

Superfund NEWS

September/October 2019

EPA holds community meeting in Highlands Sept. 24 to update public

Ken McQueen is new head administrator in EPA Region 6

DALLAS – Region 6 of the EPA (Environmental Protection Agency) has announced the appointment of a new administrator. Ken McQueen replaces David Gray, who was serving as the Acting Regional Administrator prior to McQueen's appointment.



KEN McQUEEN

Ken McQueen is the Administrator for EPA's Region 6 office in Dallas. Region 6 serves Arkansas, Louisiana, New Mexico, Oklahoma, Texas and 66 tribes. Ken has extensive experience in public service and industry working in the south central region of the United States on water, natural resource and energy issues. Most recently he served as the state of New Mexico Cabinet Secretary for the Energy, Minerals, and Natural Resources

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Representatives of the Federal Environmental Protection Agency (EPA) were in Highlands Tuesday, Sept. 24, to tell a large crowd what progress has been made on removing the Waste Pits from the Superfund site in the San Jacinto River.

A lengthy presentation by EPA Project Manager Gary Baumgarten was very technical in nature, covering testing, strategies for planning the removal of the toxins, and schedules for the work.

Baumgarten also covered the subject on everyone's mind, the run-away barges in the rain swollen river, and the damage to the I-10 bridge. He covered the details of the incident, the damage to the site, and the fact that no pollution from the site or the barges has been detected. One barge was on top of the pits, though, and after it was removed Sunday more testing for damage must take place, he said.

With wry humor, he quipped that he had never worked on a site that had so many things happen to it, including floods, an 18 wheel crash, and barge strikes.

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EPA deputy assistant Administrator Steven Cook, Region 6 Administrator Ken McQueen, TCEQ representatives and Harris County Attorney Vince Ryan, staff and media assemble on the Waste Pits site in September for an announcement regarding the Superfund Task Force and steps taken to accelerate remediation, revitalize communities, and effectively engage stakeholders.

San Jacinto River Coalition meeting Monitoring continued pollution

EAST HARRIS COUNTY – The San Jacinto River Coalition met in September in Highlands, and reviewed activities at the Waste Pits, and heard of other environmental concerns.

Jackie Young announced that the Dallas Region 6 of the EPA had a new administrator, Ken McQueen, replacing David Gray, who remains with EPA. In a surprise announcement, the public learned this week that the EPA had met on the site on Monday Sept. 9 with other involved parties, reviewed progress, and issued a statement as follows:

"The work of the Superfund Task Force brought significant progress to addressing contamination at the San Jacinto waste pits site," said Regional

Administrator Ken McQueen. "EPA will continue working with our partners toward a permanent clean-up for the benefit of the Highlands community."

"The TCEQ appreciates EPA's efforts on the Superfund Taskforce recommendations," said Executive Director Toby Baker. "We look forward to our continued successful partnership with EPA to ensure proper and timely cleanup of Texas federal Superfund sites."

"Harris County's work with the EPA and TCEQ on the cleanup of the San Jacinto Waste Pits is a great example of how government, at all levels, can work together for the common good," said Harris County Attorney Vince Ryan. "The announcement on October 11, 2017, that

the EPA's cleanup remedy will include the removal of 212,000 cubic yards of dioxin-laden waste from the beds and banks of the San Jacinto River has been a highpoint in my administration. Today's announcement furthers my commitment to work together as we get closer to the goal."

Jackie Young said at the meeting that the clean-up had entered Phase 2 Pre-Design, which would last up to 10 weeks. At this time she is requesting from EPA Region 6 that work on the site have a third-party overseer, and a dive-team inspection. The work is being conducted by a contractor for the PRP (Potentially Responsible Parties) under

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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

Department (EMNRD) from 2016 to 2018, where he worked to streamline rules and regulations.

Prior to heading New Mexico's EMNRD, Ken served as Vice President at WPX Energy from 2012 to 2016, where he managed the company's assets in New Mexico, Colorado and Wyoming. From 2002-2011, he led Williams' operations in the San Juan and Green River basins. During this time, he also served as an adjunct professor in petroleum engineering at the University of Tulsa. He served as a joint venture engineer for Vintage Petroleum Inc. from 1994 to 2002, managing all non-operated properties across 12 states and multiple basins. Ken also worked as a petroleum engineer at Amerada Hess Corp. from 1982 to 1994.

EPA update

Continued from Page 1

Baumgarten spoke about the schedule of work, noting that the Phase 2 Remedial Design had started on September 4th. The schedule now calls for final design to be completed by November 2020, and actual removal of the toxic wastes in the first quarter of 2021.

The Coast Guard was the onsite coordinator for the removal of the barges, Baumgarten said, and they have now all been moved to a safe location south of the bridge.

This week a bathymetric survey will be conducted, using sonar to determine if any damage to the cap can be detected. A probe with metal rods will also determine if any rock ballast is missing.

The technical presentation by Baumgarten was followed by a Question and Answer session, which also included many comments from the residents that were present.

Speakers seemed to express a displeasure and frustration with the EPA, blaming them for everything from slow performance on the waste pits removal, to permitting barges to be stored on the north side of the bridge, and therefore contributing to the damage and the large traffic jams.

