**To:** Message from the Administrator[messagefromtheadministrator@epa.gov]
**From:** Message from the Administrator
**Sent:** Wed 9/6/2017 10:12:47 PM
**Subject:** Hurricanes Harvey and Irma - Update on response and preparation efforts

As we move into the recovery phase of our response to Hurricane Harvey, I want to commend the leadership of our colleagues in Region 6. Along with our state partners at the Texas Commission on Environmental Quality, they have leaned forward with a true sense of urgency and dedication to assist those impacted by this storm. I am grateful to the EPA staff from across the country who traveled to the region on short notice to assist with the Agency's many efforts, including:

- sampling water quality at industrial facilities and hazardous waste sites;
- assisting with mobile air monitoring in Houston and conducting air monitoring for the Arkema plant fire using surveillance aircraft;
- assessing drinking water, wastewater and sewage systems, and working with system operators to bring those systems back into operation; and
- conducting initial assessments of numerous Superfund sites using aerial images as well as being in direct contact with the parties responsible for on-going cleanup activities.

EPA's response to Hurricane Harvey continues to be a top priority. Our thoughts and prayers remain with the Texans who now turn to cleaning up their communities and rebuilding their homes and lives. This week we will have 60 more "boots on the ground" to serve as community liaisons, as they work to connect the citizens of Texas with important recovery resources and services.

While continuing these response efforts around the devastating flooding effects of Hurricane Harvey, EPA's organized emergency response program is now preparing for Hurricane Irma. This hurricane looks to be a fast-moving storm, with dangerous winds that could cause widespread power outages and damage to property across multiple U.S. states and territories. While Harvey caused extreme flooding, our biggest health and environmental concerns in Puerto Rico and the U.S. Virgin Islands are potential oil

spills and the potential impacts of power disruptions on drinking and waste water systems.

EPA headquarters emergency operations center, Region 2, and Region 4 are monitoring the storm closely and are activated preparing to activate in order to support assistance efforts of the U.S. Coast Guard, the Federal Emergency Management Agency, and state environmental agencies. In preparation for Irma:

- Region 2 is working with managers of Superfund sites and other facilities in Puerto Rico that may contain oil or hazardous materials to ensure appropriate precautions have been taken to prevent spills.
- Region 4 is working with states, tribes, and FEMA to identify at-risk locations prior to the hurricane and will be ready to quickly assess damage after landfall, including to Superfund sites and drinking and waste water systems.

I extend my sincere appreciation to our colleagues in Regions 2 and 4 as they stand ready to replicate the preparedness and ongoing response efforts of our team in Region 6 in order to provide needed support around Hurricane Irma.

To follow our hurricane response activities, please follow:

www.epa.gov/hurricane-harvey

www.epa.gov/hurricane-irma

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 6**
**1445 Ross Avenue**
**Dallas, Texas 75202-2733**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED:

JeanMarie Cencetti
Director of Environment and Sustainable Development
Arkema Inc
900 First Ave
King of Prussia, PA 19406
1.
Dear Ms. Cencetti:

Enclosed is an Information Request (Request) issued to Arkema Inc. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act (CAA). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Arkema facility in Crosby, Texas in order to determine compliance with the Clean Air Act (CAA), including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68.

Please provide the information requested within ten (10) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to Marie Stucky at (214) 665-7560. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact James Murdock of the Office of Regional Counsel at (214) 665-7302 Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Ashley Wadick, TCEQ

## ENCLOSURE A

## ARKEMA CROSBY INFORMATION REQUEST

The Environmental Protection Agency (EPA) is issuing this request for information to Arkema Inc. regarding its Crosby, Texas facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Arkema, Inc. is required to provide a response to this Request regarding the Arkema Inc. facility in Crosby, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Arkema Inc. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Arkema Inc. to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Samuel Tates, Chief
Chemical Accident Enforcement Section (6EN-AS)
Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Arkema Inc. qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF. Please be aware that SBREFA does not eliminate Arkema Inc.'s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tates, listed above.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

## I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.

3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

4. Please provide a separate response to each question or subquestion in this Request, and proceed each answer with the number of the question to which it responds.

5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.

6. If Arkema Inc. has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document

7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

## II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device,

any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

2. The term "Arkema" includes any officer, director, agent, or employee of Arkema, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.

3. The term "you" or "yours" refers to Arkema.

4. The term "facility" refers to the Arkema facility located at 18000 Crosby Eastgate Road, Crosby, Texas.

5. The term "event" refers to the incident at the facility from August 25 – September 5, 2017.

6. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.

7. All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et* seq. or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

8. The term "organic peroxides" will have its ordinary meaning and will include the temperature-sensitive material moved by Arkema in response to flooding at the facility.

9. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

11. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## III. QUESTIONS

1. Please provide a detailed description and timeline of the event. Include the best known start time and duration of the incident. The timeline should address in detail the following events as well as any other relevant points:

    a. Primary power failure.

    b. Use of backup power supply and subsequent failure.

    c. Use of liquid nitrogen and related equipment and subsequent failure.

    d. Removal of organic peroxides material to each of the nine refrigerated trailers, and which specific organic peroxides materials were placed in each trailer.

    e. Relocation of each of the nine refrigerated trailers.

    f. Failure of trailers.

    g. Other emergency response activities.

2. Please provide any documents associated with the identification of hazards at your facility, operating procedures related to organic peroxides, and procedures related to flood, hurricane, loss of power, and emergency operations and shutdown.

3. What are the CAS Numbers of the organic peroxides moved to the refrigerated trailers?

    a. How and where are organic peroxides stored at the facility?

    b. What layers of protection are in place for the storage of organic peroxides on site?

    c. Prior to the incident, when and for how long have you stored organic peroxides in refrigerated trailers?

4. What backup power and safety systems were in place prior to the flooding?

    a. What "Recognized And Generally Accepted Good Engineering Practices" are followed by Arkema for the reliability of the backup power and design system?

    b. What were the engineering and administrative controls for the safety and power systems, and what were their consequences of failure?

5. What measures did Arkema take in response to the flooding to minimize consequences of a release?

**Enclosure B**

Clean Air Act Section 114 Information Request
Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____

**To:** R6Press[R6Press@epa.gov]
**From:** Durant, Jennah
**Sent:** Wed 9/6/2017 3:52:19 PM
**Subject:** Daily News Digest, Wednesday, September 6
Daily News Digest 090617.pdf

***Please note: All articles are available in the attached PDF.***

***To receive the Daily News Digest in your inbox, email R6Press@epa.gov.***

***Hurricane coverage:***

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Gov. Abbott said he has assurances from federal officials that none of the 11 affected Superfund sites still to be checked by the Environmental Protection Agency "pose any damage or danger to the public that is known at this time."

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Authorities warned residents near Cinco South Wastewater Treatment Plant who have private wells that their drinking water might be contaminated after a possible spill at the plant.

**5 — County officials help residents with water well samples, tetanus vaccines, Brazoria Facts, 9/5/2017**

http://thefacts.com/news/article_af180156-bda6-583c-aebb-a2ff0b2c2caf.html

As efforts to rebuild have slowly begun in areas hit hard by Hurricane Harvey, officials continue to warn of lingering environmental hazards, including the health risks posed by receding floodwater.

**6 — Lack of water service adds to woes of residents of flood-swollen Beaumont, Houston Chronicle, 9/5/2017**

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Harvey's floodwaters had receded from many homes and streets here in Beaumont, but the going remained tough for residents.

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Texas' approach to chemical storage amounts to what you don't know can't hurt you. Unfortunately, this also amounts to trusting without verification, and that's never a good policy.

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While we can't prevent natural disasters like Harvey from occurring, we can mitigate their consequences. Inherently unsafe facilities and operations can be redesigned, retrofitted, and ultimately replaced by manufacturing and storage facility changes that are safer.

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As part of its response, the EPA has deployed the unique Airborne Spectral Photometric Environmental Collection Technology surveillance aircraft, which can spot chemical and radiological material from the air, to help assess the situation.

**10— Hurricane Irma slams Caribbean islands as it heads toward Puerto Rico, CNN, 9/6/17**

http://www.cnn.com/2017/09/06/us/hurricane-irma-puerto-rico-florida/index.html

Four of the strongest buildings on the Caribbean island of St. Martin have been destroyed by Hurricane Irma, French Interior Minister Gérard Collomb said at a news conference Wednesday.

Other news:

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Residents of Carrizozo were alerted last Friday that a high level of calcium sulfate was detected

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Dallas officials are confident the Trinity River levees won't break and cause the kind of massive flooding Houston suffered. But this city has seen much flash flooding.

**13— Seed-firm suers told to file in Missouri, Arkansas Democrat-Gazette, 9/6/17**

http://www.arkansasonline.com/news/2017/sep/06/seed-firm-suers-told-to-file-in-missour/?f=latest

Arkansas farmers who planted Monsanto's dicamba-tolerant crops, then sued the company this summer, will have to take their case to Monsanto's home turf in Missouri.

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http://www.theadvocate.com/baton_rouge/news/weather_traffic/article_548bf792-92fb-11e7-a238-478833767cf9.html

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**15— Edmond issues water statement after odor, taste inquiries, The Oklahoman, 9/6/17**

http://newsok.com/edmond-issues-water-statement-after-odor-taste-inquiries/article/5562899

After numerous residents inquired about the odor and taste of Edmond's water, the city issued a statement Tuesday stating the water is safe for consumption.

region6news

Wednesday, September 06, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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http://www.expressnews.com/news/local/article/State-federal-officials-still-checking-toxic-12174416.php
Gov. Abbott said he has assurances from federal officials that none of the 11 affected Superfund sites still to be checked by the Environmental Protection Agency "pose any damage or danger to the public that is known at this time."

**4 — Authorities warn of possible spill at Cinco Ranch wastewater treatment facility, Houston Chronicle, 9/6/2017**
http://www.chron.com/neighborhood/katy/news/article/Authories-warn-of-possible-spill-at-Cinco-Ranch-12176317.php
Authorities warned residents near Cinco South Wastewater Treatment Plant who have private wells that their drinking water might be contaminated after a possible spill at the plant.

**5 — County officials help residents with water well samples, tetanus vaccines, Brazoria Facts, 9/5/2017**
http://thefacts.com/news/article_af180156-bda6-583c-aebb-a2ff0b2c2caf.html
As efforts to rebuild have slowly begun in areas hit hard by Hurricane Harvey, officials continue to warn of lingering environmental hazards, including the health risks posed by receding floodwater.

**6 — Lack of water service adds to woes of residents of flood-swollen Beaumont, Houston Chronicle, 9/5/2017**
http://www.chron.com/news/houston-texas/texas/article/Lack-of-water-service-adds-to-woes-of-residents-12175393.php
Harvey's floodwaters had receded from many homes and streets here in Beaumont, but the going remained tough for residents.

**7— EDITORIAL: In Crosby, the lessons of West go unheeded, Dallas Morning News, 9/5/17**

https://www.dallasnews.com/opinion/editorials/2017/09/05/crosby-lessons-west-go-unheeded
Texas' approach to chemical storage amounts to what you don't know can't hurt you. Unfortunately, this also amounts to trusting without verification, and that's never a good policy.

**8 — OPINION: Don't Be Surprised by the Explosion Near Houston. We've Cut Corners on Chemical Safety for Years., Fortune, 9/5/17**
http://fortune.com/2017/09/05/houston-chemical-plant-fire-explosion-arkema-crosby/
While we can't prevent natural disasters like Harvey from occurring, we can mitigate their consequences. Inherently unsafe facilities and operations can be redesigned, retrofitted, and ultimately replaced by manufacturing and storage facility changes that are safer.

**9 — This Unique EPA Plane Is Monitoring Toxic Waste Dumps Around Houston, The Drive, 9/5/17**
http://www.thedrive.com/the-war-zone/14088/this-unique-epa-plane-is-monitoring-toxic-waste-dumps-around-houston
As part of its response, the EPA has deployed the unique Airborne Spectral Photometric Environmental Collection Technology surveillance aircraft, which can spot chemical and radiological material from the air, to help assess the situation.

**10— Hurricane Irma slams Caribbean islands as it heads toward Puerto Rico, CNN, 9/6/17**
http://www.cnn.com/2017/09/06/us/hurricane-irma-puerto-rico-florida/index.html
Four of the strongest buildings on the Caribbean island of St. Martin have been destroyed by Hurricane Irma, French Interior Minister Gérard Collomb said at a news conference Wednesday.

Chron
http://www.chron.com/news/houston-texas/article/Air-monitors-detect-cancer-causing-compound-as-12175440.php

# Air monitors detect cancer-causing compound as environmental concerns grow in east Harris County

By Jordan Blum and Lise Olsen Updated 10:22 pm, Tuesday, September 5, 2017

A teenage girl walks around the track of a park across the street from the Valero refinery Monday, Aug. 4, 2014, in the Manchester neighborhood of Houston. (AP Photo/Pat Sullivan)

Independent air monitors have detected a plume of cancer-causing benzene near homes and businesses outside a Valero Energy oil refinery in east Houston, raising concerns among environmentalists and city officials who say the compound is nearly twice the state limits for short-term exposure.

The highest concentration was detected in an area near Manchester Street and 96th Street close to the refinery, which voluntarily reported an oil spill at the plant earlier this week in the aftermath of Hurricane Harvey, according to the Environmental Defense Fund, which worked with California-based Entanglement Technologies to measure the benzene levels.

Benzene is a carcinogenic component of crude oil and gasoline. Breathing it in can cause dizziness, headaches and even unconsciousness.

"It is alarming to see high levels of a dangerous pollutant go unnoticed by the Houston region's existing network of air quality monitors," Elena Craft, senior health scientist for Environmental Defense Fund, said Tuesday.

The reports come amid growing environmental concerns over the San Jacinto River Waste Pits, one of 13 Superfund sites in Texas that flooded during Hurricane Harvey. Environmentalists called Tuesday for the U.S. Environmental Protection Agency to provide additional information about whether dioxin escaped from the pits into the floodwaters.

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Questions remain, as well, about chemical fires at the Arkema plant in Crosby east of Houston and last week's emergency shelter-in-place warning in La Porte following a chemical pipeline leak.

Texas Gov. Greg Abbott temporarily suspended requirements that certain spills and emissions be reported to the Texas Commission on Environmental Quality during the storm and its aftermath, allowing energy and chemical companies to file reports voluntarily.

In the Houston area, companies have reported releasing more than 2 million pounds of carbon monoxide and other chemicals into the region's atmosphere during facility shutdowns, according to TCEQ filings.

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## Voluntary reports

On Aug. 27, San Antonio-based Valero reported a temporary leak from a partially collapsed roof of a storage tank caused by "heavy rainfall complications with Hurricane Harvey" by its Houston refinery. Valero estimated 6.7 pounds of benzene were released, as well more than 3,350 pounds of unspecified volatile compounds.

Valero spokeswoman Lillian Riojas said Tuesday that Valero crew members quickly contained the oil after it leaked from the roof drain at the refinery. She said the U.S. Coast Guard inspected the clean-up, and that Valero is working with TCEQ and the EPA "on monitoring for any potential emissions from the oil."

EPA spokesman David Gray said Tuesday the agency is conducting air monitoring and "focusing on an area of potential concern associated with reported air emissions from a Valero facility in Houston," but that none of the EPA readings rose above emergency screening levels. The EPA was conducting more monitoring in the area Tuesday, but had not yet released those results.

Just this week, however, the city of Houston and environmental groups began conducting independent air monitoring separate from the state and federal government. Although data is still being collected, the Environmental Defense Fund said the amount of benzene detected on Monday — 324 parts per billion — is nearly double the state's allowable amount of 180 parts per billion.

Luke Metzger, director of the advocacy group Environment Texas, is concerned the state and EPA are relying too much on companies to self-report.

"It's likely the first of many to come," Metzger said of the detections near the Valero refinery. "Now we also have independent air monitoring, but it's hard to trace to individual companies."

Metzger noted problems with "unbearable smells" in Pasadena after Houston-based Kinder Morgan reported a Harvey-related spill of petroleum products on Aug. 27 at its terminal. Kinder Morgan acknowledged the release of benzene and other potentially toxic compounds.

But the company took issue with Metzger's description.

"That assertion is difficult to believe because we set up an exclusion zone to keep the public safely away, covered the small release with a foam blanket to control emissions, and employed constant air monitoring to ensure that the blanket was effective," Kinder Morgan spokesman Dave Conover said Tuesday.

Waste pits worries

At the San Jacinto waste pits, meanwhile, advocates continue to push for information about the potential release of dioxin and other cancer'causing industrial waste that was stored in there in the 1960s.

The current owners of the site paid to cap the waste pits, but the caps have leaked and been repaired and replaced several times.

Scott Jones, of the Galveston Bay Foundation, said dioxin has already leached from the site in older flood events, creating hot spots in sediments in the river and in Galveston Bay.

He said the state has failed to properly monitor the site because of inadequate resources. The EPA and TCEQ officials have said the cap appears to be holding, based on preliminary inspections of the waste pits by boat and land.

Separate reviews were conducted Friday by a contractor and Monday by federal and state officials, who said they would inspect the cap more thoroughly when river conditions allow.

The cancer-causing dioxin and other wastes were byproducts from a nearby paper mill.

The EPA has said the waste pits were one of 13 Superfund sites in Texas that flooded during Hurricane Harvey and could be damaged. About half of those sites so far have been visited by inspectors who performed preliminary checks for damage, according to the TCEQ and the EPA. They promise to do more checks when the floodwater recedes.

Abbott said Tuesday at a news conference in Austin that officials "are unaware of any damage or danger that has occurred."

Several homes in the Channelview river bottom nearest the pits were blown off their foundations when the river rose over its banks. Four houses floated away and several others sunk into enormous sinkholes that formed in the floods.

Channelview resident Jennifer Harpster said she and her neighbors were continuing to clean up Tuesday despite their fears of tainted water.

"When you go down there, it looks like a bomb went off." she said. "The smell of chemicals is inside my house."

Harpster is the lead plaintiff in a civil lawsuit in which 600 people claim their lives and livelihood have been damaged by the waste pits. She believes dioxins have already affected her family's health — her granddaughter died of a rare form of cancer at age 6.

A plan to remove the wastes from the river entirely remains under consideration by the EPA.

Activist Jackie Young, who grew up in nearby Highlands and is the founder of the grassroots Texas Health and Environment Alliance, wants to see the pits removed as soon as possible.

"Harvey was not a routine event. Let's stop kicking this can to future generations," Young said. "We need the waste pits removed in a controlled, engineered environment, not in a hurricane."

Pam Bonta, with the nonprofit Texas Quality Water, said she's worried about 6,000 households that depend on well water and are located in the flood plain around the pits in the Harris County communities of Channelview, Highlands and on the Lynchburg peninsula.

TCEQ and county officials say they'll continue to provide updates.

"TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data," EPA officials said Monday. "That information is being analyzed by experts now and will be provided to the public as

soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials."

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# Gov. Abbott: Superfund sites don't pose danger at this time

Sep 5, 2017, 12:32pm CDT

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Senior web editor
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EPA Superfund sites in Texas currently don't pose a danger to the public, despite flooding from Harvey, Gov. Greg Abbott said at a press conference Sept. 5.

Reporters with the Dallas Morning News and KVUE in Austin tweeted his statement from the press conference. He had just received a briefing on Texas' Harvey recovery, per KVUE's Jay Wallis.

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Over the weekend, the Environmental Protection Agency said it had conducted initial assessments at 41 Superfund sites. Of those, 13 had experienced flooding, though 28 showed no damage, per the EPA's Sept. 2 press release. Those assessments were conducted "using aerial images, as well as direct contact with the parties responsible for on-going cleanup activities," per the release.

Two of those 13 flooded sites — Falcon Refinery and the Brine Service in the Corpus Christi area — have been inspected and do not require emergency cleanup, but additional sampling will continue.

Another 11 sites were not accessible by response personnel as of Sept. 2:

Bailey Waste Disposal

French LTD

Geneva Industries/Fuhrmann Energy

Gulfco Marine

Highland Acid Pit

Malone Services

U.S. Oil Recovery

Patrick Bayou

Petro-Chemical Systems

Triangle Chemical

San Jacinto Waste Pits

At the Sept. 5 press conference, Abbott said federal officials have inspected 33 waste sites in affected areas, the Dallas Morning News reports. The Texas Commission on Environmental Quality oversees 17 sites, one of which is flooded, per the Morning News. Inspections cleared another five of concern.

A Superfund site is a contaminated site identified for cleanup by the EPA. The affected sites in Texas are contaminated by industrial waste from petrochemical companies, acid compounds, solvents and pesticides, according to CNN.

# State, federal officials still checking toxic sites flooded by Harvey

By Allie Morris, Austin Bureau | September 5, 2017 | Updated: September 5, 2017 9:23pm

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Photo: Jason Dearen /Associated Press

IMAGE 1 OF 12
Rafael Casas tours his storm-ravaged property in a small working-class neighborhood that sits between two Superfund sites, French Ltd. and the Sikes Disposal Pits, in Crosby, on Friday.

AUSTIN — Gov. Greg Abbott said state and federal authorities are still checking all the hazardous waste sites affected by flooding from Harvey.

But Abbott said he has assurances from federal officials that none of the 11 affected Superfund sites still to be checked by the Environmental Protection Agency "pose any damage or danger to the public that is known at this time."

Concerns mounted over the weekend that flooding may have damaged some of the sites and carried away potentially toxic or dangerous chemicals.

Abbott addressed the issue at a media briefing Tuesday, saying the state has inspected five of the 17 state Superfund sites in the Houston area and "no major issues have been noted." One — International Creosoting, a former wood-treatment plant, and later a ready-mix concrete operation — remains flooded, Abbott said.

"We can't say there is any danger or damage, however we can't make any determination at this time," he said at the news conference in the state operations center in Austin.

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Thirty-three federal Superfund sites are in the affected area, 11 of which need "follow-up action by the EPA to confirm their status," said Abbott, who has been in contact with a regional EPA administrator, but not the agency's director, Scott Pruitt.

The Associated Press reported over the weekend that seven Houston-area Superfund sites had been flooded and the EPA had not yet been able to physically visit the spots. The agency hit back against the story in a statement, saying it had surveilled the sites using aerial imaging and that teams are in place to "investigate possible damage to these sites as soon (as) flood waters recede, and personnel are able to safely access these sites."

The federal agency is working with the Texas Commission on Environmental Quality to monitor the sites and contain any damage, Abbott said.

The state is relying on the federal government for help in several areas, including controlling mosquitoes to try to stop potential spread of diseases carried by the insects. Costs for spraying within the first 30 days will be covered by the federal government and the Department of Defense will help with "wide-area spray," according to Abbott. Local spraying already has begun, and the state is expected to pitch in this week.

"If we can do an aggressive job containing this in the first 30 days after the storm, we will be able to get it under control," Abbott said.

Congress is expected to vote today on a $7.9 billion aid package for Harvey relief.

"I feel confident that Texas is going to get the resources it needs," Abbott said.

The total storm-related cost is not yet clear, but recovery efforts are underway. All Texas interstates are now open, but 118 roads are still closed. Hospitals affected by the storm are beginning to come back online, with 95 percent of the hospitals in the greater Houston area reported to be functional.

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Chron http://www.chron.com/neighborhood/katy/news/article/Authories-warn-of-possible-spill-at-Cinco-Ranch-12176317.php

# Authorities warn of possible spill at Cinco Ranch wastewater treatment facility

By Margaret Kadifa Updated 8:35 am, Wednesday, September 6, 2017

IMAGE 1 OF 31

Homes in the Cinco Ranch area are surrounded by water from Barker Reservoir, Saturday, September 2, 2017, in Houston.

Authorities warned residents near Cinco South Wastewater Treatment Plant who have private wells that their drinking water might be contaminated after a possible spill at the plant.

Because of flooding caused by Hurricane Harvey, there may have been a spill at the Cinco South Wastewater Treatment Plant, according to a notice sent out by the municipal utility district.

The notice said residents who purchase water from a public water supply may contact their distributor to ensure their water is safe.

Todd Burrer, regional director of Texas MUDs at Severn Trent, clarified Wednesday that the drinking water of all Cinco Ranch residents - including those living in Cinco 1 - has not been affected and is still safe to use.

READ ALSO: Government faces suit over Addicks and Barker dam releases

Residents with a private drinking water supply well within 1/2-mile of the wastewater treatment plant, which is off of South Fry near Westheimer, should distill or boil all of the water that they use, according to the notice.

They should have their well water tested before they stop distilling or

what a difference a week can make

Residents should also avoid touching waste material, soil or water that could be affected by the suspected spill, according to the notice.

Cinco MUD 1 lacked an estimated date or time of the possible spill. The MUD also did not have an estimated volume of the spill.

Residents can contact Todd Burrer at 281-578-4245 with questions.

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# Lack of water service adds to woes of residents of flood-swollen Beaumont

By Emily Foxhall and Maggie Gordon Updated 10:59 pm, Tuesday, September 5, 2017

IMAGE 1 OF 5

U.S. Army branch 3-133 soldier Juan Retana loads up a box of bottled water into a motorist's vehicle outside Babe Zaharias Memorial Stadium Monday, Sept. 4 2017, in Beaumont, Texas. Beaumont residents are ... more

BEAUMONT - Tears fell from Corita Young's eyes after her car passed through the pick-up line for a case of bottled water, a sack of ice and a package of 12 Meals Ready to Eat.

Harvey's floodwaters had receded from many homes and streets here in Beaumont, but the going remained tough for residents such as Young. Some areas of her hometown remained submerged. It would take weeks, if not months, for others to be livable.

And, to top it all, residents in the city of roughly 120,000 remained under a boil-water advisory - a factor that kept restaurants shuttered, schools closed and residents worried.

"It's scary. It's hard to manage," said Young, 68. "I was ready for a few days. A month? I don't know."

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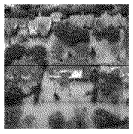

Aerial photos show extreme Harvey flooding in Houston

Motiva refinery in Port Arthur begins to roar back after Harvey shutdown

Beaumont, along with the cities of Port Arthur and Orange, make up the "Golden Triangle," a heavily industrial area along Texas' Gulf Coast that was drenched by Harvey's rains last week. The storm made landfall as a Category 4 hurricane northeast of Corpus Christi on Aug. 25, then dumped upwards of 50 inches on Greater Houston before crossing east over the Beaumont area days later as a tropical depression.

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Exxon Mobil Beaumont refinery reports oil spill

The storm has been blamed for more than 60 deaths, including at least 17 in the Beaumont area. The victims include a 41-year-old mother who drowned in a flood-swollen canal while trying to carry her 3-year-old girl to safety. The child, found clinging to her mother, survived.

In the storm's aftermath, Beaumont is still reeling from the floods. Services shut down for days. Beaumont Baptist Hospital closed its emergency room and began evacuating patients Thursday. And other hospitals have been unable to pick up the slack, as they stretch resources.

"There are almost 3,000 residences and businesses inaccessible, including two apartment buildings," Officer Carol Riley, a spokeswoman for the city's emergency management office, said Monday. "And about 50 streets remain flooded."

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Homes damaged by flooding were easy to spot Tuesday, with piles of discarded items out front. The city smelled like wet carpet, as one state representative put it.

"It seemed like everything that could go wrong was going wrong," said Haley Morrow, public information officer for the Beaumont police. "We hope it never happens again."

For Albertina Warren, the storm left everything she had heavy and wet with water. And still, there was nothing for her to drink.

"The rain came on Wednesday," Warren recalled Monday, though she had trouble keeping the days straight.

But she remembered watching it pool on her street when she heard the news on the television: The floodgates at the dam upstream from her home were being opened.

"They told everyone on this end of town that they needed to move, get out the way, because it was going to flood," she said. "We went outside and the water was already up to our ankles."

She ran as best she could, sloshing across the street to her mother's house. She began knocking on neighbors' doors - they needed to get out. The family loaded into a truck and went to Warren's sister's house.

"There was like 30 of us in her house," she said. "But we were dry there."

By the time she returned the following morning, the water was up to her knees.

She'd grabbed a few necessities before evacuating to her sister's house Wednesday. But for everything else, it was already too late.

"We can't find the dogs," she said Monday afternoon, standing in the master bedroom at her mother's house.

Warren has broken down at times, too. Every time she has walked into her mother's house, looking at the piles of wood planks tossed into the side of the living room, exposing mud-stained concrete beneath, or caught glimpses of the walls, where the bottom two feet of drywall had been zipped off to mitigate mold risk, she starts to feel the familiar tug-of-war of her anxiety.

The other day she thought she was having a heart attack and ought to go to the hospital. "But the hospital was closed."

For her part, Young joined the steady line of cars moving through the Ozen High School campus on Tuesday morning to pick up supplies.

The city's water service had been knocked out in the early-morning hours of Aug. 31 when its two intake facilities, each 10 miles apart, had flooded. They typically pump water from the nearby Neches river to a treatment facility.

It left the mother, who loves to cook her special shrimp stew for her family, without a means to go about her daily tasks.

She turned on the faucet and it ran dry. She wondered: Had she not paid her water bill?

In the ensuing days, the city scrambled to set up bottled-water giveaway sites and devise a temporary plumbing fix, pumping water with makeshift mechanisms from the river to the treatment plant. Still, that water hadn't been tested for safety and so city officials were recommending residents boil it.

Mayor Becky Ames said Tuesday she hoped the water would be cleared for drinking within a few days.

Residents in the area remained optimistic and expressed feelings of thanks for what they did have. But officials stressed that recovery would not happen overnight.

"You're going to have needs for years as we work our way through this," Gov. Greg Abbott told city leaders at a meeting at the high school later that day.

As the afternoon faded, Abbott concluded a more than hour-long meeting with local leaders. They'd raised needs like portable showers, cleaning supplies and reinforcements so law enforcement members could get a break, state Rep. Dade Phelan said. "He took a long shopping list," Phelan said, and then the governor picked up the phone to help.

Abbott went from the meeting to the parking lot where he helped hand out packaged meals to bewildered residents. Members of the media surrounded each car as Abbott calmly shook the hands of passengers and told him he was there to help. "I'm Greg Abbott," he said to those in one crowded vehicle. "God bless you and your family."

Young and her daughter meanwhile chose to use baby wipes instead of showering. They ate sandwiches and donated meals, or grilled. They didn't use the water in the sinks at all because they worried they wouldn't get the boiling process right.

"We're trying to all pull together as best we can," said her daughter, Tara Kraut, 49. "Neighbors helping neighbors."

Still, the pair worried it would be weeks before they were able drink a glass of water from the faucet.

Behind them in line was Bernadine Young, 69. She explained a sense that the city had gone through so much. Like many others, she had been eating lots of tuna, she said. But she'd learned to boil the water, putting to use six regular pots and her gumbo pot.

The task was difficult if you weren't used to it, she said. But she was getting the hang of it: That night, she hoped to be able to make steak and potatoes.

Across the city, residents dealt with drenched homes, tearing out carpeting, dry wall and insulation.

Some, like 37-year-old Eric McClory, had been lucky enough to get their furniture out in time. He had just finished redecorating his home, however, and all the work had been ruined. On Tuesday, he found himself in a home once again gutted, facing the decision of whether it would be worth rebuilding - a process that, on his own and with a limited budget, could take a year.

But he felt lucky, he said, because others had been able to leave with only a trash bag of belongings. He'd managed to save his children's toys and schoolbooks, along with other possessions.

"They're walking away from everything," he said of other residents.

Those hard-hit include Wanda Smith, 74, who lived a block over. Water had soaked many of her belongings, including antique furniture and a beloved collection of books. Now she struggled to figure out why her homeowner's insurance wouldn't cover floods.

"I'm in a mess," she said, taking a break from cleaning as she sat in a chair in her driveway. The area was without power and, of course, without potable water. Smith didn't want to use the untested source, which was coming at a low pressure and in fits and spurts, to clean.

"It makes me sick to my stomach," said her son, Grover Smith, 52, thinking of all the damage done and the financial situation to be resolved.

The effects of the storm were hard to ignore. The son had gone to his job at a school to coach high school football practice that morning - a slice of normalcy, he said. But when he returned Harvey hit him in the face.

He cleaned and cleaned, but the work still to do loomed large.

Nevertheless, the mother said, they would pull through. The whole city would.

"Everybody knows how sad it is in Beaumont," she said. "Everybody is facing it. It's not an individual thing."

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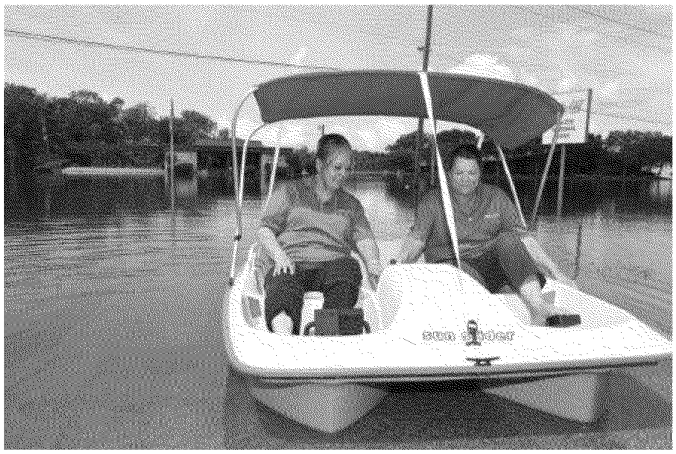
# County officials help residents with water well samples, tetanus vaccines

By STEPHANY GARZA stephany.garza@thefacts.com 13 hrs ago



Margaret Spears, left, and Irasema Garcia make their way to Brazoria National Bank to make a deposit Tuesday. A broken sewer system in the city likely means the floodwater has bacterial contamination, making the pedal boat a safer way to travel.

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ANGLETON — Kevin Land lives in Plantation Oaks subdivision of Lake Jackson, where water got as far as his sidewalk. After volunteering to fill sandbags, city officials cautioned him and others to get a tetanus vaccine, but it was a follow-up call that prompted him to get the shot.

“They told us we should consider getting one when we were done volunteering and I had thought about it. If they had not prompted me with a call this morning, I may not have done it,” Land said.

Unlike other vaccine-preventable diseases, tetanus doesn’t spread person to person. The bacteria usually is found in soil, dust and manure which can enter the body through breaks in the skin, according to the Centers for Disease Control website.

Tetanus is a major concern for anyone exposed to unsanitary conditions because if they are injured — which is common in a disaster setting — the injury is likely to be contaminated. A wound, even just a small cut, could become contaminated if it comes into contact with feces, soil or saliva, according to the Texas Department of State Health Services.

The county health department began offering free tetanus shots to residents Tuesday at two health clinics, at 434 E. Mulberry St. in Angleton and Pearland’s clinic at 2436 S. Grand Blvd.

Next to Angleton’s clinic, residents made their way to a tent outside the Brazoria County Water Lab to pick up sample containers to have their wells tested, another procedure the county is providing for free.

Nikki Elliott of Brazoria went to the lab Tuesday afternoon to get a sample bottle after her husband suggested they check their well. Floodwaters came up to her back porch, but not into the house, she said.

“I don’t know much about it, but my husband has lived out in Shady Acres for years,” she said. “He said they always have to get their water tested after all this kind of stuff.”

Elliott says the family usually drinks bottled water, but she has had to add bleach to her cleaning routine.

The county water lab at 409 E. Orange St. in Angleton tests for coliform and E. Coli bacteria which are more likely to contaminate private water wells after a flood event.

"Those are the two main bacteria that are in water that come from septic systems, all the cow pastures and that is what we do not want people to be using," said Cel Devereux, county water lab and technical manager.

Coliform means water is contaminated with soil or human feces. Most strains of E. Coli, or Escherichia coli, are harmless while others can cause illness. Some kinds of E. coli cause diarrhea, urinary tract infections, respiratory illness, pneumonia and other illnesses, according to the Centers for Disease Control website.

The lab began accepting samples last week. Each water sample goes through several procedures to test for the two bacteria.

"If they're yellow, they're bad. Unfortunately, we have a lot of bad ones from yesterday," Devereux said.

One water sample glowed a florescent blue under ultraviolet light indicating an E. Coli contamination.

Yellow samples after testing means the water is contaminated with coliform. If water glows blue under ultraviolet lights, the water indicates E. Coli contamination, she said.

"We don't get too many E. Coli, but we have had some," Devereux said.

So far the lab has seen water samples mostly from Alvin, Danbury and Pearland, Devereux said.

"We're telling people not to use the wells until they have had a good test and it comes back normal," Devereux said.

County water officials recommend residents use bottled water for everything until water results come back, but that message is difficult to get through. Water usage is part of everyone's daily routine, including brushing teeth, showering, cooking and cleaning, Devereux said.

"We can't tell people not to shower, but we advise people to shower at someone's home who's under a public water system or someone whose private well tested fine," she said.

Lab technicians call customers right away when they see a bad water sample. It takes about 24 hours to get results. After explaining what kind of bacteria they found, they ask the resident how the water sample was collected to ensure it was properly obtained. Sometimes residents don't disinfect their water well faucet before getting a sample, which could cause a false contamination reading, she said.

The county water lab anticipates it will offer free well testing for a considerable amount of time. During last year's Brazos River flood, the lab took samples up until January, Devereux said.

Those worried about their public water system, particularly Brazosport Water Authority customers, should not worry, officials say.

Not only is there an adequate water supply, the water provider ensures it is safe to drink.

"There's no reason to be concerned," said Ronnie Woodruff, Brazosport Water Authority general manager. "Our plant is operating under normal operating conditions. We have an adequate supply of chemicals and we have maintained higher pressure than normal. We haven't been compromised in any shape or form."

The water authority has also kept a close eye on the levee system. There haven't been any issues, but the water authority has additional staffing to monitor the system should it be breached.

"Rest assured, BWA meets all federal EPA and TCEQ requirements," Woodruff said.

Brazosport Water Authority serves Angleton, Brazoria, Clute, Freeport, Lake Jackson, Oyster Creek, Richwood, Rosenberg, Texas Department of Criminal Justice Clemens and Wayne Scott units and Dow Chemical.

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Stephany Garza is a reporter for The Facts. Contact her at 979-237-0151.

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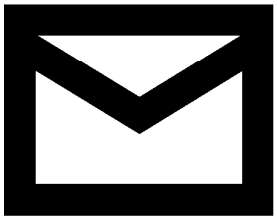
Stephany Garza

EDITORIALS 16 HRS AGO

# In Crosby, the lessons of West go unheeded



*Dallas Morning News Editorial*

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Texas' approach to chemical storage amounts to what you don't know can't hurt you. Unfortunately, this also amounts to trusting without verification, and that's never a good policy.

Immediately after Hurricane Harvey struck, Arkema plant officials held a press briefing to explain that rising temperatures at the flood-drenched Crosby plant 30 miles northeast of downtown Houston would make it impossible for the company to keep the chemicals stored there cool enough to avert explosions.

Then a reporter asked the most telling question: what chemicals are in the plant and how much? Arkema chief executive officer Richard Rowe seemed taken back by the question and responded as if that answer didn't matter.

Well, it does. And that's a lesson Texans should have learned after the 2013 catastrophic explosion of a fertilizer plant in West that leveled the town and killed 15 people. Until it exploded, many residents didn't know they were sitting on a bomb. Subsequent investigations showed that oversight of the fertilizer plant fell between state and federal cracks.

According to the *Texas Tribune*, a federally mandated risk management plan and a detailed accounting of stored chemicals called a "Tier-II inventory" are technically considered public records. But current laws and state policies make it difficult to obtain and review these records or assess whether chemical companies have adequate backup plans.

Just months after the fertilizer plant explosion in West, then-Texas Attorney General Greg Abbott ruled that state agencies could withhold such information to protect the sites from potential terrorism.

Predictably, chief executive Rowe cited the need to "to balance the public's right to know with the public's right to be secure" for Arkema's secrecy. Eventually, the company released a list of organic peroxides used in the site's manufacturing process. But according to *The New York Times,* other hazardous chemicals, including sulfur dioxide and isobutylene were stored there and could have contaminated a far wider area if they had been released into the atmosphere.

Just as Texas has turned a blind eye to these problems of accountability and transparency, so has the Environmental Protection Agency. Under Administrator Scott Pruitt, the agency recently delayed compliance with a rule to prevent explosions and spills at chemical plants despite calls from the Chemical Safety and Hazard Investigation Board for the EPA to regulate chemicals that may cause violent explosions or fires like organic peroxides and make information about chemical storehouses more readily available.

The Chemical Safety and Hazard Investigation Boardsaid it will investigate the Arkema explosions,focusing on the company's risk-management plans and whether unstable chemicals, like organic peroxides, hurricanes, flooding and power failures were properly addressed in Arkema's risk-management plans.

The West explosion should have taught us a lesson about public safety. Apparently, it did not.

COMMENTARY HURRICANE HARVEY

# Don't Be Surprised by the Explosion Near Houston. We've Cut Corners on Chemical Safety for Years.

Nicholas A. Ashford
Sep 05, 2017

Chemical containers at an Arkema plant in Crosby, a Texas town outside of Houston, exploded last week after the facility åooded from Hurricane Harvey's landfall. While we can't prevent natural disasters like Harvey from occurring, we can mitigate their consequences. Inherently unsafe facilities and operations can be redesigned, retroätted, and ultimately replaced by manufacturing and storage facility changes that are safer. Unfortunately, the U.S. has chosen to take a less expensive and comprehensive approach to chemical safety, leaving us vulnerable to disasters like the one at Arkema.

There are two main approaches to safety in chemical plants: "inherent safety" and "secondary prevention." The Arkema plant followed secondary prevention, which involves the strengthening of reaction vessels and pipes, the use of neutralizing baths, and the venting of toxic or explosive chemicals. This approach focuses on minimizing, but not eliminating, the consequences once a facility has already been seriously damaged.

Inherent safety approaches, on the other hand, seek to prevent major damage from occurring in the ärst place. Organizations following this approach design production and storage facilities with signiäcantly smaller probabilities of untoward human and commercial disasters. The European Union has adopted a chemical accident prevention approach focused on inherent safety over secondary prevention. The U.S. has taken the other route.

In 1996, 12 years after the Union Carbide pesticide plant in Bhopal, India, exploded, the Environmental Protection Agency (EPA) promulgated its ärst requirement that certain high hazard industries issue a risk management plan (RMP) to prevent chemical accidents. While this was a positive step, environmental and some chemical industry advocates urged the EPA to prioritize inherent safety approaches over secondary prevention. Regardless, the EPA caved in to massive chemical industry pressure and decided not to mandate inherent safety procedures.

