The San Jacinto River Waste Pits Unleashed Toxins Into the River and, Residents Say, Their Bodies

By Susan Du

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Image by Andrew Nilsen

After a series of storms in March 2012, John Bonta is sorting through the wreckage on his Highlands ranch, 20 miles west of Houston. He's just gotten home from work when his wife, Pam, asks him to help her pick up a portion of the fence that had fallen during the night. He doesn't wait for her, thinking he can get it done more quickly on his own. As he strains to fit a heavy beam back in place, the post suddenly snaps. John jolts forward and there's a second snap -- his back. He goes down. In the distance, Pam is calling his name as she runs out to him.

Pam half-carries, half-drags John into the house, where he lies down in a daze, insisting he doesn't need an ambulance. The family already has substantial medical expenses, and he doesn't want to make something out of nothing.

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The days pass, and the pain worsens. Early one morning as Pam sleeps, John collapses on his way to use the bathroom. There's no arguing the second time. They check him into the ER, where doctors run a series of tests confirming he has fractured his spine. They also tell him he has multiple myeloma -- a rare blood cancer that starts in the bones and affects about .02 percent of Americans, according to the National Cancer Institute. He already has it in more than 80 percent of his body.

At the same time, Pam's daughter from an earlier marriage, Jackie Young, has a host of health problems of her own that require Pam's full-time care. At 21 Jackie has an average of seven seizures a week and skin lesions from head to toe. Inexplicably losing the use of her hands, she wears braces to help with the shaking. Pam feeds her, bathes her, drives her to school and helps her study by turning the pages in her books. Then Jackie is diagnosed with endometriosis.

As an undergrad, Jackie studies environmental geology at University of Houston -- Clear Lake, where she decides to compare her family's well water to city water for a class case study. She consistently finds pH levels of 9.5 -- higher than pure water's pH of 7 -- and, in one case, even flakes of iron visible to the naked eye. When a professor urges her to get tested for hard metals, she finds she has unacceptably high levels of 21 out of 23 of them. The chickens on their ranch hit on all 23. Meanwhile, the family dog dies of a liver tumor.

The Bontas shut down their well, the most obvious connection between their health and that of their animals. Pam starts to haul city water to drink and for Jackie to bathe in. She and John keep showering with well water because one bath takes six five-gallon jugs of water and she doesn't have the energy to carry more.

Almost overnight, the animals seemed to get better, Pam remembers. Jackie began IV chelation treatment, an expensive alternative toxicology therapy proven to be effective in heavy-metal poisoning. Her hand braces came off. John received a bone marrow transplant that stabilized his myeloma-.

With her family in recovery, Pam turned her attention to the ranch. Even with insurance, it was obvious they could no longer afford a $3,000 monthly mortgage payment on top of medical expenses. When she called the bank begging them to foreclose, she learned they'd already paid $350,000 on her "dream home."

Although John's cancer finally forced them out of town, the Bontas had had their suspicions about living in Highlands since 2010, when the EPA started hosting informational meetings about newly uncovered pollutants in their backyard. Environmental regulators had found a dump site in the San Jacinto River between Highlands and Channelview chock-full of paper-mill sludge. Over time, the San Jacinto River waste pits submerged underwater, releasing known carcinogens throughout the river system. The dump appeared to be abandoned, but the EPA said a Pasadena paper company and its waste disposal contractor were responsible for creating it nearly half a century ago.

In 2011, word spread when Harris County Attorney Vince Ryan sued three major corporations for polluting the San Jacinto River: International Paper, Waste Management of Texas and McGinnes Industrial Maintenance Corporation. Despite the EPA's community forums and ads in local newspapers, residents say the county's lawsuit was the first time most people in the river-bottom communities of Highlands and Channelview had heard about the toxic waste in their waterways.

For Pam, the waste pits

Photo by Susan Du

The Bontas' former home was a seven-acre ranch with a chicken coop, horses in the stable and a vegetable garden. Pam Botna says the family contracted a variety of illnesses from eating poisoned chicken eggs and crops watered with contaminated well water.

explained why so many of her old neighbors were sick. Her family was one of many who moved after the pits came to light, but she and Jackie still drive back to Highlands every weekend to pass out brochures in Food Town warning residents about the dangers of eating locally caught fish.

"We moved as far away as we could possibly move and still come here to help people," Pam says. "Everybody else has left this town saying they're sick, there's a lot of chemicals...My thing was, even though I'm leaving, I'm not going to be silent about what I know."

