

Superfund NEWS

November 2016

COMMENT PERIOD EXTENDED

to

Jan. 12, 2017

See Below

OPPORTUNITY FOR COMMENT

Submit Written Comments Public Comment Period: September 29 - January 12, 2017

The EPA will accept written comment on the Proposed plan during the public comment period. you may submit your comments to:

Online: www.epa.gov/tx/forms/sjrwpc-comments

Email: R6_San_Jacinto_Waste_Pits_Comments@epa.gov

Written comments may also be postmarked no later than January 12, 2017 and addressed to:

**Remedial Project Manager
U.S. EPA Region 6
1445 Ross Avenue
(6SF-RA)
Dallas, Texas 75202**

VOICES HEARD FOR AND AGAINST REMOVAL OF WASTE PITS

FOR

Congressman Gene Green:

Rep. Gene Green Voices Support for EPA Cleanup Plan

Broad Coalition Says Dredging is the Only Long-term Option

HOUSTON, TX – On October 20,



Congressman Gene Green attended a public meeting hosted by the Environmental Protection Agency (EPA) to discuss and receive comments from the community about the EPA's proposed cleanup plan for the San Jacinto River Waste Pits.

"For too long the communities of eastern Harris County have been put at risk by the hazardous material found in the San Jacinto Waste Pits Superfund site," said Congressman Gene Green. "The plan presented by the EPA is the culmination of a decade of calls by community members and local officials to fully remove the waste and protect families and children from public health risks."

The 14-acre San Jacinto River Waste Pits site consists of several hazardous waste ponds built in the mid-1960s for the disposal of paper mill wastes as well as other contaminated soils. The waste pits, which border the 29th Congressional District, were identified in 2005 and because of the work of

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FOR

County Attorney Vince Ryan

Harris County Attorney Ryan Urges EPA To Clean Up San Jacinto River Waste Pits

Harris County Attorney Vince Ryan joined Congressman Gene Green and many local residents to urge the



Environmental Protection Agency to adopt a proposal for full removal of the dangerous waste.

At a public hearing held by the EPA in Highlands, Ryan explained that he and his staff have been working with non-profit groups, County Commissioners and county departments and citizens for nearly eight years to rid the community of the waste pits, which contain dioxin, the most dangerous chemical known to man.

"Keeping the dioxin under a cap would continue to endanger all communities affected by the river and Bay waters," said Ryan, who pointed out that the cap has leaked, putting dangerous chemicals in the water and seafood.

"Beyond the current problems, the current cap or a 'permanent' cap can be severely damaged if it were hit by a barge or torn open by a major storm," warned Ryan. "The damage that would result could pollute the San Jacinto River and Galveston Bay for the next 700 years."

AGAINST

KeepItCapped Atty. Thomas Knickerbocker

TELL THE EPA: NO TO DIG AND HAUL

In the 1960s, a site along the San Jacinto river was used for waste disposal by a



paper mill. At the time, no one knew this waste material contained dioxin. In 2008, this site was identified for cleanup by the U.S. Environmental Protection Agency and an armored cap of protective material was placed on top.

Dioxins are insoluble. They bind to sediment and soil rather than dissolving in water. That's why the cap is a better solution than digging up the site and hauling the material away. That process would put the San Jacinto river in real danger.

In August 2016, the US Army Corps of Engineers final assessment of the proposed remediation options demonstrates that a permanent cap solution is the best remediation alternative.

Yet, the Environmental Protection Agency has ignored these warnings and wants to move forward with the dangerous "dig and haul" process. We are deeply concerned and urging them to reconsider -- but we need your help.

The San Jacinto River is in danger. Take Action Now

WHY DOES THE ARMY CORP OF

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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.



VOICES HEARD FOR AND AGAINST REMOVAL OF WASTE PITS

FOR

Galveston Bay Foundation Scott Jones:

What is in the Corps of Engineers Report?

What was EPA's Takeaway From It?