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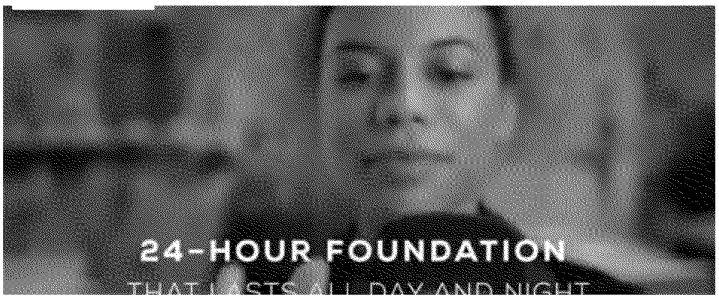



In the ensuing years, of course, chemical accidents continued to wreak havoc. According to an EPA analysis of the period from 2004 to 2013, 12,500 chemical facilities reported 1,500 accidents that led to property damage, injuries, and deaths.

In January 2017, the EPA published the Chemical Disaster Rule, a revised set of more stringent requirements than the 1996 RMP. The revised rule would have enhanced protection for local ärst responders, community members, and employees from death or injury due to chemical facility accidents. These were positive steps for chemical safety. Yet in June, EPA Administrator Scott Pruitt ordered a 20-month delay in implementation of the rule. Once again, the EPA chose to avoid the safer approach.

The rule's more stringent provisions did not mandate inherent safety approaches, but did require designated operations to assess whether safety improvements were practicable. These improvements included storing fewer chemicals, using better tanks, and improving backup power systems, in other words, feasible, effective, and immediately needed improvements. The rule also had more stringent requirements for data accessibility and emergency planning in case of disaster.

No one is expecting chemical production, manufacturing, and storage to magically transform into a completely safe process overnight. But government at all levels should hasten the adoption of common-sense, inherently safer rules to save lives, and to protect businesses and communities.

Nicholas A. Ashford is a professor of technology and policy at the Massachusetts Institute of Technology and former chair of the National Advisory Committee on Occupational Safety and Health.

# This Unique EPA Plane Is Monitoring Toxic Waste Dumps Around Houston

## Environmental agency keeps the contractor-operated plane on standby 24/7 for chemical and radiological incidents.

BY JOSEPH TREVITHICK
SEPTEMBER 5, 2017

THE WAR ZONE | ASPECT | CESSNA C208 | DISASTER RESPONSE | EPA | FLOODING | HOUSTON | HURRICANE HARVEY | ISR | SUPERFUND PROGRAM | TEXAS | TOXIC WASTE

SHARE

As federal, state, and local agencies continue to respond to the damage and flooding wrought by Hurricane Harvey in Texas, as well as neighboring Louisiana, one of the more contentious questions has been the danger posed to communities by heavily polluted sites within the disaster zone. As part of its response, the Environmental Protection Agency has deployed the unique Airborne Spectral Photometric Environmental Collection Technology surveillance aircraft, which can spot chemical and radiological material from the air, to help assess the situation.

More commonly known by the acronym ASPECT, contractor owned and operated system is configured to collect chemical and radiological information, as well as both color visual and infrared imagery. EPA has had it on call for more than a decade, sending it out in the past to either actively monitor disasters, including the Deepwater Horizon oil spill in 2010, or be ready in the event of an emergency during a major public event, such as multiple presidential inaugurations, Super Bowls, and other large gatherings.

THIS MYSTERIOUS MILITARY SPY PLANE HAS BEEN FLYING CIRCLES OVER SEATTLE FOR DAYS
By Tyler Rogoway and Joseph Trevithick

THIS IS HOW AMERIC KEEPS WATCH OVEF NORTH KOREA FROM THE SKY
By Joseph Trevithick
Posted in THE WAR ZONI

"ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform," EPA says on its website. "ASPECT is available to assist local, national, and international agencies supporting hazardous substance response, radiological incidents, and situational awareness."

Similar to many military intelligence and reconnaissance aircraft, the APSECT aircraft carries a wide-angle mapping camera and an infrared line scanner that can create thermal imagery of the ground below as the plane flies along. Analysts can put the basic color images together form even larger maps of a specific area, well.

*AIRBORNE ASPECT*

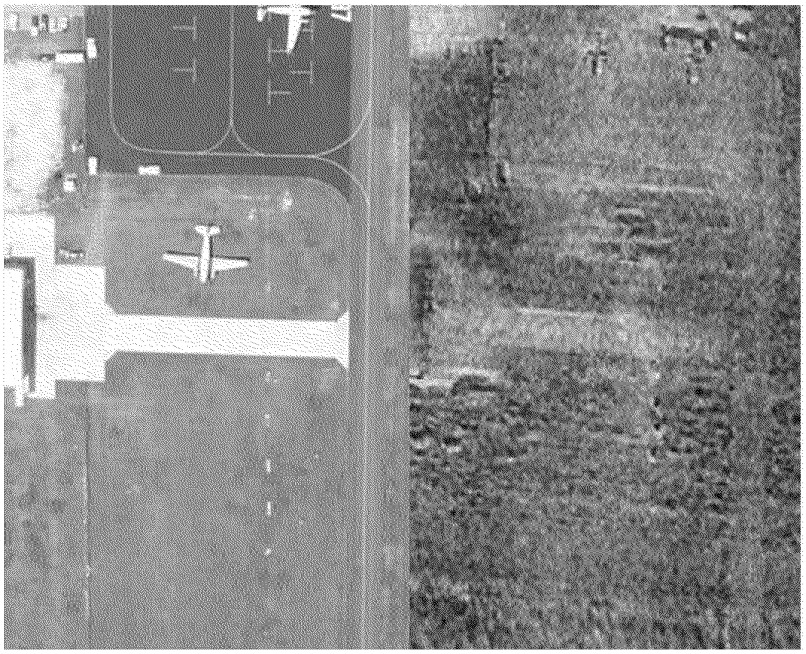
In addition, EPA's surveillance aircraft has less common gamma ray and multi-spectral chemical spectrometers. This allows the crew to collect information about spreading hazards that may not be visible to the human eye. The chemical sensor can help determine what compounds are present and how densely they're concentrated in the air. The Department of Energy also has aircraft for mapping radiological incidents, in particular a small fleet of Bell 412 helicopters specifically outfitted for the role. But these aircraft lack the ability to keep tabs on other toxic chemicals that may be airborne and they don't have ASPECT's multi-spectral imaging capabilities. From the EPA's website:

> *"The National Nuclear Security Administration, part of the Department of Energy, does operate the Aerial Measuring System. However, this only collects radiological data in real time, while ASPECT provides a multi-sensor capability."*

Initially, the contractor used a twin engine Aero Commander 690, seen in the video below, to carry all of these systems. This eventually gave way to a simpler and cheaper to operate Cessna C208B Grand Cavaran, which is the present platform. As of April 2014, it cost EPA $1,500 per flight hour to operate the ASPECT Cessna.

Contractor Airborne ASPECT says it can have the plane up in the air from its home base near Dallas, Texas and on its way to a disaster are within an hour. Within nine hours, the aircraft can reach anywhere in the country. According to EPA, it only takes one phone call to the company to get the whole process started.

In or near an affected area, a team of scientists and other specialists set up a processing center on the ground to pore over the data. It only takes approximately five minutes for the crew of the aircraft to send the compressed information to this team via a satellite link.



*NATIONAL GUARD BUREAU VIA FOIA*

ASPECT can produce traditional visuals, left, and multi-spectral imagery showing chemical plumes.

Though EPA runs the ASPECT program, other agencies, including the National Guard, can request support from the aircraft through the Department of Homeland Security's Interagency Remote Sensing Coordination Cell. According to a 2013 National Guard handbook on incident awareness and assessment, which the author previously obtained via the Freedom of Information Act, the plane's capabilities could be useful in general after earthquakes, floods,

tsunamis, tornadoes, volcanic eruptions, wildfires, and terror attacks, as well as hurricanes.

Already situated in Texas, ASPECT was quickly on the scene over Houston after Harvey hit. More importantly, it has given EPA a way to quickly inspect the toxic Houston-area zones, known as Superfund sites. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 designated these areas for cleanup as part of the Superfund program.

Peter Aldhous @paldhous Follow

Texas Superfund sites in the aftermath of #Harvey and ASPECT, the EPA's chemical hazards monitoring plane buzzfeed.com/nidhisubbarama…

7:15 PM - Sep 3, 2017

2 20 24

Texas is home to 66 Superfund sites, more than 40 of which were within Hurricane Harvey's impact area, according to Buzzfeed News. There is no indication that any of these contain radioactive materials, so ASPECT is likely gathering information on potential chemical releases, as well as basic information about the state of the areas.

The Superfund areas in the site mainly contain waste from oil, gas, and other petrochemical

related activities, as well as farming and ranching. As such, they can contain dangerous, toxic, and carcinogenic substances, such as sulfuric acid, heavy metals, now-banned pesticides, and polychlorinated biphenyls, better known as PCBs.

The concern is that the floodwaters could spread hazardous material and poison soil and groundwater for years to come. The storm and subsequent flooding had damaged more than a dozen, inundating the areas and limiting the ability of specialists to gain access on the ground.

ASPECT can monitor at least some of this danger from the air, though it would not be able to see pollution seeping down into ground below or necessarily be able to accurately discriminate pollutants mixing with the water above. The plane's operations have been an important part of the EPA's response to the disaster, which has received criticism from the press.

Andrew Kimmel @andrew... Follow

Here is the flight path of the Cessna plane that's been circling overhead. It just broke its circular formation and is heading north.

5:48 PM - Sep 3, 2017 · Texas, USA

2 7 15

In a now controversial article, *The Associated Press* said it had managed to reach seven of the sites by boat, but had not received an explanation from EPA about why its inspectors had been unable to do the same. EPA said that its personnel would visit the sites on the ground once it was safe to do so and in the meantime would continue collecting data via ASPECT.

The piece noted that in 2012, under President Barack Obama, the environmental agency had completed a report warning about the risk to Superfund sites from flooding and rising sea levels related to climate change. President Donald Trump's first budget request proposes a 30 percent cut to funding for the Superfund Program and his administration's EPA Director Scott Pruitt has previously denied any scientific consensus on the existence on global climate change.

In response to the *Associated Press* story and subsequent reporting, the agency issued an unusually personalized public rebuke, suggesting that one of the article's authors, Michael Biesecker, had deliberately left out numerous key details, including that it had worked with authorities in Texas to secure the Superfund sites before Harvey made landfall. The news wire issued its own statement afterwards, standing by work of its team and their on-the-ground reporting.

Regardless, neither the EPA nor independent observers may know the exact extent of the damage and resulting danger to nearby communities for some time. Despite previous warnings, no Superfund site has ever experienced this level of flooding, Buzzfeed reported, making it a completely unprecedented situation.

"We don't have any precedent to figuring out what the cumulative effect is going to be on someone's health," Jennifer Horney, an associate professor of epidemiology at Texas A&M University who has led her own team to collect water and soil samples for

analysis, told Buzzfeed. "They're [residents of Houston] not going to get cancer tomorrow – they may get asthma in three months."

In the meantime, it seems likely that the aircraft will continue to monitor the status of the Superfund sites, at least until the floodwaters begin to recede, which may take weeks. You can keep an eye out yourself for the ASPECT plane, which has the U.S. civil aviation registration N9738B, using online flight tracking sites.

Extreme Weather

# Hurricane Irma slams Caribbean islands as it heads toward Puerto Rico

By Jason Hanna, Faith Karimi and Steve Almasy, CNN
Updated 10:27 AM ET, Wed September 6, 2017

## Story highlights

"Potentially catastrophic" storm is packing winds of up to 185 mph

Irma's center is expected to pass near or just north of Puerto Rico later Wednesday

(CNN) — *[Breaking news update, published at 10:26 a.m. ET]*

Four of the strongest buildings on the Caribbean island of St. Martin have been destroyed by Hurricane Irma, French Interior Minister Gérard Collomb said at a news conference Wednesday.

It's likely that all other older buildings there have at least been damaged, he said.

About half of the island is a French overseas collectivity, and the remainder is a constituent country of the Netherlands.

*[Original story, published at 10:17 a.m. ET]*

An extremely dangerous Hurricane Irma pounded small northern Caribbean islands Wednesday morning as one of the strongest storms recorded in the Atlantic -- and is on a path to hit parts of the British Virgin Islands and perhaps skirt northern Puerto Rico later in the day.

Irma's core, with maximum sustained winds of 185 mph -- well above the 157 mph threshold of a Category 5 -- slammed Barbuda early Wednesday before hitting Saint Martin and Anguilla.

Barbuda, home to about 1,600 people, was "so badly damaged that there is no communication" from the island, said Keithley Meade, director of a meteorological o ce in Antigua and Barbuda.

"We have a lot of broken trees across the island," Meade said from Antigua, whose 80,000 people comprise most of the two-island nation's population.

Virginia Barreras told CNN she was riding out the storm in tiny Saint Martin -- an island of about 75,000 people -- in a "sanctuary hotel" where tourists and locals were encouraged to check in before the eye wall hit.



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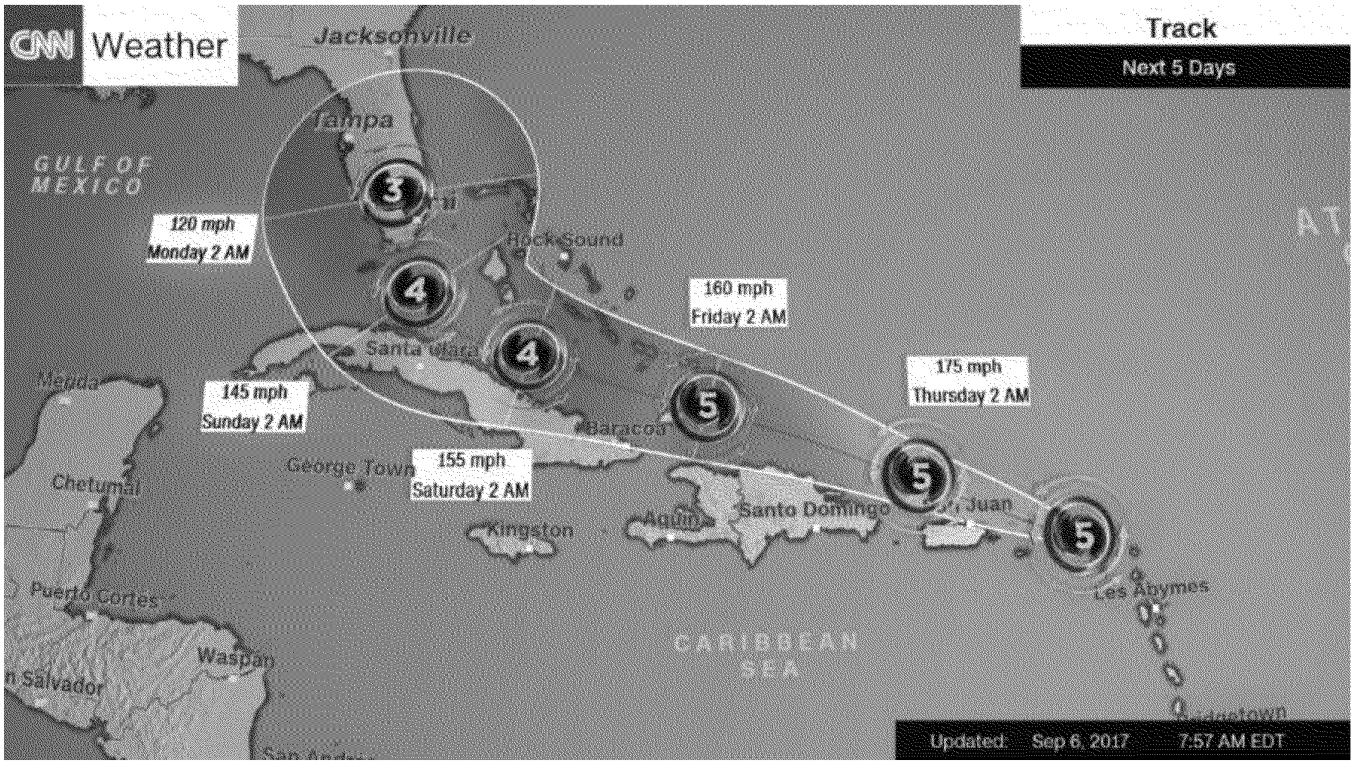


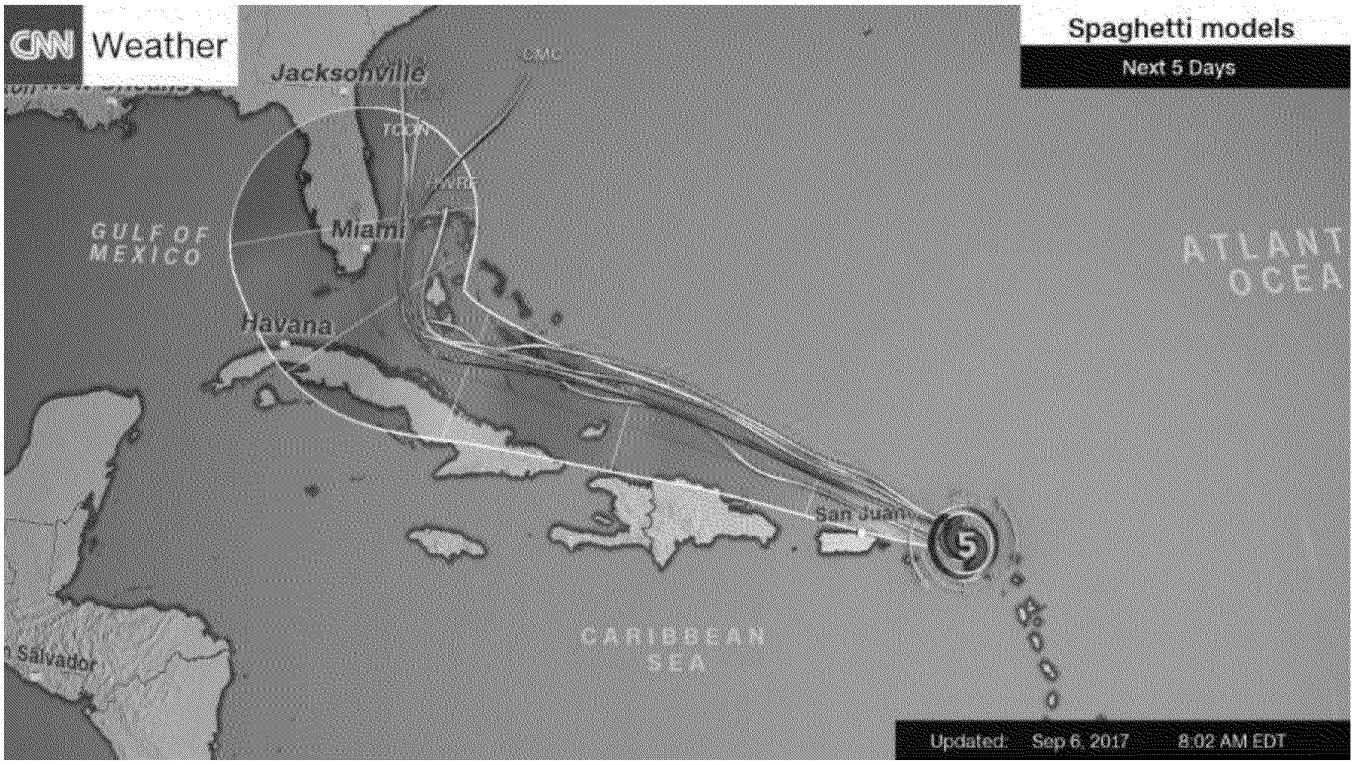

"The palm trees are bent over and (I) can't see anything but white," she said early Wednesday, before Irma's core passed. "The walls shake when the wind blows hard, and we can hear debris being thrown around.

The Category 5 hurricane is "potentially catastrophic," the National Hurricane Center said. Besides devastating winds, the center warns of high storm surges that could crush low-lying structures near shore.

Though Irma's path is uncertain, forecasters have said it could turn toward Florida over the weekend, and o cials there are ordering some evacuations and shutting down schools.

# Latest developments

-- Around 8 a.m. ET Wednesday, Irma's core was spinning about 15 miles west-southwest of Anguilla, with maximum sustained winds of 185 mph.




-- After slamming St. Martin and Anguilla and St. Kitts and Nevis in the morning, the storm is expected to be near the British Virgin Islands and northern US Virgin Islands.

-- The storm's center is then expected to pass near or just north of Puerto Rico on Wednesday afternoon or night.

-- Irma on Thursday and Friday is likely to be near the Turks and Caicos islands and the southeastern Bahamas, where storm surges of up to 20 feet are possible, the hurricane center said.

## Full coverage

- Track the storm
- Florida prepares for Irma
- Navy evacuates 5,000
- Puerto Ricans stock up
- See Irma from space

-- It's too early to tell whether it will make landfall on the US mainland, but forecasts show it could churn toward Florida over the weekend.

-- People in Florida should heed any evacuation order, Gov. Rick Scott said Wednesday. "(A) storm surge could cover your house. We can rebuild homes -- we cannot rebuild your family," he said.

-- In the US Virgin Islands, Gov. Kenneth E. Mapp ordered a 36-hour curfew that started at 6 a.m. local time Wednesday.

-- The season opener for the NFL's Miami Dolphins and Tampa Bay Buccaneers has been postponed Sunday in Miami because of Irma. The game will instead be played in Miami on November 19.

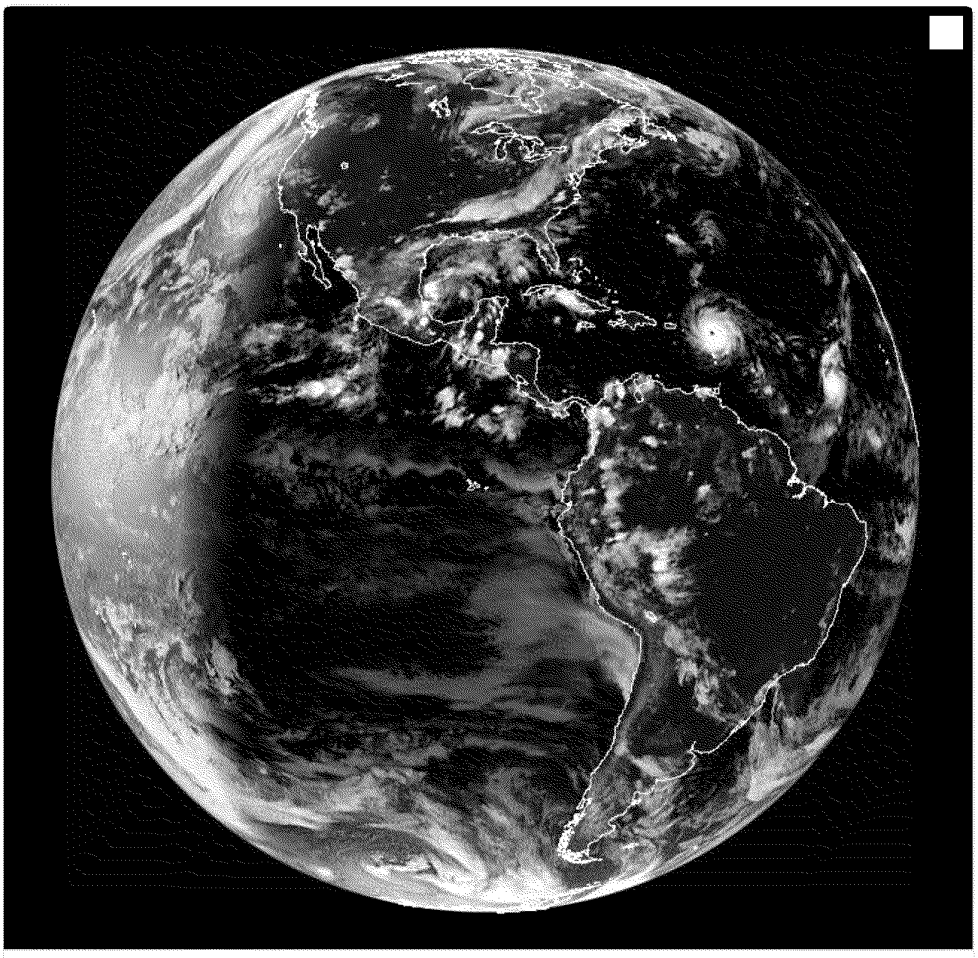
# 'We've been hiding in the bathroom'

Irma a ected many northern Caribbean islands Wednesday, even those not touched by the powerful core. In Marigot, Guadeloupe, Florida resident Loren Ann Mayo rode out the storm on the sixth floor of a beachside hotel.

"We've been hiding in the bathroom," she said in a video she posted to Facebook. About an inch of water covered parts of the floor, and pieces of drywall had fallen onto a balcony and a bed inside, she said.

Mayo was there on a business trip. "It is pouring down rain. It is howling," she told CNN. "Most people are either in their bathroom, or they've been moved downstairs to the third floor where management thinks is a very, very safe spot."

Forecasters are mostly concerned about the northeastern Caribbean, according to Michael Brennan of the hurricane center.



Jeff Frame
@VORTEXJeff

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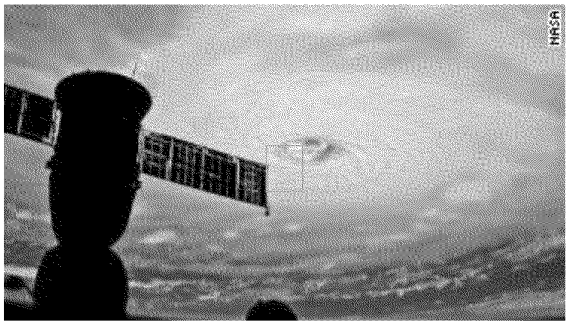
The eye of #Irma stands out clearly on full-disk satellite imagery tonight.

9:07 PM - Sep 5, 2017

76 2,577 2,542

Islands under hurricane warning include Anguilla, Antigua, Barbuda, Puerto Rico, the US and British Virgin Islands, Montserrat, St. Kitts and Nevis, Saba, St. Eustatius, St. Martin/St. Maarten, St. Barts, the Dominican Republic from Cabo Engano to the northern border with Haiti, Guadeloupe, the southeastern Bahamas and the Turks and Caicos Islands.




Related Video: Space station gets a look at Hurricane Irma 00:48

Crowds wait outside a store in Puerto Rico as Hurricane Irma nears.

## Puerto Rico: Long lines

Storm surge is a concern for the Virgin Islands (up to 11 feet) and Puerto Rico (up to 5 feet), as is heavy rain (up to 10 inches in the Virgin Islands, and up to 15 in parts of Puerto Rico).

Puerto Rico Gov. Ricardo Rosselló declared a state of emergency and has activated the National Guard.

For hours, people lined up outside hardware stores, hoping to get plywood, batteries and power generators. If Irma knocks out power, Puerto Ricans said it could take weeks or months before it is restored.

Last month, the director of Puerto Rico's power utility, Ricardo Ramos Rodríguez, said several factors have made the island's electric system "vulnerable and fragile," CNN a liate WAPA reported.

One of those is the shortage of employees. Many workers recently retired or left their jobs for better prospects on the US mainland, Ramos Rodríguez said.

## Turks and Caicos and the Bahamas

Forecasters warn that Irma's likely path will be near the Turks and Caicos Islands on Thursday and the southeastern Bahamas on Friday -- and that the destruction could be devastating.

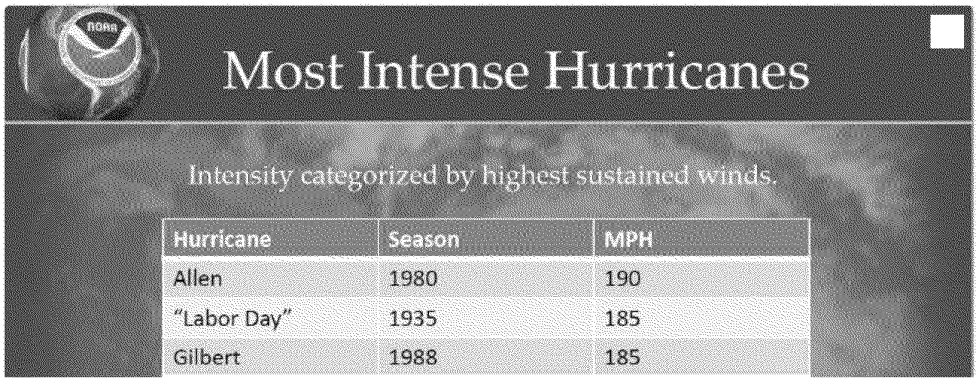
In the Bahamas, emergency evacuations have been ordered for six southern islands -- Mayaguana, Inagua, Crooked Island, Acklins, Long Cay and Ragged Island.

"This is the largest such evacuation in the history of the country," Prime Minister Hubert Minnis said.

Bahamian o cials also canceled vacation time for police and defense forces.

"Some of the (Bahamian) islands aren't more than 9 feet (above sea level). Storm surges there may be 20 feet. You get the idea what's going to happen to those islands," CNN meteorologist Chad Myers said.

## Evacuations set for Florida




| Hurricane | Season | MPH |
|---|---|---|
| Allen | 1980 | 190 |
| "Labor Day" | 1935 | 185 |
| Gilbert | 1988 | 185 |

NEWS ALERT

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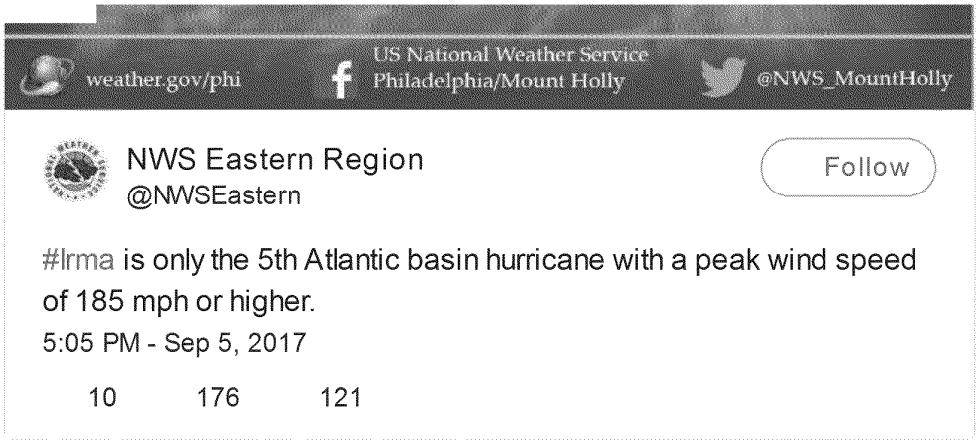


Jimmy Brumbaugh packed up his family in their RV and left Astatula, Florida, for Georgia. As he headed out of town, he posted a picture showing a long line of cars, waiting to get gas.

"People are genuinely scared down here," he said. "... We are dead center in the state, but I'm not taking any chances. I also don't want to put my family through the misery of riding out the storm. We've done it before, and it's horrible."

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The chaos at the pump has begun.

20 HOURS AGO

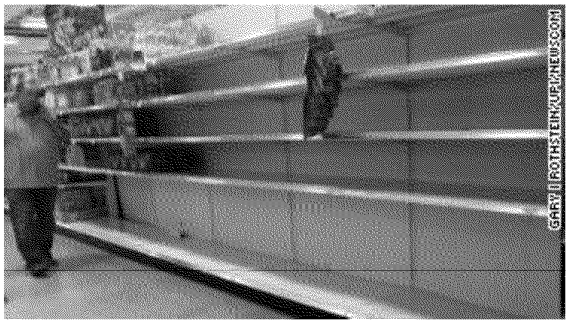
In Eustis, northwest of Orlando, Pat Arnold and her husband took precautions in case Irma hit.

"My husband and I prepared for Irma by getting some cash out, fueling cars and filling gas cans with nonethanol gas (for use with our chainsaw if needed), ... and making sure we have enough batteries, canned food, etc," she told CNN.

From Miami Beach to Ocala, Floridians braced for the storm, with some posting images of empty shelves at local grocery stores.

Miami-Dade County will start evacuating special-needs residents Wednesday, and may announce other evacuations soon, Mayor Carlos Gimenez said.

Schools and county o ces will be closed Thursday and Friday.




Monroe County, which includes the Florida Keys, was ordering visitors to evacuate by sunrise Wednesday, and residents should begin to evacuate 12 hours later.

After declaring a state of emergency across Florida, the governor said President Donald Trump had "o ered the full resources of the federal government."

Scott also ordered 7,000 National Guard troops to report for duty by Friday morning.

"Learn your evacuation zone. Listen to your locals," he said. "This storm has the potential to devastate this state. You have to take this seriously."

Related Article: With Harvey's havoc on their minds, Floridians brace for Irma

Meanwhile, Tropical Storm Jose, in the open Atlantic far to the southeast of Irma, is expected to become a hurricane by Wednesday night.

"Interests in the Leeward Islands should monitor the progress of Jose," the National Hurricane Center said.

Are you a  ected by Irma? Text, iMessage or WhatsApp your videos, photos and stories to CNN: +1 347-322-0415.

¿Te ha afectado Irma? Envía tus fotos, vídeos e historias a CNN por texto, iMessage y WhatsApp: +1 347-322-0415

*CNN's Bijan Hosseini, Eric Levenson, Paul Murphy, Amanda Jackson and Keith Williams contributed to this report.*

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OPINION

TOPICS

EDITORIALS 17 HRS AGO

# Why Dallas must use Hurricane Harvey as a catalyst for responsible growth

*Dallas Morning News Editorial*

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# Seed-firm suers told to file in Missouri

By Stephen Steed
This article was published today at 2:03 a.m.

1

Comments Font Size

Arkansas farmers who planted Monsanto's dicamba-tolerant crops, then sued the company this summer, will have to take their case to Monsanto's home turf in Missouri.

After an hourlong hearing Tuesday, U.S. District Judge D. Price Marshall said contracts between the farmers and Monsanto regarding the disposition of any disputes were enforceable and not unreasonable.

"You made some good points, but the law is firmly against you here," Marshall told David Hodges, a Little Rock attorney for about a dozen Phillips County farmers who challenged Monsanto's efforts to move the case from Arkansas to Missouri.

Monsanto also has a motion pending to have the case dismissed. No hearings have been set on that matter.

The contracts -- called the Monsanto Technology/Stewardship Agreement -- say disputes with soybean farmers and other producers must be filed in federal court or in state circuit court in St. Louis.

Disputes with cotton farmers go to arbitration hearings held in the grower's home state, according to the contracts.

Monsanto is based in Creve Coeur, a St. Louis suburb.

Jan Paul Miller, a St. Louis attorney for Monsanto, said Tuesday there was no dispute over whether the farmers signed the contracts. All other matters, including whether the farmers understood what they were signing or the convenience of a trial in St. Louis or Little Rock, were irrelevant, Miller said.

Law in Arkansas and in Missouri is clear, Miller said. "If you signed it, you signed it," he said.

In a lawsuit first filed in Phillips County Circuit Court on June 20 and then transferred to federal district court in Arkansas, the Phillips County farmers said they bought and planted Monsanto's dicamba-tolerant soybeans and cotton this year.

They claimed they were unable to fully use the technology after Arkansas banned the sale and use of the dicamba herbicide after July 11, because of hundreds of complaints alleging that the herbicide had moved off target and damaged thousands of acres of crops, produce and other vegetation not dicamba-tolerant. Dicamba has been effective in killing pigweed, a crop nuisance that has grown resistant to other herbicides.

As of Tuesday afternoon, the state Plant Board had received 963 complaints.

The lawsuit was the first filed by farmers who planted Monsanto's Xtend crop system. Other lawsuits in Missouri and Arkansas have been filed by farmers whose crops were damaged in 2016, when Monsanto sold dicamba-tolerant seeds despite not yet having its dicamba herbicide approved by federal regulators.

Another defendant in the lawsuit, BASF, took no position on whether the lawsuit should be transferred. BASF's dicamba-based herbicide, Engenia, was the only dicamba legal for in-crop use this year in the state. Monsanto signed a licensing agreement with BASF to allow the sale of Engenia, a competitor to Monsanto's Xtendimax with VaporGrip. The companies say their new versions are less volatile and less prone to off-target drift.

# Edmond issues water statement after odor, taste inquiries

From Staff Reports • Published: September 6, 2017 5:00 AM CDT • *Updated: September 6, 2017 5:00 AM CDT*

After numerous residents inquired about the odor and taste of Edmond's water, the city issued a statement Tuesday stating the water is safe for consumption

The water meets the requirements of the Safe Drinking Water Act regulated by the Oklahoma Department of Environmental Quality, a news release stated.

Edmond's water supply consists of two primary sources: Surface water from Arcadia Lake and well water from the Garber-Wellington aquifer. The current issue stems from Arcadia Lake experiencing problems associated with dissolved organic matter (algae), the statement explained.

Hot and dry weather from June through mid-August attributed to an increase in algae concentrations in the lake. Recent rains have compounded the issue by stirring up the lake layers and causing further breakdown of algae. The algae presence and breakdown can give the drinking water an earthy or musty odor and taste.

The city will be increasing the level of ozone used in the water treatment process as it is the most effective way to combat this odor and taste event, according to the news release.

Upcoming cooler weather also will help slow the breakdown of organic matter and result in improved water odor and taste, the city says.

For more information regarding Edmond's water supply, go to edmondwater.com or call 216-7675.


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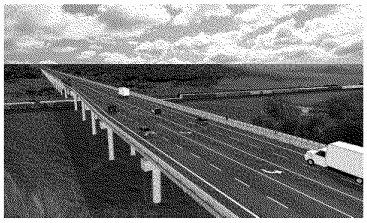

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**From:** Morgan, Jeanette
**Sent:** Wed 9/6/2017 3:17:23 PM
**Subject:** FW: Pesticides & Toxic Substances Law News for September 6, 2017

# Pesticides & Toxic Substances Law News

# for September 6, 2017

Bloomberg BNA Daily Environment Report™

## Leading the News

*Agriculture*
**Agriculture Nominee Favors Voluntary Pollution Programs**
An advocate of voluntary programs to curb nutrient runoff from farms is President Donald Trump's pick to head the Agriculture Department's work on domestic farming and conservation.

*EPA*
**EPA General Counsel Pick Criticized Agency's Rules**
President Donald Trump's pick to be the EPA's top legal counsel is a staunch critic of the Obama-era regulations he could play a crucial role in unraveling.

## News

*Agriculture*
**Plastic Film Covering China's Farmland Contaminates Soil**
China will expand its agricultural use of environment-damaging plastic film to boost crop production even as the government tries to curb soil pollution, a government scientist said.

*Congress*
**PODCAST: The Frenzy Begins as Congress Returns**
Congress returns from a month-long vacation today and it definitely has its work cut out for it: by the end of this month, it has to fund the government, raise the debt ceiling, reauthorize the FAA and provide disaster relief for victims of Hurricane Harvey.

*Regulatory Policy*
**OMB Asks Agencies for Next Year's Regulatory Plans**
Federal agencies must submit by Sept. 18 their plans to regulate and deregulate in the year ahead, although the Office of Management and Budget still hasn't given them their regulatory budgets for fiscal year 2018.

*Toxic Substances*
**Panhandle Eastern Dodges Pipeline Smoke Claims**
Panhandle Eastern Pipeline Co. won dismissal of most civil claims stemming from a 2014 pipeline smoke cloud, but the District of Kansas declined to dismiss another allegation that the company's pipeline operation was abnormally dangerous (Brown v. Panhandle Eastern Pipeline Co., 2017 BL 309228, D. Kan., No. 16-cv-02428, 9/1/17).

INSIDEEPA.COM
an online news service from the publishers of Inside EPA

**TRUMP'S EPA:** **Agency at a crossroads -- Complete coverage**

## TSCA Tracker

http://insideepa.com/specials/tsca-tracker

**Latest News**

## Panel Selects 4th, 9th Circuits To Hear Environmentalists' First TSCA Suits

A multidistrict litigation panel has randomly selected the U.S. appellate courts for the 9th and 4th Circuits to hear environmentalists' lawsuits challenging EPA rules for prioritizing and reviewing existing chemicals under the revised Toxic Substances Control Act (TSCA), though one environmentalist is backing EPA calls that the two suits should be consolidated in a single circuit.

## TSCA Rule Suits Will Test EPA's Discretion On Interpreting 'Uses' Definition

Lawsuits challenging EPA's initial rules implementing the revised Toxic Substances Control Act (TSCA) will test the discretion courts are willing to give the agency on interpreting the law's definition of a chemical's "uses" that will determine when a substance is subject to the rules and must undergo a risk assessment, sources say.

### Daily Feed

**Our most read: Hurricane Harvey, spending bill riders, IRIS' future . . .**

Plus: Bodine joins EPA while awaiting confirmation and court sidesteps deference ruling in CWA case.

**Trump taps state officials for key EPA slots**

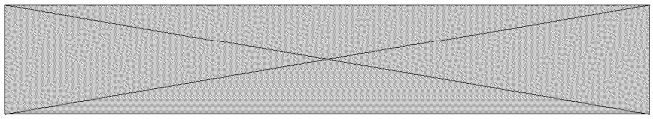
Both nominees are winning support from former Democratic officials, though their selections still leaves open several key political slots at the agency.

**Ewire: How EPA political aide vets grants**

The political appointee overseeing EPA's scientific grants reportedly sought to limit funds going to Alaska after Sen. Lisa Murkowski (R-AK) voted against a GOP health care bill.

**House Democrats seek Pruitt explanation for agency secrecy**

The lawmakers are unlikely to receive a response to the their requests as the administration has determined in need not respond to minority oversight efforts.