Other residents can't afford to move at all. Along River Road in Channelview, where stilt houses overlook the San Jacinto's lower west bank, names on the mailboxes match the plaintiffs in a mass action personal injury case against the paper and waste companies. Those homeowners, including lead plaintiff Jennifer Harpster, say they moved there in the first place to swim, fish and sail on the river, but over the years their families fell ill with skin diseases, reproductive problems and rare children's cancers.

After testing of their soil turned up dangerously high levels of dioxin, a cancer-promoting byproduct of archaic bleaching processes, the Channelview residents were stuck. Those who own their homes can't sell because the law requires disclosing the carcinogens in their yards and their proximity to the waste pits. Those who didn't settle for mere thousands of dollars are suing the companies for relocation.

Vietnamese fishermen working in the San Jacinto River and Galveston Bay filed yet another mass action suit, claiming the companies contaminated their fisheries. After the EPA released seafood consumption advisories and new regulations kicked commercial fishermen out of the San Jacinto River, the fishermen clustered in the few parts of Galveston Bay where it's still legal to catch an increasingly limited variety of fish and crabs. Vietnamese fishermen who used to survive almost exclusively on their own catch have stopped eating seafood entirely, one plaintiff says.

With these lawsuits converging in court this fall, the paper and waste companies have largely accepted their role in creating, then abandoning, the waste pits. They're asking for leniency in monetary penalties, arguing the site was created long before the codification of modern environmental

regulations. Company lawyers say they're working with the EPA to "do the right thing" by the waste pits, language left intentionally vague as they negotiate a range of remediation options, most of which fall short of actually removing the waste.

For those who live and work on the river, there's a sense that the damage is already done. Sick Highlands and Channelview residents regularly vent their frustrations at community health forums where personal claims lawyers take down their names, but it's an uphill battle to prove that cancers they have now developed from chemical exposure over time. Dioxin testing is costly and rarely covered by insurance. To win their suit, residents must establish a convincing correlation between their health and what's reported in scientific literature.

Driving through the unincorporated middle-class communities built along the banks of the San Jacinto River, Pam points out the popular water parks where children spend their summers splashing in river water, the signs advertising prime fishing spots, the homes with speedboats in their garages and piers out back. But just opposite Banana Bend Beach and the newly built Malibu Water Park on Grace Lane are dilapidated houses where, Pam says, generations of homeowners moved in, got cancer and died.

In 2005 the Texas Commission on Environmental Quality bumped up against the waste pits while evaluating the river bottom for sand dredging. Further investigation revealed that throughout the 1960s, International Paper's predecessor company, Champion Paper, had contracted with McGinnes to ferry tons of industrial waste to a 20-acre dump site in the San Jacinto River. Board meeting notes from that era show that once the pits filled up, McGinnes officials elected to strike the dump site from company books.

Over time the clay impoundments surrounding the waste pits eroded and more than half the site slipped underwater due to subsidence, according to the EPA. Sediment samples revealed dioxin concentrations of an unacceptably high 41,300 parts per trillionth of a gram, while the state health department's human risk assessment reported regular consumption of seafood caught near the waste pits would greatly increase lifetime risk of cancer.

Though dioxins are produced through geological processes such as volcanic eruptions, they were practically nonexistent in nature prior to industrialization and gained widespread notoriety only in 1970 as the main carcinogen in Agent Orange. Overall, dioxin levels in the United States are decreasing because industrial bleaching standards have changed. But as in the case of the waste pits, where the chemicals have sunk into the sediment, it's going to take a long time for them to erode, says Linda Birnbaum, director of the National Institute of Environmental Health Sciences.

The EPA took over the waste pits as a Superfund site in 2008, a designation reserved for hazardous waste sites abandoned by their makers. However, initiation of the Superfund process doesn't necessarily launch cleanup efforts because the EPA lacks the resources to remediate the nation's worst disaster zones on its own. The Superfund process is long and arduous, designed to bring responsible parties to the negotiating table so they will eventually pay for cleanup.

In 2011, International Paper and McGinnes agreed to fit an armored cap over the pits. Meant to be a temporary stay on the steady release of toxins from the dump, the cap allowed the companies to step back and figure out their next course of action.

Meanwhile, independent environmental scientists report that the people living closest to the dump site are at daily risk of exposure to dioxin, which has a half-life of seven years in the human body and up to 100 underground. Dr. Sam Brody of Texas A&M University -- Galveston, a sustainable coasts researcher, characterizes the temporary cap as a "ticking time bomb" unlikely to withstand another major hurricane. Nevertheless, the EPA says the responsible companies are lobbying to keep the cap in place, fueling residents' fears that if a storm dislodges it, toxic flooding could render them homeless.

