

Superfund NEWS

November/December 2019

Public hears Updates since last EPA Meeting

The SJRC/TxHEA held their monthly meeting in Channelview at the Flukinger Community Center on October 10, 2019. A large crowd heard from Director Jackie Young about new information and updates since the EPA had made their presentation in September.

Jackie started the meeting with a message from the new EPA Region 6 in Dallas Administrator Ken McQueen, who said "We want people to know we continue to be here working on this site every day and it has not been forgotten."

Work of an exploratory nature is taking place on the Waste Pits site, she said. PRP contractors are undertaking sampling to determine criteria for the removal of the toxic materials. Sampling includes testing of water and water/soil mixes and river bed tests to determine suitability for sheet piling. They are also sampling to locate and qualify all the toxic

material.

These tests are part of a Treatability Study which will use water to remove the waste material, and then allow the water to evaporate leaving the toxic waste material in preparation for transport to another site. EPA is also studying the possibility of reusing the existing armor stone in the cap, rather than removing it from the site. It would become the base layer of the new fill.

Jackie voiced the concerns of some citizens, that the schedule was slipping, that third party oversight of the PRP work and eventual removal should be required, and that the cap needs to be inspected for damage after the 18-wheeler truck accident. Regarding schedule, she said it appears that the remediation is about 2 months behind schedule.

Jackie said that she is concerned that the EPA was going



KEN McQUEEN

to use Industrial standards for the level of remediation, instead of Recreational standards that are more stringent.

The Harris County Attorney, Vince Ryan, has called for EPA to strengthen the protection of the Waste Pits until removal is complete. They specifically called



JACKIE YOUNG

for barriers of a rock berm, or pipe piling placed around the site to keep barges from grounding or damaging the cap. They also want enhanced mooring for the barges, and a plan to relocate the barges

Continued Overleaf

SJRC/THEA Awards Five for Their Environmental Work in the local area

Jackie Young of THEA made awards to five supporters of the groups environmental efforts. Awards known as the "Archie Bickley" awards were given at the end of the presentation to five individuals who have made a large impact for the San Jacinto River Coalition. Young presented the awards to Gary Miller of the EPA, Gilbert Hoffman of the Star-Courier, Christopher James of the Baytown Sun, Pamela Bonta, and Greg Moss. Recipients of the award reminisced over Archie as



GILBERT HOFFMAN



GREG MOSS



PAM BONTA

Jackie Young, director of THEA, presented Friends of the Environment with awards for their help and support.

well as the accomplishments of the coalition so far.

In a related event, Lois Gibbs a nationally recognized environmentalist known for her work on Love Canal in Niagara Falls, New York, held a workshop in Baytown. She was focusing on legislation that would define what type of facilities could be close to pollution sources. The event was Saturday Dec. 7th at Baytown Sterling Library. Gibbs is a friend of Jackie Young of THEA and worked with her on environmental issues.

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.

EPA update

Continued from Page 1

south of the bridge when there is a potential for flooding.

The Question and Answer period centered on the barges, and the potential for damage that they present. During tropical storm Imelda nine barges broke loose from their moorings, and one grounded itself on the Waste Pits cap. The audience asked if there was any new protection planned for the bridge supports, noting that the current Dolphin bumpers are damaged and need replaced.

The consensus was that the barges should be removed from the river, but this might not be possible Jackie said. The question was asked and not answered as to what agency has jurisdiction of the river north of IH-10. Both EPA and the Corps of Engineers have stated they do not have authority in the river, and the Coast Guard seems to have limited regulation. In the meantime, the group noted that more barges are moored now than before, causing heightened concern, especially during flooding or hurricanes.

Coalition hears about Liberty Disposal site

By Jarret Murray

HIGHLANDS – Members of the San Jacinto River Coalition met at 6:30 p.m. on Tuesday, December 2nd at the San Jacinto Community Center to discuss findings regarding the Superfund Site in the San Jacinto River, and the Liberty Waste Disposal site in Highlands.

The meeting was led by the executive director for Texas Health and Environment Alliance, Jackie Young. she reported that there was no new information on the status of the Superfund site work.