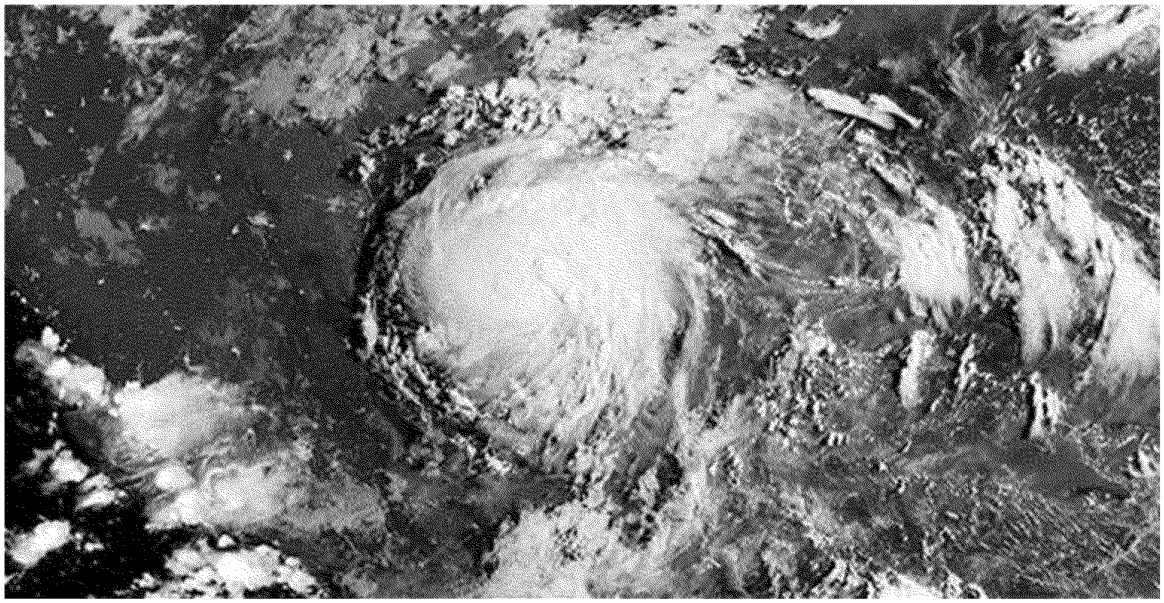


# EPA

## Press shop takes on reporter over hurricane coverage

Kevin Bogardus, E&E News reporter

Published: Tuesday, September 5, 2017



U.S. EPA's press shop took the unusual step of criticizing a reporter by name over Hurricane Harvey coverage.
NOAA/NASA GOES Project

This time it was personal for U.S. EPA's public affairs office.

On Sunday, the agency's press shop took the unusual step of criticizing a reporter by name — Michael Biesecker of the Associated Press — in a statement it emailed to reporters. EPA also included links to stories that were critical of Biesecker's past coverage of the agency.

"Despite reporting from the comfort of Washington, Biesecker had the audacity to imply that agencies aren't being responsive to the devastating effects of Hurricane Harvey," said the press release, adding that his coverage "creates panic and politicizes the hard work of first responders who are actually in the affected area."

What drew EPA's ire was an AP story that found the agency had not physically visited several Houston-area Superfund toxic waste sites that had been flooded in the aftermath of Hurricane Harvey.

The AP story drew from on-the-ground reporting from Houston that included a survey of seven flooded Superfund sites accessed by the newswire service's journalists via either boat, vehicle or foot, which was not mentioned in EPA's broadside against Biesecker. Also, in a different statement Saturday, EPA said 11 sites "have not been accessible by response personnel," bolstering the AP's reporting.

In a separate statement yesterday, EPA said reporters joined the agency's technical staff at three Superfund sites in the Houston area.

Asked why the agency singled out Biesecker in its statement, an EPA spokeswoman told E&E News that he was working from the nation's capital.

"The reporter we mentioned by name was reporting from Washington," said Liz Bowman, the EPA spokeswoman.

EPA noted it had taken aerial imagery of 41 Superfund sites in Texas, finding 13 had flooded. Agency staff had also checked on two sites in Corpus Christi last week.

EPA Administrator Scott Pruitt has also been in the area affected by Harvey, and the agency has "a team of experts imbedded with other local, state and federal authorities," according to EPA's release Sunday.

"Leaving out this critical information is misleading," it said.

The AP defended its reporting on Harvey's impact on Houston's Superfund sites. In a statement shared on Twitter by Biesecker, AP Executive Editor Sally Buzbee said the news wire service stood by its reporters' work.

"AP's exclusive story was the result of on the ground reporting at Superfund sites in and around Houston, as well as AP's strong knowledge of these sites and EPA practices. We object to the EPA's attempts to discredit that reporting by suggesting it was completed solely from 'the comforts of Washington' and stand by the work of both journalists who jointly reported and wrote the story," Buzbee said.

Biesecker is not the first reporter to be targeted by name by EPA's public affairs office under the Trump administration. The press shop in recent months has at times drafted campaign-style statements as it defends Pruitt's work to roll back environmental rules.

Last month, EPA sent out a statement that named *The New York Times'* Eric Lipton and Roni Rabin for reporting on "false facts" regarding the agency's decision to not ban the pesticide chlorpyrifos.

The agency's press shop has also sought to highlight criticism of reporters, blasting out columns and editorials critical of reporters' mistakes and their coverage of Pruitt and EPA.

Also in August, EPA emailed a *Washington Post* story that took the *Times* to task for having to correct an article about a federal government climate change report.

In addition, the agency shared an editorial from the *Tulsa World* in an email to reporters that criticized press coverage of Pruitt's travel back to his home state of Oklahoma. Those trips by the EPA chief have since sparked an audit by the agency's inspector general (*Greenwire*, Aug. 28).

Bowman said the agency has sent out those releases because EPA feels reporters have left out information from their stories.

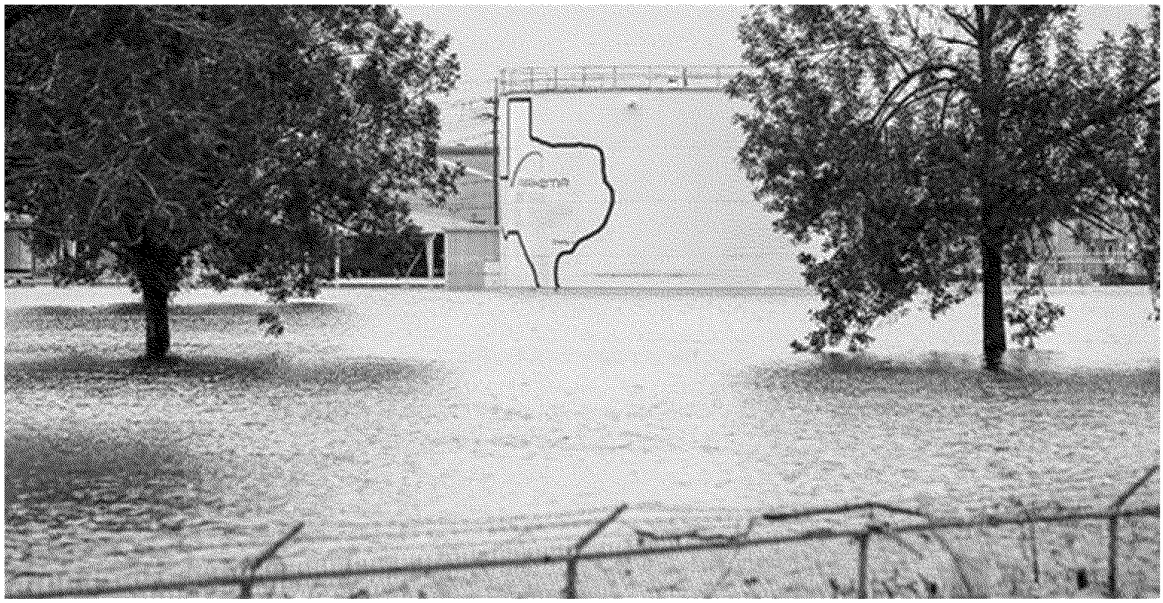
"In these communications, we are providing information and facts that we feel have been intentionally left out: information crucial to both the context and understanding of an issue," Bowman said.

## HURRICANE HARVEY

## Plant burns chemicals but stays mum on airborne releases

Mike Lee, E&E News reporter

Published: Tuesday, September 5, 2017



The Arkema Inc. plant in Crosby, Texas, was flooded from Hurricane Harvey, and the chemicals stored there have caused explosions. Godofredo A. Vasquez/Houston Chronicle via Associated Press

The chemical company whose plant exploded and caught fire after it was flooded during Hurricane Harvey — and where more fires were deliberately lit this weekend — has declined to reveal what materials were released as the site burned.

The Harris County fire marshal's office set fire to six containers of chemicals at Arkema Inc.'s plant in Crosby, Texas, over the weekend in what the company called a "controlled burn." Other containers had started to explode and catch fire Thursday, days after the plant lost power and flooded during the storm.

The fires were out yesterday morning, and local officials lifted an evacuation order that covered a 1.5-mile radius around the plant.

Arkema filed two emissions reports with the Texas Commission on Environmental Quality that described the fires, but said "an estimate of the contaminants released is not available at this time."

The company is allowed to withhold that information in its initial emissions report, which has to be filed within 24 hours of any unusual pollution release, said Andrew Keese, a spokesman for the TCEQ. Arkema will have two weeks to file a final report with a full description of the materials that were released.

But dozens of other companies filed similar initial reports that included detailed estimates of the emissions caused by flooding, lightning strikes and emergency shutdowns at plants along the Texas coast. Early estimates compiled by environmental groups show that millions of pounds of pollutants were released into the air (*Greenwire*, Aug. 30).

A spokesman at Arkema's headquarters in King of Prussia, Pa., didn't immediately respond to questions about the fire and the chemicals that were released.

Arkema's plant, about 25 miles east of Houston, became a flashpoint for the debate about chemical safety after it announced that it had no choice but to let chemicals at the site burn. The U.S. Chemical Safety Board has opened an investigation into the company (*Greenwire*, Sept. 1).

The company, along with state regulators, declined to release an inventory of the plant's chemicals, citing the threat of terrorism. That information used to be publicly available, but Texas allowed companies and local governments to begin withholding details in 2014. Arkema later listed the names of chemicals at the plant on its website, but not the amounts (*Greenwire*, Sept. 1).

Arkema has also tried to downplay any potential danger posed by the smoke from the fire. Fifteen sheriff's deputies were treated at local hospitals after breathing the smoke Thursday.

The company produces organic peroxides, which are used to make plastics and other products. Some of those compounds have to be chilled to prevent them from catching fire.

Before the storm hit, Arkema brought in backup generators to maintain its refrigeration systems, but flooding at the site was deeper than the company expected. The water knocked out the regular power system and the backup generators, and damaged a liquid nitrogen system that also could have been used to stabilize the products.

At that point, Arkema's staff moved 500,000 pounds of peroxides to nine refrigerated trailers and moved them away from buildings and other stockpiles of chemicals at the site.

The plant is in a rural area dotted with small homes. Residents told local media outlets they were worried about horses and other livestock that they had to leave behind.

Arkema has set up a hotline for local residents who need assistance and has helped 100 families find housing since the evacuation, company officials said in a news conference yesterday.

## AIR POLLUTION

## Enviros worry about release of 'chemical cocktail' from Harvey

Hannah Northey, E&E News reporter

Published: Tuesday, September 5, 2017

Refinery leaks are likely due to severe flooding in Texas. Roger W/Flickr

U.S. EPA is facing backlash for telling Texans the air quality post-Hurricane Harvey is of little concern, even as reports surface showing the release of at least a million tons of dangerous pollutants.

EPA on Sunday said residents in the affected area "should not be concerned about air quality issues related to the effects of the storm."

EPA and Texas officials said stationary air monitoring equipment originally taken down in the greater Houston and Corpus Christi regions had been reinstalled and was measuring concentrations "well below levels of health concern." A smaller portion had been reinstalled in Beaumont, but all equipment was expected to be up and running next week.

Environmental groups, however, said it was too early for such a rosy assessment.

Oil and gas facilities in South Texas released almost 5.5 million pounds of contaminants in the wake of Hurricane Harvey, including nearly 1 million pounds of seven dangerous air pollutants during flaring and chemical spills, among them a cancer-causing chemical, according to public regulatory filings aggregated by the Center for Biological Diversity.

The release of such a large "chemical cocktail" into communities surrounding refineries and chemical plants poses a major public health concern, and EPA prematurely downplayed the situation, said Shaye Wolf, the center's climate science director.

"For the EPA to tell people they shouldn't be concerned without complete data in hand and with the data we have showing large amounts of dangerous chemical releases ... it's a big cause for concern," she said.

Elena Craft, a toxicologist with the Environmental Defense Fund in Austin, agreed, calling EPA's statement inappropriate. She said monitors had warned Region 6 officials about the release of organic compounds at a Valero Energy Corp. refinery in east Houston's Manchester neighborhood that they say exceeded federal safety standards.

Craft, who is leading the monitors, said regulators' existing air surveillance system is "sparse," considering the density of the region's oil and gas operations.

Attention has been focused on an unfolding crisis at the Arkema SA chemical plant in Crosby (*see related story*). Craft said she was unaware of any hospitalizations triggered by air pollution, but noted that anecdotal stories about burning eyes and pungent smells continue to trickle in as a number of refineries, plants and Superfund sites report leaks and flares.

Adding to the challenges is the state of Texas' decision to suspend rules for reporting unauthorized emissions post-Harvey due to the effects of the hurricane, floods, fires, wind or debris and power outages. State officials eased the requirements so companies could more nimbly respond to the storm and flooding.

Luke Metzger, director of the group Environment Texas, which is also tracking pollution, said he's hoping for more clarity as final reports on releases roll in.

"In another week or two, we'll have a better picture of total air emissions released," Metzger said. "It'll be a while."

EPA did not respond to a request for comment by press time. In response to other reports, the agency has said it is monitoring developments in Texas.

## CHEMICALS

## 2 courts to hear lawsuits over TSCA rules

Amanda Reilly, E&E News reporter

Published: Tuesday, September 5, 2017

Two federal courts will decide the fate of a pair of rules issued by U.S. EPA under the nation's new chemicals law.

The 4th U.S. Circuit Court of Appeals will hear litigation over the agency's rule guiding risk evaluations of chemicals, while the 9th U.S. Circuit Court of Appeals will hear litigation over how the agency prioritizes chemicals for review.

A special judicial panel on multidistrict litigation randomly selected the 4th and 9th circuit courts on Friday.

Last year, Congress passed and President Obama signed the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a reform to the 1976 Toxic Substances Control Act.

It requires EPA to conduct risk assessments of chemicals without regard to cost and to protect vulnerable populations like children and pregnant women.

The Trump administration issued the rules at issue in June. One of them established the process and criteria for identifying high-priority chemicals for risk evaluations, while the other established the system for determining whether the chemicals present an unreasonable risk to health or the environment.

Separate coalitions of green groups last month filed lawsuits in three federal circuits — the 2nd, 4th and 9th — accusing the Trump administration of unlawfully weakening the rules (*E&E News PM*, Aug. 14).

EPA had asked for the multidistrict panel, which has the authority to determine the legal venue when lawsuits have been filed in two or more federal judicial districts, to step in and consolidate the cases.

The panel, though, rejected EPA's request that both rules be litigated in the same court "in the interest of justice and judicial efficiency."

The Environmental Defense Fund today filed a separate lawsuit challenging EPA's August rule updating the inventory of chemicals in use and when companies can claim confidential data.

EDF's lawsuit in the U.S. Court of Appeals for the District of Columbia Circuit claims that EPA is unlawfully concealing information about chemicals that the public has a right to know.

## PEOPLE

## Former DOJ enviro attorney jumps to Sidley Austin

Amanda Reilly, E&E News reporter

Published: Tuesday, September 5, 2017

A former Justice Department environmental enforcement attorney has joined the Washington office of Sidley Austin LLP, the law firm announced today.

Justin Savage will be a member of Sidley Austin's environmental practice, representing companies and trade associations in DOJ enforcement actions, citizens suits and challenges to regulations.

Justin Savage Justin Savage/LinkedIn

"Justin is a highly skilled lawyer who is nationally recognized for his litigation and trial advocacy work, including handling complicated government environmental investigations and litigation matters of all types," David Buente, co-leader of Sidley's environmental practice, said in a statement.

From 2004 to 2013, Savage was a senior lawyer in the Environmental Enforcement Section of DOJ's Environment and Natural Resources Division.

While there, he represented federal agencies in Clean Air Act litigation against companies, as well as in hazardous waste, water and offshore drilling enforcement cases. He also defended the Interior Department in claims related to the Deepwater Horizon oil spill.

After leaving DOJ, Savage was a partner at Hogan Lovells LLP. Before joining the government, he was an associate at law firm Beveridge & Diamond.

Savage earned his bachelor's degree in history from McNeese State University and his law degree from the University of Virginia School of Law.

## PEOPLE

## Former Scalia understudy to chair federal regulatory agency

Maxine Joselow, E&E News reporter

Published: Tuesday, September 5, 2017

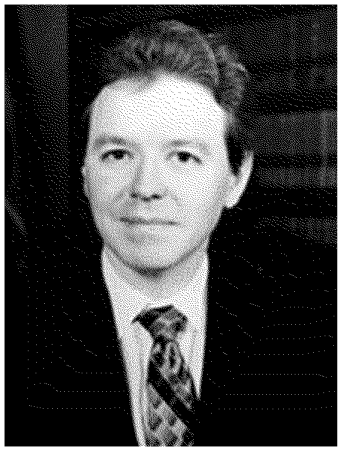
President Trump has nominated Jonathan Mitchell, an understudy of the late Supreme Court Justice Antonin Scalia, to serve as chairman of the Administrative Conference of the United States.

The White House announced the selection in a press release that also mentioned several other nominations to key posts within the administration (*E&E Daily*, Sept. 5).

Mitchell most recently served as a visiting professor at Stanford Law School, where he taught courses on administrative law and published an article in the *Stanford Law Review* about textualism and the equal protection clause.

Prior to assuming that role, Mitchell served as the solicitor general of Texas from 2010 to 2015, arguing three cases before the Supreme Court and authoring more than 100 briefs.

He has previously been on the faculties of the University of Texas, George Mason University and University of Chicago law schools.



Jonathan Mitchell. Stanford Law School

After graduating from Wheaton College and the University of Chicago Law School, Mitchell worked as a law clerk for both Scalia and Judge J. Michael Luttig of the 4th U.S. Circuit Court of Appeals.

A relatively obscure federal agency, ACUS was established in 1964 to study federal administrative procedure and develop recommendations for improvement. Its membership includes federal officials and people from both the private sector and academia.

ACUS carried out its mission for 27 years, issuing recommendations for changing the rulemaking process and government procedure, until Congress terminated its funding in 1995.

At the behest of Scalia, who was known for his conservative ideology and served as the Senate-confirmed chairman of ACUS from 1972 to 1974, the nonpartisan agency was reauthorized in 2004 and was appropriated funds in 2008 (*E&E Daily*, March 24).

The resurrected ACUS is ramping up its efforts at a time when Trump is making deregulation a top priority for his administration (*E&E Daily*, Jan. 20).

Amit Narang, regulatory policy advocate at Public Citizen, heralded Mitchell's nomination.

"A new ACUS chair is welcome news," Narang said in an email to E&E News. "ACUS' leadership is pointing the Trump administration towards best practices when deregulating is much needed, as there are growing indications that agencies are cutting corners under Trump."

## FEDERAL WORKFORCE

## Trump plans 1.9% pay raise for 2018

Kevin Bogardus, E&E News reporter

Published: Tuesday, September 5, 2017

President Trump is set to boost wages for federal employees in 2018.

In a letter sent to Congress on Thursday, the president said he will authorize a 1.9 percent pay raise for government workers. That planned raise consists of a 1.4 percent across-the-board pay increase along with an average boost of 0.5 percent in locality pay.

The pay raise would take effect Jan. 1 and is line with what Trump proposed in his fiscal 2018 budget blueprint earlier this year (*Greenwire*, March 21).

Trump had until Friday to set forth an alternative pay plan or a higher pay raise would have automatically gone into effect under the Federal Employees Pay Comparability Act.

Trump's pay raise is lower than the 2.1 percent bump in wages that President Obama authorized for government workers in 2017 (*Greenwire*, Dec. 9, 2016).

Federal employee unions were not pleased with Trump's planned pay raise.

In a statement, Tony Reardon, president of the National Treasury Employees Union, said government workers should be paid more, considering private-sector pay is climbing at a faster rate. His union supports legislation that would give federal employees a 3.2 percent pay raise in 2018 (*Greenwire*, Jan. 31).

"Federal employees work hard and care deeply about their jobs. In times like these when our country is dealing with a massive natural disaster, the public counts on federal employees for response and recovery efforts," Reardon said.

"They are not the swamp; they are our nation's frontline protectors," he added.

## PESTICIDES

## EPA might cut off dicamba spraying next year — officials

Published: Tuesday, September 5, 2017

U.S. EPA is considering limiting a popular herbicide linked to crop damage, according to state officials advising the agency on the matter.

EPA may decide to ban the herbicide dicamba after a set deadline next year, according to the officials.

A ban would eat into the profits of Monsanto Co. and DuPont, which manufacture dicamba weedkillers and dicamba-tolerant soybean seeds.

Monsanto previously denied requests from researchers to conduct independent testing of dicamba (*Greenwire*, Aug. 9).

Growers across the U.S. farm belt have raised concern that dicamba drifted away from the areas where it was sprayed, sowing widespread damage among soybeans and other crops.

Pesticide experts say cutting off dicamba spraying in the spring or a little later, before soybeans come out of the ground, could protect plants.

EPA had no immediate comment (Polansek/Flitter, Reuters, Sept. 5). **— MJ**

## OBITUARY

## Trailblazing environmental reporter, activist dies at 93

Published: Tuesday, September 5, 2017

Juanita Greene, a prolific writer who churned out stories about corporate corruption and conservation as the *Miami Herald*'s first environmental reporter, died Sunday. She was 93.

After working at other Florida newspapers, Greene convinced the *Miami Herald*'s publishers to create the environmental beat in 1969.

Her stories on the beat, which was unknown among most major newspapers at the time, delved into everything from backdoor political deals to conservation efforts in the Everglades.

As one of the first female journalists to cover serious issues — rather than parties and fashion — she blazed the trail for other women to break into the profession.

"For all the *Herald* environmental reporters who followed her — and there have been many — it was a routine experience to pull archives and clips on some issue or another and find that Juanita had written about it decades earlier," said Curtis Morgan, a *Herald* assistant city editor and former environmental writer. "And written about it better."

After she retired from the newspaper in 1987, Greene turned to activism and helped Friends of the Everglades file lawsuits to protect the Everglades. She also helped push the creation of Biscayne National Park.

"With her passing, I feel that I not only lost a mother but that the world is missing a force of nature," said Helena Sims, one of her daughters (Staletovich/Garvin, *Miami Herald*, Sept. 3). **— MJ**

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**Cc:** Quinones, Edwin[quinones.edwin@epa.gov]; Jones, Bruced[Jones.Bruced@epa.gov]; Murdock, James[Murdock.James@epa.gov]; Peycke, Mark[Peycke.Mark@epa.gov]; Harrison, Ben[Harrison.Ben@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Tyner, Lee[tyner.lee@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]; Bove, James[Bove.James@epa.gov]
**From:** Payne, James
**Sent:** Wed 9/6/2017 1:31:08 PM
**Subject:** Fwd: Crisis Is Over at Texas Plant, but Chemical Safety Flaws Remain - NYTimes.com

FYI for R6 enforcement team - re Arkema, RMP etc.

CC'ing ORC and OGC response attys.

**Subject: Crisis Is Over at Texas Plant, but Chemical Safety Flaws Remain - NYTimes.com**

https://mobile.nytimes.com/2017/09/05/us/harvey-arkema-crosby-chemicals.html

Sent from my iPhone

**From:** Morgan, Jeanette
**Sent:** Wed 9/6/2017 11:19:25 AM
**Subject:** FW: Pesticides & Toxic Substances Law News for September 5, 2017

# Pesticides & Toxic Substances Law News

# for September 5, 2017

Bloomberg BNA Daily Environment Report™

News

*Chemicals*

**Environmental Defense Fund Contests EPA's Third Core Chemical Rule**

The Environmental Defense Fund filed a lawsuit Sept. 1 challenging a federal rule on updating the nation's chemical inventory —the third of three EPA rules governing chemicals in commerce now under legal challenge by the group.

*Chemicals*
**World's Most Important Chemical Made Rare Commodity by Harvey**
Few Americans care about ethylene. Many have probably never heard of it.

*Duty to Indemnify*
**Montrose Chemical's DDT Insurance Options Trimmed**
Montrose Chemical Corp. may not "electively stack" more than 115 excess insurance policies to cover its liability for environmental harm caused by its manufacture of DDT decades ago, a California Court of Appeal ruled (Montrose Chem. Corp. of Cal. v. Superior Court of Cal., 2017 BL 307375, Cal. Ct. App., 2d Dist., No. B272387, 8/31/17).

*Pesticides*
**PODCAST: Finger Pointing on the Farm Amid Weed Killer Calamity**
Farmers are always looking for new ways to kill weeds. But the newest tool in their arsenal, a pesticide from Monsanto and BASF called dicamba, may work a little too well.

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**Latest News**

## New IRIS Leaders Pledge To Shift Program's 'Paradigm,' Winning SAB Praise

Facing calls for its elimination, the new leaders of EPA's Integrated Risk Information System (IRIS) are pledging to shift the program's "paradigm," including working quickly to implement long-pending reforms, speeding release of its chemical assessments and making the program more relevant to partners inside and outside the agency, efforts that are winning strong support from agency science advisors.

## Daily Feed

**Bodine's interim EPA post prompts criticism**

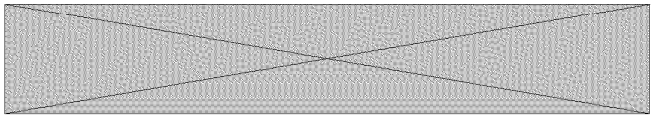
The enforcement nominee will begin work before the Senate votes on her nomination, a common practice in past administrations but one which environmentalists say violates the “spirit” of a recent Supreme Court ruling.

**Five states press ATSDR for national health study on PFCs**

Five state health departments are urging the federal government to launch a national study on the health effects of exposure to perfluorinated chemicals in drinking water.

**Ewire: EPA downplays possible toxic risks from Arkema fire**

EPA says “there are no concentrations of concern for toxic materials reported at this time.”

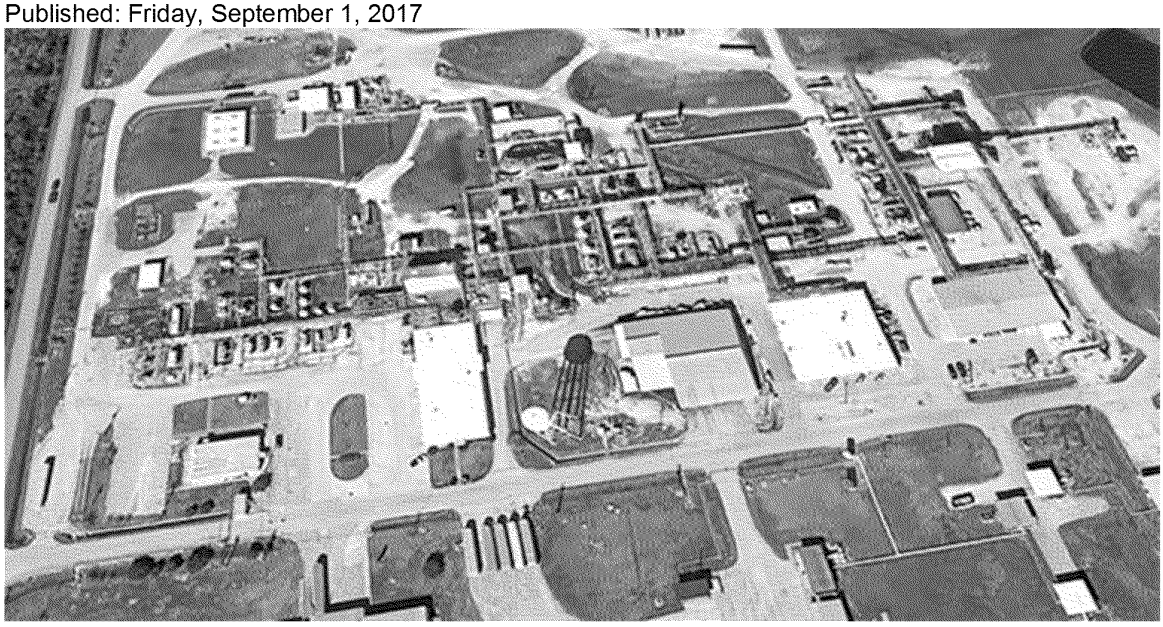


# HURRICANE HARVEY

## Embattled chemical company defends record, planning

Mike Lee, E&E News reporter

Published: Friday, September 1, 2017



Satellite view of the Arkema Inc. chemical plant in Crosby, Texas, where flooding led yesterday to two explosions and fires. People who live within 1.5 miles of the 9-acre industrial tract were evacuated Wednesday. Imagery and map data: &copy 2017 Google

A Houston-area chemical company whose plant caught fire in the wake of Hurricane Harvey defended its response to the storm today, saying no one could have predicted the extent of the flooding.

Arkema Inc.'s plant, which is in a floodplain and has a history of safety violations, has become a flashpoint for residents and environmentalists concerned about the toxic impact of the storm.

Residents have been evacuated for 1.5 miles around the plant, and many are concerned that they cannot return to check on horses and livestock. Millions of pounds of toxic chemicals have been released from refineries and factories along the Texas Coast since the storm hit last Friday, and concerns have been mounting about leaks from the area's toxic waste dumps, sewer plants and other sources (*Greenwire*, Aug. 30) .

Arkema President Rich Rowe apologized yesterday to neighbors who have been affected but said on a conference call with reporters that the company had done the best it could.

"It is something I don't think anyone in this area, including professionals, would ever have predicted," he said.

The plant is in Crosby, a rural area about 25 miles east of Houston that's dotted with small homes. The *Houston Chronicle* listed it as one of the most dangerous sites in the region in 2016, because of the highly reactive chemicals it handles and its proximity to houses.

Arkema produces organic peroxides that are used in plastics and other products. Some of the chemicals can catch fire unless they're kept cold. The company was cited by the Texas Commission on Environmental Quality in 2006 for a fire that burned 3,200 pounds of those same materials, and in 2011 for failing to maintain a piece of equipment.

As the storm approached, the company brought in backup generators to maintain its refrigeration. But the site flooded 6 feet deep, knocking out the backup generators and damaging a liquid nitrogen system that also could have been used to cool the chemicals.

At the peak of the flood, the 11 workers who stayed at the plant were using a boat to move around the site.

The peroxides — 500,000 pounds of them — were already stored in small containers of 1 to 5 gallons, which were stacked in boxes on pallets. That made it impractical for the company to neutralize the products by mixing them with other chemicals, Rowe said. By the time the size of the storm was apparent, it was too late to move the trailers to higher ground without risking a fire in a public area.

Workers moved the products to nine refrigerated containers and rolled the containers to remote areas of the 120-acre site, to prevent them from damaging the plant's buildings or igniting raw materials stored at the plant.

The first of the containers caught fire at about 2 a.m. local time yesterday. Fifteen sheriff's deputies were treated at a hospital after breathing smoke from the blaze.

The floodwaters have begun to recede, but Rowe said it's too dangerous for workers to get on the site and try to restart the cooling units on the remaining containers. They could begin to ignite today.

"We think the only plausible scenario is to let those materials burn out," he said.

## HURRICANE HARVEY

# Beleaguered watchdog investigates chemical blaze

Corbin Hiar, E&E News reporter

Published: Friday, September 1, 2017

U.S. Chemical Safety and Hazard Investigation Board Chairwoman Vanessa Allen Sutherland. CSB/Facebook

A federal investigative agency that President Trump sought to eliminate is now looking into a fire and explosions at a facility northeast of Houston that is owned by a well-connected French chemical company.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) yesterday asked Arkema Inc.'s U.S. subsidiary for documents related to its chemical processing procedures, the chemicals it used at the Crosby, Texas, facility, and its emergency preparations.

"The full scope of our investigation will be determined as more information becomes available from the company," CSB Chairwoman Vanessa Allen Sutherland said in a statement.

In a press conference this morning, Arkema North America President and CEO Rich Rowe acknowledged that people who live near the Crosby plant want more information about the dangers from the burning materials and said the company has shared that information with emergency responders.

Arkema has posted a list of the Crosby plant's chemicals on its website but withheld some information such as the quantities of various chemicals. That information, which is provided to regulators annually in so-called Tier II reports, was once available to anyone who requested it.

"We need to keep the more detailed information — for example, the precise quantities and the location of these chemicals — from those that would do us harm," Rowe said without citing any specific instances when the plant has been threatened.

Likewise, Rowe defended U.S. EPA's decision a few years ago to begin withholding chemical plants' emergency response plans from the public.

"The regulations were changed to balance the public's right to know with the public's right to be secure," he said. "The balance between these two strong interests were set after considerable public debate."

But some experts believe that more transparency about chemical risks and emergency plans could have better protected first responders and residents in the wake of the plant explosion earlier this week (*Greenwire*, Aug. 31).

Despite Trump's call earlier this year to eliminate CSB, the agency is taking on the Crosby plant probe because it appears likely to receive operating funds for the next fiscal year.

The White House budget urged lawmakers to provide CSB with over $9 million in the next fiscal year but only for the purpose of closing down the agency (*Greenwire*, May 23).

House lawmakers, however, are poised to approve an omnibus spending bill next week that offers a lifeline to the agency and keeps its funding at $11 million, the same as the current fiscal year.

"The Board has the important responsibility of independently investigating industrial chemical accidents and collaborating with industry and professional organizations to share safety lessons that can prevent catastrophic incidents and the Committee expects this work to continue," House appropriators said in a report accompanying the bill.

Sutherland's Crosby plant announcement came the same day as Democratic Sens. Tom Carper of Delaware, the ranking member of the Environment and Public Works Committee, and Cory Booker of New Jersey sent a letter to her calling for a probe of the circumstances surrounding the disaster, which began after floodwaters knocked out power to the facility (*Greenwire*, Aug. 31).

"The failure of not just one, but two, sources of emergency back-up power raises questions about whether best practices associated with installing and maintaining such systems at facilities located in hurricane- or flood-prone areas were followed and whether these practices need to be improved," the senators said.

Few other lawmakers are expected to press the Trump administration to investigate or punish Arkema, which has donated generously over the years to members of Congress on both sides of the aisle.

Since the 2006 election cycle, the company, its political action committee and employees have given more than $255,000 to U.S. lawmakers, according to data compiled by the nonprofit Center for Responsive Politics. Republican candidates and groups received 63 percent of that total with the rest going to Democrats.

Some of the top recipients of Arkema's largess are Reps. Patrick Meehan (R-Pa.) and Tim Walz (D-Minn.), who have both taken in $6,000 from the chemical maker. Reps. Fred Upton (R-Mich.), Bradley Byrne (R-Ala.), Steve Cohen (D-Tenn.), Ted Poe (R-Texas) and Pennsylvania's Brian Fitzpatrick (R) and Brendan Boyle (D) have all received at least $4,000 from Arkema, which has its North American headquarters in King of Prussia, Pa.

Arkema has also spent more than $7.4 million on federal lobbying since 2005, according to CRP.

*Reporter Mike Lee contributed.*

## EPA

## Expected next week: Nominations for top lawyer, water chief

Robin Bravender, E&E News reporter

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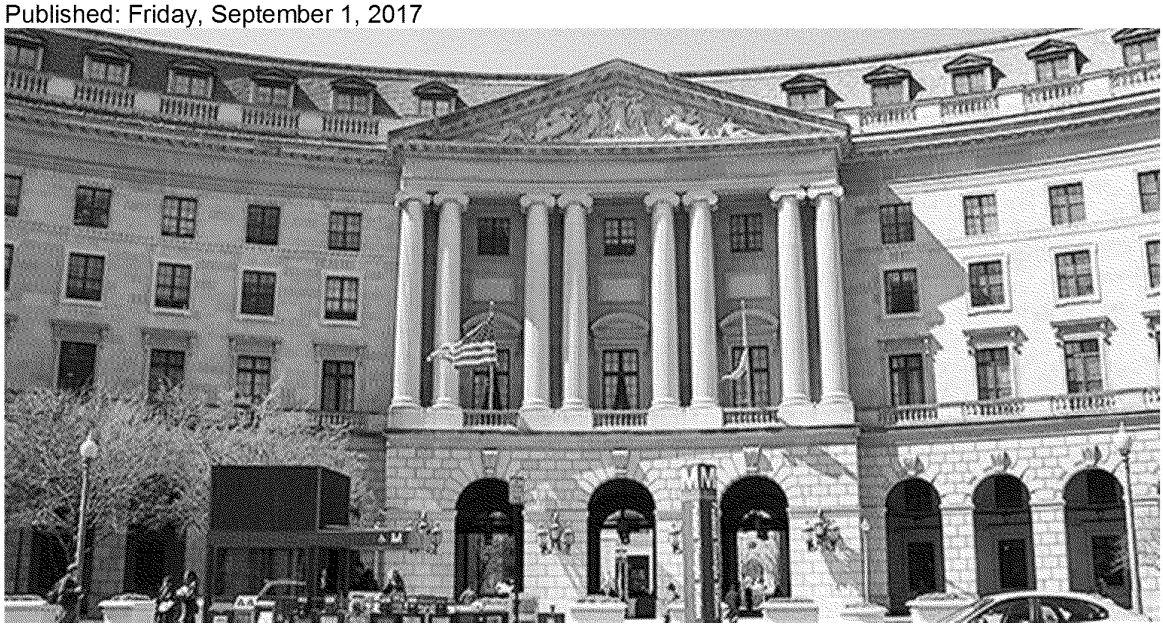


Two high-level U.S. EPA nominees are expected next week. Mr.TinDC/Flickr

The White House is expected to nominate two officials for top U.S. EPA jobs next week, according to an administration official.

They are: Matt Leopold, a Florida attorney expected to be President Trump's pick for EPA general counsel; and Wisconsin official Dave Ross to lead EPA's water office.

If confirmed for the EPA jobs, Leopold and Ross would be tasked with advancing the Trump administration's rollbacks of Obama administration environmental policies, including the Clean Power Plan and the Clean Water Rule. They've both attacked the Obama administration's signature environmental rules (*Climatewire*, July 26).

Matt Leopold. Leopold/LinkedIn

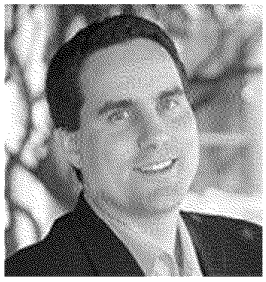
Their nominations, which have been in the pipeline for months, are expected to be officially sent by the

White House to the Senate Environment and Public Works Committee after lawmakers return from recess next week.

Two other nominations for top EPA jobs could also come soon but aren't expected next week. Those are Andrew Wheeler for EPA deputy administrator and Bill Wehrum to lead the air office (*Climatewire*, July 21).

Leopold, the expected general counsel nominee, is now an attorney at the Tallahassee, Fla., office of the law firm Carlton Fields. He was the chief lawyer at the Florida Department of Environmental Protection from 2013 until 2015 and worked in the Justice Department's environment division from 2007 until 2013.

In recent speeches, Leopold has cited arguments against the Clean Power Plan, the Obama-era rule to limit power plants' greenhouse gas emissions. He warned about the high costs of the rule and highlighted legal arguments that EPA had reached beyond its authority and was redundantly regulating power plant emissions.



Dave Ross. Ross/LinkedIn

Ross is director of the Environmental Protection Unit at the Wisconsin Department of Justice. He was previously senior assistant attorney general in Wyoming, where he challenged EPA's Clean Water Rule. He also worked at the law firm Crowell & Moring, where he represented the American Farm Bureau Federation in its 2012 lawsuit over EPA's Chesapeake Bay cleanup plan (*Greenwire*, July 27).

Their confirmations would help fill out EPA's sparsely populated ranks of political leaders. EPA Administrator Scott Pruitt remains the only Senate-confirmed official in the agency more than seven months into the Trump administration.

By contrast, President Obama's first nominee for EPA general counsel, Scott Fulton, was nominated in May 2009 and confirmed in August. Obama's first pick to lead the water shop, Peter Silva, was nominated in April 2009 and confirmed that July.

Some industry representatives are concerned that the administration's deregulatory agenda is suffering from a lack of political leadership within EPA.

## Q&A

## Ex-OIRA chief John Graham talks reg reform, ballroom dancing

Maxine Joselow, E&E News reporter

Published: Friday, September 1, 2017

Fromer OIRA chief John Graham. @SPEA_DeanGraham/Twitter

John Graham has written a paper that swayed a Supreme Court decision, earned tenure at Harvard University at age 34 and testified before the European Parliament.

But the 60-year-old policy analyst says his proudest professional accomplishment was being nominated by President George W. Bush to lead the Office of Information and Regulatory Affairs.

Part of the Office of Management and Budget, OIRA is tasked with reviewing draft regulations and vetting agencies' cost-benefit analyses.

# E&E SERIES

Energy and environmental newsmakers dish on politics, pet peeves and their TV addictions. Click here to read more stories in this series.

Graham headed OIRA — which has been described as the most important office you've never heard of — from 2001 to 2006 before leaving for academia.

The Pittsburgh native, whose doctoral dissertation on auto safety was cited in a 1983 Supreme Court decision backing air bag requirements, now serves as dean of the Indiana University School of Public and Environmental Affairs. He sat down with E&E News to discuss his career, his passion for ballroom dancing and his thoughts on regulatory reform efforts from the Trump administration and Congress.

**What drew you to regulatory matters?**

When I was a college student, I was an avid debater. One of our most popular cases was a regulatory requirement that all new cars have air bags for automobiles. And that got me interested in regulation as an instrument of lifesaving.

**You won national awards as a debater in college. Have your skills served you well?**

Oh, absolutely. There are a variety of other prominent public policy actors in my era who were peers and rivals of mine in debate. And one who was a dear friend was Larry Summers, who became secretary of the Treasury under [President] Clinton and director of the National Economic Council under [President] Obama.

**You faced some tough questions during your confirmation hearing for OIRA administrator in 2001. How do you maintain grace under pressure?**

There's an old saying: "If you can't take the heat, get out of the kitchen." And that's been my self-enforced motto whenever it seems like things get tough. When things get tough, I say to myself, "Well, you decided that you want to be a player. So you gotta be able to take the heat."

**Do you have any advice for current OIRA Administrator Neomi Rao?**

Oh, she doesn't need advice from me. She's a very smart, enterprising lady. She's going to do great.

**What do you make of the Trump administration's regulatory reform efforts, including its "two-for-one" executive order, which requires two federal regulations to be revoked for every new one?**

I think it's too early to tell how meaningful, in the long run, the Trump reforms will prove to be. One of the more innovative reforms in the Trump administration has been the so-called two-for-one executive order. But I don't think it's likely that the Trump administration will be doing very many new regulations that qualify for the two-for-one requirement. I also don't know that the two-for-one concept has adequate bipartisan support to survive the next Democratic administration.