Greg Moss, a plaintiff in the Harpster lawsuit who has lived in the area for 30 years, says catching clams and crabs, jet-skiing and riding ATVs on the riverbank used to be an all-weekend affair. His boat motor business took a hit when Harris County publicized the existence of the waste pits, Moss says, but he won't blame recreational sailors for keeping their distance. He hasn't been on the river either since he heard about the dioxin.

Moss wants to move, but he's not going to just pack up and walk away from a house he's completely paid off. "It's a nice home with a nice view, a nice property, and by the way, right down the road there's a Superfund toxic waste dump that causes cancer and all kinds of other diseases," he says. "You can't sell it."

The case for neighborhood buyouts has its precedents throughout environmental law. In 2013, Carver Terrace, a Port Arthur public housing project built next to a row of oil refineries, became a case study in successful relocation. When officials determined that residents lived with daily risk of exposure to air pollution and chemical spills, they boarded up the complex and transplanted everybody to a new

one.

More recently, however, a Corpus Christi judge let Citgo slide on paying reparations to locals complaining that the oil giant's uncovered tanks had unleashed the carcinogen benzene throughout their neighborhoods. Residents wanted $55 million for relocation and medical expenses, but seven years after the initial conviction, U.S. District Judge John Rainey ordered Citgo to pay only $2 million in penalties. His reasoning: It would take too long to calculate how much each complainant should be paid.

EPA maps show that the cancer risk for the swath of communities beside the San Jacinto River down to the Houston Ship Channel and Galveston Bay is higher than the state average and other parts of the Houston area, including the central part of the city. Even so, it's difficult to trace residents' health problems to a single environmental factor. The area is a maze of Superfund sites, relics of Houston's lifeblood industry.

Still, environmentalists say the waste pits are undeniably connected to high levels of dioxin found on neighboring properties. They point to state health studies that concluded chemicals found near the dump site pose "high possible risks for cancer" in those who eat local seafood and are regularly exposed to contaminated sediments.

In August of this year, Baytown hosted grassroots activist Lois Gibbs of Love Canal fame, who successfully lobbied for the Niagara Falls neighborhood's evacuation after learning her home sat atop a chemical waste dump. At Young's invitation and with Baytown Mayor Stephen DonCarlos's support, Gibbs coached the San Jacinto River Coalition on pressuring elected officials for full removal of the waste pits.

Frustration with the EPA process runs high among those who say neither the companies nor the federal government cared enough to properly warn residents about the potential health risks. Moss says he never received any kind of mailer or notice on his door from the EPA or any other agency. It was a full three years after the EPA took over the waste pits that it erected fishing advisories along the San Jacinto River, the Houston Ship Channel and Galveston Bay, though even now some locals continue to spend their weekend mornings fishing and crabbing right beside the signs.

To help the EPA along in its encumbered cleanup efforts, in October 2011, Ryan sued the responsible parties for a total of $3.7 billion in penalties and attorneys' fees -- the maximum rate of $25,000 a day since dumping began. Fast on his trail were about 400 angry Vietnamese fishermen.

Long considered the elite fishermen of the world, the Vietnamese who settled in Houston after the fall of South Vietnam took to local waters to make a living the only way they knew how. Working together as a community, the fishermen saved up for fleets of fishing boats that they would push out from shore hours before dawn and sail back only after most American fishermen had already docked for the night. Eventually, they came to dominate the entire stretch of docks from Kemah to Galveston Bay, nicknamed "Saigon Harbor."

Khanh Van Tran, 56, has been shrimping in the San Jacinto River for 15 years. He owns a house in Galveston with a vegetable garden in which he grows several varieties of peppers because "when you eat fish, you have to have some spicy stuff." Khanh speaks very little English, but that hardly matters when he spends his life on the water. On a good day he'll be out on his boat at four in the morning, dropping a test net to calculate how long it'll take to make a full-size haul. If he stays out all day, he stands to earn $700 to $1,000 after the price of fuel.

But recently, he hasn't been able to meet his daily quota. There aren't many areas where he is allowed to work, and some days he can't catch enough to cover the diesel, Khanh says. What he does catch becomes a tough sell -- "The fish eat the dioxin and the fish die. The crab and the shrimp eat the fish, then the people get sick when they eat the shrimp. Nobody wants to buy it," he says, speaking through a translator.

Khanh recalled that back in 2011, all the talk on the docks was about Harris County's lawsuit. The fishermen were shocked to learn the fish they'd been selling and eating for decades might have been contaminated for just as long.

"We're scared because we eat the fish, too, the seafood every day," he says. "We're scared that we could get cancer. We could die anytime, we don't know." Since learning about dioxin, the Vietnamese fishermen have stopped eating fish, they say. They're struggling for food now, something they never had to worry about before.