EPA project director John Meyer patiently explained that much of the circumstances of these incidents was not within the jurisdiction of the EPA, but actually was controlled by other agencies such as the Coast Guard, Corps of Engineers, TCEQ, and TxDOT.

Speakers included Sean Matula, who grew up on a family farm overlooking the waste pits site. He said he suffers from about a dozen illnesses related to the toxicity, and asked for a stop to permitting and 3rd party oversight of the removal of the pits.

Many speakers blamed the Corps of Engineers for siding with the barge businesses, to the detriment of residents. Cynthia Garcia spoke vehemently against big business having

more say than individuals. One speaker noted that only a few years ago there were no barges north of the bridge, and they should be removed now.

A recurring theme in the questioning was who permits the barges, and why no one wants to be responsible for them. And how an average citizen can have a say about them.

Frustrated speakers asked for immediate protection from future barge strikes, not more studies and planning.

Baumgarten said that the barges were owned by Canal Barge Company, but operated by San Jacinto River Fleet, who is an applicant for more barges.

EPA's John Meyer said that excessive barge traffic was one reason they had decided to remove the waste material in the pits.

- Jackie Young and Sean Matula were among about 20 persons that spoke.

- A large crowd of concerned residents filled the hall of the Highlands Community Center.

SJRC spawns new group in Channelview

The Channelview community had its second Community Meeting the evening of Oct. 24, 2019 at the Channelview Fire Dept. Sta. 3 located at 1210 Dell Dale. This meeting was held as a progress update to the Environmental Meeting held on 09/12/19 and in a continuing effort by residents to share information, to work together with governing and other agencies to address the issues impacting Channelview to bring awareness and to document, remove, prevent and/or improve the environmental issues affecting our residents.

The meeting was attended by several community members from the first meeting in September along with new attendees. In attendance to hear the resident's concerns were Channelview Fire Dept. - Jimmy Sumbera Administrator, Channelview ISD - Steve Dennis Board Member and as resident, Lone Star Legal Aid Environmental Justice Team - Amy Dinn EJ Managing Attorney,

Rodrigo Cantu EJ Attorney, Heejin Hwang EJ Fellow and Samantha Salas EJ Paralegal and as resident, and the Coalition for Environment, Equity, and Resilience (C.E.E.R.) - Rebecca Smith Community Engagement Coordinator.

The organizers were very pleased with the continued support by residents announcing the meetings and encouraging participation, North Channel Star's Gil Hoffman for providing meeting announcements and meeting details, the Channelview Fire Dept. for support of the community and the use of the Station 3 facility for the meeting, Lone Star Legal Aid's Environmental Justice Team for support by addressing the community's voiced concerns with provision of real time air PM monitors, research of TIBM and for the group structuring guidance presentations and C.E.E.R. for their continued interest and support and for recognizing and including the Channelview community in their Oct. 30th Town Hall and in TSU's data research project.



Review of September SJRC meeting

Continued from Page 1

an agreement with the EPA. Essentially they are examining conditions to verify the Pre-Design.

The EPA has announced that they will hold a Community Meeting in Highlands on Tuesday, Sept. 24 at 6:30pm in the Community Center. Progress on the clean-up will be reviewed, and the press announcement that was released Monday will be discussed. After the presentation there will be a Question and Answer session.

Lisa Gossett stated at last week's meeting that it was important that local people share their historical knowledge of the site to aide the clean-up planning.

Jackie Young brought up and discussed two other topics related to pollution of the area. She said that a permit had been issued by the Corps of Engineers to Web Fleeting LP, who have barges and docks in the area below I-10 adjacent to the Superfund Sites. She said they are planning to dredge 120 acres of Old River to a depth of 14' to accommodate larger barges. Her concern was that this material would be deposited in an area on their property to the north. It would be about 50,000 cubic yards of dredged soil and riverbed, and there was no plan to test the material for contaminants. There was a possibility that it might contain toxins similar to the Waste Pits, she said.

There was a long discussion about

the need for Harris County Pollution Control to be available to help determine sources and health risks of air and water pollution.

Carolyn Stone of Channelview told the audience of a recent experience, where the air near her house had a very bad smell, perhaps from a release of a contaminant such as benzene or ship fuel. She called Pollution Control, but was not able to get them to send a person to examine the conditions and determine the problem's source.

Frustrated with that answer, and the smell getting worse, she also called the EPA, the National Response Center, the Coast Guard, and TCEQ. Each agency said it was not able to help, and referred her to Harris County or another. Finally, Harris County Pollution Control showed up about 13 hours later, but by that time the air had cleared enough that they couldn't test or help.

The audience agreed with Jackie Young's suggestion that HC Pollution Control needed to be more responsive to East Side problems, and that Pct. 2 Commissioner Adrian Garcia be asked to designate a 24 hour full time Pollution Control examiner to be available to residents or businesses with this type of problem.

Carolyn Stone said that she had arranged a public meeting for Thursday, Sept. 12 for the public to meet with local and state officials to discuss these environmental problems. The meeting will be at the Channelview Fire Station #3 on Dell Dale. All are welcome and encouraged to come

- Contractors working for the PRP attempted to make repairs to the containment cap last month, but were working outside the Waste Pits site as defined by the red marker buoys.

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