**Have you been following Congress' efforts to pass a regulatory reform measure, including its consideration of the "Regulatory Accountability Act"?**

Yes. I testified a couple of times. And I have been working directly with the staff of Sen. Heidi Heitkamp [D-N.D.], as well as Sen. James Lankford [R-Okla.]. So I've been following it fairly closely and have been active from a distance.

**Do you think Congress will pass a regulatory reform measure by the end of 2018?**

If I were handicapping this, I would give it 1 chance in 3. That's largely because I think the Senate may have difficulty passing this if they think it is a Trump administration initiative. And I don't really think it is. I think a lot of the sponsors of it were on these issues long before Trump was a political figure. But in the way Washington perceives things, the Democrats may be afraid that Trump could take credit for it and it would make Trump look good.

**What is your family like?**

I have two daughters. The older one is finishing her Ph.D. in history at the University of California, Irvine, and is married to a Stanford University classmate in San Diego. The younger one is in human resources management and married to a Chilean, and they are living in Santa Monica, Calif. We do a lot of visits out there to California.

**How do you blow off steam?**

*Do* I blow off steam? That's the question. I don't get in situations very often where I need to blow off steam. But it's probably my rounds of golf.

**I read that you and your wife, Susan, are fans of ballroom dancing. Is that right?**

We're very avid ballroom dancers. In fact, we're about to leave for a cruise of the British Isles. We'll be touring during the day and dancing at night on the ship.

**Besides golf and ballroom dancing, what are your hobbies?**

My wife and I are both duplicate bridge players. I remember vividly that for my first stint in Washington, I was a fellow at the Brookings Institution. And in the evening, Larry Summers and I would sneak away and play duplicate bridge. We would often play against Supreme Court Justice John Paul Stevens and his wife. They would always love it when we came to their table because they could bid us up very high and then set us. We were a little rash with our bidding.

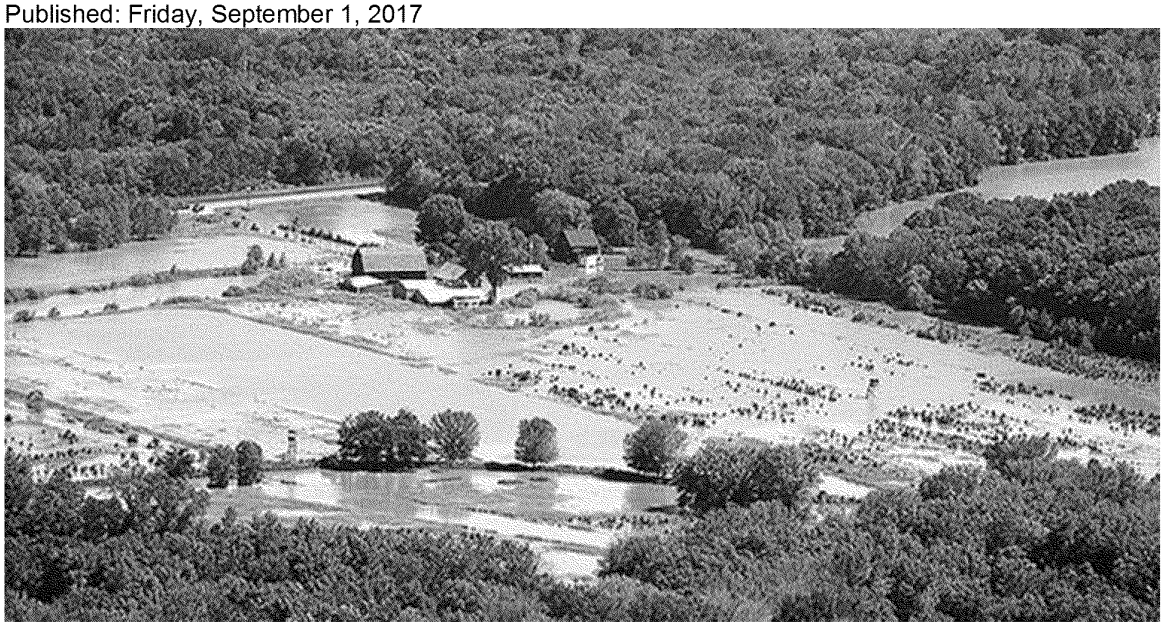
*This interview has been edited and condensed.*

## AGRICULTURE

## Storm dumps crop-killing salt but offers conservation lessons

Marc Heller, E&E News reporter

Published: Friday, September 1, 2017



Farm communities are considering what they can do to withstand, or recover faster, from epic rains. Barry Bahler/FEMA/Wikimedia Commons

Receding floodwaters from Hurricane Harvey are about to reveal lessons for Texas farmers.

Agriculture researchers and conservation groups say farm communities couldn't have prevented the devastation the storm wreaked on cotton and other crops. After all, Harvey's rain was measured in feet, rather than inches.

But the right mix of land conservation measures can make the ground more resilient and ready for planting after such events, the experts say.

The next few weeks will tell whether practices like reduced tillage; cover crops; and — perhaps most important — the planting of trees, bushes and other perennials around fields made any difference in how fast cropland recovered.

Farmers around the country can draw lessons, too, researchers said, since flooding rains occur just about anywhere from time to time and will likely become more frequent in some areas as the climate warms.

"If you look regionally across the country, we have floods everywhere," said Jerry Hatfield, director at the Department of Agriculture's National Laboratory for Agriculture and the Environment in Ames, Iowa, which is run by USDA's Agricultural Research Service.

Conservation plans, required for many federal farm programs, aren't designed for 1,000-year floods, Hatfield said. Rain on the magnitude of 50 inches overwhelms systems that communities put in place. He said most farmers' flood planning envisions rains around 8 or 10 inches, which isn't uncommon from a tropical storm.

Still, Hatfield said, deep-rooted plants and cover crops like clover, which also boost nitrogen, can help leave the soil in better shape even after bigger rain events. "We've got to get the water off first," he said.

The National Farmers Union has supported more federal programs aimed at land conservation and will be monitoring programs under USDA's Natural Resources Conservation Service as Congress weighs the 2018 farm bill in the months ahead.

Farmers who've planted perennials along streams and at the edges of fields may fare better as stormwater runs off, said NFU President Roger Johnson.

"At some point when the floods recede, lots of water is coming off the land," Johnson said. "So that holds the soil, even though water is running over it."

That won't be a fast process in some areas hit by Harvey.

"Everything is saturated, and everything is underwater," said Tamara Daniel, executive director of the Association of Texas Soil and Water Conservation Districts. That's true even near Austin, some 160 miles northwest of Houston, she said.

## Salt 'going to kill everything'

As the water slowly disappears, the state's conservation districts — county-level offices that help farmers and rural communities make land more resilient to floods and drought — will work together on local needs, Daniel said.

Soil that's been contaminated with water from the Gulf of Mexico won't be suitable for crops for a while, Daniel said. "Salt water is going to kill everything," she said. "Recovery in those areas is a matter of years."

Soil type and location always play a big role in flood recovery, Hatfield said. Some of the affected areas in Texas have heavy clay soil, which is good news and bad news: It's less absorbent, so water stands more easily. But water also comes off faster.

Water that stands in a field for an extended period of time can suffocate the small organisms that make soil healthier. As the water runs off, it leaves behind silt that "just clogs everything up," Hatfield said.

Other parts of the country face different challenges. Recovery from floods in the Midwest in 1993 was slowed by a freeze-and-thaw cycle that areas along the Gulf Coast don't see, said Hatfield.

Southern areas also are able to grow crops year-round, which speeds recovery. "We can work that to our advantage because we can grow crops almost continuously," he said.

In the Northeast, Hurricane Irene in 2011 highlighted a problem: Rocky soil makes some areas tough for farming, so floodplains along rivers are often the most productive farmland, according to Regenerative Design Group, a landscape company that promotes "productive conservation" that includes shrubs, trees and other plants that produce crops or timber.

"Be it a drought year or a flood year, a tree will almost always outperform a carrot, all with much less input of time and energy," the company said on its website.

For the long term, Hatfield said, the key isn't necessarily aiming to prevent damage from 1,000-year floods — which isn't possible — but to put the soil in good condition so rains of a few inches that follow such storms cause minimal damage.

Avoiding farming in floodplains and along lakes and rivers, if possible, is an idea U.S. agriculture ought to embrace as well, said Lara Bryant, a soil health fellow at the Natural Resources Defense Council.

And while a storm as big as Harvey will be devastating no matter what, Bryant said, farmers should keep in mind that every 1 percent increase in organic matter helps the soil absorb an additional 25,000 gallons of water per acre, by USDA estimates.

"Having good soil is a natural form of insurance," Bryant said.

## CHEMICALS

## Storm knocks out production of gas crucial to consumer goods

Published: Friday, September 1, 2017

Hurricane Harvey knocked out more than half of U.S. production of ethylene, a significant chemical with widespread applications.

Ethylene is a colorless, flammable gas essential for plastics production and used to make products including car parts, milk jugs, paint and mattresses.

Texas, where Harvey made landfall as a Category 4 hurricane, produces nearly three-quarters of the country's supply of the chemical.

While many Americans probably haven't heard of ethylene, analysts say it's a crucial part of the U.S. manufacturing industry.

"Ethylene really is the major petrochemical that impacts the entire industry," said Chirag Kothari, an analyst at Nexant (Jack Kaskey, Bloomberg, Sept. 1). **— MJ**

## CHEMICALS

## Plant explosions spotlight danger at sites across Gulf Coast

Published: Friday, September 1, 2017

The crisis at the Arkema chemical plant in Crosby, Texas, where Hurricane Harvey floodwaters knocked out systems keeping volatile chemicals cool, has exposed the vulnerability of hundreds of other facilities in low-lying areas across the Gulf Coast.

Nearby residents were evacuated before the Arkema plant's chemicals exploded, but experts say the crisis points to larger issues with controlling dangerous materials. Many of Texas' 1,300 chemical plants sit in low-lying areas near the coast that are susceptible to flooding.

"The Crosby plant is a wake-up call for an industry and their safety regulators who have not adequately taken action on lessons from Hurricane Katrina as well as the Fukushima nuclear disaster in Japan," said Bill Hoyle, a former senior investigator for the U.S. Chemical Safety Board and now an independent safety consultant.

In paperwork that Arkema filed in 2014, the company described its worst-case scenario as affecting 1.1 million people within a 23-mile radius. In Texas alone, 32 other plants also warned that a chemical catastrophe could affect more than a million people, according to a Congressional Research Service report (Mufson/Dennis/Achenbach, *Washington Post*, Aug. 31). **— AAA**

## EPA

## Senate Dems tell Pruitt to stop 'thwarting transparency'

Nick Sobczyk, E&E News reporter

Published: Friday, September 1, 2017

A group of Democratic senators yesterday penned a letter to U.S. EPA Administrator Scott Pruitt asking him to end policies at the agency they say "thwart transparency."

The letter said, "At your direction, the political leadership of the U.S. Environmental Protection Agency is taking deliberate steps to thwart transparency."

The lawmakers wrote, "It is essential to the functioning of our democracy that our government does its business in the open."

The group includes Sens. Kamala Harris of California, Sheldon Whitehouse of Rhode Island, Jeff Merkley of Oregon, Cory Booker of New Jersey, Kirsten Gillibrand of New York and Ed Markey of Massachusetts.

The letter comes after allegations published in *The New York Times* that Pruitt has concealed his work at EPA from career employees, as the agency rolls back regulations and cuts staff under the Trump administration.

A group of House lawmakers yesterday sent a similar letter to the administrator, asking him whether the agency had "instituted extreme restrictions on employee movement within the building, locking doors at headquarters and requiring escorts for employees" (*Greenwire*, Aug. 31).

The latest letter from Senate Democrats alleges Pruitt has forbidden career employees from taking notes during meetings and failed to respond to Freedom of Information Act requests.

It also asks Pruitt to take a number of steps to promote transparency, including directing staff to keep logs of his telephone calls, resuming the practice of keeping public calendars and providing more details about FOIA requests.

EPA aides have strenuously disputed similar concerns about lack of transparency and allegations in the *Times* report.

## APPROPRIATIONS

## Admin to seek $6B in first batch of Harvey relief

Geof Koss, E&E News reporter

Published: Friday, September 1, 2017

Congress may take up Hurricane Harvey disaster relief next week. Here, a Texas resident is rescued following the storm. Petty Officer 3rd Class Brandon Giles/Coast Guard

The White House is expected to ask Congress for nearly $6 billion in what is expected to be the first of several aid packages over the next few months to help the victims of Hurricane Harvey.

A formal request of $5.9 billion is expected as early as this afternoon and could see votes next week, the Associated Press reported today. A House GOP aide confirmed that figure and timetable are what is anticipated.

During a visit to Texas with members of the Cabinet, Vice President Mike Pence said the administration was discussing a supplemental spending bill focused on the "immediate needs" of individuals, as well as assistance to help local businesses begin recovering.

"We expect Congress to move quickly on the initial legislation," Pence told reporters. "And we will be working very diligently in the opening weeks of Congress to accomplish that."

White House national security adviser Tom Bossert told reporters yesterday that $3.6 billion in the federal Disaster Relief Fund before Harvey helped weather the initial response, but he signaled that the dwindling balance will "shortly" require a supplemental request.

He noted that the disaster fund will be replenished by the end of the fiscal year on Sept. 30, but as recovery needs come into focus, a "third bite at the apple" on Harvey relief will be needed later.

"So that's where we stand, and I'm not worried at all that we don't have the money right now for the operations underway and the operations that we foresee in the next month," Bossert said.

Pence, who as a House member in 2005 called for offsetting aid for Hurricane Katrina, sidestepped questions about whether Harvey relief should be paid for by cuts elsewhere in the federal budget.

"I was very pleased — before I was a vice president, before I was a governor, I was a member of Congress, and I was very pleased to support federal disaster funding in the wake of Hurricane Katrina," Pence said.

"But in the months that followed that, I was also part of an effort in Congress to find savings in the budget to pay for that. And I would leave those decisions to members of Congress and to the president of the United States as we move forward," he added.

Bossert, who worked at the Federal Emergency Management Agency during the George W. Bush administration and also served as a homeland security adviser to the 43rd president, defended proposed budget cuts for FEMA in the Trump fiscal 2018 budget request.

"The core operating function at FEMA is going to be well-funded under the president's proposal," he said yesterday.

"The Disaster Relief Fund, which really provides the money for these events that you don't plan for but that you prepare for, those things will be all well-funded through that Disaster Relief Fund."

The budget cuts include Homeland Security grants that "were never meant to be permanent," Bossert added. "And what we need to do is reduce state and local dependency on some of that federal money, but we need to do it in a responsible way."

Trump, who White House press secretary Sarah Huckabee Sanders said yesterday will donate $1 million to help Harvey victims, plans to travel to Texas again tomorrow.

## ELECTRIC VEHICLES

## Tesla employees allege poor chemical training

Published: Friday, September 1, 2017

Some Tesla Inc. employees in California say they were never properly trained to work with hazardous chemicals, an allegation the company says is "completely false."

Twenty-two workers at Tesla's Fremont car factory, which is ramping up production of the Model 3 electric vehicle, have raised concerns about chemical training.

The workers say the lack of information caused them to develop health problems such as rashes, dizziness and nosebleeds.

Dennis Cruz, who has worked on the factory's auto body line since 2014, said he only received informal training from the internet and the United Automobile Workers union.

Cruz said he rubbed his eyes at the end of the night shift after touching residue from an adhesive used in the cars, causing chemical burns in his eyes.

"I was like a blind person bumping into walls — I had to count the steps to the bathroom," he said.

Tesla says that it has complied with all labor laws and that the workers' concerns may represent another attempt by the union to pressure the company (David R. Baker, *San Francisco Chronicle*, Aug. 31). **— MJ**

## GREAT LAKES

## Antidepressants show up in fish brains

Published: Friday, September 1, 2017

Human antidepressant drugs are accumulating in the brains of fish in the Great Lakes region, appearing in concentrations high enough for researchers to worry about behavior changes in the species.

All 10 species studied from the Niagara River between lakes Erie and Ontario — including trout, walleye and bass — had accumulated the drugs, said Diana Aga, lead scientist on the study, published in *Environmental Science and Technology*. She said the discovery raises "serious environmental concerns."

"These active ingredients from antidepressants, which are coming out from wastewater treatment plants, are accumulating in fish brains," Aga says. "It is a threat to biodiversity, and we should be very concerned."

It doesn't seem to pose a direct threat to humans, since most people don't eat fish brains. But other research has shown that antidepressants can affect fish's feeding behavior or their survival instincts. Laboratory tests suggest the affected fish don't acknowledge predators as much.

If that holds true in the wild, the ecosystem could tip out of balance, said study co-author Randolph Singh.

The study also suggests the drugs are building up in the fish over time, since the levels in their brains were as much as 20 times higher than the levels found in the water (John Myers, *Forum of Fargo-Moorhead*, Aug. 31). **— AAA**

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**To:** Seager, Cheryl[Seager.Cheryl@epa.gov]
**From:** Thompson, Steve
**Sent:** Tue 9/5/2017 7:45:08 PM
**Subject:** FW: Press Inquiry re Arkema

**From:** Stucky, Marie
**Sent:** Tuesday, September 05, 2017 1:16 PM
**To:** Thompson, Steve <thompson.steve@epa.gov>
**Subject:** RE: Press Inquiry re Arkema

Based on what we know at this time, we have no records showing an RMP inspection at the Arkema - Crosby facility. We have requested records from the records center on the facility to review. Depending on where those records are stored (onsite or offsite), it may take some time to receive and review all of the records.

Sincerely,

Marie Stucky

U.S. Environmental Protection Agency Region 6

1445 Ross Avenue (6EN-AS)

Dallas, Texas 75202

(214)665-7560

stucky.marie@epa.gov

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**From:** Thompson, Steve
**Sent:** Tuesday, September 05, 2017 10:04 AM
**To:** Stucky, Marie <Stucky.Marie@epa.gov>
**Subject:** Fwd: Press Inquiry re Arkema

Can you check?

Sent from my iPhone

Begin forwarded message:

> **From:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
> **Date:** September 5, 2017 at 9:21:28 AM CDT
> **To:** "Thompson, Steve" <thompson.steve@epa.gov>
> **Subject: Fwd: Press Inquiry re Arkema**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Gray, David" <gray.david@epa.gov>
> > **Date:** September 5, 2017 at 9:06:43 AM CDT
> > **To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
> > **Subject: FW: Press Inquiry re Arkema**
> >
> > Can you check?
> >
> > **From:** Pearson, Sam [mailto:spearson@bna.com]
> > **Sent:** Tuesday, September 05, 2017 8:58 AM
> > **To:** Gray, David <gray.david@epa.gov>
> > **Subject:** Press Inquiry re Arkema
> >
> > Hi David,

I saw over the weekend that Senator Carper wrote to EPA asking for information about how EPA regulated Arkema's plant in Crosby, Texas. Among the information he requested was how often the plant has been inspected by EPA under the risk management program.

I was reviewing EPA data we have here, which was obtained under the Freedom of Information Act, and it seems to show that the Crosby plant was not inspected under RMP since 2003. It's possible it was inspected before that, but we don't have data going back that far.

I saw it shows the following RMP inspections at different Arkema facilities:

| Facility Name | FRS ID | Region | Federal Statute Code | Actual End Date | Actual End Date Year | Actual End Date Month | Compliance Monitoring Type |
|---|---|---|---|---|---|---|---|
| ARKEMA, INC. | 110025376248 | Region 4 | CAA | 11/9/2015 | 2015 | 11 | 112(r)(7) Inspection |
| ARKEMA, INC. | 110000380931 | Region 4 | CAA | 10/26/2010 | 2010 | 10 | Full Evaluation |
| ARKEMA INC | 110019470219 | Region 2 | CAA | 7/27/2010 | 2010 | 7 | Full Evaluation |
| ARKEMA, INC. | 110025376248 | Region 4 | CAA | 6/16/2009 | 2009 | 6 | Full Evaluation |
| ARKEMA INC | 110000464268 | Region 6 | CAA | 6/18/2008 | 2008 | 6 | Evaluation |
| ARKEMA COATING RESINS | 110018070380 | Region 5 | CAA | 3/28/2007 | 2007 | 3 | Evaluation |
| ARKEMA, INC. | 110025376248 | Region 4 | CAA | 3/31/2004 | 2004 | 3 | Evaluation |
| ARKEMA INC | 110000464268 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |
| ARKEMA INC | 110000464268 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |

| | | | | | | |
|---|---|---|---|---|---|---|
| ARKEMA INC | 110000464928 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |

Is it correct that the Crosby plant has not been inspected since 2003? Has it ever been inspected under RMP at a different date? I assume you would have access to this same data if it is possible to check.

Thank you,

: : : : : : : : : : : : : : : : : :

**Sam Pearson**

Reporter

**Bloomberg BNA**

Direct 703.341.3881

Cell 571.319.9383

spearson@bna.com

**To:** R6Press[R6Press@epa.gov]
**From:** Durant, Jennah
**Sent:** Tue 9/5/2017 3:40:57 PM
**Subject:** Daily News Digest, Tuesday, September 5
Daily News Digest 090517.pdf

***Please note: All articles are available in the attached PDF.***

***To receive the Daily News Digest in your inbox, email R6Press@epa.gov.***

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http://www.nola.com/environment/index.ssf/2017/09/small_oil_spill_in_mississippi.html

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region6news

Tuesday, September 05, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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# Harvey causes chemical companies to release 1 million pounds of extra air pollutants

> Oil refineries and chemical plants across the Texas Gulf Coast released more than 1 million pounds of dangerous air pollutants in the week after Harvey struck, according to filings.

BY STEVEN MUFSON, THE WASHINGTON POST SEPT. 4, 2017 12 HOURS AGO

16

Satellite view of the Arkema SA chemical plant in Crosby, Texas.

Oil refineries and chemical plants across the Texas Gulf Coast released more than 1 million pounds of dangerous air pollutants in the week after Harvey struck, according to public regulatory filings aggregated by the Center for Biological Diversity.

While attention has zeroed in on the crisis at the Arkema chemical plant in Crosby, other flaring, leaks and chemical discharges triggered by Harvey.

Emissions have already exceeded permitted levels, after floating rooftops sank on oil storage tanks, chemical storage tanks overflowed with rainwater, and broken valves and shutdown procedures triggered flaring at refineries.

The chemicals released in the week after Harvey made landfall, including benzene, 1,3-butadiene, hexane, hydrogen sulfide, sulfur dioxide, toluene and xylene.

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All seven chemicals are toxic air pollutants documented to harm human health; several cause cancer. Other emissions would bring the total to more than 5 million pounds, the Center for Biological Diversity said.

“Our general concern is the fact that these are relatively unseen environmental threats that don’t normally get recognized,” said Elena Craft, a toxicologist at the Environmental Defense Fund.

Further damage and emissions across the region could be uncovered in the coming weeks as floodwaters recede, and chemical safety experts warned that restarting plants could carry as many dangers as the shutdowns.

“We are not out of the woods yet, not the entire industry,” said M. Sam Mannan, a professor of chemical engineering at Texas A&M University and director of an institute that studies safety procedures in chemical factories.

In addition, winding rivers overflowed and washed over some of the waste pits and drilling pads at shale gas and shale oil drilling sites in the Eagle Ford play in Central Texas, according to satellite imagery collected by Sky Truth, a nonprofit group that monitors the environment. The extent of the damage was not clear.

“It’s unsafe and unacceptable for the petroleum industry to be releasing these massive quantities of air pollutants when storms hit,” said Shaye Wolf, climate science director of the Center for Biological Diversity. She added that the companies could do more to limit flaring and leaks. “That shouldn’t be common industry practice,” she said.

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Companies have two weeks to submit filings to the Texas Commission on Environmental Quality so those figures could increase substantially. But the filings so far give a good picture of some of the problems.

The most common problem in oil refineries has been floating rooftops on storage tanks. Because petroleum is flammable, open space in a tank would collect dangerous vapors. So the oil industry storage tanks have round lid-like rooftops that rise and fall with the level of liquid in the tanks. With heavy rains, many were damaged and sank from the weight, leaving crude oil or petroleum products in the open air emitting fumes. In some cases, they have caused spills too.

Rooftops sank at four tanks at the Pasadena products terminal of Phillips 66. Three sank at the Pasadena terminal of Kinder Morgan, a pipeline company. Two were damaged at Shell's Deer Park refinery. One each sank at Valero Energy Partners' Houston terminal, Marathon's Texas City plant and ExxonMobil's Baytown refinery.

Shell said one leaky tank, discovered during cleanup operations, allowed oil to run out into a surrounding berm. "The leak has been isolated, and we're in the process of cleaning it up," said Shell spokeswoman Kimberly Windon, who added that there was "no offsite impact."

Flooding has posed other challenges. For a week, BASF, the second largest producer of chemical products in North America, has been struggling to contain rainfall at its Beaumont Agro plant, according to BASF's filings with the Texas Commission on Environmental Quality. The plant produces pesticides, herbicides and insecticides.

The company started trucking waste water off the site the week before landfall in an attempt to maximize water storage capacity. Then, unable to contain contaminated storm water and process waste water, the company shut down operations on Aug. 27 and brought in temporary water storage capacity. Nonetheless, the tanks overflowed, spilling chemicals into a diked containment area. The containment area then overflowed to the surrounding ground.

Roberto Nelson, BASF's senior manager for community relations, said a test of leaking waste water on Aug. 29 "indicated there were trace amounts of nonhazardous process chemicals in the discharge water." He added that the overflow stopped on Aug. 31.

At ExxonMobil's Beaumont oil refinery, oil flowed over a 10-foot levee and spilled onto a nearby county road, due to the rising Neches River, an ExxonMobil spokeswoman told the local newspaper, the Beaumont Enterprise. A different spokeswoman, Suann Guthrie said the company was "closely monitoring" and "taking steps" to contain two sheens.

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Oil and chemical companies have also been flaring large amounts of gases, beyond levels ordinarily permitted by the Environmental Protection Agency or TCEQ.

On Sept. 2, the TPC Group said in a TCEQ filing that it was working to control the source of gases being flared at its Port Neches facility. It has already emitted an estimated 1,000 pounds of carbon monoxide and 1,000 pounds of nitrogen oxides, well beyond the state's permitted levels. Nitrogen dioxide is an air pollutant by itself and reacts in the atmosphere to form ozone. It also contributes to breathing problems and acid rain.

Huntsman Petrochemical on Sept. 2 reported it had flared an estimated 1,000 pounds of methyl tert-butyl ether, used as an oxygenate in gasoline and regulated in California. The flaring exceeded the Texas limit of 0.04 pounds an hour for the plant.

Total said in a filing Friday that its petrochemical refinery in Port Arthur had no power and over a 48-hour period had flared half a dozen chemicals, emitting sulfur dioxide in one flare that was 50 times greater than the regulatory limit.

"A facility that shuts down may employ flaring of excess gasses that cannot be processed," Cal Dooley, president of the American Chemistry Council, said in a statement Thursday. "Flaring is an approved way to safely relieve pressure during a unit shutdown and is considered an industry 'best practice.' These controlled releases are done with the permission of state and federal regulatory authorities."

Texas is the nation's largest producer of chemicals, with $129 billion in shipments and 79,000 employees, according to Dooley's group.

The Environmental Protection Agency on Saturday reassured residents about health concerns. Yet the city of Houston registered up to 15,000 parts per billion of smog-forming volatile organic compounds in and around the Valero refinery in east Houston's Manchester neighborhood, as well as at other refineries in the region. These concentrations are at least 10 times higher than health officials deem safe, the nonprofit group EDF said in a statement.

The EDF's Craft said "EPA said inaccurately and inappropriately that residents should not be concerned about the air quality around Houston." The Houston area was under alert for ground-level ozone, a lung-damaging air pollutant, for the fourth day in a row, according to the EPA's Air Now Web site.

Mannan, the chemical engineer at Texas A&M, last year wrote a study ranking Houston-area facilities by their potential to cause harm to the public during a disaster. He said restarting production at dozens of waterlogged plants poses enormous risks for workers and the public.

"Additional events could happen because, if you think about it, a lot of these tanks got submerged in water and a tremendous amount of force is created in 40 feet of water. It can move the tanks around or deform them," he said.

"Every piece of equipment, every tank, has been battered by the flooding," Mannan said. "You have to go through and check every piece of equipment. A lot of hard work is still left, and a lot of potential for incidents is still there."

The Chemical Safety and Hazard Investigation Board on Friday issued a "safety alert" urging oil and chemical facilities to take special precautions when restarting after Harvey.

"Restarting a refinery poses a significant safety risk," said CSB chair Vanessa Allen Sutherland.

*Aaron C. Davis contributed to this article.*

*Disclosure: The Environmental Defense Fund, Texas A&M University and ExxonMobil have been financial supporters of The Texas Tribune. A complete list of Tribune Donors and sponsors is available here.*

Read related Tribune coverage:

- ExxonMobil acknowledged Tuesday that Hurricane Harvey damaged two of its refineries, causing the release of hazardous pollutants. [Full story]
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- Environment Texas described the fine against the world's largest oil company as the "largest penalty resulting from a citizen suit in U.S. history." [Full story]
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# Residents concerned about flooding at Superfund sites in wake of Harvey

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HOUSTON -- More than a week after Harvey raked across southeast Texas, drone footage shows the floodwaters still surrounding the San Jacinto Superfund site -- where toxic dioxins from an old paper plant could have leaked.

"Most likely we will have to take some samples at this site," said the Environmental Protection Agency's Sam Coleman.

Sam Coleman CBS NEWS

Of the 41 Superfund sites -- places storing sulfuric acid, heavy metals and waste oils -- that were in the storm's path, 13 were flooded. And with the waters receding, workers were finally able to see several locations up close.

"You can see some of the debris and other things. It's still quite muddy," Coleman said.

He says the San Jacinto River waste pits will require further inspection, especially the protective cap that prevents any seepage.

"We have a team that's already out looking at the cap area to see if there's any damage," he said.

That worries Sandra Carrasco, a 28-year-old mother of two, who lives half a mile from the Superfund site.

She returned home last week after 10 feet of water destroyed her home. She's been cleaning up ever since.

"I know the water is probably pretty bad -- a lot of bacteria, a lot of dangerous, hazardous, touching stuff, but I mean we have to do what we have to do," Carrasco said.

Sandra Carrasco, left, cleans up her flooded home. CBS NEWS

She says no one from the EPA or any other government agency has talked to them about the health risks posed by hazardous waste.

The EPA plans to test the water and soil near the San Jacinto Superfund site, but they haven't said when they will conduct those tests. Residents hope it happens soon.

# Residents return around Arkema plant, told to drink bottled water

Email

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Questions are rising about the safety of homes near the Arkema plant. (KTRK)

Monday, September 04, 2017 05:13PM

CROSBY, Texas (KTRK) -- People who live in a 1.5-mile evacuation zone around a Crosby chemical plant are being allowed to return to their homes after the facility was under the threat of an explosion due to flooding from Harvey.

Arkema gave notice of the lifted evacuation order early Monday morning after consulting with officials monitoring the scene. For now, though, residents are also advised to use protective clothing and drink bottled water until further notice.

ARKEMA Ar... Follow

Arkema Inc. Crosby update 1.5 Mile Evacuation Zone Lifted for Area Surrounding Arkema Crosby Facility -

more info
at ark.ma/crosbystatus
1:46 AM - Sep 4, 2017

3 10 11

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Arkema officials discuss issues at Crosby plant.

"The Crosby Fire Department and unified command has determined it is safe for residents to return to their homes. The 1.5-mile evacuation zone around the Arkema Inc. facility has been lifted and is no longer in effect," the company said in a news release.

Arkema added the perimeter of the site is secured.

The plant was in danger of a large explosion due to flooding from Harvey. The plant took on fires and smaller explosions since late last week.

Residents near the plant were ordered out of their homes for what amounted to six days. On Sunday, the company decided to ignite the remaining combustible containers rather than wait for them to explode on their own.

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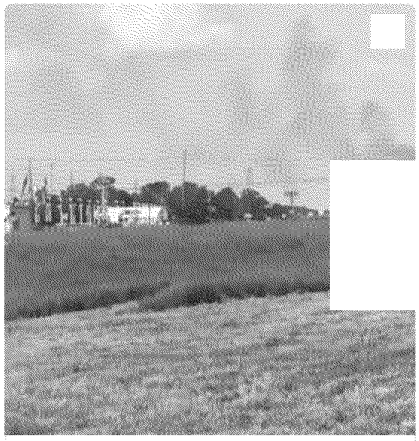
Arkema ignited the remaining combustible containers in a controlled burn.

Arkema plant from 5 miles away. (@JoeAAraiza/Twitter)

"In a proactive approach, to minimize the impacts to the community by the Arkema Inc. incident, a decision was made by Arkema Inc. in coordination with unified command to take proactive measures to initiate ignition of the remaining trailers through controlled means," Arkema said in a press releaseSunday. "These measures do not pose any additional risk to the community."



De... Follow

Breaking- smoke one more coming from Arkema plant in Crosby- said to have been proactively ignited by company #abc13

4:33 PM - Sep 3, 2017

4 35 29

By Sunday evening, the containers had largely burned themselves out, according to Arkema.

Two of the nine containers filled with organic peroxides produced at the plant exploded last Friday, sending thick, black smoke into the air. It was visible for miles and thick enough to block the sun for anyone close enough to be under it.

Each container held 500,000 pounds of highly flammable materials inside. Sources had

told ABC News that Arkema had expected the remaining container to explode over the weekend.

The ordeal has put a spotlight on plants like this one, especially for neighbors who had to leave everything behind, including cattle and horses, with no information about how long the evacuation would last.

When asked if they could return to feed the animals, they were told it was simply too dangerous to the evacuation zone. Airplanes and helicopters were being kept away as well.

Throughout the week, officials with the company have suggested the smoke from the fire isn't toxic. Sheriff Ed Gonzalez likened the effects to that of a campfire.

RELATED: Why wasn't more done to prevent flooding from taking out critical systems at plant that sits in floodplain?

One first responder who was overcome by the smoke Thursday told ABC13 Investigates that they've been feeling the effects since day one and they are "still quite painful." They described pain in their eyes and throat and could barely speak because of the throat irritation.

At least eighteen people have been taken to hospitals so far, all complaining of problems relating to the smoke.

The EPA says it is continuing to monitor the smoke and air quality near the facility.

Crosby's Arkema plant, inundated with water, wasn't the only site to flood.

The Associated Press surveyed seven Superfund sites in and around Houston during the flooding. All had been inundated with water, in some cases many feet deep.

On Saturday, hours after the AP published its first report, the EPA said it reviewed aerial imagery confirming that 13 of the 41 Superfund sites in Texas were flooded by Harvey

and were "experiencing possible damage" due to the storm.

The statement confirmed the AP's reporting that the EPA had not yet been able to physically visit the Houston-area sites, saying the sites had "not been accessible by response personnel." EPA staff checked on two Superfund sites in Corpus Christi on Thursday and found no significant damage.

AP journalists used a boat to document the condition of one flooded Houston-area Superfund site, but were able to access others with a vehicle or on foot. The EPA did not respond to questions about why its personnel had not yet been able to do so.

In at least one of Arkema's hazard mitigation plans filed with the federal government, plant officials acknowledged that flooding is a risk. The site sits in a FEMA "high-risk" floodplain that has flooded in the past, leading to a power failure. That time, the site only had six inches of water, a former plant worker said.

In that 2006 incident, strikingly similar to the ongoing incident, the plant flooded, lost power and materials ignited inside a warehouse.
In one of the several written violations over the years, the company was fined by the Texas Commission on Environmental Quality. There is no indication that the company made any changes in its backup systems in response.

Richard Renner, the company's CEO, told ABC13 Investigates he wasn't aware of the incident in 2006 and that they didn't anticipate six feet of water in the most recent flooding incident.

Renner insists the plant had multiple layers of backups in place at the time of the flooding. They all failed. When pressed about whether backup generators had been elevated as to not be inundated with water, plant officials said they didn't know.

A safety official with the plant this time around acknowledged they hadn't done enough to prevent the problems.

"Clearly that wasn't enough," said Arkema safety expert Darryl Roberts. "Clearly, as we go forward we will do something different."

As the company contemplates a new plan, residents who are waiting to come home are

hoping there's a home left when they get back.

"I'm worried about what's going to be left there when I get back," evacuee Phil Mincey said.

# Air quality remains concern in aftermath of Harvey

## Houston area under alert for ground-level ozone, a lung-damaging air pollutant

By Dawn Jorgenson - Web - News Editor

Posted: 8:07 PM, September 04, 2017
Updated: 8:17 PM, September 04, 2017

0 Join the conversation

HOUSTON - The Environmental Protection Agency is circling back on its monitoring of the quality of Houston's air after releasing a statement Sunday saying that "local residents should not be concerned about air quality issues related to the effects of the storm."

Even as the statement was released, the agency's AIRNow website showed the Houston area was under alert for ground-level ozone, a lung-damaging air pollutant, for a fourth day in a row.

“EPA said inaccurately and inappropriately that residents should not be concerned about the air quality around Houston," the agency said in a statement Monday afternoon. "Although air quality monitoring remains limited after the storm, we are seeing high levels of ozone across the region, as well as high levels of air toxics in fence-line communities."

Elena Craft, a senior health scientist, said Houston has measurements of up to 15,000 parts per billion of smog-forming volatile organic compounds in and around the Valero refinery in East Houston's Manchester neighborhood, as well as other refineries in the region. She said the concentrations are at least 10 times higher than health officials deem safe.

The agency said the shutdowns and startups of oil refineries and chemical plants and Harvey-related damage have caused the released of more than 4 million pounds of hazardous pollutants, including ones that contribute to the formation of ozone.

"We can expect more air pollution as facilities reboot over the next month. Houston residents deserve an EPA that is thorough and precautionary in protecting the health of those in risk. This is a critical time for residents to pay attention to air quality as many people are working outside for long hours to clean up their homes and neighborhoods. Please stay vigilant.”

# Environmental concerns persist across Harvey-ravaged Texas cities. Here's what you should know today.

> As efforts to rebuild have slowly begun in areas hit hard by Hurricane Harvey, officials continue to warn of lingering environmental hazards, including the health risks posed by receding floodwater.

BY SHANNON NAJMABADI SEPT. 4, 2017 UPDATED: 17 HOURS AGO

16

Aerial view of the Arkema chemical plant in Crosby, Texas.
Arkema Group Facebook page

As efforts to rebuild have slowly begun in areas hit hard by Hurricane Harvey, officials

continue to warn of lingering environmental hazards, including the health risks posed by

In a news release Sunday night, the Texas Commission on Environmental Quality cautioned that floodwaters can contain bacteria and contaminants, and conceal downed power lines, large objects and animals. Gov. Greg Abbott gave a similar warning in a Sunday interview with CNN's "State of the Union," saying, "These waters are filled both with chemicals [and] waste, things like that, that can pose real health hazards." He referenced a "multitude of dangers to public health because of the flooding waters."

The U.S. Environmental Protection Agency has yet to access 11 ultra-polluted Superfund sites damaged by the storm, raising concerns about the spread of toxins.

Thousands of people are still without drinking water, including some of the 120,000 residents of Beaumont – many of whom have queued in long lines for bottled water. The TCEQ, in its release, said 188 water systems in the state have boil-water notices, and 37 others have been shut down. Nearly 85,000 homes and businesses were still without power Sunday, Reuters reported.

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Over 400 wastewater treatment plants are also not fully operational, and wastewater from some facilities has spilled due to flooding, according to the TCEQ release. The agency said it is "actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas."

And in Crosby, a 1.5 mile evacuation zone that's been in place since Tuesday around an Arkema Inc. facility was lifted overnight. With little notice, the company exploded its six remaining chemical containers Sunday in what was described by officials as a "controlled burn" and a "proactive approach to minimize the impacts to the community." The company had initially said it would not destroy the remaining chemicals after flood-related damage caused a series of explosions at the facility. The Houston Chronicle reported that notice wasn't given until after the ignition operations had already begun on Sunday.

At a news conference Monday morning, representatives for Arkema said soot from the ignition operations was being tested and that there was no expected impact on the area's water supply. They confirmed that five of the company's facilities in the Gulf Coast had

been impacted by the storm, though not as badly as the Crosby plant, and could not say when the Crosby facility would reopen.

Local authorities advised residents returning to homes within the evacuation zone to drink bottled water and wear surgical masks, closed-toe shoes and gloves as a precautionary measure. In a news release, the Harris County Public Health Department said the same recommendation is given to those returning to flooded homes.

## Swift Federal Funding Promised

U.S. House Majority Leader Kevin McCarthy paid a visit Monday afternoon to Houston, where he announced the House will vote Wednesday morning on an initial relief package for Harvey victims. McCarthy, a California Republican, made the announcement at a news conference at the NRG Center, which is being used as a shelter.

"It won't be the only relief package we vote on," McCarthy said, flanked by members of the Texas congressional delegation. "What we want to do is make sure FEMA has the money going forward as the cities and the counties assess the damage."

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Abbott, McCarthy, U.S. Sen. John Cornyn, and U.S. Rep. Michael McCaul, R-Austin, met Sunday, and the congressional leaders insisted then too that action would be swiftly taken to pass the funding measure, according to a release after their meeting.

## Recovery Efforts Continue

Officials say Harvey has caused at least 60 deaths, many from drowning and indirect effects of the storm, the Associated Press reported Monday.

In a conference call, an officer with the Federal Emergency Management Agency said efforts had shifted from life-saving to recovery. John Long, the Deputy Federal Coordinating Officer, said 550,000 families had registered for a FEMA assistance program and that more than 16,000 were staying in hotels as part of a transitional shelter program.

On Monday night, FEMA granted Abbott's request for the agency to provide loans that will help Texas cities rebuild after the storm.

"The quick and focused work of our federal partners in response to Hurricane Harvey has been essential to the recovery in Texas," Abbott said in a statement.

The Texas Department of Criminal Justice repopulated two Richmond prisons Monday, after the facilities were evacuated last week amid flooding from the storm. About 1,400 inmates were returned to the all-male Jester 3 and Vance Units.

Three other prisons, housing some 4,500 male inmates among them, remain evacuated. In an email Monday, the TDCJ said the Ramsey, Stringfellow and Terrell Units will continued to be assessed and, once safe, will also be repopulated.

The water supply at several federal and state prisons in Beaumont was impacted by flooding, the Chronicle wrote Monday. Correctional officers there were also reportedly unable to cross the Neches River to get to work.