The EPA requested that the U.S. Army Corps of Engineers perform an evaluation of the responsible parties' cleanup alternatives, as well as a new full removal alternative that the EPA developed. EPA developed this new full removal alternative because the responsible parties' version did not include appropriate best management practices (BMPs) such as sheet pile, berms, etc. to isolate the waste before removal and prevent loss of material to the river.

The Corps report did NOT make a recommendation on a clean up alternative; instead it answered questions about the nature of the risks at the site and answered questions about all possible cleanup alternatives. In truth, either side could pick from it statements that support an argument for removal or an argument for capping. GBF believes that the

statements that highlight the risks of an uncontrolled release trump any statements that support capping. See Houston Advanced Research Center's (HARC's) Technical Review of the Corps' report for a summary. In particular, see Tasks 2, 7, and 10 to better understand the risks of capping, the high degree of uncertainty in any analysis of cap reliability, and the high modeled erosion of the cap from floods and from hurricanes. See Tasks 11 and 12 to better understand the risks of removal.

The EPA came to the conclusion that removal is less risky after weighing all the evidence and therefore called for such a remedy in their proposed plan for cleanup. Namely, the EPA writes in the proposed plan the following: (1) the waste is highly toxic and may be highly mobile in a severe storm, (2) the location of the waste is in a river environment subject to dramatic change that creates concerns with the permanence of a cap, (3) the area has a high threat of repeated storm surges which could result in the release of toxic waste, and (4) the history of the cap reveals repeated maintenance from floods that are much less than a 100-year event.

In fact, in their final interim feasibility study (FS) which provides detailed evaluation of the possible cleanup alternatives, EPA stated that with appropriate BMPs the loss of waste material during controlled removal could range from 0.2-0.34% while loss of material from a severe storm was estimated at 29%, or approximately 140 times the amount lost during a controlled removal. See HARC's Technical Review of the FS for a summary.

Congressman Gene Green:

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Congressmen Ted Poe and Gene Green were designated a Superfund site in 2008. The waste pits are the reason for the elevated dioxin levels in sediment and sea life downstream and in Galveston Bay.

"I along with Harris County, the



Galveston Bay Foundation and the San Jacinto Coalition support the EPA's proposal to fully dredge the waste pits over permanently capping the waste because the plan adheres to federal law, which prefers cleanups that 'permanently and significantly' reduce contamination. Capping would provide a short term solution that could fail in the case of a natural disaster or equipment malfunction or deterioration."

Rep. Green added, "Our office is aware of some of the concerns with dredging. We are also aware that the EPA will put in place controls that will limit possible spreading of contaminated soil during the cleanup and follow best management practices recommended by the Army Corps of Engineers, including doing the cleanup in stages to limit exposure from potential storms."

"I thank the EPA, TCEQ, and Harris County officials for their commitment to protecting our communities and diligence in addressing the San Jacinto Waste Pits. We will continue to work until the hazardous waste and the threat to families and children is removed."

KeepItCapped Atty. Thomas Knickerbocker

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ENGINEERS SUGGEST KEEPING THE PIT CAPPED?

In August 2016, the US Army Corps of Engineers final assessment of the proposed remediation options demonstrates that a permanent cap solution is the best remediation alternative.



Toxins will be released in the riverbeds and dramatically increase the toxicity levels of local fish.

The lengthy two-year excavation period could release 400,000 times more waste than a permanent cap.

Dioxin levels will increase in the river to pre-remediation levels in only a two-year excavation period, equal to that of 500 years of potential releases from a permanent cap.

**THE DANGERS OF DIG AND HAUL
ADD YOUR VOICE**

We are deeply concerned that the EPA has selected the least safe option for remediating the pits. The US Army Corps of Engineers final assessment of the proposed remediation options demonstrates that a permanent cap solution is the best remediation alternative. Please use the tool below to quickly and easily urge the EPA to reconsider.

Created by the San Jacinto Citizens Against Pollution.

We are a group of citizens, business owners, and environmentalists advocating for an immediate and permanent solution to the San Jacinto Waste Pits.

We know that both the science and the community support permanently capping the site.

We want to force the responsible parties to pay the cost to permanently cap the pits.

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 designed 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 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