Their lawyer, Tammy Tran, said the companies suggested that the fishermen change their careers. For those who live and work along Saigon Harbor, that's practically impossible, Khanh says. "We don't speak English. This is my job, the only one I know how to do, and it cannot be changed. At this age, it's

very tough to train in anything else." Although his wife also works, Khanh says he must do his part to support their children and his mother-in-law.

Tran, who moved to Houston as a political refugee in 1975, represents hundreds of boat owners, captains and deckhands who are suing for economic losses. In 1981, while still a law student, she earned the trust of Houston's Vietnamese fishermen when she went head to head with the Ku Klux Klan for vandalizing Vietnamese boats and attacking their owners.

At the time, Vietnamese immigrants fought back because the fall of Saigon, which marked the end of the Vietnam War, was still fresh in their memories. Many of the fishermen who settled in Galveston had fled Vietnam by sea, hopping through the Philippines and Thailand, then on to America. They'd just escaped the Viet Cong -- they weren't afraid to sue the KKK, she says.

But the dioxins in Galveston Bay's fisheries aren't so easy to remove, she adds, praising Ryan for suing the companies first and leading the way for her clients to seek restitution also. The fishermen may develop health problems down the line, but that's not what the suit is about. It's harder to establish correlation between a specific environmental hazard and human health in a heavily industrialized city like Houston, Tammy Tran says, yet that's exactly what the river-bottom residents are trying to do.

Shortly after graduating from the University of Houston, Jackie Young went to work for the San Jacinto River Coalition. As she hosts health fairs and presentations about the waste pits, collecting individual health data from Highlands and Channelview and occasionally protesting International Paper and Waste Management at their headquarters, her stepfather, John, is still trucking 60 to 70 hours a week as the family's primary wage earner.

In 2012, after John completed his sixth round of chemotherapy and received his bone marrow transplant, he started looking for ways to get back in the driver's seat. A doctor assured him that he could, so he returned to trucking while taking daily oral chemotherapy drugs to prevent the inevitable regrowth of cancer cells. Side effects ranged from fatigue to potentially dangerous blood clotting, and John would get sick at least once a week as he continued to drive.

One day his employer took him aside and asked him point-blank if he was on any form of chemotherapy. If so, they had to let him go -- an accident could crush the business, a small company with six trucks.

"Basically I had a decision to make -- either do what the doctors say and not have a job, or have a job and do it my way," John says, his voice breaking in a rare show of emotion, "And that's fine. I'm still driving and hoping that it won't come back as fast."

His wife and stepdaughter aren't happy about that, he admits, but the way John sees it, he could quit his job any day, get back on chemo and

Jackie Young, organizer of the San Jacinto River Coalition, leads regular protests outside the Houston headquarters of International Paper and Waste Management. She is calling for full removal of the waste pits under the EPA's Superfund process.

reclaim his disability in force. He could collect $2,286 a month, but that also means he'd sit in a recliner for the rest of his life.

The other thing is, Social Security payments take time to trickle in, but the bills don't lag. The family would have to depend on friends and relatives to get by in the short term, something John says he wouldn't hesitate to extend to anyone else in his situation, but, "Personally, I felt it as pity. It's different when it's you, when it was me. I just don't do that."

The Texas Department of State Health Services is conducting a cancer registry analysis of the communities bounding the waste pits. It's just short of a true epidemiology study, which could definitively say whether Highlands and Channelview are a cancer cluster, because epi-studies are time-intensive and expensive. Though cancer cluster investigations are more commonly conducted for Superfund sites, they depend on the resources of local regulatory bodies.

Brody, the Texas A&M researcher, worked for the Justice Department's Superfund litigation division years ago on the East Coast, where, he says, people have a different mentality concerning environmental hazards. "If you're found liable, you're going to pay," he says. "Of all the Superfund sites around the county, this is one of the worst. There is the least amount of attention and government action, and I don't know why."

For her part, Pam spends hours canvassing for individual health data on her weekends back in Highlands. She's testing wells in the area and knocking on doors to ask residents about their health. One woman she keeps going back to is Cheryl Bebbe, whose seven-year-old grandson Christopher Maxwell was born with neuroblastoma, a soft-tissue cancer that affects about one in 100,000 children, according to the National Cancer Institute.

For children with high-risk neuroblastoma, which Christopher had at the time of his diagnosis at six months, the survival rate is 40 to 50 percent. As a baby, he had bone scans and radiation treatment every three months, which was necessary to save his life but unfortunately came with the risk that he might develop leukemia, doctors warned.