*Patrick Svitek contributed to this report.*

Read related Tribune coverage:

- President Donald Trump returned to Texas on Saturday to check in on the Hurricane Harvey recovery effort and meet with victims of the storm that ravaged southeast Texas. [Full story]
- Floodwaters have ebbed, but many parts of the state still face environmental hazards and other risks in the aftermath of Hurricane Harvey. [Full story]
- Gov. Greg Abbott said Friday another special session of the Texas Legislature won't be necessary to deal with the response to Hurricane Harvey. The Legislature isn't scheduled to meet again until January 2019. [Full story]

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https://www.wsj.com/articles/houstons-environmental-threats-come-into-focus-1504554072

U.S.

# Houston's Environmental Threats Come Into Focus

As Harvey's flooding recedes, risk of toxic pollutants tests health inspectors

Jesus Ramirez removed the wood floors from his home damaged by floodwaters Monday in Houston. PHOTO: DAVID J. PHILLIP/ASSOCIATED PRESS

By Douglas Belkin and Tawnell D. Hobbs
Updated Sept. 4, 2017 6:17 p.m. ET

HOUSTON—Water is subsiding in flooded neighborhoods, the mayor is insisting Houston "is open for business," and shelters are emptying out, but Texans returning to flood-damaged homes face plenty of obstacles: the threat of toxic pollutants in the air and drinking water, and even hungry, dislocated animals seeking shelter.

On Monday, authorities lifted an evacuation order in Crosby, site of the Arkema Inc. chemical plant about 25 miles northeast of Houston. Containers of the chemicals, which are unstable if not kept refrigerated, started igniting on Thursday after power outages cut off cooling systems. On Monday, the company said the Crosby Fire Department had lifted a 1.5-mile evacuation zone around the plant, allowing neighbors to return to their homes.

But concerns about the long-term environmental damage to the area remain high, and the Houston Health Department is overwhelmed. The two employees who routinely test the city's waterways aren't enough to quickly monitor the storm's effects across Houston's vast network of bayous, said Loren Raun, chief environmental science officer for the health department.

"It's too big of a problem," Ms. Raun said. "We really need to be sampling everywhere."

Floodwaters also have inundated at least five toxic-waste Superfund sites near Houston, and some may be damaged, though Environmental Protection Agency officials have yet to assess the full extent of what occurred.

One of Ms. Raun's chief concerns is the threat of toxic pollutants from Houston's runoff reaching downstream industries and ecosystems, contaminating the soil and entering the air through evaporation.

The city's main waterway, the Buffalo Bayou, channels runoff from the surrounding 102 square miles into the Houston Shipping Channel. Those waters eventually make their way to the Gulf of Mexico, she said.

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That is why Ms. Raun emailed EPA officials Friday to request help taking and testing water samples near Superfund locations. An EPA official replied Friday to say he had forwarded her request to the agency's Regional Emergency Operations Center.

In the meantime, Houston Health Department air-inspection teams will begin to fan out Tuesday to monitor air quality around the city's petroleum and chemical manufacturers, targeting roughly 100 of the largest locations first, according to Donald Richner, senior project manager for the bureau of pollution control and prevention within the health department's environmental division.

"We'll start with them, because when they have a problem, it's usually bigger than anyone else's," Mr. Richner said.

Texas Gov. Greg Abbott told CNN the EPA is working on some of the hazardous sites already, but "they have restraints on their ability to check out some of them just simply because of the water."

Meanwhile, repairs continued on the water-treatment plant in Beaumont, about 85 miles from Houston, which failed after the swollen Neches River inundated the main intake system and backup pumps halted. Outside the town of Liberty, about 45 miles from Houston, dozens of people were still cut off by the swollen Trinity River. A Texas National Guard helicopter landed at the local fire department with pallets of drinking water.

About 2,800 evacuees remained in Houston's megashelter at the NRG Center on Monday—from a high of about 10,000, according to a spokeswoman at the convention center. Victims are being consolidated from other smaller shelters, and many others have returned home.

Houston Mayor Sylvester Turner said much of the city was hoping to get back on track after Labor Day, some 10 days after Hurricane Harvey made landfall.

"Anyone who was planning on a conference or a convention or a sporting event or a concert coming to this city, you can still come," the mayor told CBS on Sunday. "We can do multiple things at the same time."

Mr. Turner posted on Twitter that he would announce Tuesday whether to end the citywide curfew that runs from midnight to 5 a.m., and he has asked businesses affected by the curfew to remain patient.

Jenny Killingsworth, right, held the hand of Janeah Tieman, 10, while helping clean up a home damaged by floodwaters in the aftermath of Hurricane Harvey in Houston on Monday. PHOTO: DAVID J. PHILLIP/ASSOCIATED PRESS

"It has helped to maintain the public safety during some very stressful times," Mr. Turner said during a news conference Saturday. Shelter workers and people traveling to and from work are exempt from the curfew.

Mr. Abbott previously said the state might need more than $125 billion in aid, but on Sunday he revised that figure, comparing the storm's damage to that of Hurricane Katrina, which hit New Orleans and other parts of the Gulf Coast in 2005.

"Katrina caused, if I recall, more than $120 billion [in damage] but when you look at the number of homes and business affected by this, I think this will cost well over $120 billion, probably $150 billion to $180 billion," he said in an interview with Fox News.

Harvey slammed into Texas on Aug. 25 as a Category 4 hurricane, but it brought the worst flooding to Houston and other areas as a tropical storm. The rain totaled nearly 52 inches. On Monday, the Houston Chronicle reported that the number of people missing or dead in connection to the storm is now 75.

In other storm-ravaged neighborhoods, people worried about thefts.

Police in Bellaire, southwest of downtown Houston, received reports of people picking through water-damaged possessions and urged those cleaning up to keep anything left outside to dry closer to their homes and separate from what was considered a total loss, the Associated Press reported.

In other parts of the region, residents were being threatened by a different kind of intruder.

"We have everything from snakes to alligators to fire ants," said Lach Mullen, spokesman for the Office of Emergency Management in Fort Bend County, southwest of Houston. "Even though evacuation orders have been lifted, people have to be wary of new occupants in their homes. They don't want to occupy the same space as you; they will leave on their own when they can."

—Melanie Evans contributed to this article.

Write to Douglas Belkin at doug.belkin@wsj.com and Tawnell D. Hobbs at Tawnell.Hobbs@wsj.com

Appeared in the September 5, 2017, print edition as 'Waters Ebb, But Texans Face Threats.'

TEXAS

# Harvey began with raging winds, but its legacy will be water

SHARON COHEN, AP NATIONAL WRITER | September 4, 2017 | Updated: September 5, 2017 8:27am

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Hurricane Harvey began with raging winds, but its legacy will be water. Seemingly endless, relentlessly insidious water — a staggering 40 inches or more that swamped parts of Houston in just five days.

Harvey scooped tons of water from the sea and hurled it down on the nation's fourth-largest city, drowning vast swathes of the landscape and battering it with almost a year's worth of rainfall.

Rooftops became islands poking up through swirling floodwaters. Thousands of houses were destroyed, and tens of thousands more, soaked and pounded by the storm, could face the wrecking ball.

The water — and the muck and mold that follow — will create misery that will linger for years and likely cost tens of billions of dollars all told.

For many of the displaced in southeast Texas, floodwaters stole every possession, leaving them to navigate insurance forms and federal disaster aid applications as they ponder how to even move forward.

The deluge will instill deep anxiety, too, for many who lived through Harvey, and inflict lasting emotional scars on some survivors.

In a storm destined for the history books, it's the ravages of the water that define the story.

—WATER SATURATES

A broken pipe in a house is reason to call a plumber. A house buried in water for weeks could mean it's time for the demolition crew.

It's too soon to know how many of more than 37,000 heavily damaged homes in Texas are salvageable, but Houston officials say some will be submerged in water for up to a month. Thousands have already been destroyed in

TRANSLATOR

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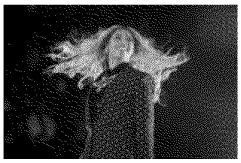

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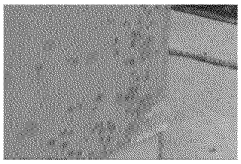

Harvey racial optics much different than Katrina

Harvey began with raging winds, but its legacy will be water

the state. Evacuees are slowly returning to their inundated homes, and others are staying in government-paid hotels .

Nearly 70 Texas shelter dogs flown to Pittsburgh after storm

Tennessee girl, 5, uses birthday cash to help Harvey victims

The longer a house is under water, the greater the damage.

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Furniture, refrigerators and other appliances will almost certainly be ruined. Water can compromise or ruin wallboard, electrical systems, insulation, doors, windows and cabinets. Wooden floors warp, swell and can even float away; mold grows in the moist, humid interior, posing the risk of respiratory problems.

For those that can be repaired, civil engineers recommend that after the contaminated water and muck are removed, it's best to strip out the wallboard and insulation so the house is reduced to the studs, which must be dried before any rebuilding begins.

Steve Cain, a Purdue University extension disaster specialist, offers simple advice:

"You don't want to be rushing into your home after a flood," he says. "You want to make sure to go back when it's safe. ... You can fall through a floor, gas lines could be leaking, electrical systems can be damaged and if the electricity is not shut off, you can get electrocuted."

— WATER SCOURS

A few inches of rain can snarl traffic. Forty inches or more of water pounding the pavement in less than a week can undermine the streets people drive on every day.

The relentless pressure of water can loosen the foundation of asphalt roads — compacted soil, gravel or sand — leading to cracking and potholes. Pieces of pavement can slide away.

Big bridges will fare better in Texas. They're likely to escape major damage because the flooding was caused by the gradual rising of water, according to Julio Ramirez, professor of civil engineering at Purdue.

This is in contrast to some other natural disasters. For example, when an earthquake-induced tsunami hits a coastal area, bridges can be weakened when they're struck by large debris — sometimes even cars and buildings — carried by the force of the giant tidal wave, Ramirez says.

Andy Herrmann, past president of the American Society of Civil Engineers, says the great majority of Texas bridges aren't vulnerable to damage from heavy rains because they're built on piles or caissons — often hollow pipe filled with concrete.

But the smaller ones that sit on soil or rock, he says, could run into trouble if rapidly moving floodwaters eat away at the foundation, a process known as scouring. If that happens, a bridge could tilt or collapse.

Jeff Lindner, of the Harris County Flood Control District, also says pipelines could be subject to scouring, exposing them and making them more susceptible to breaking.

During the 1994 floods in the Houston area caused by about 20 inches (50 centimeters) of rain, eight pipelines broke across the San Jacinto basin, spilling almost 1.5 million gallons (5.68 million liters) of oil and petroleum products. Federal officials say more than 500 people suffered injuries, mostly minor burns, when fuel from those pipeline breaks ignited.

— WATER DISPLACES

New Orleans was transformed by the devastating impact of water from Hurricane Katrina. Now the same thing is happening in Houston, displacing people and businesses and disrupting the local economy.

Experts expect the recovery from Harvey to go far smoother than that of post-Katrina .

"I think Houston will rebound much more gracefully, more quickly than New Orleans," says Mark Zandi, chief economist at Moody's Analytics. "People aren't going to leave. It's a diverse economy."

Zandi notes that New Orleans' economy depends almost entirely on tourism and energy, while Houston prospers from health care, transportation, oil refineries and the chemical industry, among others.

Houston is part of a coastal region that supplies nearly a third of U.S. oil-refining capacity. Its port is the nation's second-busiest. The city is headquarters to 20 Fortune 500 companies. NASA's Johnson Space Center is also based there.

Houston has 2.3 million people. New Orleans is home to less than 400,000 residents, about 90,000 fewer than pre-Katrina levels.

Though Zandi expects Houston to come back strongly, he says, that depends, in part, on a strong federal disaster aid package. And he adds some people who are thinking of moving to Houston may have reservations because this is the third big storm since 2015.

Moody's estimates the total economic loss from Katrina at $175 billion and Harvey's could be as much as $108 billion. But it's too early to know the full scope of the Texas disaster.

As Zandi says: "It's a script still being written."

— WATER SICKENS

Long after the danger of drowning subsides, water, oddly enough, can wreak havoc on your health — by forcing you to dry places.

Thousands of Houston area storm survivors who fled flooded homes found refuge in large shelters, but those temporary living quarters can become incubators for infections.

"You have all these people congregated together very closely for prolonged periods of time," says Dr. William Schaffner, an infectious diseases specialist at Vanderbilt University Medical Center. "That's an ideal circumstance for the spread of respiratory infections."

Schaffner also warns that evacuees in crowded shelters can develop norovirus, a highly contagious intestinal infection marked by vomiting and diarrhea — an illness that has been known to occur on cruise ships.

New health problems can arise once flood victims return homes. Inside, mold can cause breathing troubles, but that can be avoided by wearing a mask. Outside, standing pools of stagnant water contaminated by chemicals and garbage, become ideal breeding spots for mosquitoes. A bite can have serious consequences.

"We worry about West Nile virus, certain kinds of encephalitis viruses," Schaffner says.

Houston may be able to minimize the risks because it has a strong mosquito abatement program if it can be re-established, according to Schaffner.

Houston's floodwaters, contaminated by lawn pesticides, spilled fuel and runoff from oil refineries and chemical plants, also pose potential health risks, according to experts . State officials reported several dozen sewer overflows in hurricane-impacted areas, though the public works department in Houston has reported its water is safe.

Another concern are Superfund sites, some of the most polluted places in the nation. The Associated Press surveyed seven of these toxic sites and found all had been inundated with floodwaters. After that report, Texas Gov. Greg Abbott said the state will be working with the Environmental Protection Agency to deal with any possible threats of contamination.

— WATER HAUNTS

Superstorm Sandy. Katrina. And now Harvey.

The epic disasters in the New York metro area and New Orleans left residents in both places wrestling with the emotional anguish of losing their homes, their livelihoods and their sense of security. The same psychological trauma is likely to emerge in southeast Texas.

Those feelings can linger for years. One study found that residents in the path of Sandy suffered from depression and post-traumatic stress. Another concluded that children displaced by Katrina still had serious emotional or behavioral problems five years later.

Some of the most common stress-related reactions to disasters such as Harvey are anxiety, a change in appetite, insomnia and a sense of uncertainty — a feeling of what's next, according to Dr. Anita Everett, president of the American Psychiatric Association. Headaches or aches and pains can also surface, she notes.

"It's a little bit like a grieving process," Everett says. "We sort of expect that there's going to be waves of worry, waves of anxiety and that's all within the normal experience." But she says that those who are struggling three months after a disaster and can't work or make decisions may want to seek professional help.

Being in a large shelter, though, can boost the spirits of storm survivors because they can share stories and turn to each other for support, Everett says.

"You get a really strong sense of a community that's coming together and working together to rise to the occasion ... Humans are amazingly resilient."

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# Beaumont's running water starts to flow but hard-hit Texas city may feel Harvey effects 'for years to come'

*September 4, 2017 at 6:35 PM EDT*

Beaumont, Texas, is among the state's cities that were hardest hit by Hurricane Harvey. John Yang talks with Beaumont Police Department Chief James Singletary for an update on restoring running water to residents and how the storm has affected the community.

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JOHN YANG: About 80 miles east of Houston, which is the nation's fourth largest city, Harvey also battered Beaumont, Texas, population of 120,000.

The city is among the hardest-hit in the state.

For the latest on the situation on the ground, I'm joined now by phone by Beaumont Police Chief James Singletary.

Chief, thanks for joining us.

I have got to ask first about the water situation. Late last week, the water plant shut down because of being swamped by floodwater, and backup pumps went down. What's the situation now?

JAMES SINGLETARY, Chief, Beaumont Police Department: The water situation now is that we're getting water slowly but surely back to most of our citizens.

It would be a totally different interview to tell you how that happened. But we had some private industries and working with our water folks and getting it restored. So that in itself is an amazing story. But we're slowly but

surely getting the water restored. It's going to be a while before we are going to lift the boil water notice right now.

JOHN YANG: So, people, everyone in the town, in the city still has running water now, is that right?

JAMES SINGLETARY: Not everybody. But most of them do. And it is trickling right now in some places. And some of them are, you know, better than others.

JOHN YANG: What about other conditions, Chief? Has the water started to recede yet?

JAMES SINGLETARY: Yes, sir.

The water has started to recede. We have a very big river here next to Beaumont, the Neches River, and it's starting to recede a little bit. It crested a couple days ago, I think. So, the water is starting to recede.

There are still about 3,000 homes that we have not been able to get to, to see what their situation is. We have done a bunch of flyovers with the drones and helicopters, and, gosh, it's just — it's horrific. I have lived here my whole life. I have been a cop for my whole adult life and I have never seen anything like this.

JOHN YANG: Chief, have people been able to get back to their homes? You say the water is going down. Have they been able to get back to their homes yet, or is that still a little bit away?

JAMES SINGLETARY: Yes, that still a bit away.

There are still areas that we can't even access. And it will be a while before some citizens are able to get back

to their homes. And then there's areas north of us and east of us and even south of us that are in pretty bad shape also, but it's going to be a while.

This thing has impacted this us, this area for years to come, I'm afraid, in so many different areas.

JOHN YANG: Chief, I have got to ask you. You and your force are not only working this disaster. You are living through it.

I would imagine some of the homes of some of your force have been affected by this. What's that been like for you, for the men and women of your police department?

JAMES SINGLETARY: Well, that's another horrible thing that's happened to our officers and our city workers.

We have had over 130 of our — Beaumont's first-responders, the firefighters and police officers and emergency personnel that have been adversely affected or had actually significant damage to their home.

And most of these officers — and this is what's amazing — this is why I love these guys — most of these officers are here working, and they have no idea how bad their homes are destroyed or how badly their homes are damaged. But they're here working. And, man, it makes you feel great, if you live here in Beaumont, especially if you're the chief of police.

JOHN YANG: Chief James Singletary of Beaumont, we're glad to hear thing are getting better. And we appreciate your work, your department's work. And our thoughts are with you.

http://www.chron.com/opinion/editorials/article/Time-to-clean-up-the-San-Jacinto-waste-pits-12172298.php

# Time to clean up the San Jacinto waste pits

Recovery from Harvey should include cleanup of the San Jacinto waste pits

Published 5:07 pm, Monday, September 4, 2017

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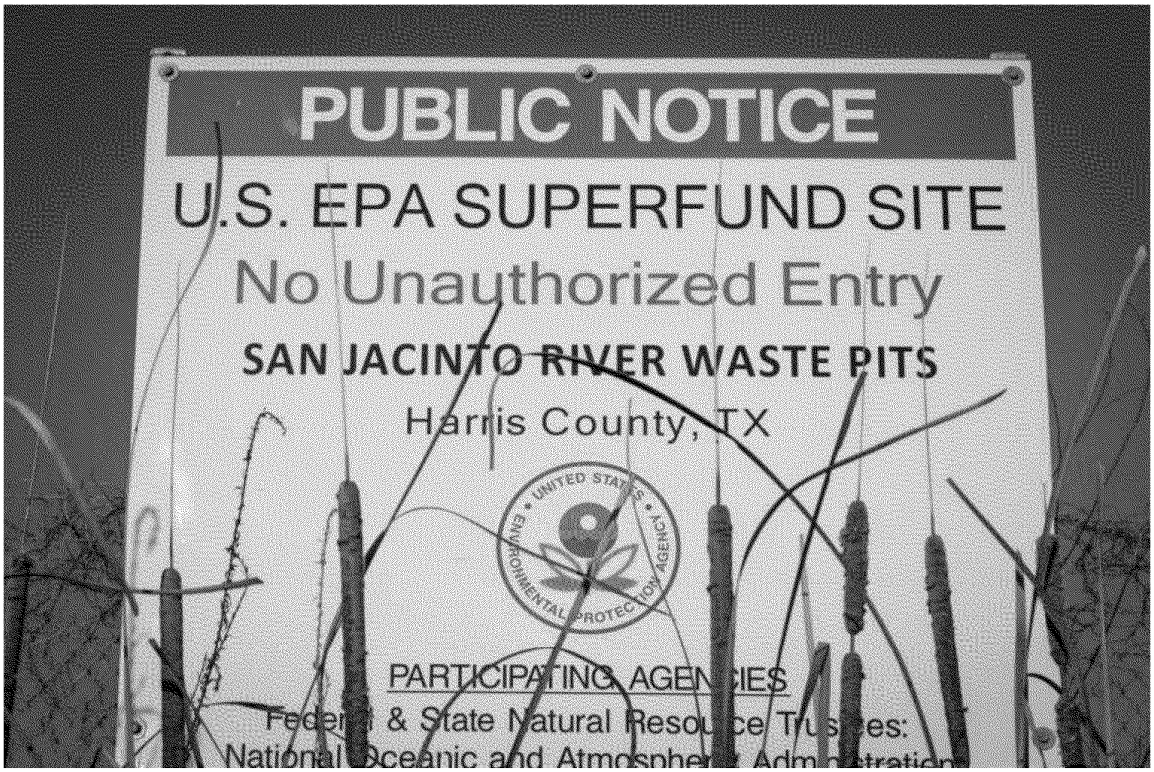


A sign warns the public about the EPA Superfund Site not to eat contaminated seafood caught from the water along Interstate 10 near the San Jacinto River east of Houston in Channelview. (Houston Chronicle file photo)

After Noah survived the great deluge, God placed a rainbow in the sky as an everlasting covenant with man, promising to never again punish the Earth with such a deadly flood.

Any rainbow sheen you may see today across the Gulf Coast floodwaters is no godly doing. Runoff from chemical plants, petroleum pipelines and at least a dozen Superfund sites risks transforming the destructive rain into a putrid stew filled with lead, arsenic and other toxic and carcinogenic chemicals.

So you can't help but worry when looking at the pictures of the Vita Bella assisted-living center during Hurricane Harvey - an elderly woman calmly knitting in the Dickinson nursing home while the brown waters swirl around her feet.

They could have used an ark.

The image was shocking enough to hasten a rescue, but the damage may have already been done. After all, some of the worst flood hazards can't be picked up by photograph.

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"There's no need to test it. It's contaminated. There's millions of contaminants," Porfirio Villarreal, a spokesman for the city of Houston Health Department told the New York Times as to the floodwaters.

Nowhere is the risk more worrisome than the San Jacinto waste pits, which sit between the communities of Highlands and Channelview. One of the San Jacinto waste pits, covered by a temporary armored cap, was partially submerged in the river even before Hurricane Harvey. Now they're totally engulfed.

Last year, the Army Corps of Engineers predicted the protective device might not be reliable "under very extreme hydrologic events which could erode a sizable portion of the cap."

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Harvey - which has been called a 1,000-year-flood - would certainly qualify. Now we have to worry that the cap was damaged and the toxic mess has spread downriver to Galveston Bay.

As part of the recovery efforts, Environmental Protection Agency Administrator Scott Pruitt should make time to visit the submerged pits, which were designated a federal Superfund site in 2008.

Pruitt has said he plans to create a "top-10 list" of key Superfund sites and target sites where "the risk of human exposure is not fully controlled."

The pits fit the bill: They've been ravaged by weather and contain dioxin, a highly toxic chemical that increases the risk for several cancers, including lung cancer and non-Hodgkin's lymphoma, and has been linked to birth defects, liver damage and dermatological disorders.

The EPA actually proposed a solution to the pits last year: Remove about 202,000 cubic yards of contaminated material at cost of nearly $100 million. Of course, the cost and nature of the remediation may have changed depending on whether the armored cap has been damaged.

Regardless, Pruitt should cut through the bureaucratic red tape that has slowed the cleanup of this site and act boldly in holding companies responsible for past contamination.

This site has been unsafe for over 60 years - longer than many Texans have been alive. It is time to finally clean up our river. Any Harvey recovery bill must fund this sort of ecological repair alongside the economic and infrastructure needs.

"For years our communities and local government have told the EPA it is not a matter of if, but when, a storm devastates the pits," Jackie Young, executive director of the Texas Health and Environment Alliance, told the editorial board.

The federal government bears responsibility for Superfund sites like the San Jacinto waste pits, and it falls on Pruitt to uphold his part of that covenant.

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HEARST

# Judge Won't Let Texas and EPA Delay Air Cleanup Again

CAMERON LANGFORD September 5, 2017

) — The Trump administration cannot put off a plan to › air pollution from Texas power plants until 2019, a ral judge ruled, refusing to further delay a process that's ;ged on for nearly a decade.

ting a new spirit of "cooperative federalism" between the Environmental Protection Agency and Texas that was said to be lacking under former President Barack Obama, Texas and the EPA asked U.S. District Judge Amy Berman Jackson, in the District of Columbia, to give Texas until Dec. 31, 2018 to submit a plan.

Berman Jackson declined. In her Aug. 31 ruling, she gave the EPA until Sept. 9 to submit a plan of its own.

The EPA's Regional Haze Rule requires state and federal agencies to work together to improve visibility in 156 national parks and wilderness areas by reducing pollution.

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Industry-friendly Texas is the only state without a plan to clean up its coal-fired power plants. Coal plants emit sulfur dioxide that forms haze.

Texas has more than a dozen coal-fired power plants, with the capacity to generate 19,000 megawatts of electricity.

In Texas, the haze rule is meant to clear the skies above Big Bend National Park and Guadalupe Mountains National Park, both in West Texas near El Paso.

Texas's battle with the EPA started in 2009 when the agency rejected a plan submitted by the Texas Commission on Environmental Quality.

> Sierra Club, the National Parks Conversation Association
> other environmental groups sued the EPA in August
> ı in District of Columbia Federal Court. They claimed the
> ıcy had missed its Jan. 15, 2011 deadline to complete a
> ɜral Implementation Plan "to prevent and remedy

unhealthful, scenery-impairing pollution" in Texas.

The EPA finally finished a haze-control plan for Texas in January 2016, prompting the state and several power companies to sue the agency in the Fifth Circuit Court of Appeals in March 2016.

Texas claimed that the federal plan would require pollution-control upgrades at 15 power plants at a cost of $2 billion, making the state's power grid less reliable because some operators would find the upgrades too expensive and would shut down.

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After a three-judge panel of the Fifth Circuit sided with Texas and the power companies and stayed the rule, the EPA said in December it would work out a compromise plan.

Texas and the EPA have been working together since President Donald Trump took office and appointed Scott Pruitt as chief of the EPA.

Pruitt sued the EPA 13 times during his tenure as Oklahoma attorney general. As EPA chief he has targeted Obama-era programs aimed at reducing greenhouse gases that he calls overly burdensome for states.

With Pruitt in charge, the EPA lets states take the lead in ıtion-control plans. Texas and the EPA signed an ement on Aug. 14 in which the EPA endorsed Texas's ɔosal for an interstate cap-and-trade program rather than er plants upgrades.

Texas Commission on Environmental Quality and EPA asked Berman Jackson to give Texas until Dec. 31, 2018 to submit its plan, but the judge said she's unwilling to wait another 15 months.

"It is true that the cooperative federalism ideal is incorporated into the statutory scheme, which calls for state implementation plans to be the starting point. But the statute also mandates that the federal government *must* step in if a state's submissions are late or insufficient," Berman Jackson, an Obama appointee, wrote in a 9-page order.

The EPA did not reply to a request for comment on Berman Jackson's order. The Texas Commission on Environmental

Quality declined to comment. The commission said the details of its cap-and-trade program have yet to be determined.

Sierra Club senior attorney Elena Saxonhouse told Courthouse News the program would set caps on the amount of pollutants power plants can emit, and plant operators could comply by meeting their cap or purchasing credits from other plants that have reduced their emissions below their caps.

"Even if the caps are set at a lower level than current emissions, a trading program does not control where geographically the reductions occur," Saxonhouse said. "The not is that one part of the state could see some cleanup e others still bear the brunt of the pollution."

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## Guest Columns

# Don't delay methane regulations

By Heidi Topp Brooks / Albuquerque Attorney

Sunday, September 3rd, 2017 at 12:02am

As the EPA considers whether to delay implementation of methane pollution standards, which would not only greatly reduce methane leaks but would also put money into state coffers, I write to say that as a citizen of the state of New Mexico I am very concerned about the serious and ongoing problems caused by methane leaks.

First, of course, there is the climate effect of methane releases – methane is 86 times more potent a greenhouse gas than is carbon dioxide. I'm writing because as a mother and grandmother I feel it is my responsibility to do as much as I can to leave a livable world for my children and grandchildren.

Global warming is happening, as was noted in the advance, unofficial release of the National Climate Assessment, and has been documented by tens of thousands of scientists around the world. Moreover, as our government's top scientists report with "very high confidence," the magnitude of climate change depends primarily on the additional amount of greenhouse gases emitted globally. To have any chance of slowing the runaway freight train of global warming, we must do everything that we can to stop leaks of methane. This is the first reason that I oppose any delay in the implementation of methane pollution standards.

Second, I have heard statements of people who live in the area of the Four Corners methane plume as well as in the southeast part of New Mexico in Lea and Eddy counties. Their health consequences and ongoing health risks are severe, due in significant part to the other chemicals that leak along with the methane, chemicals like hydrogen sulfide and benzene, a known carcinogen. This health burden is borne most immediately by the unfortunate and sometimes forgotten people living in areas of concentrated oil and gas development, but the ramifications extend to the cost of health care in my state, the livability of my state, and whether my state is considered collateral damage in the effort to produce fossil fuel energy.

I liken this to the efforts to get lead out of gasoline. It was resisted by industry but now is uniformly recognized as having been a necessary measure, given the health risks. Stopping leaks of methane should be considered just as vital, for reasons of both the immediate health effects in the areas of the leaks as well as the contributions of methane to global warming.

I ask that the EPA do its job to "protect human health and the environment" by maintaining and enforcing these standards and protecting our state's health. The EPA has an obligation to protect all Americans from harmful methane pollution. Any attempt to slow or dismantle standards that cut pollution from the oil and gas industry is a direct assault on our health.

With the ongoing expansion of drilling in our state these necessary, common-sense and low-cost rules are more crucial than ever.

NEWS TOPICS

HARVEY 3 HRS AGO

# As Houston grew, officials ignored 'once-in-a-lifetime' chance to spare thousands from flooding

*Steve Thompson, Staff Writer*

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Two decades ago, Harris County planners predicted with chilling accuracy just how devastating a storm like Hurricane Harvey would be to the Houston area. Far lesser storms, they determined, could wreck a large swath of the city and its western suburbs.

In a report dated May 1996, engineers for the Harris County Flood Control District concluded the area's reservoir system was severely insufficient and imperiled thousands of properties. The report's authors proposed a $400 million fix: constructing a conduit - an underground channel - that would carry water out of the reservoirs and into the Houston Ship Channel more quickly.

Had the report's recommendations been heeded, the catastrophic flooding that struck Houston a week ago might have been greatly diminished, sparing thousands of homes from floodwaters.

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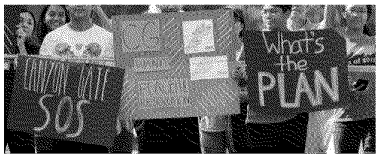
Instead, the report got filed away and was all but forgotten. Government leaders ignored its advice.

Today, the report reads like a prophesy of the flooding that swamped west Houston and surrounding areas. Its authors knew which neighborhoods would flood and why, and in which places the flooding would be especially damaging because the water could pool for weeks.




HARVEY

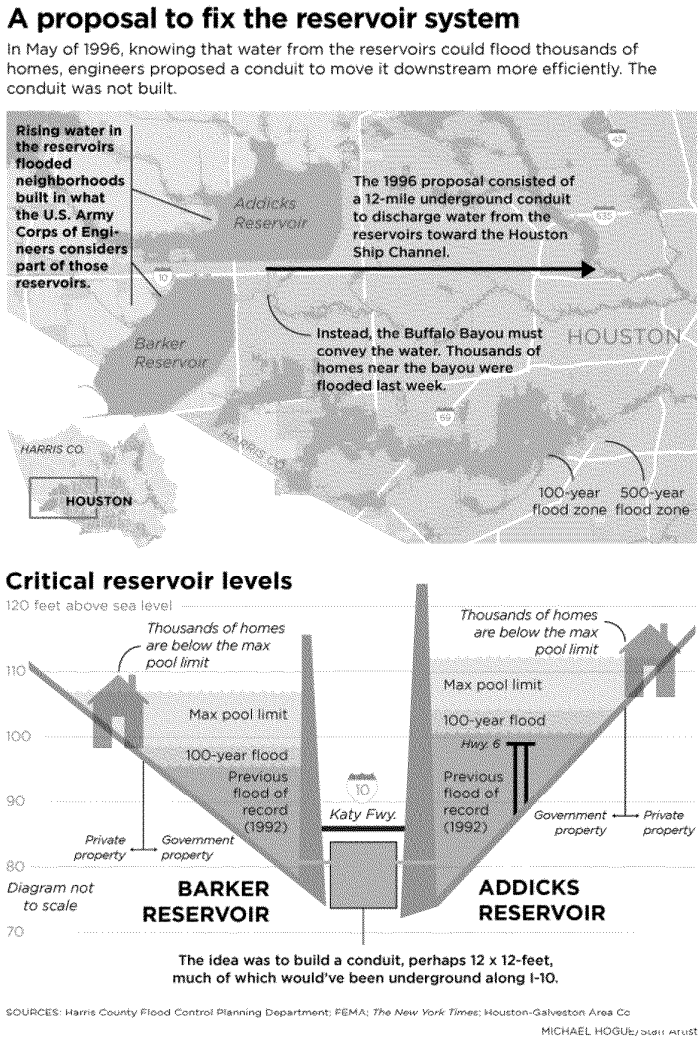
As floodwaters recede, Houston homeowners find more than nature to blame

"The primary flood threat facing the citizens of west Harris County and west Houston comes from the inability to drain the Addicks and Barker reservoirs in an efficient manner," the report said.

When built in the 1940s, the area's reservoir system was adequate, the report said. But because of changes made to the system, and given the pace of urban development 50 years later, "the project's original design parameters and assumptions are severely outdated and invalid."

In addition to the report's main proposal of a conduit, its authors raised other alternatives, such as digging the reservoirs deeper, buying out properties at risk and creating new regulations on development.

And then there was a final, stark alternative: "Do nothing and accept risk of flooding."




Asked Monday about the report, Harris County flood control officials said they could not immediately locate a copy and were unfamiliar with the details.

"What I recall is, and I haven't read the report since back then, was that it was going to be very difficult to do physically," said Steve Fitzgerald, the flood control district's longtime chief engineer.

But Harris County's flood control director at the time the report was created, Arthur Storey, said Monday that he remembered the proposal well.

"This, what we have before us, is a massive engineering and governmental failure. I'm both angry about it and embarrassed about it," said Storey, who after his time as flood control director went on to lead the county's public infrastructure department. He retired in 2015 at 78 years old.

"My embarrassment is that I knew enough that this was going to happen," he said, referring to the destruction Harvey inflicted on west Harris County. "And I was not smart enough, bold enough to fight the system, the

## Rising threat

After deadly floods in 1929 and 1935, the U.S. Army Corps of Engineers built two large reservoirs in what was then ranchland west of Houston. The idea was to store up water from heavy rains, rather than let it gush straight into the Buffalo Bayou, which runs through the city and carries stormwater to the Houston Ship Channel.

Most of the time, the Barker and Addicks reservoirs would be dry, and the land could be used for soccer fields, golf courses and dog parks. Only in heavy rains would they hold water.

After a rain subsides, water within the reservoirs can be released into the bayou slowly. Originally, the earthen dams that hold water in the reservoirs were designed without floodgates. Once the water reached a certain level, it could spill out at up to 15,700 cubic feet per second.

But the threat of flooding in areas below the dams rose during the 1940s and 1950s, as urban development crowded the Buffalo Bayou upstream of Houston. To avoid such flooding, the corps installed floodgates that could release the water more slowly, at no more than 4,000 cubic feet per second. Any faster than that, the corps knew, and homes near the bayou would flood.

During hard rains in March 1992, the reservoirs reached record levels. State Highway 6, which runs through Addicks Reservoir, had to be shut down for 10 days while officials waited for the water to drain.

HARVEY

After Harvey's destruction, will a new and different Houston emerge?

The event worried Harris County flood control planners. Letting the water out too fast endangered development downstream from the reservoirs, because the bayou running toward Houston would overflow.

But letting the water out too slowly created another risk, because development was encroaching on the upstream fringes of the reservoirs. Entire neighborhoods were being built inside the reservoir bowls - in places that the Corps of Engineers and Harris County planners knew would flood if the reservoir levels got high enough.

The corps purchased all the land inside the reservoirs that would be covered by water in a 100-year rain event (one with a 1-in-100 chance of happening any given year). But on land at the western fringes of the reservoirs, which would be covered in water during a greater than 100-year rain, developers were replacing

## Action urged

In 1996, the planning department of the Harris County Flood Control District created its report urging action.

"Of primary concern is the fact that the reservoirs do not function as originally intended which translates into increased risk of flooding upstream of the reservoirs and less protection downstream," the report said. "As development continues behind the reservoirs, there is the potential to expose as many as 25,000 homes and businesses in the reservoir fringe areas to flooding."

The report called for a study on the feasibility of constructing an underground conduit of perhaps 12 feet by 12 feet to carry water out of the reservoirs and safely past developed areas downstream.
The timing, the report said, was right. The Texas Department of Transportation was embarking on a reconstruction of the Katy Freeway, the stretch of Interstate 10 west of downtown Houston. It would be a good route for the drainage channel.

HARVEY

As storm's death toll rises to 60, Hurricane Harvey's displaced stream home to clean up

"The potential flood control problems are severe enough to consider this magnitude of project, and the major transportation construction in the Katy Freeway corridor presents a unique, once-in-a-lifetime opportunity to consider this type of flood control option," the report said. "To determine if a conduit system under the freeway is justified, it needs to be evaluated against other options."

Without such a conduit, the reservoirs posed an increasing risk, the report said. Because they had to be drained so slowly, there might not be time to empty the water between storms. That meant a series of smaller storms could raise the water level just as could one big storm, a danger the report called "ratcheting."

"It is conceivable and not hard to imagine that a single storm event could have a catastrophic impact to several thousand people in the reservoirs and the fringe areas," the report said. "But, it's just as important to realize that a rainy season consisting of several 'normal' rain storms ... could be just as catastrophic because of the ratcheting effect."

Photo Gallery 1/4

(Tom Fox/The Dallas Morning News)

"Flood levels would not recede over the course of several hours like typically experienced with flooding from channels," the report said. Rather, houses being flooded by slow-draining reservoir waters "could be inundated for an extended period."

## Tragic reality

Last week, the report's predictions became a tragic reality. The reservoirs became vast lakes, working as designed to spare Houston from a flood. But by Aug. 28, the reservoirs were nearly full.

The water had spread to the edge of the government-owned land and was overtaking the neighborhoods beyond.

Rather than let the water keep rising, the corps opened the floodgates to let a controlled amount escape. And instead of the normal 4,000 cubic feet per second, corps officials opened the gates wide to let water spill out at more than 13,000 cubic feet per second. They had to begin to get rid of it. They did so knowing it would flood neighborhoods downstream.

And just as the 1996 report described, water in many of the flooded homes would not drain for days or even weeks.

Storey, the former county flood control director, took a break from recovering belongings from his own flooded home Monday when reached by phone.

Long ago, Storey said, one of his best engineers came to him and an elected official about the reservoir problems. "He said, 'Let me draw you a picture.' "

"We both said, 'Oh s---, no kidding, really?' " Storey recalled.

"We really knew that at that time it would be a wise thing to stop development of any land upstream of the reservoir, have the feds buy it out, and make it part of the federally owned system," he said.

Storey said he laments that he and others did not do more.

"I wish I had gone to the commanding general of the Southwestern Division of the Corps of Engineers, and sat in his office, and said, 'Sir, I'm not going to leave your office until we come up with a better solution, because it damn well is gonna rain, and it's darn well gonna hurt people,'" Storey said. "I didn't do that."

He added: "Would I have been fired before I got halfway out of town? Maybe, but I didn't do it. And the irony is my house flooded. And all of my neighbors' did. And it was by intentional discharge by the people in command and in charge of the infrastructure."

"Anytime anybody comes up with a good idea, there are lots of studies and information about why it won't work, it can't be afforded, or it's not practical or politically expedient, and there was all of that," he said.

"They built the highway, and there's no storm sewer under it, and don't we wish it were today."

## No funding

Richard Long has worked for the Army Corps of Engineers for more than three decades, much of it overseeing operations of the Addicks and Barker reservoirs.

"Sure, it would have been nice if we'd have had all the land necessary to hold the water on, and sure, it'd have been nicer if we had a conveyance system that would carry all these large releases that we have," Long said when asked about the 1996 report.

"Without federal funding we can't do anything like that," he said. But the county is "welcome to do that if they can work with whatever partners they need to do that, and we would encourage it to happen."

Steve Radack is Harris County commissioner of the precinct that contains the reservoirs, and has been since 1989. He said he and many others have long understood the reservoirs' problems.
Radack said blame for the lack of a fix falls on the U.S. Congress, which never allocated the money.

"The corps has done an outstanding job of managing this reservoir, outstanding," Radack said. "But the problem is if you don't give them the money to do what they need to do, they can't do it.

"They knew, they asked, they didn't receive," he said.

Photo Gallery 1/2

(Smiley N. Pool/The Dallas Morning News)

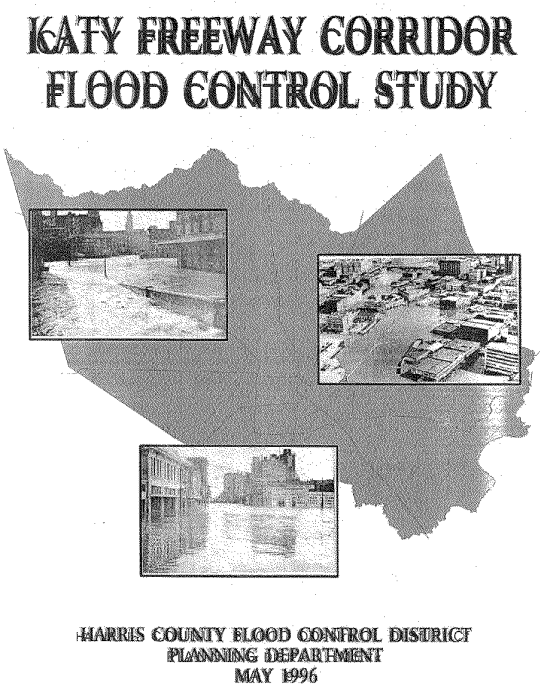
Many of the thousands of homeowners who live near the reservoirs, however, didn't understand the risks those reservoirs posed. Aaron Voges lives with his wife and two kids, 7 and 12, in a flooded neighborhood called South Park, one of those located inside the reservoir.

