Testimony of
David Gray, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 6 Before the
Texas House
Environmental Regulation and Homeland Security & Public Safety Committees
Intercontinental Terminals Company, LLC Deer Park
April 5, 2019

Good morning Mr. Chairman and fellow Committee members, I am David Gray, Acting Regional Administrator for EPA's Region 6, which covers Texas, New Mexico, Oklahoma, Arkansas and Louisiana. Thank you for the privilege of joining you today for this important conversation. I am here today to speak directly about EPA's response to the impacts of the Intercontinental Terminals Company (ITC) tank fire and our associated response activities.

On March 17, 2019, EPA deployed on On-Scene Coordinator to oversee the Responsible Party's response to the tank fire. EPA joined TCEQ, Harris County Pollution Control Services and ITC in Unified Command to implement the response plans for this incident.

I visited the site on April 1, 2019 and was able to accompany TCEQ and USCG on an overflight of the tank farm, Tucker Bayou and the Houston Ship Channel to gain a firsthand perspective of the work that has been done and the task Unified Command has left to complete. One of the most noteworthy aspects of the response to the ITC was the positive and collaborative relationship between EPA and the state of Texas. Because we closely with the state agencies, the collective strength of our efforts are greater than the sum. By augmenting state resources where they are needed and providing some specialized monitoring capabilities, together we are able to quickly address the many challenges presented by the ITC fire. Throughout the response, EPA worked with TCEQ and local officials to assess the air quality in and around the Deer Park area and adjacent communities including: Manchester, Galena Park, Channelview, and La Porte. As of

ED_002627_00014750-00001

March 30, 2019, over 867 hand held air monitoring readings have been collected, 13 ASPECT flights and 200,000 data points have been analyzed with the TAGA, and 88 water samples have been collected and analyzed for PFAS, VOCs, SVOCs, COD and Oil and Grease.

EPA responds to emergencies, such as the ITC tank fire, under delegated authority and responsibilities vested in us by the Clean Water Act (CWA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Oil Pollution Act (OPA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Under these authorities EPA may negotiate or issue Administrative Orders to responsible parties to perform response activities.

On March 23, 2019, EPA issued the Responsible Party (ITC), an Administrative Order requiring the facility to comply with a broad Scope of Work, prescribing such efforts as securing the facility to prevent further discharge of chemicals, conducting spill response and removal of the discharged chemicals and efforts to prevent further hazardous air releases. As of April 1, 2019, ITC has taken measures to secure or remove the remaining material in the tanks and secondary containment to prevent further releases and has continued to spray foam to prevent release of air emission that could be harmful to human health and the surrounding environment.

After years conducting Emergency Responses, EPA has learned that there are some key aspects to ensuring a successful response, including:

Exercises: EPA plans for emergency events by conducting exercises to prepare. These exercises allow EPA to develop and test response proficiencies and are often conducted in conjunction with States, industry, and local jurisdictions. Federal Statutes and regulations, such as the Oil Pollution Act and the NCP calls for both Area Committees as well as Facility Response Plan subject

ED_002627_00014750-00002

facilities to utilize exercises to better prepare for oil spills and emergency events.

Coordination: EPA has a long-standing cooperative relationship and open communication with our Texas counterparts and other emergency response agencies. This relationship clears the path for success that benefits the citizens impacted by an emergency. When the EPA is notified of a spill or release one of our first calls is to begin coordination with state counterparts. This coordination allows for efficient use of both State and Federal resources.

Experienced Staff: An effective response infrastructure includes experienced responders who are able to address unforeseen circumstances swiftly and effectively. Staff development during these times is of grave importance and should not be underestimated. Experienced responders should be the first "boots on the ground" to provide the most efficient assistance to our communities.

Right Equipment: During the ITC tank fire response, EPA deployed assets, to assist with response efforts, that were not available elsewhere. EPA often responds to reports of environmental impacts from plumes, or air emissions that may be dangerous to the community. EPA deployed the Trace Atmospheric Gas Analyzer, or TAGA. TAGA is a self-contained mobile laboratory capable of real-time sampling that can provide outdoor air quality results quickly. As of April ##, 2019, the TAGA monitored the ambient air in the communities surrounding and downwind of the ITC facility, covering over 1600 miles with about 200,000 data points in the Houston area. Results from the TAGA laboratory did not detect actionable air emissions from the ITC incident.

During the fire EPA utilized the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft for air sampling above the plant and nearby areas. This plane was able to fly above the ITC plant, during and after the fire and reignitions to ascertain if there was any immediate danger to those downwind from the plant. The ASPECT flew 13 flights and over

ED_002627_00014750-00003

hours throughout the area. This data has been invaluable in assessing risks quickly and responding appropriately to this incident. The ASPECT technology is not available through any other parties involved.

If EPA did not have access to these tools, our response and the dissemination of information on hazards to the public would have been much less informative and robust. I believe that EPA assets such as these are critical to effective preparedness and response.

EPA assets remain activated as the agency continues to respond to the ITC tank fire. I have seen the agency continue to hone its capabilities, learn from each response, and apply the lessons learned as we are faced with new challenges. We are utilizing the tools available to us and are taking more steps to make data available to the public. An example this is the story board that the agency, in coordination with TCEQ, prepared that show sampling data by location, allowing the public to see what is being measured in their community. EPA continues to develop more methods of improving each response and working with our State, local and other Federal agencies.

While each response has its own unique challenges, we remain flexible to address individual needs. I am very proud of EPA and other responders when called to duty in these times of need. I am happy to answer any questions about this great collaborative effort.

The communities monitored include:

Deer Park

Pasadena

Meadowbrook/Allendale

Manchester

Harrisburg

Magnolia Park

Clinton Park Tri-Community

Galena Park

Jacinto City

Greens Bayou

Cloverleaf

Channelview

Highlands

Brownwood

Wooster

Baytown

La Porte

ED_002627_00014750-00005