

Superfund NEWS

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EPA changes leadership for Waste Pits

Officials responsible for the remediation of the San Jacinto River Waste Pits have changed in the last few months. Both local on-site managers, and the national



ASHLEY HOWARD

head of the EPA are new faces in the long-running saga of removing the toxic waste from the river.

The new remedial project manager for the Superfund site is Ashley Howard. She is an 11 year employee of the EPA Region



MICHAEL REGAN

6 Dallas office, and has been working on the San Jacinto River Waste Pits project for the last two and one-half years, along with her predecessor, Gary Baumgarten. Baumgarten retired from EPA in 2020. Before him, for a number of

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Waste Pits remediation schedule extended, disposal of waste questioned

By Gilbert Hoffman

The San Jacinto River Coalition, and THEA have learned that the time line for remediation and removal of the Waste Pits in the river will take considerably longer than originally thought, due to a number of factors.

Pre-Design Investigation, or PDI, discovered that the depth of the waste to be removed was much greater than the original 12 feet. In some places in the Northern Impoundment it was as deep as 25 feet. The significance of this meant that more material would have to be removed, and more water infiltrating from the river would have to be treated. The original time line had been to complete the project in 2 and one-half years, and now it looks like the schedule will be seven years. The Final Design plan called for one year of preparation to procure contractors and materials, 5 years to remove the waste material (the site would be divided into five zones, each separated from the others, and taking a year to remediate) and a year to mobilize.

However, in September THEA learned that the EPA had granted the PRP consultant's request for additional time for engineering, due to the increased scope and depth of the waste. EPA allowed them to take an additional 160 days to prepare their Final Design plan. The Pre-Final Design for the Northern Impoundment is now due in April 2021. The Pre-Final Design for the Southern Impoundment was submitted in September 2020. The Final Design for the Southern Impoundment was due in November 2020. The Final Design for the Northern Impoundment is due this year, in June 2021.

A number of factors are controlling the extended schedule. One is that the EPA has agreed not to work on the site during extreme weather conditions, such as hurricanes. But on analysis, it was decided to also avoid the rainy season when floods are historically recorded. Than only leaves less than six months each year to work unrestricted. Other factors include access to the site from I-10, and TXDOT's plan to replace the bridge and highway over the river, starting sometime in 2024.

THEA is concerned about the extended schedule, because it exposes the site to more possible breaches of the containment cap. An example is just last December, when a tugboat named the M/V TYLER T sank near the Cheryl K Marine San Jacinto River Fleet docks, near the Sand Separation area and the waste pits. The oil spill was investigated by Harris County Pollution Control and the Coast Guard. Although the pits were not damaged, the potential for this was illustrated in the accident.

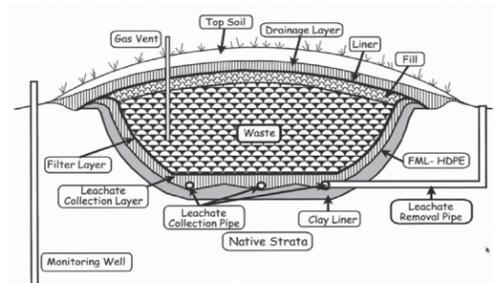
The PRP (Potential Responsible Parties) and their consultant have a TWG (Technical Work Group) that meets regularly to coordinate their plan with other



SOUTHERN IMPOUNDMENT EXCAVATION: From 4' (green) to 10' (red)



TUGBOAT M/V TYLER T sank near the Waste Pits in December, endangering them



WASTE DISPOSAL requires this type of enclosure to be safe over a long period

entities. These include TXDOT, US Coast Guard, Corps of Engineers, and TCEQ. However, Jackie Medcalf of THEA believes it should have more local representation, including Harris County Pollution Control and Port of Houston. Although these groups are advised of plans, they do not participate "at the table."

The Southern Impoundment is not considered to have the extreme hazardous waste found

in the Northern Impoundment, and will be remediated only to a clean-up level of 240 nanograms per kilogram, as the Northern Impoundment goal is 30 ng/kg. The map accompanying the 30% Design shows excavation sites varying from 4 feet to 10 feet in depth.

Soil borings in the PDI phase indicated concentrations of toxins higher than originally thought, and the issue has arisen of where this waste will be sent for disposal, and whether it can be safely disposed of. Medcalf believes that the classification proposed, non-hazardous Type II, allows it to go to Household Waste landfills that are not appropriate for the danger. These landfills, usually in Louisiana, only monitor the waste for 30 years, although dioxin has a life of 700 years. EPA asked the PRP to retest the waste, but have accepted the current classification after the retest. However, their remedial project manager, Gary Baumgarten, indicated to THEA that they might retest the material and water during the remediation process.

All of this planning and design is still subject to a final agreement with the PRP to pay for the remediation and go ahead with the work. This is not concluded however, and could extend the process even further. In the meantime, THEA has broadened their interest in environmentally contaminated sites, and it proactively examining and speaking out for remediation of the Jones Road Superfund site in Spring, and the Fifth Ward Cancer Cluster in Houston.

The next meetings of SJRC and THEA are scheduled for March 9, a Town Hall about all of these sites, and March 23 a San Jacinto River Coalition community meeting. They will be conducted by Zoom, contact TxHEA.org if you wish to participate.

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 changes leadership for Waste Pits

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years, was remedial project manager Gary Miller, who retired previously too.