"For some stupid reason I thought that levee that I see on my way home, I thought that protected me," he said. "I had no idea that there were plans in place to flood me to protect other people, which blows my mind."

Voges says even if he can restore his home, it now won't be worth near what he owes on his mortgage.

"Why did they build the neighborhood? Why did they let people buy out there?" he said. "It lowers what little faith I have in my government."

Katy Freeway Corridor Flood Control Study by cityhallblog on Scribd


KATY FREEWAY CORRIDOR
FLOOD CONTROL STUDY

HARRIS COUNTY FLOOD CONTROL DISTRICT
PLANNING DEPARTMENT
MAY 1996

Katy Freeway Corridor Flood Control Study

KATY FREEWAY CORRIDOR FLOOD CONTROL STUDY

EXECUTIVE SUMMARY

There are a number of drainage and flood control problems in the Buffalo Bayou watershed, including problems with the Addicks and Barker reservoir systems. Of primary

HURRICANE HARVEY HITS TEXAS: FLOODING, DEVASTATION FOLLOW

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# Irma strengthens to Category 5 storm as it nears Caribbean

By The Associated Press
This article was published today at 9:01 a.m.

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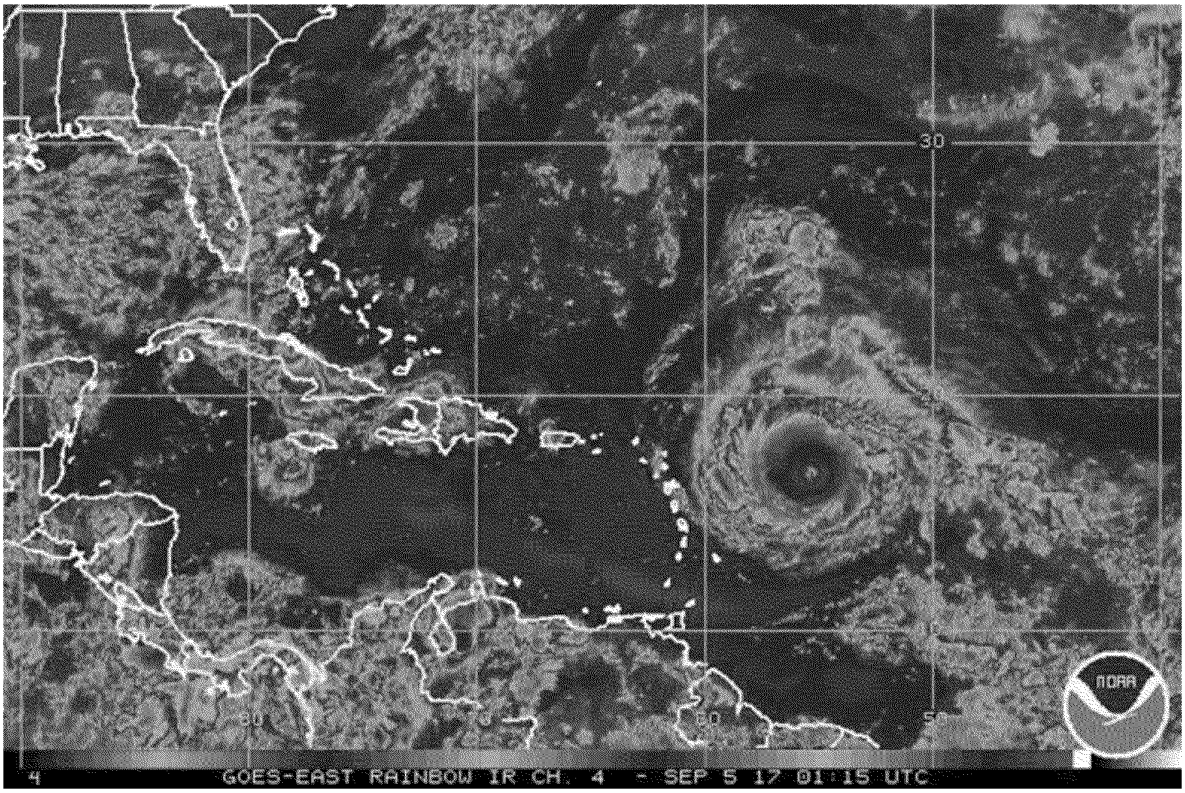


This Monday, Sept. 4, 2017, satellite image provided by the National Oceanic and Atmospheric Administration shows Hurricane Irma nearing the eastern Caribbean. Hurricane Irma grew into a powerful Category 4 storm Monday. (NOAA via AP)

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SAN JUAN, Puerto Rico — Hurricane Irma strengthened into a dangerous Category 5 storm Tuesday as it roared toward the northeast Caribbean on a path that could take it to the United States.

The U.S. National Hurricane Center said Irma had sustained winds of 175 mph and was centered about 270 miles east of Antigua. It was moving west at 14 mph.

The center said there was a growing possibility that the storm's effects could be felt in Florida later this week and over the weekend, though it was still too early to be sure of its future track: "Everyone in hurricane-prone areas should ensure that they have their hurricane plan in place."

Irma's center was expected to move near or over the northern Leeward Islands late Tuesday and early Wednesday, the hurricane center said. The eye was then expected to pass about 50 miles from Puerto Rico late Wednesday.

Authorities warned that the storm could dump up to 10 inches of rain, cause landslides and flash floods and generate waves of up to 23 feet. Government officials began evacuations and urged

people to finalize all preparations as shelves emptied out across islands including Puerto Rico.

"The decisions that we make in the next couple of hours can make the difference between life and death," Puerto Rico Gov. Ricardo Rossello said. "This is an extremely dangerous storm."

Residents on the U.S. East Coast were urged to monitor the storm's progress in case it should turn northward toward Florida, Georgia or the Carolinas.

"This hurricane has the potential to be a major event for the East Coast. It also has the potential to significantly strain FEMA and other governmental resources occurring so quickly on the heels of (Hurricane) Harvey," Evan Myers, chief operating officer of AccuWeather, said in a statement.

In the Caribbean, hurricane warnings were issued for 12 island groups, including the British Virgin Islands, where the governor urged people to evacuate the tiny island of Anegada if they could ahead of the storm.

Vivian Wheatley, proprietor of the Anegada Reef Hotel, planned to stay behind. She said she would stay in one of the hotel rooms and take advantage of the generator since there were no guests.

"We know it's a very powerful (storm), and we know it's going to be very close," she said. "Let's hope for the best."

People in the U.S. territory of Puerto Rico braced for blackouts after the director of the island's power company predicted that storm damage could leave some areas without electricity for four to six months. But "some areas will have power (back) in less than a week," Ricardo Ramos told radio station Notiuno 630 AM.

The utility's infrastructure has deteriorated greatly during a decade-long recession, and Puerto Ricans experienced an island-wide outage last year.

Both Puerto Rico and the U.S. Virgin Islands expected 4 inches to 8 inches of rain and winds of 40-50 mph with gusts of up to 60 mph.

"This is not an opportunity to go outside and try to have fun with a hurricane," U.S. Virgin Islands Gov. Kenneth Mapp warned. "It's not time to get on a surfboard."

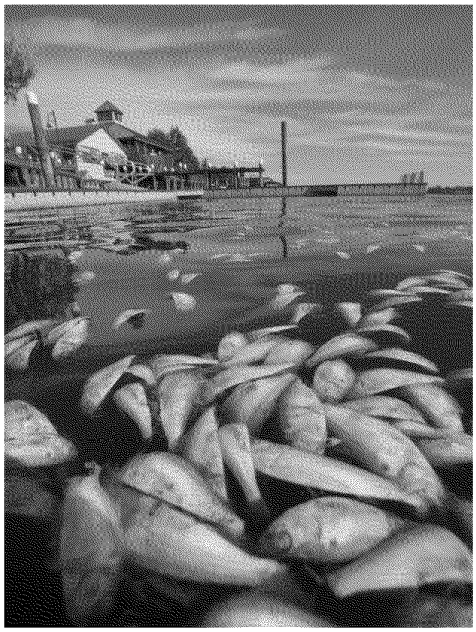
A hurricane warning was posted for Antigua and Barbuda, Anguilla, Montserrat, St. Kitts and Nevis, St. Martin, Saba, St. Eustatius, St. Maarten and St. Barts, Puerto Rico, and the U.S. and British Virgin islands. A tropical storm warning was in effect for Guadeloupe and Dominica.

Meanwhile in Florida, residents took advantage of the Labor Day holiday to empty many store shelves of drinking water and other supplies in advance of the storm. Also Monday, Florida Gov. Rick Scott declared a state of emergency for the state's 67 counties to give local governments "ample time, resources and flexibility" to prepare.

http://www.theadvocate.com/baton_rouge/news/communities/westside/article_c2803596-8f28-11e7-80b1-2fec94c4ea63.html

# False River set for drawdown, more dredging, in bid to restore oxbow lake's health

BY TERRY L. JONES | TJONES@THEADVOCATE.COM SEP 2, 2017 - 6:15 PM



Thread n shad killed as a result of a late October cold front wash back and forth near the public boat launch on False River, Thurs. Nov. 10, 2016.

ADVOCATE STAFF PHOTO BY TRAVIS SPRADLING

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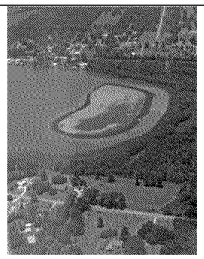
Terry Jones

Still struggling to restore the health of ailing False River, the Pointe Coupee Parish Police Jury is about to draw down the water level of the oxbow lake for the third time for more dredging.

The parish will draw down the water level of the lake, a popular recreational waterway, starting Tuesday. The water level will be lowered by 5 ½ feet for the next four months.



False River drawdown plan irks residents who cite damage to property

Story Continued Below

State Rep. Major Thibaut, D-New Roads, said the state will install several more weirs along one of the two major tributaries that ow into the lake. It will also begin another large-scale dredging project on the north end of False River to remove decades of sediment build-up that has mostly contributed to the lake's decline, he said.

"We're trying to attack this thing from all ends," Thibaut said.

Thibaut sits on the False River Watershed Council and pushed in the state Legislature to secure the more than $4 million in state funds so far that have been used to improve the lake's water quality.

False River, once a premier spot for trophy bass shing, has been in a state of decline for several decades due to heavy silt buildup at the bottom of the lake that impeded vegetation growth and curtailed sh-spawning habitats.

The Louisiana Department of Wildlife and Fisheries has given the parish the OK to lower False River's normal pooling stage, which is around 16-feet, twice already since restoration efforts ramped up in 2012.

Pointe Coupee Parish Police Jury agrees to more drawdowns of ailing False River

The drawdowns help sunlight reach the lake's bottom which, in turn, helps dissolve the heavy build-up of sediment beneath the water.

The drawdowns have sparked controversy. With the rst one, property owners along the lakeshore complained that reducing the lake's water level caused structural damage to their bulkheads. Last year it was criticized for causing a massive sh kill.

Nevertheless, state environmental experts have said the past two drawdowns have vastly improved the lake's water quality. They say it has helped with aquatic vegetation growth and with the solidifying parts of the lakebed, making it easier for game sh to lay eggs and replenish their populations.

The water's ne: Here's why thousands of dead sh washed ashore along False River

As a result of those improvements, the Police Jury has already agreed to repeat several more drawdowns in 2020, 2023 and 2026.

Thibaut said state of cials in the coming weeks will start installing weirs and making design modi cations along one of the two canals that ow into the oxbow lake. Similar work to limit sediments draining into False River was completed recently along the other canal that ows into the lake, he said.

"These weirs will act like silt traps and slow down the water ow so you don't have that much erosion and sediment traveling into the lake," Thibaut said.

He noted that about 30,000 acres of land drains into the two canals that ow into the lake."

Also in the fall, the parish will begin dredging the north end of the lake to speed up the restoration process.

A similar process was already done on the south end with engineers using the sediment that was removed from the lake's bottom to build a 16.5-acre containment dike island.

Thibaut said they won't build an island on the north end. Engineers are now trying to gure out where they'll dump the dredged material so they can get started on the project.

"We're trying to nd an adjacent piece of property to pump the silt to," he said.

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**1 — Toxic tensions in the heart of 'Cancer Alley', CNN, 10/20/17**
http://www.cnn.com/2017/10/20/health/louisiana-toxic-town/index.html
Geraldine Watkins sits at the kitchen table in her ranch home, rattling off the names of friends and relatives in her small Louisiana town who've died of cancer over the last 40 years. Her grandchildren suffer an array of ailments, from skin conditions to breathing problems. Her 7-year-old great-grandson's breathing is so labored, she says, "you can feel his heart trying to jump out of his chest."

**2 Plaintiffs in Denka suit: EPA should ignore company's request to change chloroprene guidelines, NOLA Advocate, 10/21/17**
http://www.theadvocate.com/new_orleans/news/business/article_c27e887c-b296-11e7-b0f1-5bcf6b04071f.html
The U.S. Environmental Protection Agency should ignore a plea to change health-related chloroprene emission guidelines made by a company already releasing concerning amounts of the chemical, according to attorneys for plaintiffs in a related lawsuit. In a letter sent to the EPA in September, scientific experts hired by the plaintiffs' lawyers accuse the chemical company of putting "the entire United States" at risk of exposure to "dangerous" levels of chloroprene simply to advance its own "self-interested desire to maintain profitability."

**3 — OPINION: Local effects of Trump's environmental agenda, Star-Telegram, 10/20/17**
http://www.star-telegram.com/opinion/opn-columns-blogs/other-voices/article180040576.html
Regular media reports on what is often described as a rollback in the mission of environmental protection may have left some wondering what it all means for us locally. Spoiler alert: not much. Let's take a look at two of the high-profile issues making news and see what there is for us to be concerned about.

**4 — Mapping NM Children's Health in Shadow of Oil, Gas Drilling, Public News Service, 10/20/17**
http://www.publicnewsservice.org/2017-10-20/childrens-issues/mapping-nm-childrens-health-in-shadow-of-oil-gas-drilling/a59911-1
As the Environmental Protection Agency backs away from limiting toxic emissions from oil and gas wells, environmental groups are stepping up calls to limit the pollution. The groups Earthworks and Moms Clean Air Force have released an updated version of their interactive Oil and Gas Threat Map. It identifies areas at risk from emissions from oil and gas production. Alexandra Merlino with Moms Clean Air Force says New Mexico is vulnerable without federal laws governing oil and gas because the state lacks guidelines for determining what constitutes a significant violation.

**5 — Americans' Appetite for Cheap Meat Linked to Widespread Drinking Water Contamination, Truth-Out, 10/20/17**
http://www.truth-out.org/news/item/42326-americans-appetite-for-cheap-meat-linked-to-widespread-drinking-water-contamination
Scientists recently announced that the "dead zone" in the Gulf of Mexico, an area the size of New Jersey where oxygen levels are too low to sustain most forms of life, is larger than ever. For years, environmentalists have used

annual surveys of the dead zone to bring attention to large amounts of agricultural pollution from the nation's breadbasket that flows down the Mississippi River and fuels oxygen-depleting algae blooms in the Gulf.

**6 — EPA Awards $1.3 M for Arkansas River Pollution, Kiowa Press, 10/22/17**
http://kiowacountypress.net/content/epa-awards-13-m-arkansas-river-pollution
The U.S. Environmental Protection Agency (EPA) has awarded $1,293,010 to the Colorado Department of Public Health and Environment (CDPHE) to help protect human health and the environment through a Nonpoint Source Program Clean Water Act Section 319 cooperative agreement. This grant is given to states to implement environmental programs that address nonpoint source pollution in surface water and groundwater in order to improve and protect water quality.

**7 — EPA Allows Farmers to Keep Spraying Monsanto's Dicamba, Care2, 10/20/17**
http://www.care2.com/greenliving/epa-dicamba-decision-2017.html
EPA is adding some light regulations on dicamba use, but the controversy and problems surrounding dicamba-tolerant crops seem far from over. Dicamba is not a new herbicide. Monsanto, BASF and DuPont all sell dicamba formulations and have for decades. What is new is the way farmers are spraying it and how much they're spraying.

**8 — Opinion: When coastal protections can cause harm to the coast, Times Picayune, 10/22/17**
http://www.nola.com/opinions/index.ssf/2017/10/coastal_restoration_1.html#incart_river_index
If cats were raiding your hen house, would you bring in foxes to chase them away? Environmental groups supporting Louisiana's fight for coastal survival find themselves in a similar squeeze today. They know some environmental regulations are obstacles to saving portions of the coast. But they're afraid the most willing partners for regulatory reform - President Donald Trump and the GOP - would turn the opportunity into a non-stop feeding frenzy.

**9 — Landmark Earthquake Lawsuit Settled, Former State Scientist Testifies About Industry Pressure In Another, State Impact, 10/20/17**
https://stateimpact.npr.org/oklahoma/2017/10/20/landmark-earthquake-lawsuit-settled-former-state-scientist-testifies-about-industry-pressure-in-another/
The first lawsuit filed against Oklahoma oil companies over earthquakes is now settled. Sandra Ladra was injured by rocks that shook loose from her fireplace during the 5.7-magnitude temblor that struck near the city of Prague in 2011. The quake is one of the strongest ever recorded in Oklahoma and was the first one scientists linked to wastewater disposal wells used by the oil and gas industry.

**10 —Coastal authority focuses on southeast La. restoration projects, Times Picayune, 10/20/17**
http://www.nola.com/environment/index.ssf/2017/10/coastal_authority_focuses_on_s.html
The Louisiana Coastal Protection and Restoration Authority outlined more than $1 billion of coastal restoration projects that have been recently completed, are under construction, or are in design at its monthly meeting in Belle Chasse on Wednesday (Oct. 18). This slide shows all of the projects that have been recently completed, are under construction or are undergoing design and engineering in southeastern Louisiana.

**11 — UT/TT Poll: Most Texans happy with government response to Hurricane Harvey, Texas Tribune, 10/20/17**
https://www.texastribune.org/2017/10/20/uttt-poll-most-texans-happy-government-response-hurricane-harvey/
For Hurricane Harvey recovery, Texans want federal, state and local officials to focus on debris cleanup and disposal, housing, public health and environmental contamination, according to the latest University of Texas/Texas Tribune Poll. Texas voters said other problems brought on by the historic storm — transportation, public education, unemployment and damage to local businesses — are extremely or somewhat important to them, but their first priorities are cleaning up and making sure everyone is okay.

**12 — As costs go down, solar power rises in Arkansas; homeowners, businesses installing panels, Ark. Democrat, 10/22/17**

http://www.arkansasonline.com/news/2017/oct/22/as-costs-go-down-sun-power-rises-in-sta-1/

In the shadow of factories and white plumes of air from the Nuclear One power plant, 30 solar panels sit atop Joshua's Fine Jewelry in downtown Russellville. Chris George is finally living out an 18-year-old dream. The owner of Joshua's Fine Jewelry wanted to power the store on renewable energy, but for 18 years it didn't make sense.

**13 Feed company to bring jobs, waste, Victoria Advocate, 10/21/17**

https://www.victoriaadvocate.com/news/2017/oct/21/feed-company-to-bring-jobs-waste/

A company connected to one responsible for an explosion near Houston after Hurricane Harvey is one step closer to operating in Calhoun County. The executive director of the Texas Commission on Environmental Quality approved this month Novus International Inc.'s request to drill two hazardous waste disposal wells despite receiving a few comments from concerned residents.

**14 Alcoa reports emissions blow into water, air, Victoria Advocate, 10/19/17**

https://www.victoriaadvocate.com/news/2017/oct/19/alcoa-reports-emissions-earnings/

A white powder from Alcoa in Point Comfort blew into Lavaca Bay and the air this month. The company reported about 110 pounds of alumina went into the water and about 40 pounds went into the air Oct. 13.

**15 Coal-fired power plants continue to decline, despite EPA ruling. Victoria Advocate, 10/20/17**

http://www.digitaljournal.com/business/texas-closing-three-coal-fired-power-plants-accelerating-decline/article/505581#ixzz4wLOojHQx

According to the Dallas News, the Big Brown Plant southeast of Corsicana and Sandow Plant northeast of Austin would close in January and February of next year. A week ago, Luminant announced it was shutting down its Monticello Plant near Mount Pleasant.

**16 Digging In The Mud To See What Toxic Substances Were Spread By Hurricane Harvey, WAMU, 10/23/17**

https://wamu.org/story/17/10/23/digging-in-the-mud-to-see-what-toxic-substances-were-spread-by-hurricane-harvey/

The floodwaters from Hurricane Harvey had to go somewhere. The storm dumped 50 inches of rain on parts of the Houston area in late August. Much of the water made its way through streets and bayous and eventually drained into the Houston Ship Channel, the busy commercial waterway that allows ships to travel between the Gulf of Mexico and industrial facilities around Houston.

# Toxic tensions in the heart of 'Cancer Alley'

The EPA says this town has the nation's highest risk of developing cancer from air toxins. The plant emitting the toxins says otherwise. Locals are outraged.

By Victor Blackwell, Wayne Drash and Christopher Lett, CNN

Updated 7:36 PM ET, Fri October 20, 2017

EPA: Plant emits 99% of US chloroprene pollution 08:28

LaPlace, Louisiana (CNN) — Geraldine Watkins sits at the kitchen table in her ranch home, rattling o the names of friends and relatives in her small Louisiana town who've died of cancer over the last 40 years.

Her grandchildren su er an array of ailments, from skin conditions to breathing problems. Her 7-year-old great-grandson's breathing is so labored, she says, "you can feel his heart trying to jump out of his chest."

Watkins lives in the shadow of a plant that spews chloroprene -- a chemical so toxic the Environmental Protection Agency says nearby residents face the highest risk in the country of developing cancer from air toxins.

"You gotta live here to try to breathe the air, drink the water, see the children so sick and watch people die,"

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## A town wants answers

The town of LaPlace, Louisiana, lies along the Mississippi River, a stone's throw from Lake Pontchartrain and the Maurepas Swamp. It sits in the heart of an area that's become known by locals as "Cancer Alley," a vast industrial stretch between New Orleans and Baton Rouge where dozens of petrochemical plants dot the landscape.

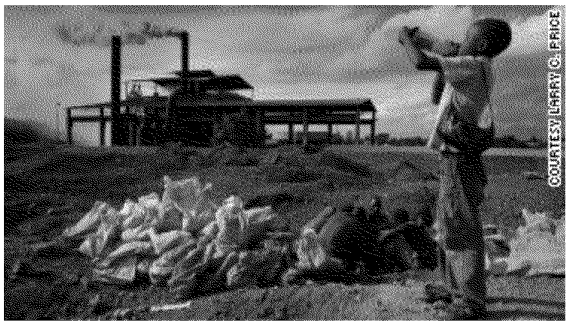
One sign posted by a local advocacy group warns the town's 29,000 residents that they are "more likely to get cancer due to chloroprene air emissions." The warning refers to the Denka Performance Elastomer plant at the edge of town, where a vast network of pipes and valves stand testament to industry.

The facility looms over Fifth Ward Elementary School, where children run around the playground oblivious to the toxic emissions in the air.

The Denka plant is the nation's sole producer of neoprene, the synthetic rubber used in everything from wetsuits to automotive hoses. It's also at the center of a battle over its emissions.

The plant, formerly operated by DuPont, employs more than 200 workers and has been in this spot for nearly 50 years. The facility plays a vital manufacturing role as the nation's only producer of neoprene, a synthetic rubber that's found in everything from gaskets and hoses to fishing waders and wetsuits. But it also emits 99% of the nation's chloroprene pollution, according to the EPA. Chloroprene is the main chemical used in the production of neoprene.

In 2010, the EPA determined that chloroprene is "likely carcinogenic to humans," meaning studies showed it likely causes cancer in people. The EPA has not set a legal limit for chloroprene emissions. But according to a May 2016 memo, federal regulators said the "upper limit of acceptability" for cancer risk was an annual average of 0.2 micrograms of chloroprene per cubic meter. Anything more than that would increase the risk of developing cancer, the EPA determined.




Related Article: Pollution linked to 9 million deaths worldwide in 2015, study

Residents say they were largely unaware of the 2010 EPA finding. But in December 2015, the EPA updated its National Air Toxics Assessment map, which showed an elevated risk of cancer around the plant -- prompting Denka to enter into an agreement with the state of Louisiana to voluntarily reduce chloroprene emissions by 85%.

Tensions in the community mounted after Denka representatives and state environmental o cials briefed the public on the agreement.

The town hall meetings may have been intended to reassure residents, but they only seemed to create more questions: Residents wondered why they weren't warned years before and said their complaints have been ignored.

says

While Denka agreed to the voluntary 85% reduction, it disputes the EPA's 0.2 recommendation and insists its own research shows no connection between chloroprene and cancer. Denka is a Japanese chemical company that bought the plant from DuPont in 2015.

Denka o cials say the EPA based its cancer estimate on faulty science and have demanded that the EPA issue a correction. The company commissioned and submitted a study that argued chloroprene's classification should be changed from "likely carcinogenic to humans" to "possibly carcinogenic" -- and that the 0.2 guideline should be changed to 31.2, more than 150 times the EPA's recommendation.

An EPA spokesman told CNN the agency is reviewing the company's complaint but indicated the science behind the agency's findings was solid.

In the spring of 2016, the EPA installed six canisters near the plant -- including at the hospital, levee and two local schools -- to collect air samples. Every three days, the air quality is tested. The daily readings have been jarring -- 10 times, 50 times and 100 times the EPA's "upper limit of acceptability" for cancer risk. On one occasion last November, the reading spiked at the levee and tested 700 times the recommended cancer risk, according the EPA data.

At the elementary school, the average concentration from May 2016 to August 2017 was more than 34 times the EPA's recommendation.

"Our primary concern is with exposures over a lifetime," the EPA's spokesman wrote CNN in an email. "If the concentrations were to persist at current levels for a lifetime, there is potential for adverse health e ects. This is why EPA and the state are working with Denka to reduce emissions."

Related Article: Exposure to air pollution before birth may shorten our lives

Residents aren't satisfied with the 85% solution. They've rallied together to form the Concerned Citizens of St. John the Baptist Parish. Many wear T-shirts that read: "Only 0.2 will do."

In June, 13 residents filed a class-action lawsuit against the plant, aimed at forcing the company to reduce emissions to meet the 0.2 EPA risk recommendation.

Pollution from the facility, the suit alleges, is "su cient to cause physical discomfort and annoyance to plainti s, who must often confine themselves indoors to escape the excess concentration of chloroprene emission."

"In addition, the excess concentrations of chloroprene emissions lead to a reasonable and justified fear of cancer," the suit says.

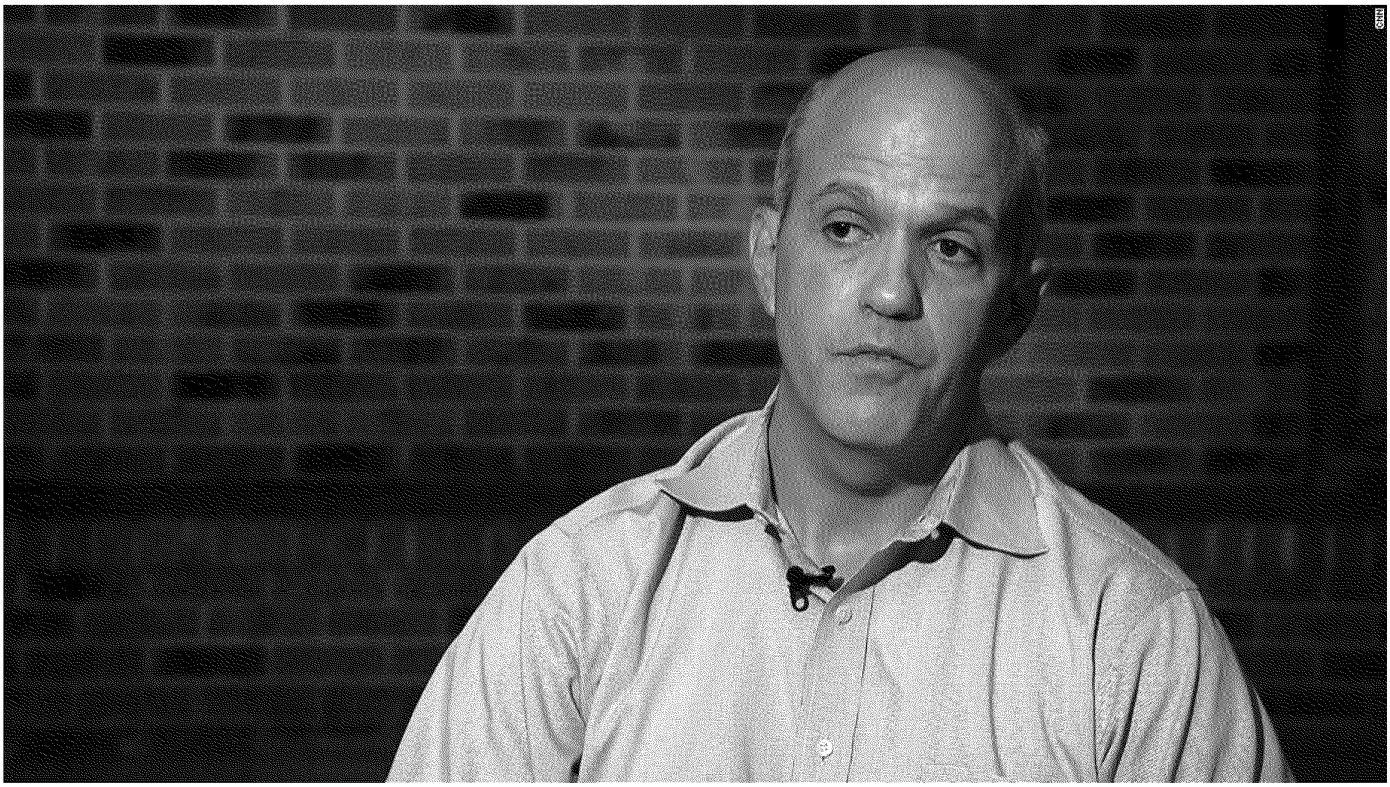
## Plant manager: There is no cancer risk

Sitting inside the facility, Denka plant manager Jorge Lavastida said the company is sensitive to the concerns of residents about air quality. "We want to be a part of this community. We want to be admired by this community. We want to have employees from this community," he told CNN.

But he disputed the EPA on almost every point, citing the plant's own study and emphasizing the company voluntarily committed to the 85% emissions reduction plan at a cost of nearly $18 million.

"It's our No. 1 priority," he said.

The company has already finished two of the four projects included in the reduction plan. He said the company hopes to complete the other two by year's end, although the work is months behind due to unexpected complications. "We are fully committed and fully resourced to the projects," he said.



Denka plant manager Jorge Lavastida says the company doesn't believe chloroprene causes cancer, but it committed to a plan to reduce emissions by 85%.

Citing the company's own study, Lavastida added this about the safety of the chloroprene being emitted: "There is no relationship between chloroprene and cancer."

Asked if that means the company believes chloroprene does not cause cancer, he said simply, "That is correct."

He added he is "optimistic" the EPA will revise its 0.2 guideline soon.

Lavastida said one of the projects already completed has reduced chloroprene emissions by 62%. "We know they're working," he said. The company maintains six air quality monitors of its own in and around the plant, separate from the EPA's.

However, EPA data provided by the state to CNN showed something completely di erent: The air quality has worsened, not improved, at five of the six government testing sites over the last year.

Asked about those readings, Lavistida said, "I don't know if I can explain that."

Short-term health e ects of being exposed to high doses of chloroprene range from headaches and hair loss to irritability and a rapid heartbeat, according to the EPA. It may also a ect the liver, lungs, kidneys and the immune system.

Long-term exposure can lead to respiratory problems, skin issues, chest pains and neurological problems, in addition to an increased likelihood of cancer, the EPA says.

Statewide cancer rates are not specific enough to capture whether the incidence is higher in the areas around the plant. That's because cancer rates are calculated for entire parishes, not at a more local level.

The current data for the parish doesn't show a higher rate of cancer among the parish's 44,000 residents; in fact, it has one of the lowest rates in the state -- a figure that company and state o cials use to defend their e orts.

But more precise data may soon be available. A new state law requires the Louisiana Tumor Registry to track cancer cases by ZIP codes and census tracts to help determine whether certain areas within parishes are more prone to cancer.

## 'Filling us up with poison'

Robert Taylor III grew up near the plant and was in and out of the hospital with kidney problems throughout his youth. He moved away after high school and had no problems for more than 20 years.

But six months after moving back, Taylor says, his kidneys failed.

Sitting at his kitchen table, he points across the street: "Husband and wife died from cancer." Then, he waves his hand toward another home: "Husband died of cancer. Both of his sons got cancer."

"These people are filling us up with this poison," he says of the plant.

Long-time resident Robert Taylor has su ered an array of kidney problems since youth. His daughter, Nayve Love, needs an oxygen machine to help breathe several times a week.

Taylor is part of the class-action lawsuit against Denka. He joined on behalf of himself and his daughter, Nayve Love, who su ers breathing problems and needs to use an oxygen machine several times a week.

His father, who founded the Concerned Citizens of St. John the Baptist Parish, is also a plainti .

"We're not just going to sit around and let them push us around," Taylor said. "They don't have any compassion for human life. My little girl is 10 years old. She's innocent."

Wilma Subra is a chemist and long-time environmental activist in Louisiana. She's been keeping close tabs on the Denka plant and has helped advise the citizens' group.

She said she's appalled at how state o cials have seemingly turned a blind eye to the pollution.

"They have dismissed the issues and concerns of their citizens here in St. John the Baptist Parish," she said. "Meanwhile, the citizens are continuing to breathe the air with chloroprene every single day."

"If we do not continue to push the company to put on (additional) control technologies to reduce the chloroprene levels," she said, "the people will continue to be exposed."

## State environmental boss: Ignore EPA figure

Chuck Carr Brown, the secretary of Louisiana's Department of Environmental Quality, says he tries to straddle the line between industry and the people he's committed to serving. His agency's mission, according to its website, is "to promote and protect health, safety and welfare while considering sound policies regarding employment and economic development."

At a heated public meeting last December, he told residents that much of the cancer concerns were overblown and the situation wasn't anything comparable to the lead-contaminated water crisis in Flint, Michigan.

"It's not like there's a smoking gun somewhere in St. John Parish," he said.

Brown praised the plant's commitment to reducing emissions by 85% with what he called the "best available control technology."

"We're going to monitor for at least another year, and we should start seeing these numbers start trending downward," he said.

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During the meeting, he dismissed the EPA's 0.2 cancer guideline on chloroprene emissions. "That's not a standard," he said. "That's just a guidance."

Adding to the tensions between residents and his agency, Brown called vocal residents around the plant "fear-mongers." In an interview with CNN, he said, "I don't want to repeat that."

"I'm not going to say I regret using the term. I just felt like I could've used a di erent term," Brown said.

He also expressed frustration that "everybody seems to ignore" data put out by his agency. "At this point, there is no reason to believe that there is any undue risk or exposure to the folks in St. John Parish," Brown said. "If that changes, then we'll be the first ones to take immediate action."

He again dismissed the EPA's 0.2 guideline. "It never was an enforceable standard," he said, "and it's still not an enforceable standard."

He said his agency hopes to use the new technology being installed at the plant to set a standard for chloroprene emissions -- and not be hamstrung by the 0.2 EPA guideline. As head of the state's environmental organization, he said, "I wanted to enter a working relationship with the company in order to install what we call the best available control technology."

"That's why I've tried to tell everyone: Detach yourself from that number and let's work toward a solution that involves the best available control technology."

"But if that's the guidance," CNN asked Brown, "why not be guided by it?"

Brown stood his ground, saying the new technology would be used to set the standard, not the EPA's 0.2 figure. "To artificially target a number that you can't legally enforce," he said, "it actually makes no sense."

He rejected suggestions he was following the company's lead. "That's not what we're doing," he said. "It's not like you just turn a valve or are working with LEGO pieces. We're talking about large piping, large tubing, rerouting and engineering."

CNN asked Brown why tests of the air quality have shown more toxins this year, rather than dropping as he pledged back at the December meeting. "We'll show you some data that refutes that," he said. "You'll get a spike. But when you start looking at the average over a month, it's really trending downward."

His detractors, he said, should look at the data provided by his agency to "see the real facts." He paused and spelled out the word, "F-A-C-T," adding that "everything else is just somebody's theory."

CNN did look at the facts provided by Brown's o ce after the interview, and it confirmed what we already knew: That the toxicity in the air recorded by the EPA was worse in June 2017 at five of the six testing sites than it was in June 2016 despite the improvements at the plant.

In her humble ranch home a little over a mile from the plant, Geraldine Watkins bites her tongue when told of Brown's comments. She says some words aren't meant to be repeated.

Geraldine Watkins says the plant needs to change its ways: "You gotta live here to try to breathe the air, drink the water, see the children so sick and watch people die."

"My tongue gets blue, but I can control it," she says.

She was at the December meeting when Brown addressed the crowd. His comments back then filled her with rage: "If eyes could kill, I would have cut him to death that night."

She mulls over Brown's latest remarks, thinking about her great-grandchildren's unexplained conditions.

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"This is horrible," says Watkins, who is not part of the class-action suit. "If you don't live in the area, you can say anything and everybody is supposed to believe that."

She wants clean air to breathe, for everyone in town -- and for herself.

"Let me live," she says. "Whatever time I have left, let it be decent."

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# Plaintiffs in Denka suit: EPA should ignore company's request to change chloroprene guidelines

BY DELLA HASSELLE | DHASSELLE@THEADVOCATE.COM OCT 21, 2017 - 6:00 PM

Della Hasselle

The U.S. Environmental Protection Agency should ignore a plea to change health-related chloroprene emission guidelines made by a company already releasing concerning amounts of the chemical, according to attorneys for plaintiffs in a related lawsuit.

In a letter sent to the EPA in September, scientific experts hired by the plaintiffs' lawyers accuse the chemical company of putting "the entire United States" at risk of exposure to "dangerous" levels of chloroprene simply to advance its own "self-interested desire to maintain profitability."

The letter was a response to another letter written by Denka Performer Elastomer LLC earlier this year, accusing the EPA of using faulty science when estimating safety limits for exposure to the chemical.

Story Continued Below

The exchange marks the latest development in a controversy involving the chemical company and residents who live and work around the plant in St. John the Baptist Parish.

The latest letter was sent by the Lambert Firm, which represents 13 plaintiffs in a lawsuit  led earlier this year against Denka.

Echoing concerns made by environmentalists, Eberhard Garrison, one of the attorneys for the plaintiffs, has alleged the company is putting residents in imminent harm by releasing "excessive" amounts of chloroprene.

Since 2010, the EPA has said exposure to more than 0.2 micrograms of chloroprene per cubic meter of air every day for a lifetime puts people at increased risk of getting liver or lung cancers.

Air monitoring over a single year in St. John the Baptist Parish showed that the chemical plant at times exposed residents to between 12 and 58 times the amount the EPA deems overly risky.

The plaintiffs, who are seeking monetary damages, have asked a judge to shut down the plant or order it to reduce production until emissions are lowered.

But Denka claims that the EPA's calculations are fundamentally wrong and that the  awed assessment has caused the company “severe reputational damage.”

In a letter to the agency on June 26, Robert Holden, a lawyer for the company, and Jorge Lavastida, the plant's manager, complained that the EPA’s public assessment had “created unnecessary public alarm” in the parish.

They cited a study done by Ramboll Environ, a private environmental, safety and health sciences consulting  rm, that said EPA’s human inhalation unit risk, called the IUR, is 156 times too high.

The Lambert Firm responded with objections of its own, including comments by three paid experts.

Among them was Dr. Karl Brooks, a former EPA of  cial who worked as the Region 7 administrator from 2010 to 2015 and later at the agency's headquarters.

Brooks urged current EPA of cials to reject "in its entirety" Denka's request to change the guidelines because it provided "no new peer-reviewed scienti c information" that wasn't already considered by the agency. Unlike the agency's earlier assessment, the Ramboll Environ report has not been subject to peer review, he added.

Brooks accused Denka of cials of attempting to use political connections to undermine the scienti c process required by the agency and instead appeal to its newly appointed head, Scott Pruitt.

Before being appointed as EPA administrator by President Donald Trump, Pruitt, a former attorney general of Oklahoma, often criticized the EPA for overly burdensome regulations and an "activist agenda."

Brooks said Pruitt is more interested in chemical companies' bottom line than in the science behind EPA regulations.

He urged rejection of Denka's request to ensure "that political in uence does not interfere with scienti c decision making."

The request "opens a new front in a calculated political and economic campaign by ... affected chemical industry members to interfere with, distort and render non-transparent decisions that governing laws and EPA policies require to be purely scienti c," he said.

Brooks left the EPA in February and now works at the University of Texas in Austin.

Another of the plaintiffs' experts, Dr. Marco Kaltofen, defended the EPA's use of animal testing to determine human risk from chloroprene, a practice the Environ Ramboll report questioned. Kaltofen called animal models "scienti cally reliable" and "important" and said it "is not ethical or practical to deliberately perform toxicity tests on humans."

Both Kaltofen and a third expert, Barry S. Levy, criticized Denka's analysis of Louisiana Tumor Registry data.

Denka and Dr. LuAnn White, a toxicologist at Tulane University, said data from the registry, collected by the LSU Health Sciences Center School of Public Health, showed no higher incidence of cancer in the region near the plant than elsewhere in the state.

But Kaltofen said the registry data are "not suitable" for EPA consideration because there is no attempt to discriminate among multiple cancer causes.

Levy added that because the data are parishwide, they don't show whether people who live near the Denka plant have higher rates of cancer than those who live farther away.

Lavastida, the plant manager, replied that the company has "strong concerns" about the materials submitted by the plaintiffs' attorneys and that the company questions their "merits, conclusions and comments."

The company's request for a correction, Lavastida said through representative Jim Harris, was led to ask the EPA to apply "sound scienti c principles" to the agency's 2010 assessment on the chemical chloroprene. "The independent environmental review conducted by Ramboll Environ outlines areas where these principles were not followed or applied correctly," he said.

Lavastida said the National Academies of Sciences' National Research Council also has "found issues" with the way the EPA decision was reached.

Denka has operated the LaPlace plant since late 2015, when the company bought it from its previous operator, DuPont.