Christopher looks, talks and acts like any ordinary boy, except he has a long scar on his abdomen from when doctors removed a tumor-ridden adrenal gland. With a weakened immune system, Christopher is vulnerable to the slightest cold. Last year he and Bebbe shared a Thanksgiving dinner of McDonald's in Texas Children's Hospital.

Bebbe says doctors have no idea what could have caused Christopher's cancer, which does not run in the family. When she heard about the waste pits about a year ago on the news, it struck a nerve. Her daughter and her ex-husband, Christopher's father, used to live on Grace Lane, where they spent countless hours on the river playing in Banana Bend. She says she knows a couple of women with breast cancer living on that street and others who have already died.

"I was so angry," Bebbe says. "I question why did I move there. But what can you do? I'm just a regular person. I don't have the means or the funds to do anything, while they're big, high-powered companies with lots of money. How do regular people get any help? We're just expected to live with it."

Since she learned about dioxin in the San Jacinto River, Bebbe drinks and cooks with bottled water, but she doesn't know how to avoid showering in Highlands water. It's scary, she says, because dioxins can be absorbed through the skin. She and Christopher take quick showers -- "Clean clean clean, hurry hurry get out. More time for the Xbox."

If given the chance, Bebbe would move out of town, but for now she doesn't have that option. She is Christopher's primary caretaker, and her main concern is putting food on the table and getting him through school. At the same time, she says, she's watching the lawsuits, hoping the court will side with Channelview residents and order the companies to pay for their relocation.

On October 16, representatives from all three lawsuits packed Judge Caroline Baker's courtroom for opening statements in the trial of Harris County vs. International Paper, McGinnes Industrial Maintenance Corporation and Waste Management. As company lawyers filled half the benches, members of the San Jacinto River Coalition and elderly Vietnamese fishermen jammed the aisles.

The county's outside counsel, Earnest Wotring, made a case for fining the companies that hinges on the Texas Water Code, which allows the state to collect penalties for every day of pollution. Simply put, Wotring said, the companies that dumped the sludge in the San Jacinto River did nothing to prevent the leakage of dioxins and other chemicals they knew to be harmful over decades of negligence. Though the companies on trial argued that they had only inherited the waste pits from now-defunct predecessors, Wotring revealed sales documents proving McGinnes had disclosed the potential environmental liability of its old dump site to its new owners.

Company lawyers pushed back, underscoring the lack of environmental regulations at the time the dumping took place. "Welcome to the '60s," International Paper's attorney Winn Carter said, comparing the county's bid to recover penalties to a speeding ticket meant to punish the companies when they should be allowed to focus on working with the EPA's Superfund process.

Sitting in the audience were Young and her mother, who exchanged looks when Carter made the claim that the companies are "a part of the solution."

The trial is expected to go on for about two months. Next up are the Vietnamese fishermen, followed by the Channelview residents, who may not argue their case until early 2015. Young says she hopes to sit in every day.

Young says her fight over the waste pits isn't about personal reparations. She wants International Paper and Waste Management to pay for full removal of the waste pits. Although the company lawyers say they're cooperating with the Superfund process, they've previously stated that they prefer the cheapest of the remedial options: leaving the waste pits capped. Even if the county, the fishermen and the river-bottom residents win their lawsuits, the companies may still resist actually removing the waste.

In Cypress, where they now live, the Bontas are renting a house with no plans to buy. As much as they hated giving up the ranch, John says they're living simply now and it suits them just fine. Pam still has her cats from the ranch and a horse in a private stable. He's driving with a new trucking company that offered him health insurance at half the price it used to cost him -- the only difference is it doesn't cover blood work, which he used to get done every three months.

Unwilling to pay out of pocket for lab tests, John canceled his last doctor's appointment, on September 2. He says he's not afraid to be without regular checkups because his new job also comes with life insurance. If he breaks his back again, he won't be a charity case. If something worse happens, Pam won't be in the gutter the next day.

But even more than the money, John admits, he just wants to leave well enough alone. He's certain any oncologist would call him a fool, but he doesn't want to go in for a physical and be told that he's contracted something else -- "That changes my whole life again. I lose everything, again."

With his current schedule, John has only from noon on Saturday to five in the morning on Monday to spend much time with his family. On weekends, he and Pam will have Young up for visits. He'll do a bit of yard work, then just sit back and relax.

John says he hopes the jury will vindicate his wife and stepdaughter for the work they've done, but as far as actually making a change, it may be too late in the day for that.

"If Harris County wins, it's not going to do a damn thing for the people that live there now or have lived there ever since the dumping started. I think it's black-and-white. All those areas need to be boarded up and people need to be relocated," he says. "You're never going to clean it up the way it needs to be cleaned up."