

# Superfund NEWS

January 2019

## New Officials review plans for flood control and environment issues

### New Pct. 2 Commissioner Adrian Garcia lists environment as a priority

During his campaign, newly elected Pct. 2 Commissioner Adrian Garcia listed a number of priorities that he would address when in office. These included “holding industry accountable for environmental abuses” while at the same time supporting the



economic base of the region. Now he is responsible for the toxic waste pits in the San Jacinto River, as well as the refineries in his precinct, which can affect air quality. He noted that the Houston area has the highest rates of cancer in children and adults in Texas.

Garcia also was concerned about flooding and hurricanes, and the toxic spills they could release into the environment.

Other priorities that Garcia listed were educational programs, job training, and criminal justice reform, a reflection of his time as a police officer and county Sheriff.

### New TX District 2 Congressman Dan Crenshaw tours flood prone areas and San Jacinto River sediment removal

January 23, 2019

#### Congressman Dan Crenshaw Tours District

Harris County, TX – In his first visit back to the district as a U.S. Representative, Congressman Dan Crenshaw toured Harris County with Flood Control District Executive Director Matt Zeve and Professional Engineer Ian Hudson to get an update on projects in Texas’s Second Congressional District. The tour highlighted lo-

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Congressman Dan Crenshaw, center, reviews flood maps of his district with HCFCF Executive Director Matt Zeve and engineer Ian Hudson.

### Beach City Residents continue concern about disposal site in their Neighborhood City Passes Ordinance to prohibit toxic landfill

On January 15, 2019 the U.S. Army Corps of Engineers issued a “Public Notice” regarding the proposed dredging in the San Jacinto River. The notice described the disposal site as a tract in Beach City, even though the developer, Holtmar Lane LLC, had promised the city they would amend the request from the USACE and find another site not in Beach City. Concerned that the notice did

not reflect a new site, Beach City passed an ordinance prohibiting the dumping of toxic waste at the site proposed along McCollum Park Road, with a \$2000 per day penalty if violated.

Further action was taken by Mayor Jackey Lasater, who wrote the following letter to the Corps of Engineers and shared it with the residents of Beach City in a newsletter:

letter to USACE and I urge those that have not written a letter yet to please do so asap. We must continue to prepare for the worst case scenario until the permit is actually amended in our favor.

1-21-2019  
Re: file #SWG-2015-00855

Dear Mr. Bader,  
My name is Jackey Lasater

“I will share with you my

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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.

## Congressman Crenshaw tours flood areas and San Jacinto River (continued)

cal and federal Hurricane Harvey cleanup projects and flood mitigation projects. This came on the heels of Crenshaw's Monday meeting with City Councilman Dave Martin, in which they discussed the importance of these projects. Crenshaw released the below statement following his tour.

"Our district has been through so much because of Hurricane Harvey," said Crenshaw. "I'm grateful for all the hard work our local and federal officials have done to accelerate recovery and better prepare us for the next storm. Although we have a long way to go, Houstonians have made great progress since Harvey first made landfall in 2017. Our resilience as a people is apparent every day. I'm excited to get to work to ensure the people of TX-02 are able to make a full recovery and put Harvey in the rearview mirror."

Sites included on the tour:

San Jacinto River Sediment Removal (USACE)

Greens Bayou Federal Project (USACE)

Addicks Reservoir, North End of Dam (USACE)

Horsepen Creek (HCFCD)

Bear Creek Village Subdivision (USACE)

## Beach City Residents continue concern about disposal site in their Neighborhood City Passes Ordinance to prohibit toxic landfill

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and I am writing in response to the above referenced permit request. As Mayor of Beach City, I urge you to consider the numerous issues that I/we have in the proposed placement of contaminated dredge material from the "area of concern" located in proximity of the Federal Superfund site in the San Jacinto River near Highlands Texas.

1) The permit request documentation that is posted on the US Army Corp of Engineers website includes a letter to you from the TCEQ, dated August 25, 2016 that concludes "Based on sample results, dredged material, not to exceed the volume cited in the permit application, shall be placed in a hazardous waste landfill or an upland confined disposal area." I think common sense would dictate that any material that is considered worthy by the EPA to be placed in a hazardous waste landfill, should not be placed in a residential neighborhood adjacent to a family park where children play, picnic, fish and many other family activities.

2) The documents that were submitted in July 2017 to you by Enercon were a bit deceptive regarding the proposed Beach City DMPA location description. They failed to mention in their Project Location Report that the eastern border of the Holtmar property is shared by McCullum Park as described above. The Aerial photograph of the Beach City site (labeled: Figure 13) is now outdated. The western property line is shared with a residence now. The legend for Figure 13 calls for fiberglass panel walls along the perimeter of the property, without allowing for required construction setbacks. The aesthetics of this type of structure in a neighborhood where families exert a lot of effort and expense to maintain an attractive neighborhood would be unacceptable.

3) This location is approximately 800' from Trinity Bay. All runoff from rain events that don't go into neighbors' yards or McCullum park will go into Trinity Bay quickly. Especially during a major rain event of which this area is very prone to as you know. Trinity Bay is home to a number of commercial oyster



**PROPOSED DISPOSAL SITE, near residential areas to the north, and McCollum Park adjacent. The 3.5 acre disposal site is outlined in Red.**

reefs and marine life that depends on us to not take unnecessary risks. There are safer location options for this material. This location is also vulnerable to major hurricane storm surge as we saw with Hurricane Ike. The negative impact on natural water flow during rain events will exacerbate flooding in the Barrow Ranch subdivision that already has issues with street flooding during heavy rainfall events.

4) All citizens in Beach City are on ground water, most have private wells. The risk of contaminating our ground water with toxins such as Dioxins is a risk, no matter how small, that should not be forced on the citizens of Beach City.

5) The proposed method of delivery of the dredge material is via dump trucks. The Holtmar property is located near the end of McCullum park Rd. Estimates of over 2,200 dump truck loads traveling down a narrow residential street that is frequently used by joggers, walkers, and children walking to friends houses or the park. Although the speed limit is 35MPH, reality is that the temptation to speed by dump truck drivers that are getting paid by the load will prevail often. This is a recipe for disaster that can and must be avoided. This many dump trucks using this residential road will most surely cause damage

to the surface that will have to be repaired at the expense of the tax payers.

6) Finally, the one issue that will most assuredly happen immediately if this dredge material is placed at this location. Property values, especially those hundreds of homes in proximity of the site, will be negatively affected. These homeowners do not deserve to have, probably their largest investment, devalued so that someone else can profit.

In summary, there are many environmental, humanitarian, logistic and financial reasons to deny the requested permit. I pray that you will strongly consider the merit of the issues I have presented and deny the permit request.

I also wish to request a public hearing on this matter. I know you have received many letters already but there are many more that would like to be heard but for whatever reason have trouble writing letters.

Sincerely,

Jackey Lasater  
Mayor  
Beach City, Texas  
281-383-3180  
Website: [www.beachcitytx.us](http://www.beachcitytx.us)

### 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