That purchase occurred a month before the EPA released its National Air Toxic Assessment, which estimates exposure for 180 air toxins nationwide. It found that residents of St. John Parish have the highest potential risk of cancer from airborne pollutants of any area in the country. It traced that risk to the LaPlace plant, putting the facility under increased scrutiny.

Since then, plant of cials have announced an $18 million plan to retro t the plant with emission-reduction technology, but critics say the efforts won't be enough because they won't lower the rates to 0.2 micrograms per cubic meter of chloroprene.

Hugh Lambert, the head of the law rm that sent the most recent letter to the EPA, said that in the meantime, his clients continue to be "adversely affected by the harmful contaminants emitted by Denka."

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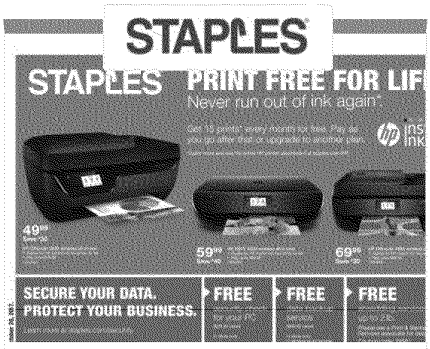


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OTHER VOICES

# Local effects of Trump's environmental agenda

BY RICHARD GREENE

OCTOBER 20, 2017 3:40 PM

Regular media reports on what is often described as a rollback in the mission of environmental protection may have left some wondering what it all means for us locally.

Spoiler alert: not much.

Let's take a look at two of the high-profile issues making news and see what there is for us to be concerned about.

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This is the month when the new, healthier standard for harmful ozone concentrations was to be implemented. The last time such action was taken was in 2007 during the Bush administration.

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I was a part of that process then, and it was the first time in 10 years that a reduction in allowable levels of ozone was mandated.

Since then, the Dallas-Fort Worth area has come very close to meeting that standard after being in full compliance with the previous requirements going back to 1990.

There are only two of the area's 20 air quality monitors just marginally short of readings that would have made it possible to get us off the list of areas in the country with unhealthy air.

Emissions from the mass of vehicles crowding our roadways and the few industrial sources in our area that lead to ozone formation continue to decline. But hot summer weather provides for conditions that keep us just over the threshold.

So what happens now that we have to meet an even lower level of ozone here in our nation's fourth-most-populous urban center.

The answer to that question offers further hope. Looking again at those 20 monitors across the region we find those that are out of range for the new requirement, none are recording readings so high that we can't predict reaching compliance in a reasonable time.

The EPA hasn't finalized its designations for any part of the country yet, so deadlines for reaching the new requirement have not been set. Projections for us, however, are promising and ultimate attainment can be planned.

A second part of the current focus on Trump's environmental agenda is his declaration to end the "war on coal" and effectively cancel Obama's massive volumes of regulations collectively known as the Clean Power Plan.

Doing so means almost nothing to us here in North Texas.

The result of the Clean Power Plan would ultimately lead to shutting down most of the nation's electric generators that use coal for fuel.

There aren't any of those kinds of plants in our area and even many of the ones in East Texas that would have fallen victim to the aggressive regulations to terminate them are already scheduled to be shut down.

With the abundance of cheaper and cleaner natural gas, those plants are no longer economically viable. So it's not government regulation but free markets that are bringing about change that results in a healthier environment.

Wind is providing power generation nearly equal to what we are getting from coal. As long as the wind blows in Texas, that trend is going to keep growing.

When new and fast developing alternatives such as abundant wind energy come into play, it matters little around here what the government is doing to stop coal use.

Or, for that matter, what the Trump administration is doing that upsets environmental organizations and brings lawsuits from states that don't want him to roll back Obama's regulatory initiatives.

While environmental issues will always produce controversy, and feed the insatiable appetite of those in Congress and the national media bent on opposing the president's every move, the reality is often something else.

The good work of environmental protection, coupled with economic reality, goes forward and equals progress in both areas of our national life.

Here at home, we can relate to that in terms relatively easy to understand.

Richard Greene is a former Arlington mayor and served as an appointee of President George W. Bush as regional administrator for the Environmental Protection Agency.

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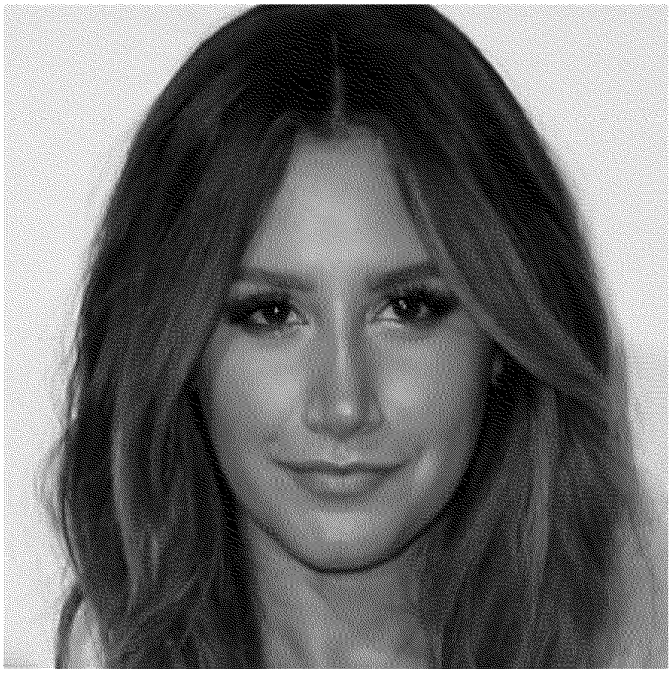

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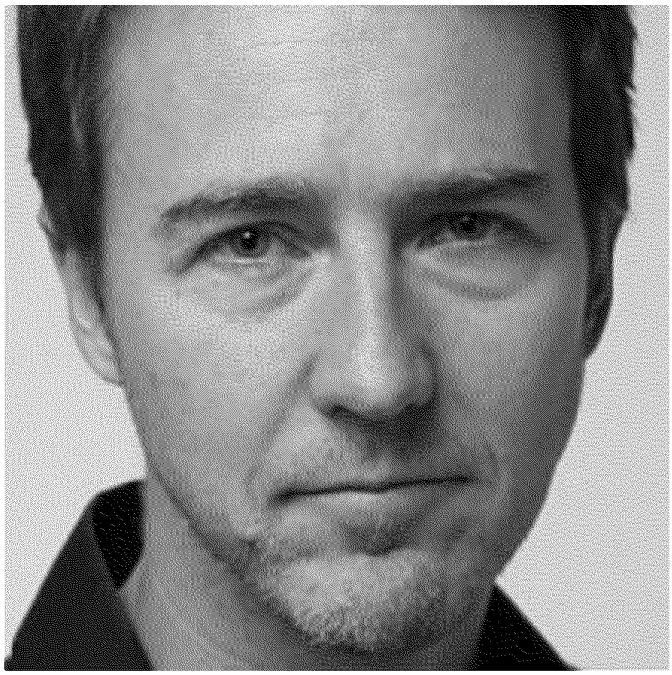

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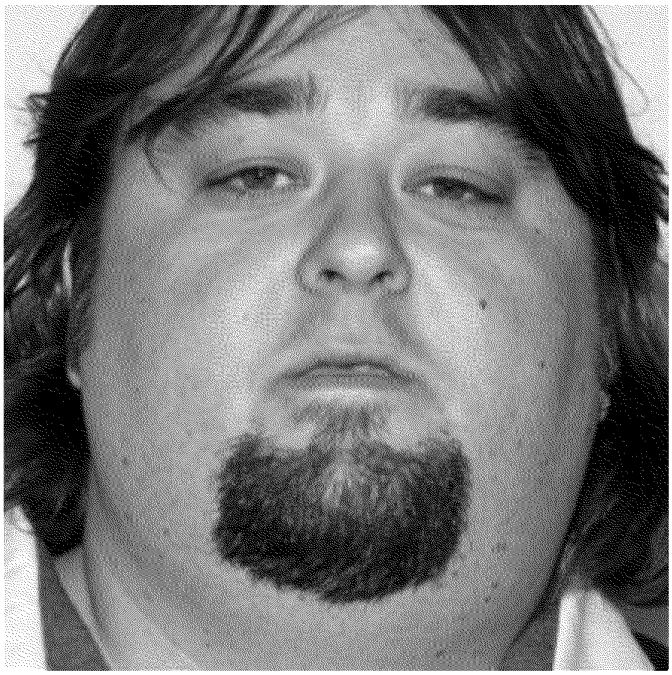

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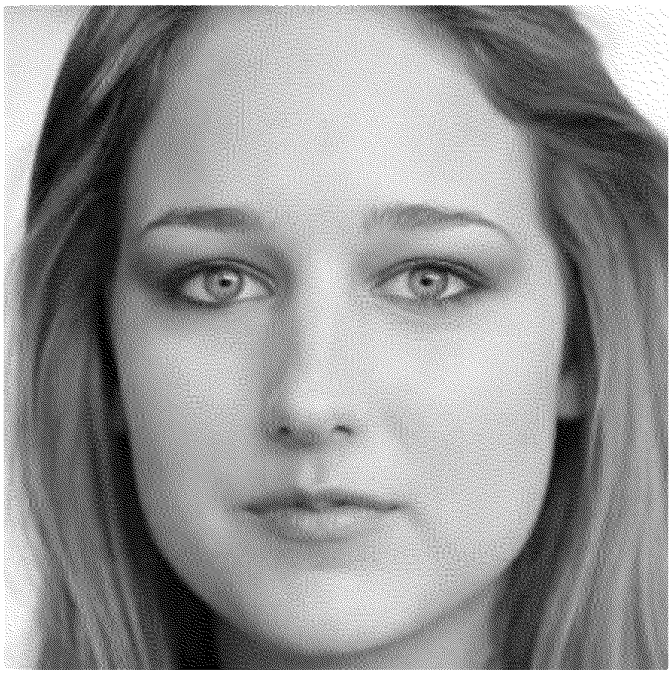

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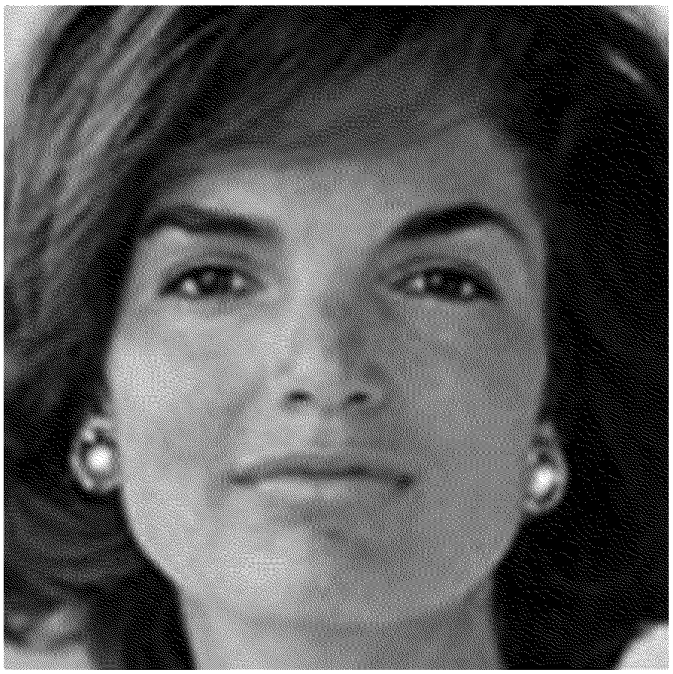

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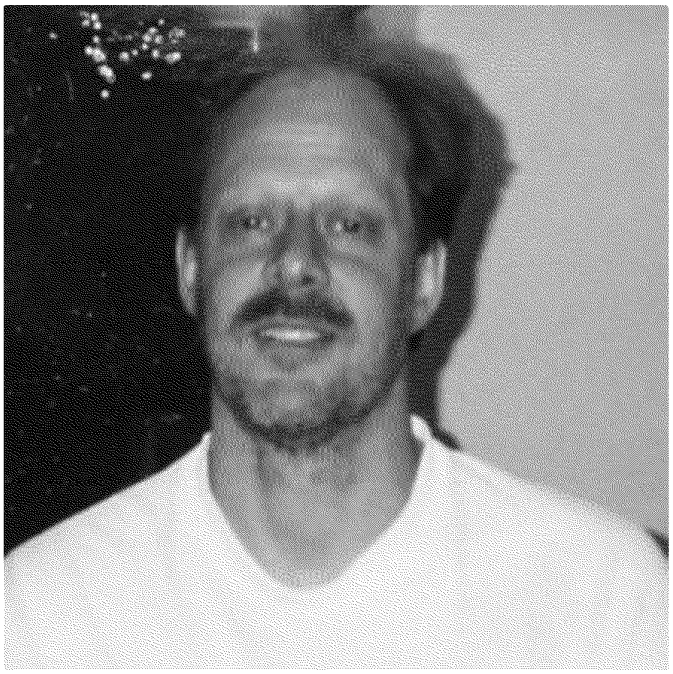

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# Mapping NM Children's Health in Shadow of Oil, Gas Drilling

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Environmental watchdogs say about 32,000 New Mexico children attend schools and daycare centers within a half-mile of oil and gas production facilities. (fracktracker.org)

October 20, 2017

ALBUQUERQUE, N.M. – As the Environmental Protection Agency backs away from limiting toxic emissions from oil and gas wells, environmental groups are stepping up calls to limit the pollution.

The groups Earthworks and Moms Clean Air Force have released an updated version of their interactive Oil and Gas Threat Map. It identi es areas at risk from emissions from oil and gas production.

Alexandra Merlino with Moms Clean Air Force says New Mexico is vulnerable without federal laws governing oil and gas because the state lacks guidelines for determining what constitutes a signi cant violation.

"In New Mexico, because we have no state regulations around oil and gas, we depend on national regulations - that's like our health check," she says.

Merlino points out that EPA Administrator Scott Pruitt is working to roll back Obama-era rules that reduce methane emissions, though the effort is currently tied up in the courts. The map reveals potential danger to schools and childcare centers near rigs that can emit methane, volatile organic compounds and other pollutants.

According to the map, more than 32,000 children in New Mexico attend schools and daycare centers located near oil and gas production facilities. These sites release methane, a potent greenhouse gas, as well as smog-forming and cancer-causing pollution, like benzene. Merlino says this puts kids at risk for cancer, respiratory illness, birth defects, blood disorders and neurological problems.

"So, it's not only the direct threat of this oil and gas pollution, and then there's the secondary impact of climate destruction from this pollution that then creates other issues that are health risks to young children," she warns.

New Mexico has two major oil and production areas where children might be exposed to risk - the San Juan Basin and the Permian Basin. A study by the Fracktracker Alliance in 2014 found that hydraulic fracturing and oil and gas drilling in the U.S. unfairly burden Hispanic and non-white communities.

Roz Brown, Public News Service - NM

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# Americans' Appetite for Cheap Meat Linked to Widespread Drinking Water Contamination

Friday, October 20, 2017

*By Mike Ludwig (/author/itemlist/user/44659), Truthout (http://truth-out.org) | Report*

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(Photo: FP (https://pixabay.com/en/bathroom-sink-faucet-tap-water-690774/); Edited: LW / TO)

Scientists recently announced that the "dead zone" in the Gulf of Mexico, an area the size of New Jersey where oxygen levels are too low to sustain most forms of life, is larger than ever. For years, (/) ronmentalists have used annual surveys of the dead zone to bring attention to large amounts of agricultural pollution from the nation's breadbasket that flows down the Mississippi River and fuels oxygen-depleting algae blooms in the Gulf.

A new report (https://www.ewg.org/tapwater/trouble-in-farm-country.php#cost-of-removing-nitrate) from the Environmental Working Group shows that the agricultural pollution causing the dead zone is also contaminating drinking water supplies for millions of Americans with potentially dangerous chemicals. Environmental groups particularly blame large-scale meat production, which require huge supplies of industrially grown corn and soy to raise animals to satisfy the nation's appetite for cheap meat.

The US leads the world in meat production. One-third of all land in the continental US is used to grow feed and provide pasture for animals that will be killed for meat, according to the environmental group Mighty Earth. Now that agricultural pollution's impact on drinking water is coming into focus, meat producers such as Tyson Foods are under pressure to set standards that would require large farms in their supply chains to clean up their acts.

"People just naturally pay more attention to the pollution issue in their own backyard than they do [to] pollution issues thousands of miles away," said Matt Rota, senior policy director at the Gulf Restoration Network, a group that works to reduce pollution in the Gulf South.

Chemicals called nitrates (https://www.ewg.org/tapwater/reviewed-nitrate.php#.WegS1BNSz6Y) and other pollutants can contaminate drinking water sources when fertilizer and manure drain from poorly protected agricultural fields. Drinking water supplies for roughly 200 million Americans in 49 states have some level of nitrate contamination, but the highest levels are found in rural towns surrounded by industrial farms, according to the Environmental Working Group.

Runoff from farm fields finds its way from rural watersheds to the Gulf, providing nutrients for summertime algae blooms that force fish to migrate and kill off smaller creatures at the bottom of the food chain. The dead zone spanned 8,777 square miles (https://gulfhypoxia.net/research/shelfwide-cruise/?y=2017&p=press_release) off the coast of Louisiana and Texas when marine scientists measured it over the past summer.

## Agricultural Pollution Is a Threat to Public Health

Nitrates are naturally found in soil and water, but high levels of exposure have been linked to birth defects (https://ehp.niehs.nih.gov/1206249/), cancer and a dangerous condition known as blue baby syndrome (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1638204/) in infants, which results from low levels of oxygen in the blood. Few water supplies in the US have levels of nitrates above the federal limit of 10 parts per million, which was set 25 years ago to prevent blue baby syndrome, but studies (https://progressreport.cancer.gov/prevention/nitrate) have found that the risk of cancer increases at levels as low as 5 parts per million.

manure and other pollutants. When these treatment chemicals interact with plant and animal waste, they create potentially dangerous byproducts such as trihalomethanes (THMs), a group of chemicals linked to liver, kidney and intestinal tumors in animals, according to the Environmental Working Group.

The EPA sets limits on the amount of THMs allowed in drinking water, but environmentalists say those limits were based on the technical feasibility of removing the chemicals, not concerns over their long-term toxicity. In 2010, state scientists in California estimated that levels 100 times lower the legal limit would pose a one-in-a-million lifetime risk of cancer.

Nationwide, water supplies in 1,647 communities, serving 4.4 million people, are contaminated with THMs in amounts at least 75 times higher than California's one-in-a-million cancer risk level. In 2014 and 2015, 411 of those communities had levels of THMs at or above the EPA's limits, and two-thirds were found in five states with high levels of agricultural pollution -- Louisiana, California, Oklahoma, Missouri and Texas. (You can find out if THMs and other pollutants are in your water supply using this database (https://www.ewg.org/tapwater/index.php).)

Craig Cox, the Environmental Working Group's vice president for agriculture and natural resources, said farmers can take simple steps to reduce agricultural runoff, but too few farmers are taking action. Agricultural trade groups have considerable political clout in Washington, and farmers are exempt from many state and federal environmental regulations. A federal program pays billions of dollars a year to farmers that adopt conservation practices; however, that money does not always support (https://conservation.ewg.org/what-do-conservation-data-tell-us.php) the best pollution control methods.

"Decades of ill-conceived federal farm policy has been a driving factor in this situation we have today that puts millions of American families at risk of drinking tap water contaminated with these dangerous pollutants," Cox said in a statement.

## Activists Target Meat Mega-Producers

Environmentalists in the Gulf spent years fighting for tougher regulation of industrial farming to protect waterways from runoff and ultimately reduce the size of the dead zone, even filing an unsuccessful lawsuit against the Environmental Protection Agency (EPA) for failing to act during the Obama administration. The EPA did introduce eight policy guidelines to help states reduce fertilizer pollution in 2011, but no states have implemented more than two of them (http://www.msrivercollab.org/wp-content/uploads/Decades-of-Delay-Exec-Summary-Nov-2016.pdf) because the program is largely voluntarily, according to the Mississippi River Collaborative.

"I don't have a whole lot of confidence that the feds will be taking stronger steps to make sure that nitrogen pollution isn't getting into our drinking [water] supply," Rota told Truthout.

Unable to change farming practices with regulation, activists are now focusing on brand-name companies that buy from industrial farms. Mighty Earth recently mapped (http://www.mightyearth.org/heartlanddestruction) high levels of nitrates in Midwestern waterways and found that supply chains for major meat companies were responsible for much of the fertilizer pollution. Tyson Foods, which produces roughly 20 percent of the country's meat supply through brands, such as Jimmy Dean, Hillshire Farms, Ball Park and Sara Lee, stood out from the rest, with major processing facilities in all five states that are top contributors to pollution in the Gulf.

Activists across the country are now calling on Tyson directly, demanding that the company pressure its subsidiaries and suppliers to clean up their acts. Audrey Beedle, a community organizer with the Clean It Up Tyson campaign in Louisiana, said that Tyson's new CEO has shown interest (http://www.tysonfoods.com/media/news-releases/2017/04/tyson-foods-commits-to-new-sustainable-approach-to-a-better-workplace) in sustainability, and activists see an opening to hold the company to task. Unlike individual farmers, large companies like Tyson are more responsive to pressure from consumers.

"They are a household name; everybody knows Tyson," Beedle said in an interview. "People want to know what's in their food. They are sick of unchecked corporations."

Activists say there are several methods farms can use to prevent agricultural runoff, including rotating crops with small grains, planting cover crops, optimizing fertilizer applications to prevent runoff and using conservation tillage practices. They are also calling for a moratorium on the further clearing of native prairie ecosystems for industrial farming.

Tyson, which runs meat packaging and processing plants, not farms, claims it's "misleading" to single out one company when water pollution is a problem across the agriculture industry. Nearly 40 percent (https://www.afdc.energy.gov/data/10339) of corn, for example, is grown to produce ethanol, not meat. In a statement to Truthout, Tyson said that real change on this issue requires "a broad coalition of stakeholders," and the company is working with trade associations and researchers to "promote continuous improvement in how we and our suppliers operate."

Rota said individual farmers generally don't want to cause problems in their own communities or downstream. He thinks they will do the right thing if they are provided with the right solutions and held accountable.

responsible for their businesses."

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## MIKE LUDWIG (/AUTHOR/ITEMLIST/USER/44659)

Mike Ludwig is a staff reporter at Truthout and a contributor to the Truthout anthology, *Who Do You Serve, Who Do You Protect? (http://www.truth-out.org/whodoyouserve)* In 2014 and 2017, Project Censored (http://projectcensored.org/our-work/) featured Ludwig's reporting on its annual list of the top 25 independent news stories that the corporate media ignored. Follow him on Twitter: @ludwig_mike (https://twitter.com/ludwig_mike).

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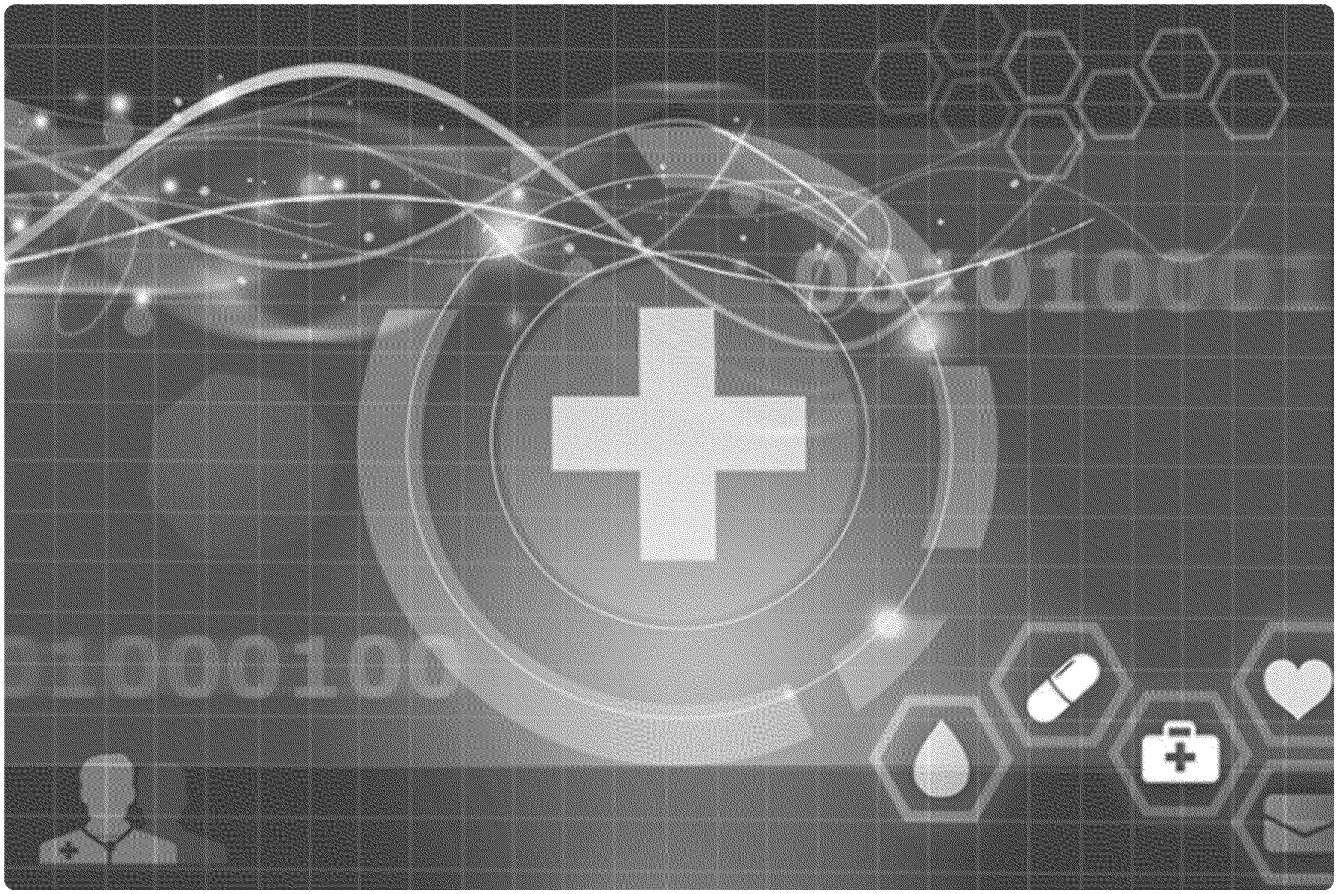
# EPA Awards $1.3 M for Arkansas River Pollution



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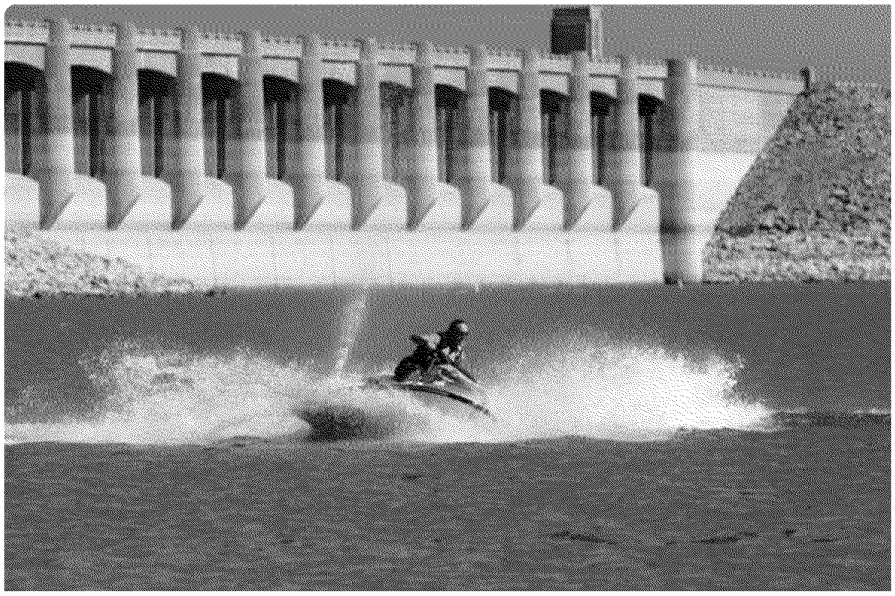
Published Sunday, October 22, 2017

By Richard Mylott ·

The U.S. Environmental Protection Agency (EPA) has awarded $1,293,010 to the Colorado Department of Public Health and Environment (CDPHE) to help protect human health and the environment through a Nonpoint Source Program Clean

Water Act Section 319 cooperative agreement. This grant is given to states to implement environmental programs that address nonpoint source pollution in surface water and groundwater in order to improve and protect water quality.



EPA is partnering with states to protect and restore watersheds, streams and groundwater," said EPA Administrator Scott Pruitt. "Investments like this grant allow states to support local watershed projects, improving water quality and supporting communities that depend on clean and healthy water resources."

Under CDPHE's Nonpoint Source Program, a targeted basin approach is used to provide funding for projects across the state. Three projects that will address water quality in the lower half of the Arkansas River in Colorado will be funded in 2017. The projects will support the continued voluntary e orts by landowners, local stakeholders, and local governments to address excess selenium pollution in the Arkansas River. Selenium is naturally occurring, but agriculture practices often increase the natural levels in rivers to levels that can harm human health and the environment.

"Our local partners in the Arkansas, Colorado and South Platte River basins will use these funds to plan and implement priority water quality improvement projects," said Patrick Pfaltzgra , Director of CDPHE's Water Quality Control

Division. "Perhaps most importantly, the funds will allow us to continue creating and strengthening our partnerships which is so crucial for sustaining quality waters throughout our state. We value and appreciate this EPA funding."

EPA's grant will also provide funds to support local watershed planning for two additional river basins and for water quality outreach and education activities. The basic goal for all the projects is to improve water quality and restore the bene cial uses of waters impacted by nonpoint source pollution. The program works through a set of overarching principles that emphasize voluntary and incentive-based participation, locally-led projects, partnerships, measurable water quality improvement, and e ective and e cient program administration.

Nonpoint source pollution encompasses a wide range of sources that are not always subject to federal or state regulation. These sources include agricultural runo , unpermitted urban runo , abandoned mine drainage, failing onsite disposal systems, and pollution caused by changes to natural stream channels. Congress enacted Section 319 of the Clean Water Act in 1987and established a national program to control nonpoint sources of water pollution. Through Section 319, the EPA provides states, territories, and tribes with guidance and grant funding to implement their nonpoint source programs and to support local watershed projects to improve water quality. Collectively, this work has restored over 6,000 miles of streams and over 164,000 acres of lakes since 2006. Hundreds of additional projects are underway across the country.

Photo: John Martin Reservoir on the Arkansas River in Bent County. Courtesy CPW

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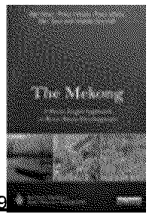
$36.16 $53.9 

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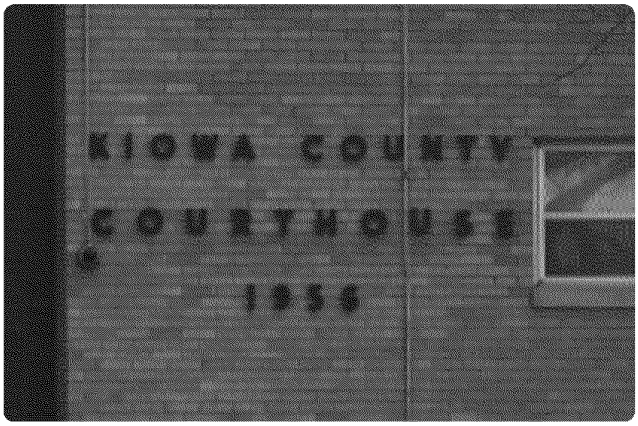


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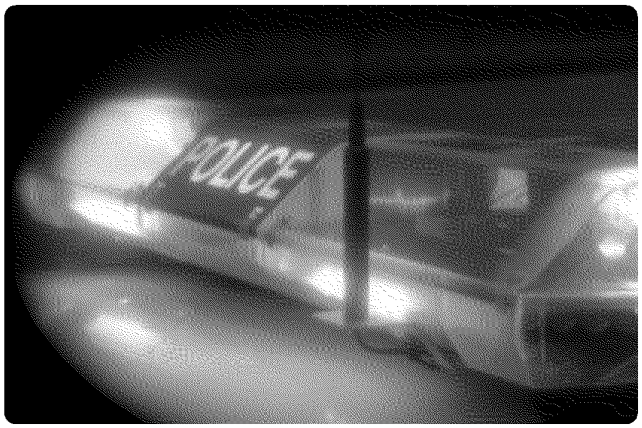


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# EPA Allows Farmers to Keep Spraying Monsanto's Dicamba

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By: Becky Striepe | October 20, 2017
About Becky | Follow Becky at @glueandglitter

EPA is adding some light regulations on dicamba use, but the controversy and problems surrounding dicamba-tolerant crops seem far from over.

Dicamba is not a new herbicide. Monsanto, BASF and DuPont all sell dicamba formulations and have for decades. What is new is the way farmers are spraying it and how much they're spraying.

Monsanto introduced dicamba-resistant soybeans and cotton back in 2012, and the USDA approved them in January of 2015, despite concerns about the damage pesticide drift could do to neighboring crops. At the time of that approval, Food & Water Watch called dicamba an "incredibly drift-prone herbicide" and expressed concern that,

site feedback

"Farmers of nearby non-tolerant crops will pay the price for USDA's short-term weed management fix".

Before USDA approved dicamba-resistant soybeans and cotton, farmers used dicamba to treat soil for weeds before planting. Farmers can spray these new crops as they grow, which increases the drift issue.

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Drift became so devastating to other farms and gardens that EPA re-evaluated dicamba's use. In a decision that's great for biotech companies and not-so-great for many farmers and gardeners in the South mid-West U.S., EPA decided that farmers could continue spraying Monsanto's herbicide on their soybeans and corn, with a few new rules:

- Labeling dicamba as "restricted use" and requiring special training for spraying.
- Requiring that farmers record when and how they're spraying.
- Restricting spray when wind speeds are more than 10mph.
- Shortening the time-of-day window for spraying.
- Adding tank clean-out rules.
- Keeping better records of sensitive crops nearby that may be endangered by dicamba drift.

The restrictions and training may look good on paper, but given what's been happening in Arkansas, it seems dubious that all farmers are going to adhere to these guidelines. Let's take a look at how dicamba-resistant crops are working in practice.

In Arkansas, the damage to crops in neighboring farms and gardens became such a problem that the state enacted a temporary ban on dicamba back in July. The Arkansas State Plant Board is pushing for a stronger ban, which the state will decide on in early November.

Even with the ban in place, some farmers there still sprayed dicamba illegally, which is causing high tensions between farmers who are and aren't planting these GMO soybeans and cotton plants. In Oct 2016, farmer Mike Wallace was allegedly murdered by his neighbor, because Wallace sprayed an old, banned version of dicamba on his own soybeans. The pesticide destroyed Allan Curtis's crops, and during an argument about it, Curtis fired a gun at Wallace.

Monsanto claims that its latest dicamba formulation minimizes drift, but independent researchers say that the new formulation and EPA rules aren't going to help with drift that occurs as the product evaporates. Weed scientist Bob Scott discovered that even when you place a tray of already-sprayed soil in a field, the dicamba will evaporate and damage nearby plants.

site feedback

Soybeans damaged by dicamba herbicide.

Monsanto VP Scott Partridge told NPR he expects farmers to plant twice as many acres of dicamba-tolerant soybeans next summer as a result of the EPA decision. That would add up to around 40 million acres.

How many of those new customers are going to be buying those seeds against their will? Some farmers are planning to buy Monsanto's seeds to protect themselves from drift.

Arkansas farmer Brent Henderson said, "If it's going to be legal to use and neighbors are planting it, I'm going to have to plant [dicamba-tolerant soybeans] to protect myself. It's very annoying. It's a property rights issue. My neighbor should not dictate what I do on my farm."

EPA approved dicamba-resistant pesticides around the time that it approved 2,4-D resistant soybeans and corn plants. Both of these approvals were meant to address a problem that anti-GMO advocates have been warning about for years: Roundup-resistant weeds. Now, farmers are spraying these stronger pesticides to deal with that issue. How long before we are dealing with 2,4-D- and dicamba-resistant weeds?

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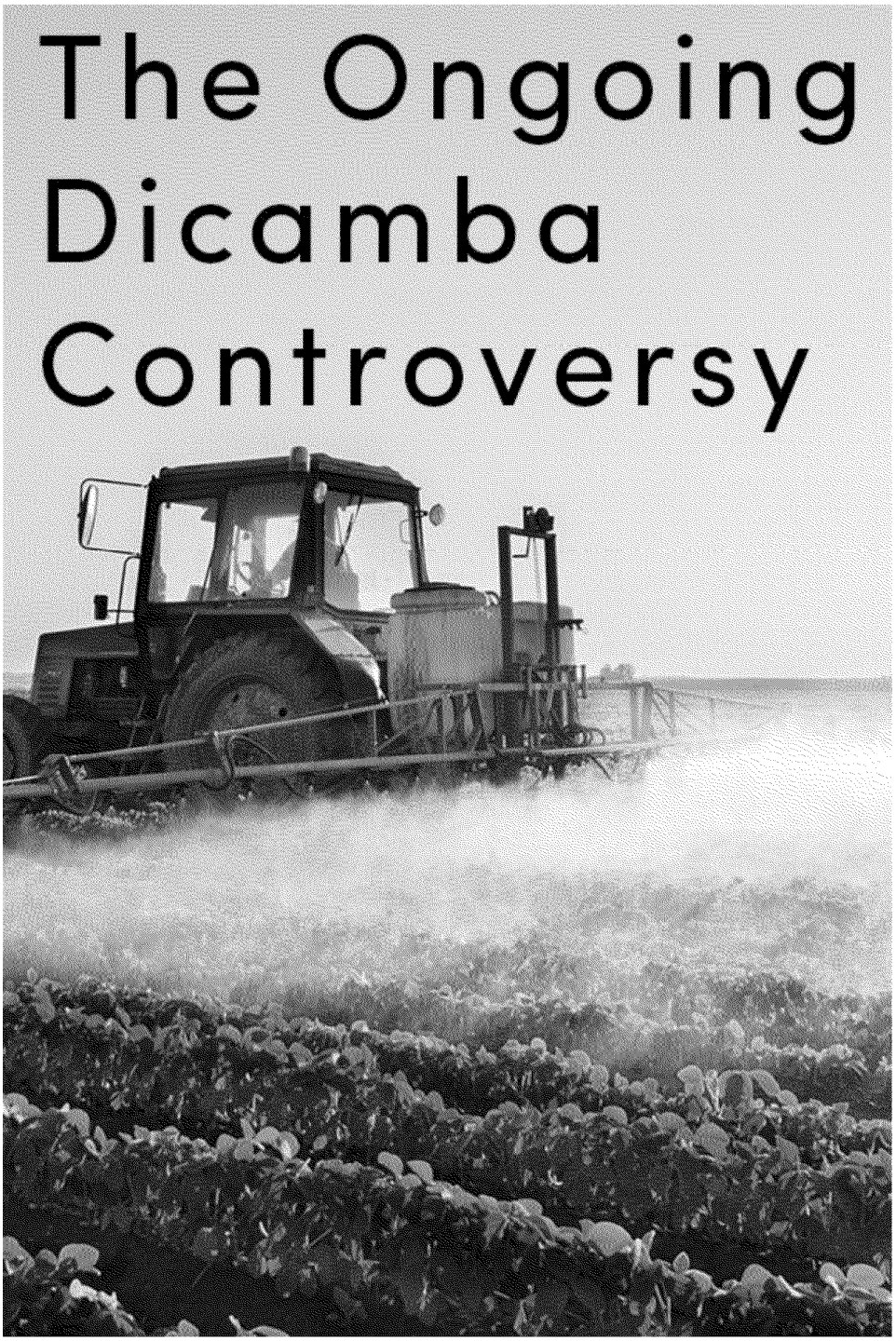


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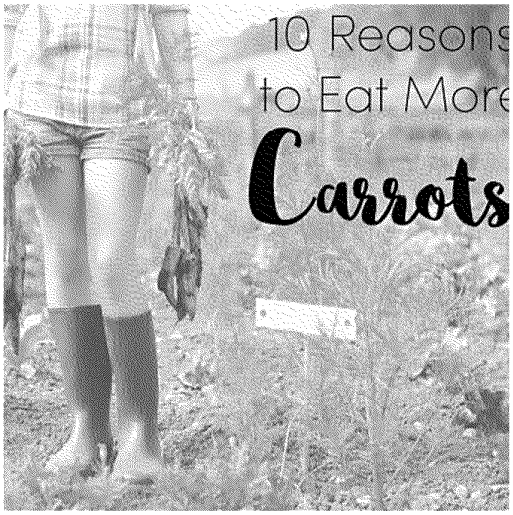


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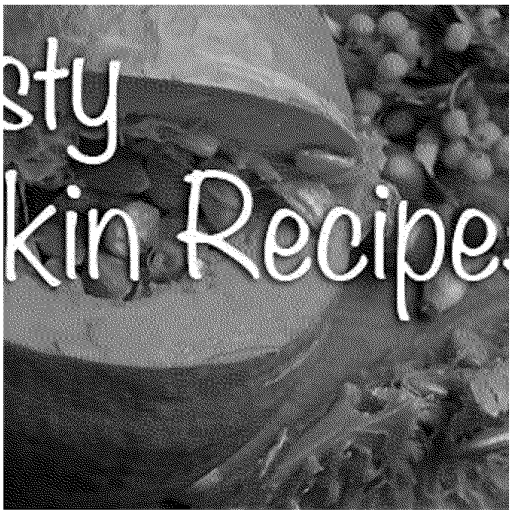


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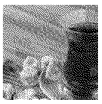
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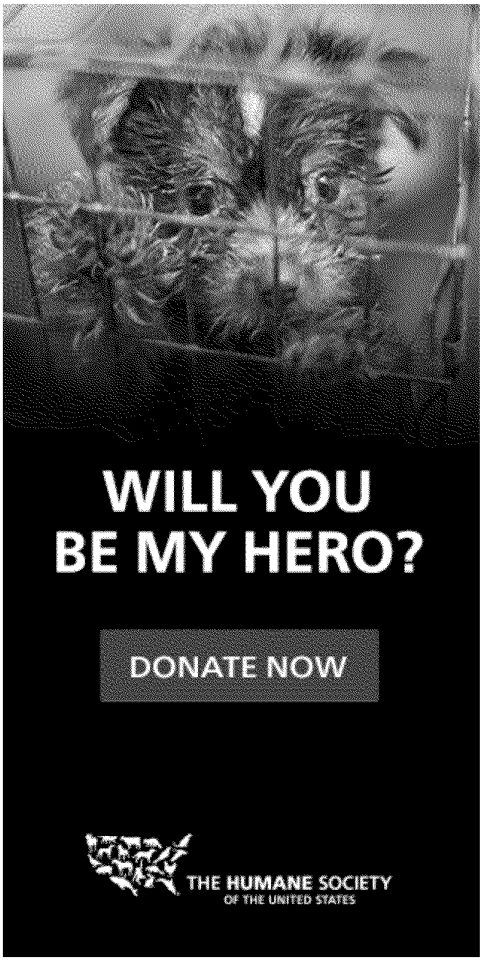


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NEW ORLEANS OPINIONS

# When coastal protections can cause harm to the coast | Opinion

Updated on October 22, 2017 at 7:07 AM
Posted on October 22, 2017 at 7:06 AM

Louisiana has a master plan to restore its coast but the permitting process for

projects is going slowly. (Photo by Todd Masson, NOLA.com | The Times-Picayune)

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By Bob Marshall, columnist

If cats were raiding your hen house, would you bring in foxes to chase them away? Environmental groups supporting Louisiana's fight for coastal survival find themselves in a similar squeeze today. They know some environmental regulations are obstacles to saving portions of the coast. But they're afraid the most willing partners for regulatory reform - President Donald Trump and the GOP - would turn the opportunity into a non-stop feeding frenzy.