National leadership has been through a period of transition the last few years, too. Starting with his appointment by Trump in 2017, the EPA administrator in Washington DC was Scott Pruitt, who took an interest in the Waste Pits, and with the prodding of local Congressman Gene Green, put the site on the Superfund Priority list. However he resigned under ethics criticism, and was replaced by Andrew Wheeler in 2018. Now with the new Biden administration, the EPA director nominee is Michael Regan. Regan is currently the Cabinet Secretary for the North Carolina Department of Environmental Quality, a post he has held for the last 4 years. As such, he is the Executive Officer or administrator of the NCDEQ. In this role, he has experience negotiating with large entities for clean-ups of environmental problem sites. Regan previously worked at the national EPA for 9 years, dealing with Air Quality. He has also been an Associate Vice President and Senior Director at the Environmental Defense Fund. His formal appointment awaits approval action by the U.S. Senate. If he is confirmed to lead the EPA, Regan would return to an agency where he spent much of his early career, working on air quality for nearly a decade under the Clinton and George W. Bush administrations.

"We're looking forward to a Biden administration and an EPA that uses its resources to push aggressively on key issues like climate change," Regan told NPR in an interview before his appointment was announced.

Regan also said that protecting drinking water and working for environmental justice should be priorities for the EPA under the Biden administration.

Administration of the remediation of the San Jacinto River Superfund Site is under the direction of the Region 6 EPA branch office in Dallas. Here the project manager is John Meyer, and the Regional Administrator is Ken McQueen.

Concerns raised about new Construction near Waste Pits

CHANNELVIEW – Residents of the area near the San Jacinto River Waste Pits Superfund Site have become concerned with evidence of new construction that might threaten the neighborhood along River Road, and the waste pits themselves.

The investigation is being headed by Carolyn Stone, who lives in Channelview not far from I-10 and the Waste Pits, and is the director of an environmental action group known as C.H.I.P., or Channelview Health & Improvement Coalition. The group is monitoring progress at the Waste Pits, as well as water and air quality in the Channelview area.

Stone says in a letter widely distributed to government bodies and other interested persons, that the construction that can be observed along river road and on the east bank of the river is proceeding without any evidence of permits from the County engineering Department or the Corps of Engineers, each of which has jurisdiction of this type.

Stone says that she learned that a company known as TimTom Land Holdings LLC is building the barge facility, and plans a restaurant/bar adjacent. She says in her letter, "these two projects lay in a very vulnerable and low land area which is the first area to flood..."

She said the Pct. 2 plan for the area is to develop San Jacinto River Estates, the neighborhood adjacent to these projects, as a flood mitigation zone and park. It is currently under a "buyout" by HC Flood Control.

Stone points out in her letter that the new barge site is located between the UP Railroad trestle to the north, and the I-10 highway bridge to the south. She suggests that under flood conditions, which are common with heavy storms or hurricanes, that both pathways are susceptible to damage, as has been seen last year with the closing of the I-10 bridge twice. She



Construction activity along River Road includes piles about to be driven into the water to support a new set of berths for barges. To the left is Meadowbrook Park, and to the right the old Riverside Inn.



Piles are being driven across the river from the Waste Pits Superfund site, to repair and expand a fueling facility. Above the dock can be seen two storage tanks, and buildings along Crosby-Lynchburg Road.

says that more barges, either from these projects or others, can only mean more chances for damage from break-away barges and ships.

She says that the TimTom Land company has applied for a liquor license from the state for a bar and restaurant, but she points out that the Riverside Inn is now closed due to heavy damage from previous devastating floods.

Stone points out that the area known as SJRE (San Jacinto River Estates) has numerous pipelines running through it, and they are subject to damage in flood conditions. In fact, in 1994 a flood ruptured pipelines under the river, and the resulting fires and flood waters took days to control, at the expense of the environment.

In her letter, Stone continues "Since the SJRE subdivision is to be developed by Harris County as a flood mitigation zone and park and has suffered many devastating flood events the remaining residents have been informed they cannot receive any permits for construction or repairs. The barge facility construction and the restaurant/bar repair and construction has thus far taken place without permits or oversight by Harris County or the US Army Corps of Engineers. Harris County and Commissioner Adrian Garcia's Pct. 2 representatives were unaware of these developments until informed by our community members. On 01/15/21 HC Permits Lead Enforcement Coordinator Debjani Chakravarty issued TimTom Landings LLC a notice to stop construction

immediately and a notice of forthcoming inspections. Despite the 1/15/21 notice and follow up stop construction notices construction has continued to present. A review of the US Army Corps of Engineers public notice page does not reflect TimTom Land Holdings or any other entity that has applied for a permit for this construction..." "The total disregard for all rules, regulations, laws and notices from Harris County to stop construction by the individuals involved in the barge facility construction and the restaurant/bar repair and construction raises additional concerns for our community members as to their future operation of the facilities since the individuals have already proven they do not feel they are subject to any rule, regulation or law."

Stone says that TimTom Land also purchased the ZXP storage tanks on the eastern banks of the San Jacinto River a short distance from the San Jacinto Waste Pits Superfund Site and I-10 East SJ Bridge, for the purposes of creating a marine industry fueling station.

"This will conceivably increase the marine industry traffic in the area and bring fueling transmission lines and equipment into what is known to be the most hydraulically violent area of the San Jacinto River during a flooding event imposing the additional dangers of spills and explosions to the San Jacinto River Waste Pits, the I-10 East SJ Bridge and our communities.

This area is also soon to be subject to a considerable amount of construction activity related to the San Jacinto River Waste Pits Superfund Site remediation, the new I-10 East SJ Bridge construction and I-10 East Improvement project, adding into this mix a marine fueling station and additional marine traffic would, logically, seem to be a very dangerous and unnecessary component."

Stone is opposed to all of this construction, and has asked the government entities to help stop the work.

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