Pruitt

Protecting human health and the environment is the core mission of the U.S. Environmental Protection Agency, and ensuring that the Superfund program and the EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of this mission.

In my interactions and meetings with Congress, governors, local officials and concerned citizens, I have heard that some Superfund cleanups take too long to start and too long to complete. The process of evaluating the contamination at a site and developing the appropriate remedy can take years - if not decades - delaying remediation of the site and withholding the full beneficial use of the area from the local community.

The Superfund program is a vital function of the EPA. Under my administration, Superfund and the EPA's land and water cleanup efforts will be restored to their rightful place at the center of the agency's core mission. In order to properly prioritize the Superfund program that citizens count on to revitalize their communities, I am taking these immediate actions:

- First, to promote increased oversight, accountability and consistency in remedy selections, authority delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator. I have issued revised delegations and internal directive documents, consistent with this memorandum and the EPA's legal authorities, to memorialize this change in how the agency makes these extremely significant decisions.

- Second, notwithstanding this change, regional administrators and their staffs shall more closely and more frequently coordinate with the Administrator's office throughout the process of developing and evaluating alternatives and selecting a remedy, particularly at sites with remedies estimated to cost \$50 million or more.

Furthermore, I am establishing a task force to provide recommendations on an expedited

timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country. The task force will be chaired by Albert Kelly, senior advisor to the Administrator, and shall include leaders from OLEM, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (as the lead region for the Superfund program) and other offices as appropriate. The task force shall, within 30 days of this memorandum, provide me with a detailed set of recommendations on actions that the agency can take to:

- Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.

- The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.

- Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment,

including to ensure that risk-management principles are reconsidered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.

- Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.

- Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.

- Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund program. I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use.

Who is involved in the San Jacinto River Waste Pits Superfund?

US Army COE

The Army Corps of Engineers has completed Technical Studies on the Environmental Impact of 6+ strategies to Cap or Remove the toxic wastes. Their recommendations are included in a 237 page report, favoring a modified cap over removal, but stating either is possible.

TPWD

Texas Parks and Wildlife Department was designated by the Legislature, with the help of Representative Wayne Smith, to administer \$10 million of the lawsuit settlement funds for environmental projects along the River.

HC PCT 2

Pct. 2 received \$10 million of the \$29.2 million settlement, and plans to use it for environmental projects within 5 miles of the Waste Pits, according to Commissioner Jack Morman.

HARRIS COUNTY

Various departments are involved, including Grants Administration, Pollution Control, and Public Health.

GBF

Galveston Bay Foundation maintains a website with information on all of the Waste Pits parties actions, and other matters of interest to the environmental health of the River and Galveston Bay.

OTHERS

- TCEQ
- US Coast Guard
- Private Attorneys
- Houston Chronicle
- City of Baytown
- KRIV ch26
- Star-Courier