

# Superfund NEWS

March 2018

In this issue, Superfund News continues a review of events about the San Jacinto River Waste Pits, since last September.

## Pruitt appoints new EPA head in Region 6

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Anne Idsal to become regional administrator for Region 6. Ms. Idsal joins the Agency having spent her career working for the Texas state gov-



ernment in helping shape environmental and land policy for the state.

Since 2015, Anne Idsal has served as chief clerk and deputy land commissioner for the Texas General Land Office (GLO) where she oversees all budget and expenditure matters, and initiated the Office's reorganization efforts to optimize business functions and provide cost-savings for taxpayers. She

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## EPA says Toxins Exposed CAP damaged during Hurricane Harvey Flooding

HIGHLANDS – At the monthly meeting of the San Jacinto River Coalition this Tuesday evening, president Jackie Young said that EPA Director Scott Pruitt had promised that by October 14 he would announce a final decision on the method to contain or remove the toxic wastes in the San Jacinto River site. This statement came after Pruitt made an on-site inspection on Sept. 15.

### WASTE PITS CAP BREACHED

On September 28 the EPA Dallas office issued a site update that indicated the after Hurricane Harvey, and subsequent flooding, the protective cap on the site had been damaged and toxic material was exposed.

The statement said:



At the end of the on-site tour, Pruitt was able to talk with local environmentalists Scott Jones of GBF and Jackie Young of THEA, who explained their concerns about leaving the toxic waste in place with only a cap to protect future containment. A complete removal of the waste material is favored by local residents and recommended in the last EPA report.

DALLAS – EPA is directing the potentially responsible parties of the San Jacinto River Waste Pits Superfund Site in Texas to take immediate action to address damage to the protective cap and high-levels of underlying waste material found at one of the samples on site. EPA received preliminary data from sediment samples collected by EPA's dive team from fourteen areas at the San Jacinto River Waste Pits Superfund site.

Samples from one of the fourteen areas confirmed the protective cap had been damaged and the underlying waste material was exposed. The sample showed dioxins at

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## EPA orders complete removal of Waste Pits

### Many praise Pruitt's decision

By Gilbert Hoffman

WASHINGTON, DC – Executive Director Scott Pruitt today announced the final decision on the disposition of the toxic waste dumps in the San Jacinto River, near the I-10 bridge.

In a press release dated Wednesday, Oct. 11 the EPA said they had issued a final "Record of Decision" based on the best interests of nearby residents, local businesses, and downstream resources including the Galveston Bay estuary. The plan for complete removal of the waste material has been modified to provide cofferdams around the excavation of dry material, instead of wet material in the original plan. The cost is now estimated at \$115 million instead



Epa director scott pruit signs executive order finalizing "record of decision" which will require the responsible parties to completely remove the toxic wastes in the san jacinto river waste pits.

of the previous \$97 million.

The proposal includes both the Northern and the Southern impoundment areas. 212,000 cubic yards of dioxin contaminated material will be removed from the sites for proper disposal.

Local environmentalists and officials praised the decision of the EPA, including Jackie Young of THEA and the San Jacinto River Coalition. Young has led the fight for removal of the pits for a number of years,

prompted by serious health problems she attributes to pollution from the waste pits.

Others who issued statements in favor of the decision included Harris County Attorneys Vince Ryan and Terry O'Rourke, Congressman Gene Green, and Precinct 2 Commissioner Jack Morman.

Jackie Young told the Star that she was pleased with the decision, but would continue to be engaged in the issue, and be a "watchdog" over the removal project.

One opponent to the decision, the "KeepItCapped" group, issued the following statement:

Statement From McGinnes Industrial Maintenance Corp. (MIMC) Regarding the U.S. EPA's Record of Decision

"We cannot support a plan for the site that provides less protection to all affected communities than the existing cap already has

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### 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.

## New EPA Administrator

Continued from Page 1

previously served as the general counsel to GLO where she provided substantive and procedural legal counsel to the Commissioner and led an office of attorneys on issues relating to oil and gas, coastal lands, public lands, financial transactions, and general law.

Prior to joining the Texas General Land Office, Anne served as General Counsel to the Texas Commission on Environmental Quality (TCEQ), where she provided legal counsel to the Commissioners and oversaw the offices of the Chief Clerk, Public Interest Counsel, and Chief Auditor. She also served as a special advisor to the commissioner, providing counsel on policy development and implementation.

“Anne is an accomplished lawyer and civil servant who will make an immediate impact in providing positive environmental and health outcomes as a regional administrator,” said Administrator Pruitt. “She has spent her career working to shape environmental and land policy for the Lone Star State, and her experience in the region makes her exceptionally qualified to provide administrative leadership for Region 6.”

## Toxins Exposed in Waste Pits,

Continued from page 1

70,000 ng/kg. EPA recommend clean up level for the site is 30 ng/kg.