This was followed by a presentation on the known history of the Liberty Waste site, as well as test results and an analysis, given by Rodrigo Cantu of Lone Star Legal Aid.

The Liberty Waste site consists of a 37 acre landfill at the end of Steele Road in Highlands. 9 acres of the site are a pond, and the remaining land is covered with a 4' deep clay cap. The landfill was actively used from 1973 to 1983 and then closed and capped. Although toxic, TCEQ said that it did not meet the criteria for a Superfund



The Liberty Waste pit site is 37 acres located at the end of Steele Road and the end of Ellis School Road in Highlands. The site is partially wooded, but also has a 9 acre pit lake. In spite of its designation as a toxic site by TCEQ, it is used for recreation and fishing. It is located near a fresh water canal, the Baytown water

designation.

TCEQ reported that in 2001 some leaks were detected coming from the site.

Cantu reported that the TCEQ had visited the Liberty site in March 2019, to inspect conditions. This followed an inquiry by Lone Star as to the status

of the site. The site is now covered with grass, shrubs, and walking trails. There is fishing in the pit lake, and horseback riding on the site. There are 18 to 20 monitoring wells. No recent leaks have been reported, but no testing has been done since 2001.

County Attorney Ryan holds Symposium on Environment

County Attorney Vince Ryan hosts symposium to address environmental disasters

At a conference hosted by County Attorney Vince Ryan last week, experts described the environmental challenges facing Harris County when storms like Hurricane Harvey strike the Texas coast, the home of hundreds of chemical companies and oil refineries.

The symposium titled “Environmental Disasters in Harris County,” held on Oct. 10 featured scientists, lawyers, and other experts who discussed what government and industry were doing and could do to prevent the loss to life and property from flooding and severe weather events.

“Our office is willing to take the lead in protecting our community with respect to the environment,” said County Attorney Ryan. “This symposium was a great effort to keep all parties focused, engaged, and up-to-date with the latest information and efforts by our office and other agencies.”

Attorney Charles Irvine, lead counsel in a lawsuit against the Army Corps of Engineers, for flood damage to

hundreds of homes located upstream of the Barker and Addicks Reservoirs in west Harris County, said the Corps knew that torrential rain storms regularly occurred in Harris County and that the areas upstream from the dams would flood. He described the devastating impact of flooding to homeowners.

Jim Blackburn, Co-Director of the SSPEED Center, Rice University, showed the catastrophic impact of a Hurricane Ike-type storm moving up the Ship Channel. He said it would be one of the worst environmental disasters ever to occur in the United States, jeopardizing over 200 chemical plants, shutting down refining capacity for six to 12 months, and placing the lives of 800,000 people at risk. He called for the construction of the Galveston Bay Park, a series of islands extending from Houston Point down the ship channel to Texas City, to provide protection from storm surge.

Arturo Blanco, Director, Office of Communities, Tribes and Environmental Assessment, EPA Region 6, shared the EPA’s environmental justice outreach and emergency response initiatives. Rodrigo Cantú, Environmental Justice Team, Lone Star Legal Aid, discussed protecting communities from environmental hazards – especially low-



County Attorney Vince Ryan welcomes the participants at the “Environmental Disasters in Harris County” symposium on Oct. 10.

income, marginalized communities. Randy Palachek, Senior Technical Expert, and Kirk Dean, Ph.D., Principal Scientists, Parsons, discussed dioxin contamination at the San Jacinto River Waste Pits.

Other presenters included Dr. Latrice Babin, Interim Director of Harris County Pollution Control Services, Anne Hutson, Assistant District Attorney, and Bethany Dwyer, Assistant County Attorney.

The symposium is part of the County Attorney’s continued environmental protection efforts. Last week, County

Attorney Ryan swore-in environmental attorney Clarissa Kay Bauer as an assistant county attorney to help with environmental cases against several large corporations, including ITC, KMCO, Valero and ExxonMobil.

“We can only effect the change necessary to protect our environment if we work together,” said County Attorney Ryan. “We had a great turnout today, and we will continue to work with all interested agencies and organizations to keep the focus on our environment.”

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 former 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. Pct. 2 Commissioner Adrian Garcia leads this environmental effort.

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