EPA has directed both International Paper and Industrial Maintenance Corporation, the potentially responsible parties (PRPs) for the San Jacinto Waste Pits Superfund site in Harris County, to conduct supplemental sampling to ensure that the exposed waste material is isolated. The dioxin in the waste material does not dissolve easily in water but it can migrate further out into the surrounding sediments. The supplemental sampling will determine the extent, if any, of this migration.

Initial repairs have already been taken at the damaged area where the protective rock was missing. If necessary, EPA will direct additional visual dive operations to check for displacement in the stone cover of the protective cap and more fully evaluate the cap for damage by Hurricane Harvey.

The PRPs developed an Operations, Monitoring, and Maintenance Plan under Federal Order by the EPA and completed work to prevent wastes from continuing to migrate to adjacent areas including the San Jacinto River in July 2011. The Order allows the Agency to require additional measures and investigations deemed necessary by the Agency from its periodic inspection of



the protective cap. EPA is exercising that authority today. EPA divers determined that additional measures were necessary.

The PRP conducted similar repairs in December 2015. EPA proposed long-term remedy for the site has 150,000 cubic yards of

waste removed and disposed of offsite.

EPA will continue to provide updates about the status of the Superfund site, and continue to work with the PRPs to ensure that risk to human health and the environment is managed as best as possible.

## EPA orders removal of Waste Pits

Continued from Page 1

provided. We are deeply concerned that the decision announced today could result in a release to the San Jacinto River and downstream areas. We disagree with EPA's claim that the local or downstream areas can be protected during removal. We will review U.S. EPA's Record of Decision in its entirety.”

Here is the full text of the EPA press release, and the Final RECORD OF DECISION:

DALLAS – (Oct. 11, 2017) The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County, Texas has been approved. The selected remedy will protect human health and the environment by removing highly contaminated material from the site and securing less contaminated areas. The plan provides certainty to people living near the site by permanently addressing risk posed by the contamination. It also provides certainty to other economic interests including the businesses that rely on the San Jacinto River for navigation and the Interstate-10 transportation corridor.

“Today, we are announcing our decision to ensure the San Jacinto site is cleaned up for the benefit of the entire community,” said EPA Administrator Scott Pruitt. “As exemplified today, EPA is prioritizing Superfund clean-up by making decisions in a decisive, timely manner. The San Jacinto Waste Pits site was added to the National Priority List nearly a decade ago, and I am pleased to announce a decision has been made to permanently address the highly toxic materials to ensure health and safety in the surrounding communities.”

EPA's cleanup plan includes installing engineering controls such as cofferdams before excavating almost 212,000 cubic yards of dioxin contaminated material for disposal. A small amount of material will stay on the site where controls will prevent access, eliminate off-site migration and monitor the natural recovery into the future. The estimated cost for the remedy is \$115 million and is cost-effective; representing a reasonable value for the cost incurred.

EPA's final cleanup plan, called a Record of Decision, addresses comments on the proposed plan concerning the risk of water spreading dioxin contami-

nation downstream by installing controls such as cofferdams to allow for dry excavation of the waste material. Changes in the construction method will effectively eliminate any potential for spreading contamination to downstream areas. The \$97 million proposed plan outlined wet excavation of material.

The Superfund site consists of two sets of impoundments, or pits, built in the mid-1960s for disposing solid and liquid pulp and paper mill wastes that are contaminated with polychlorinated dibenzodioxins (dioxins) and polychlorinated dibenzofurans (furans). In 2011, the impoundments were covered with an armored cap as a temporary way to contain the contaminants.

EPA's decision, fully explained in the Record of Decision, is based on extensive studies of the contamination, human health risks, and environmental risks of this site. The final cleanup plan considers the ever-changing San Jacinto River, which encroaches on the site, and protecting important downstream resources including the Galveston Bay estuary.

EPA's selected remedy will permanently address the highly toxic dioxin waste materials, meets the federal regulatory requirements of the National Con-

tingency Plan for cleanup of hazardous sites, and is protective of public health and the environment. EPA will release an Administrative Record, which consists of all documents used to support its selected remedy.

EPA added the San Jacinto Waste Pits site to the National Priorities List of Superfund sites in 2008, after testing revealed contamination from dioxins and furans near the waste pits. The northern set of impoundments, about 14 acres in size, is located on the western bank of the San Jacinto River, north of the Interstate-10 bridge over the San Jacinto River. These northern impoundments are partially submerged in the river. The southern impoundment, less than 20 acres in size, is located on a small peninsula that extends south of the Interstate-10 bridge. EPA is the lead agency for addressing the site and cleaning up the contamination, with support from several state partners and the U.S. Army Corps of Engineers.

The Administrative Record, including the Record of Decision, for the San Jacinto River Waste Pits Superfund Site is available online at: <https://www.epa.gov/tx/sjrwps> and at the following locations:

Stratford Branch Library  
509 Stratford Street  
Highlands, Texas 77562

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

#### USArmy 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