Some background.

Since the late 1960s the nation has passed a long list of laws to clean up our air, land and water, and to protect fish and wildlife. Few would deny those laws were necessary. Baby Boomers can recall the layers of smog that hung in our air, the beaches closed to swimming, the fish declared unsafe to eat, the declining populations of pelicans and eagles, the diminishing acres of public spaces. The clean-up was a bipartisan effort, and the bills were signed by a Republican president, Richard Nixon.



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This ushered in the age of federal environmental permits. If a company or individual wants to do anything that would affect resources protected by those laws, they first have to obtain a permit from the managing agency showing they would cause no harm - or could repair any they did. In cases where a project affects a number of protected resources the permittee needs approval from a number of different agencies. It can be a years-long process, but it has kept humans and natural resources cleaner and safer.

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From the start of this era businesses whose profits depend on exploiting these public resources, objected. In some cases they were refused permits, and in all cases the permitting process cost them time.

That helped open the age of massive campaign contributions to Congress from industries trying to weaken or repeal the laws, and a responding growth of environmental organizations determined to keep them whole. Since the greens were easily outspent in the cash-for-influence arena, their legal sections became expert at making sure permitting agencies followed the letter of these

laws. If an agency cut permitees any breaks, they could find themselves in court - and the permitting process could drag on for more years.

Louisiana's coastal zone was the stage for many of those court fights. It was always Big Petrochemical or Big Development claiming the permitting process was too time consuming and costly, while Big Green argued the regulations were essential to protecting our lives and the natural environmental that produced our unique culture.

They had little in common. Until now.

Today Louisiana is in a life-or-death race against time to prevent its crumbling, sinking bottom third from being swallowed by the rising Gulf of Mexico. In this case time isn't money, it's life. After decades of planning (and the fines from the BP disaster) it is ready to build its first sediment diversion at Myrtle Grove, 35 miles south of New Orleans.

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But the federal permitting process is likely to last four to five years - and could even stop the project. Meanwhile the hole we have to fill with river sediment is eating the coast at 16 square miles a year, a pace that eventually will make some areas too expensive to save.

This exceptionally long permitting timeline is linked to the fact that the project covers such a large area -- from the Mississippi River to Grand Isle. It must pass muster of no less than 79 federal laws and executive orders protecting the safety of everything from speckled trout, oysters and redfish to bottlenose dolphins.

So, as the agencies (most of which are understaffed) grind away at their permit reviews, the state will lose as much as 80 square miles of its coast - more, if hurricanes arrive. And this glacial process will continue slimming our chances for survival over the decades as each similar project faces the same time- and coast-consuming delays, or even cancellation.

But what really scares the state is that some of the laws could force the projects to be reduced in size, or even stop them.

For example, the Marine Mammals Protection Act prohibits the killing of dolphins. These dolphins can't survive for long in water with salinity levels lower that 7 parts per thousand.

Yet early model runs of the project show the northern part of their current range would be below that threshold when the diversion is opened full force -- the most efficient way to keep much of Barataria Basin above sea level rise.

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The Magnuson-Stevens Fisheries and Conservation Act prohibits the destruction of "essential fish habitat." Research shows the diversion will remove important habitat for speckled trout and redfish in the northern part of the estuary. The National Marine Fisheries Service already has expressed concerns about that.

But here's the really maddening catch: Many of the species that could slow, weaken or stop these projects did not exist in the project areas before the habitat was sent on its road to destruction by our river levees, oil field canals and development. Before those changes, much of the habitat considered essential today for specks, reds, oyster and dolphins wasn't home to those species 70 years ago. Back then, it was essential habitat for largemouth bass, sac-a-lait and puddle ducks.

Indeed, the goal of these restoration projects is to return areas that are now salty back to the largely freshwater profile that existed before we destroyed the natural system that could keep them healthy, whole and competitive with sea level rise.

Further, research shows none of those species -- or humans -- will be here in any numbers if these projects don't go forward, because sediment diversions are the best chance for preventing what little marsh we have left from becoming open water.

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That's why green groups are looking for changes to the permitting system.

One idea could be amending the National Environmental Protection Act (NEPA) -- the umbrella legislation that guides the permitting process -- to create a separate path or silo for restoration projects. As other states begin addressing climate changes, this Louisiana paradox will become more common.

Other thoughts include a more streamlined process that allows for wider use of exemptions for species whose populations are healthy and could relocate; so far, none of the state's projects conflict with endangered or threatened species.

And this is where the fox and henhouse analogy comes in. Opening that door to President Trump could magnify the war on environmental protection he has already unleashed. This is a man who hates all regulations for one reason: They hurt business profits. And he has a GOP Congress and Cabinet that is cheering him on.

If you're a glass half-full person, you might see the planets aligning to help Louisiana: There could be enough environmentally responsible GOP senators to jump at the chance to reshape NEPA without throwing human health on the ash heap.

If you're a glass half-empty guy, you believe this could be a slippery slope to years of environmental degradation.

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And if you live south of Interstate10 in Louisiana, you're watching the coast shrink and the water rise -- and hoping that the foxes come with short leashes and choke chains.

Bob Marshall, former Outdoors editor for The Times-Picayune and former environmental reporter for The Lens, will be writing a regular column. He can be reached at bmarshallenviro@gmail.com.

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# Landmark Earthquake Lawsuit Settled, Former State Scientist Testifies About Industry Pressure In Another

OCTOBER 20, 2017 | 4:21 PM

BY JOE WERTZ

JOE WERTZ / STATEIMPACT OKLAHOMA

A disposal well in northwest Oklahoma.

The first lawsuit filed against Oklahoma oil companies over earthquakes is now settled.

Sandra Ladra was injured by rocks that shook loose from her fireplace during the 5.7-magnitude temblor that struck near the city of Prague in 2011. The quake is one of the strongest ever recorded in Oklahoma and was the first one scientists linked to wastewater disposal wells used by the oil and gas industry.

In 2014, Ladra sued New Dominion, Spess Oil and 25 other unnamed companies, accusing them of operating disposal wells that triggered the quake. A district judge initially dismissed the lawsuit, citing the Oklahoma Corporation Commission as having jurisdiction over the case. The Oklahoma Supreme Court later reversed that decision and sent the lawsuit back to district court.

Spess Oil and New Dominion reached an undisclosed settlement with Ladra, and the case was dismissed on Oct. 8, court records show.

In a separate case brought by Ladra's legal team, former state seismologist Austin Holland recently testified that he left his job at the Oklahoma Geological Survey after a

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supervisor reprimanded him for co-authoring a 2015 scientific paper that linked earthquakes to disposal wells.

StateImpact has requested but not yet reviewed a full copy of the deposition, but attorney Scott Poynter has described portions of the testimony on the law firm's blog:

> Holland's testimony was that he was called into his boss's office and "reprimanded" for his work, which University of Oklahoma Dean Larry Griollot termed as "unacceptable." In all, Dr. Holland said it was one of those conversations you don't think you will ever have with a supervisor, and further, one you wish you had a recorder with you to tape the statements being made.
>
> Further, Dr. Holland testified that his OGS colleague Amberlee Darold was also reprimanded for public statements she made to media that linked Oklahoma's earthquakes to wastewater disposal. According to Holland, Darold's bosses at OGS ordered her to never speak to the press again.

In the deposition, Holland also describes a meeting between Oklahoma Geological Survey staff and New Dominion. At the meeting, Holland says, OGS and the oil company collaborated on a plan to respond to a scientific paper written by a different OU scientist that linked the Prague quake to wastewater disposal wells.

> In about March 2013, then OU scientist Katie Keranen published a study linking the Prague quakes to wastewater disposal wells operated nearby by both New Dominion and Spess Oil.
>
> Under oath, Dr. Holland said he participated in a meeting with his Director at OGS, which also included as a participant New Dominion's VP of Exploration, Jean Antonides. The meeting occurred just after the Keranen study was out, and Holland testified that the purpose of the meeting was to develop a plan to respond to the Keranen scientific paper.
>
> Holland, in sworn testimony, said New Dominion (which the Keranen study tagged as one of the culprits of the Prague quakes of November 2011) said it had a plan in place to sue Keranen and had drafted a complaint, and further, wanted to make her life "uncomfortable."
>
> As a result of this meeting, OGS issued a position statement regarding the Prague earthquakes on March 22, 2013. The position statement was specifically published in response to the Keranen study. The conclusion of the position statement was that the Prague earthquake sequence "was the result of natural causes."

Holland declined StateImpact's request for comment; Darold did not respond. New Dominion and Spess Oil did not immediately respond to interview requests.

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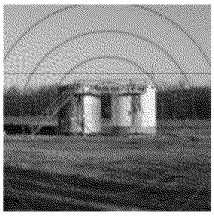

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While I applaud Dr. Holland's position, and his willingness to air his voice, I was also in attendance at the Prague School cafeteria, which was jam-packed following those two big quakes.

During Dr. Holland's presentation on the "causes" of the earthquakes, he stated that it was entirely within the realm of reason and expectation for this geologic fault to move.

When he made that statement, loud laughter could be heard from the back of the room. They then handed the portable microphone to a geologist, whose name I forget. The gentleman, also a doctor of geology, explained that he was a geologist, who had earned his living working for the oil industry, and had worked all over the world.

He stated that Dr. Holland's statement was absurd, in that this particular geological fault had not moved in the past three hundred million years.

With this, I do not mean to disparage Dr. Holland's newfound courage. Rather, I would expect that he is grateful for the opportunity to publicly regain his professional pride and standing.

I suspect that at the time of the Prague public meeting, enormous pressure had been brought to bear on Dr. Holland, and he had probably been given marching orders.

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

# Coastal authority focuses on southeast La. restoration projects

Posted October 20, 2017 at 02:15 PM | Updated October 20, 2017 at 02:15 PM

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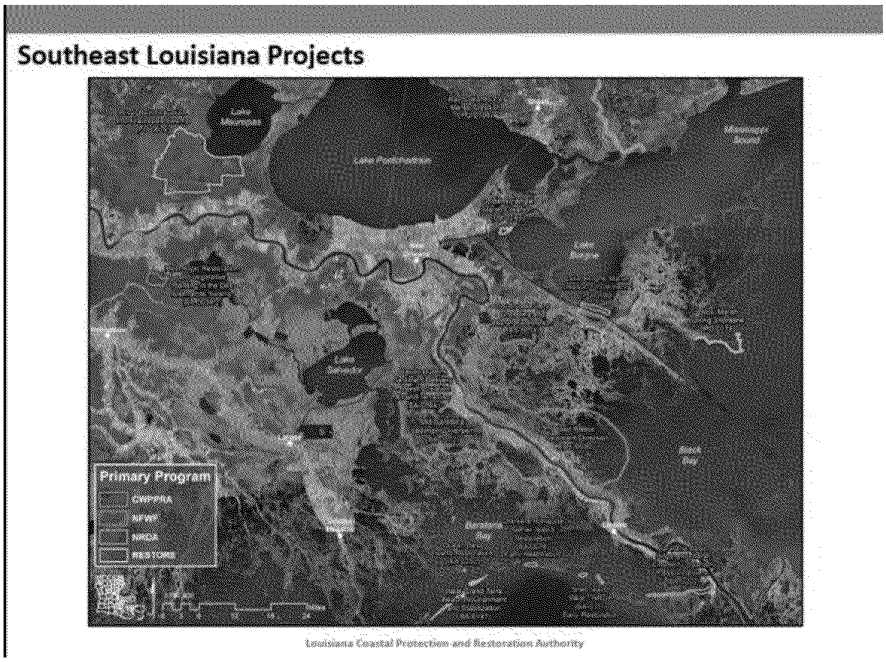


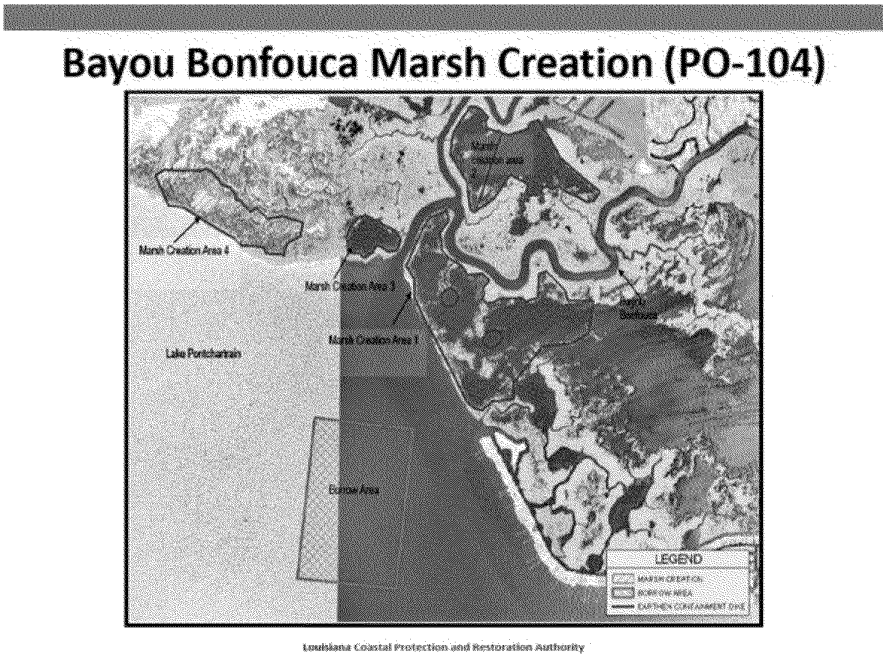

Coastal Protection and Restorati

Overview of southeastern Louisiana coastal restoration projects

The Louisiana Coastal Protection and Restoration Authority outlined more than $1 billion of coastal restoration projects that have been recently completed, are under construction, or are in design at its monthly meeting in Belle Chasse on Wednesday (Oct. 18).

This slide shows all of the projects that have been recently completed, are under construction or are undergoing design and engineering in southeastern Louisiana.

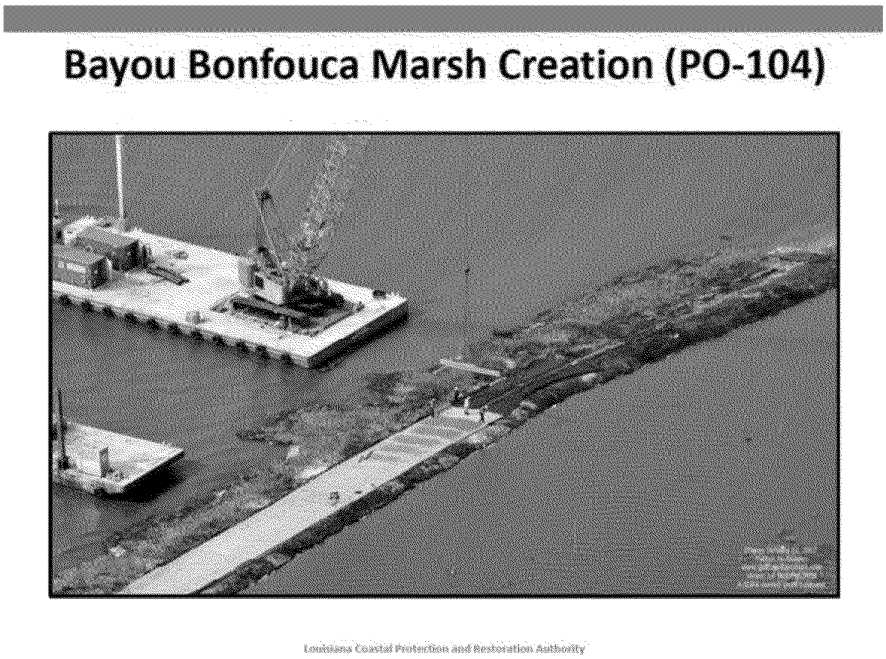
- Green indicates the projects are funded by the federal-state Coastal Wetlands Planning, Protection and Restoration Act.
- Pink are projects funded with BP spill criminal penalty money funneled through the National Fish and Wildlife Foundation.
- Orange are projects funded by BP settlement money under the federal Oil Pollution Act's Natural Resource Damage Assessment program.
- Projects in yellow are funded with federal Clean Water Act fine money from the BP spill through the federal Restore Act.




Coastal Protection and Restoration Authority

Bayou Bonfouca Marsh Creation

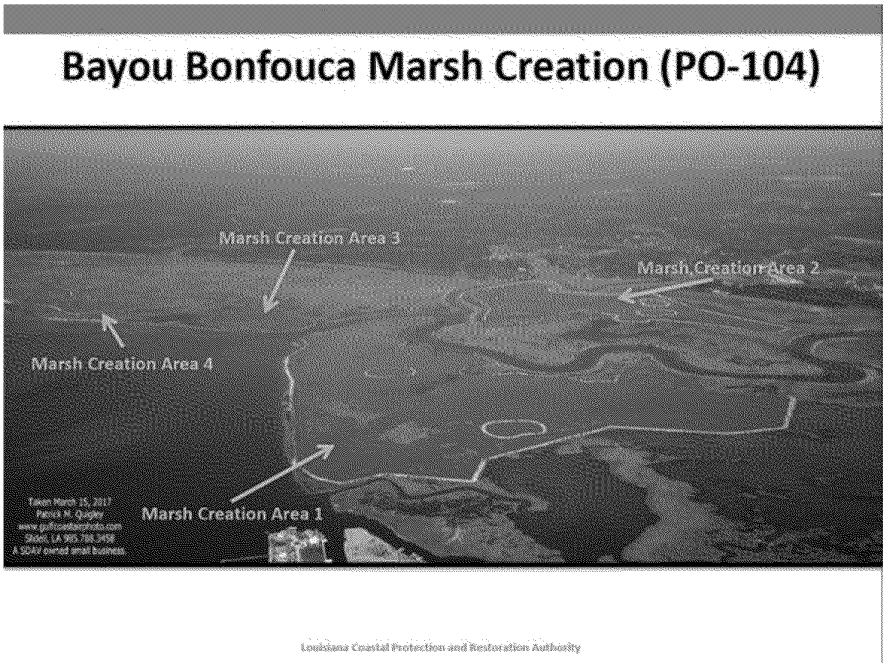
This project, funded under CWPPRA, will cost $29.2 million and will be completed in February 2018. Theproject will create 424 acres of new marsh and nourish about 500 acres of existing marsh. Troutman told the authority that construction has been delayed about six months because the contractor, Weeks Marine Inc., moved its dredge to a better paying Army Corps of Engineers job dredging the Mississippi River. The company paid the authority a $3,100 per day damage fee during the delay.




Coastal Protection and Restorati

Bayou Bonfouca Marsh Creation - articulated concrete mat

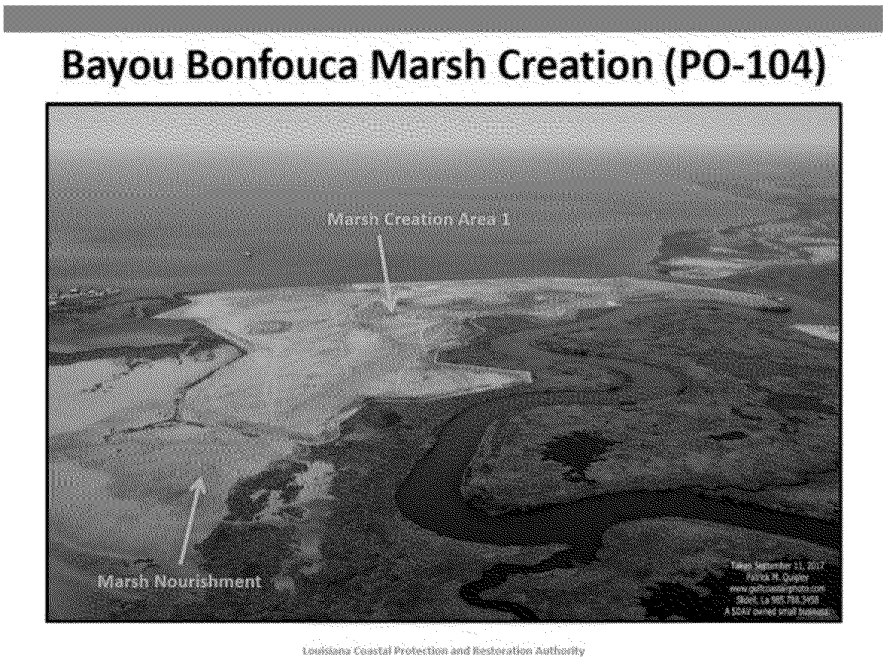
Workers install articulated concrete mat to protect the shoreline as part of the project.




Coastal Protection and Restorati

Bayou Bonfouca Marsh Creation -- marsh cells

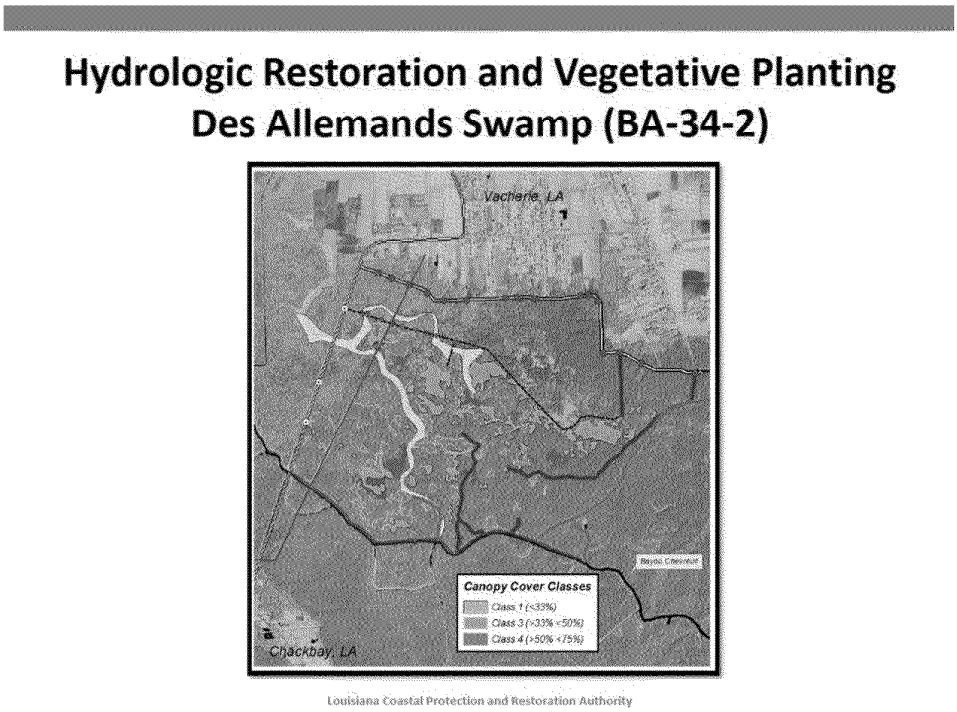
This photo shows the areas that are being filled with dredged material to create new marsh.




Coastal Protection and Restorati

Bayou Bonfouca Marsh Creation -- filled cells and "nourished" wetlands

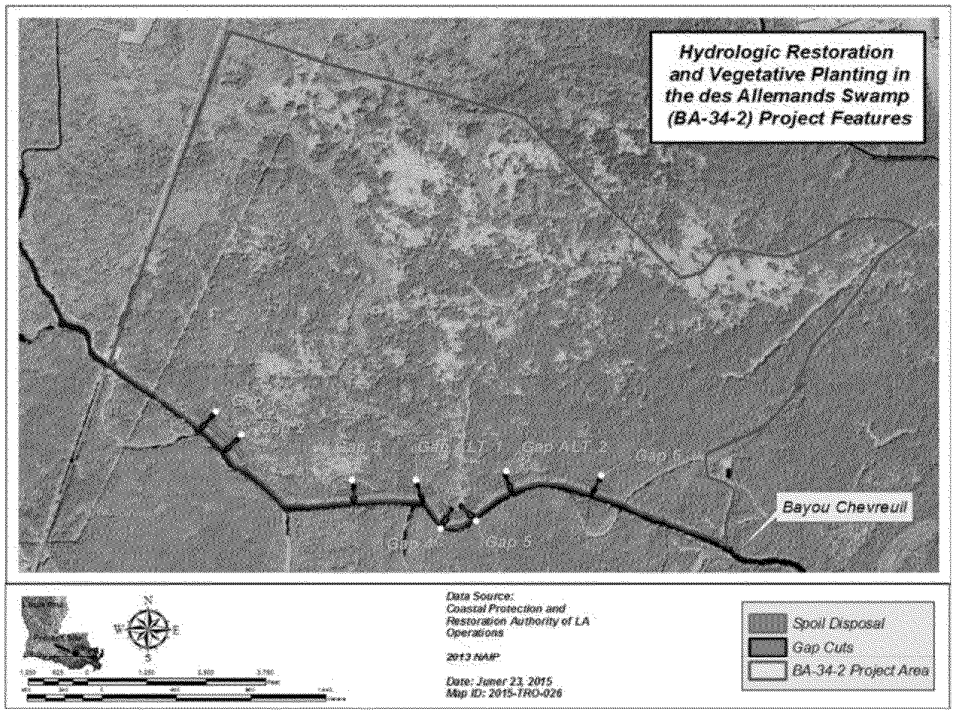
This photo shows an area that's been filled with sediment to create new marsh, adjacent to an area where the marsh has been "nourished" by spraying additional sediment over it.




Coastal Protection and Restorati

Des Allemands Swamp restoration and tree planting

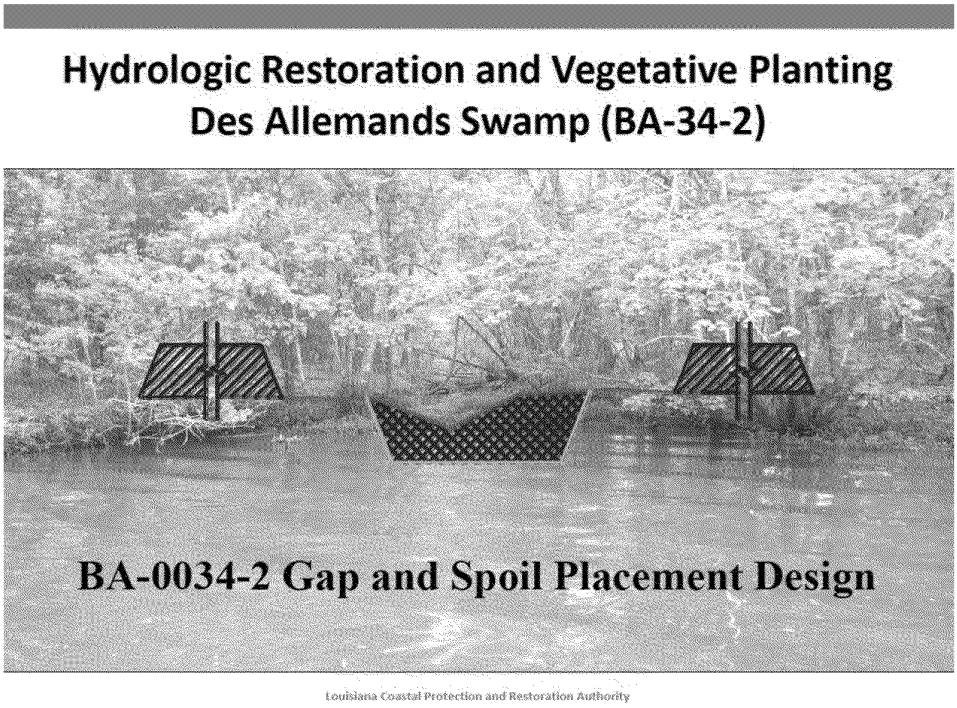
This $6.2 million CWPPRA project should be completed by February 2018. Magnolia Dredge & Dock LLC of Mandeville is excavating eight gaps in a spoil bank surrounding the project to restore the hydrology for survival of bald cypress and water tupelo trees, which will be planted in the project area.




Coastal Protection and Restoration Authority

Des Allemands Swamp - spoil bank gaps

This map shows where the gaps will be dredged in the spoil bank around the project to improve water flow.

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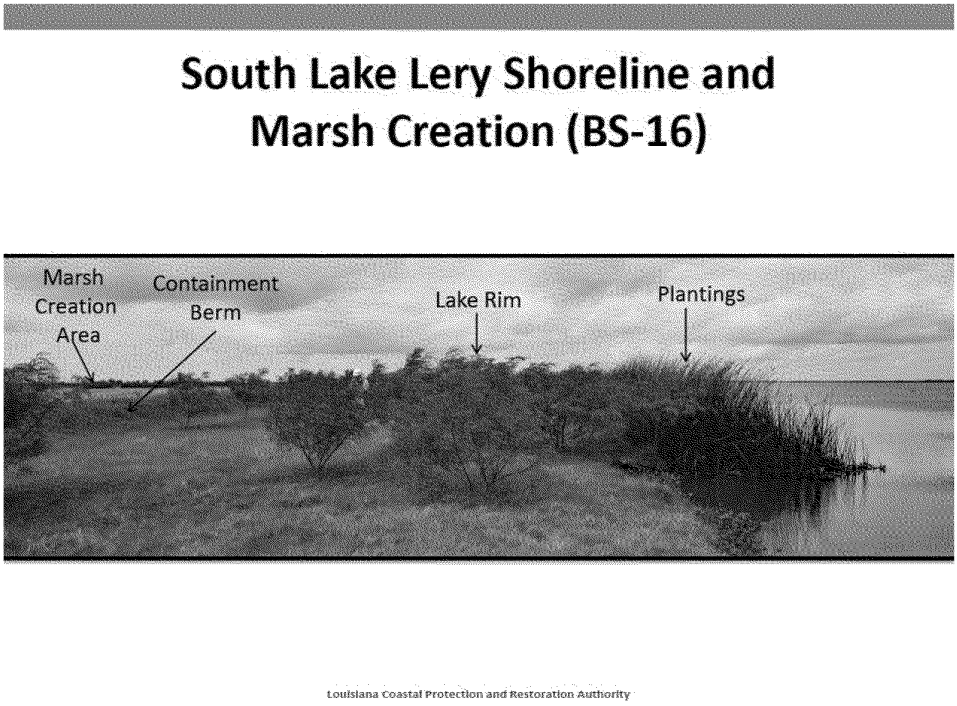
Des Allemands Swamp - gap construction schematic

This photo shows how the gaps will be built to help restore the natural flow of water into and out of the area through a spoil bank that impounds the area.

Coastal Protection and Restorati

South Lake Lery Shoreline and Marsh Creation

This $33.7 million CWPPRA project was completed in the summer of 2017. It includes 520 acres of marsh creation and 6.8 miles of shoreline restoration along the lake rim. The crown of the rim is 50 feet wide and is elevated to 3 feet above sea level.

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South Lake Lery project features

This photo shows some of the features of the restoration project.

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# UT/TT Poll: Most Texans happy with government response to Hurricane Harvey

> Voters are generally happy with the way local, state and federal officials have responded to Hurricane Harvey, according to the latest University of Texas/Texas Tribune Poll.

BY ROSS RAMSEY OCT. 20, 2017 12 AM

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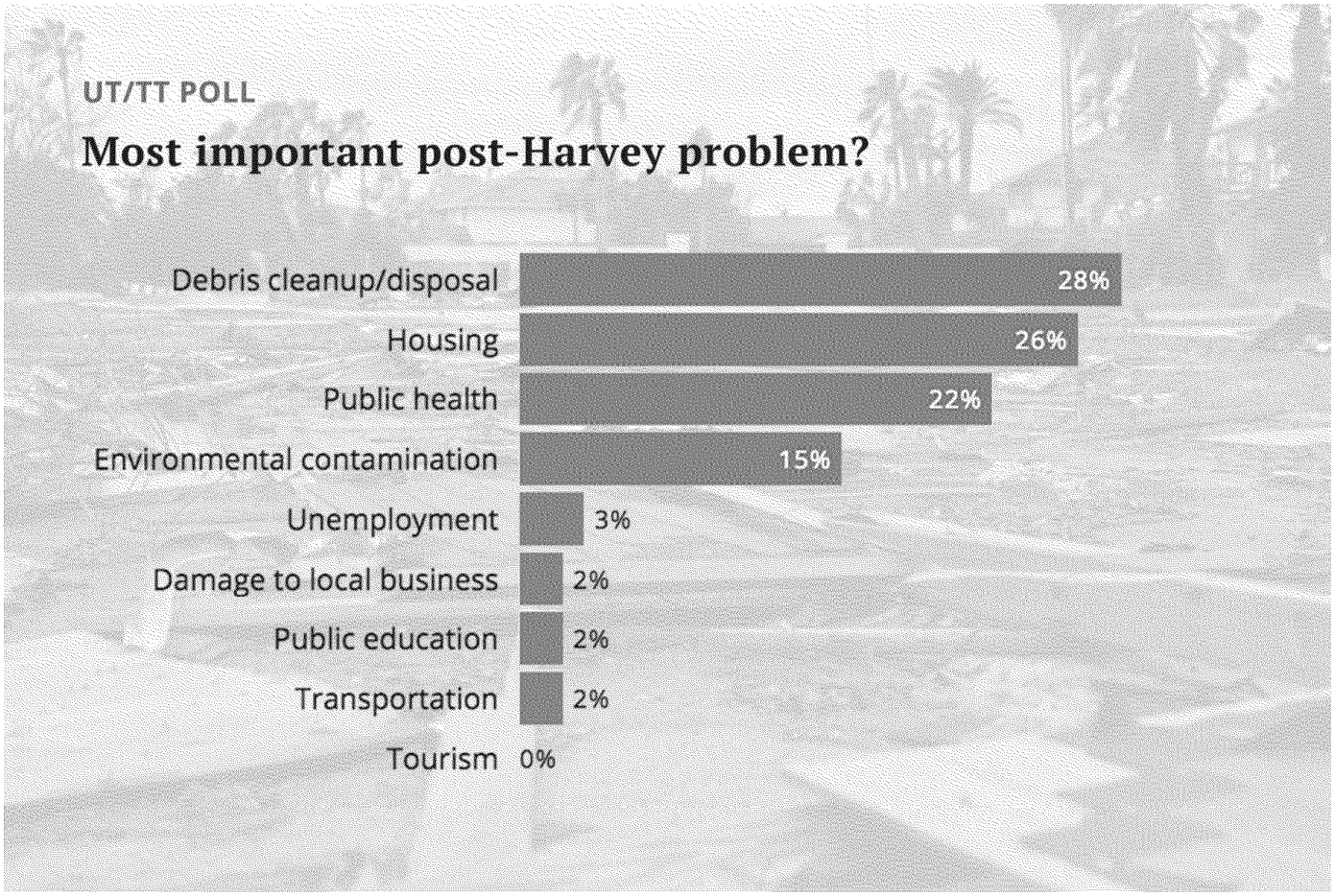


Graphic by Bryant Ju and Ryan Murphy

For Hurricane Harvey recovery, Texans want federal, state and local officials to focus on debris cleanup and disposal, housing, public health and environmental contamination, according to the latest University of Texas/Texas Tribune Poll.

Texas voters said other problems brought on by the historic storm — transportation, public education, unemployment and damage to local businesses — are extremely or somewhat important to them, but their first priorities are cleaning up and making sure everyone is okay.

That showed in their assessments of how others responded to the effects of the storm: 86 percent lauded the response of the people of Texas, and large majorities thought highly of the actions of local and state governments. The federal government's responses won approval from 57 percent of the respondents.

"Texans love how Texans did," said Jim Henson, co-director of the poll and head of the Texas Politics Project at the University of Texas at Austin. He said Republicans and Democrats alike approved of local government responses but that Republicans were much more likely than Democrats to approve of the state and federal government responses. "They were far more positive," he said.

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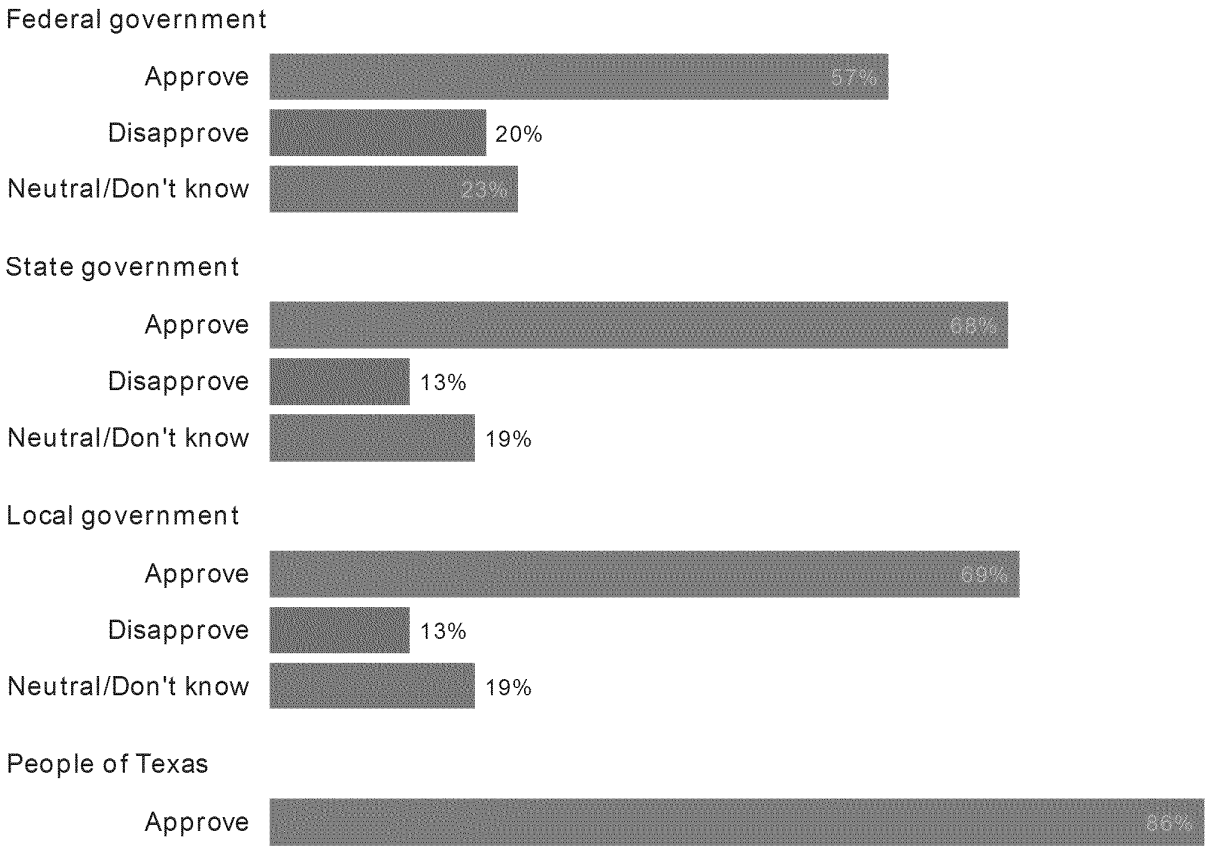
Voters were less impressed with the news media — 47 percent approved of the media's response to the storms while 30 percent disapproved — and with insurance companies. A majority had neutral or no opinion about insurance companies' responses; a fuller ruling on that will probably follow experiences with damage claims.

UT/TT POLL

## Judge the Hurricane Harvey response from ...




More than two of every five Texas voters said they or someone close to them was directly affected by Hurricane Harvey.

Voters were divided when asked whether federal relief should be available in the future for people who rebuild homes in frequently flooded areas. Democrats (49 percent) were more likely to say yes to that than Republicans (32 percent). Black voters (53 percent) and Hispanic voters (49 percent) were more likely to answer yes than white voters (31 percent). Tea Party Republicans were the most likely to oppose future federal relief for those who rebuild in flood-prone areas; 60 percent don't like that idea.

Did climate change contribute to the severity of recent hurricanes that hit Texas, Louisiana, Florida and Puerto Rico? Yes, according to 45 percent of voters; no, said 42 percent. And the answers to that question were closely linked to the political preferences of the respondents. Among Republicans, 16 percent said climate change worsened the storms while 72 percent said it didn't. Among Democrats, the answers flipped: 80 percent yes, 8 percent no. Independents were more like Republicans, but more evenly divided: 37 percent said yes, 46 percent said no.

"It's fascinating that age, education and other such variables are swamped by ideology here," said Daron Shaw, co-director of the poll and a government professor at UT-Austin. "I think what has happened is that this is an issue where the debate (and the science surrounding it) get politicized such that party cues dominate the perceptions of voters. On issues directly involving government spending and/or regulation — even those where scientific expertise is an obvious factor — ideology is much more readily tied to attitudes."

The high approval ratings for state and local government come at a time of some tension between those institutions. The Texas Legislature earlier this year debated a considerable number of bills that would have constrained local governments and/or asserted state control over issues often handled locally. But when it comes to issues of trust — whether government is careful or careless with tax dollars, or addresses or ignores the needs of Texans — voters didn't make much distinction between the state and local regimes.

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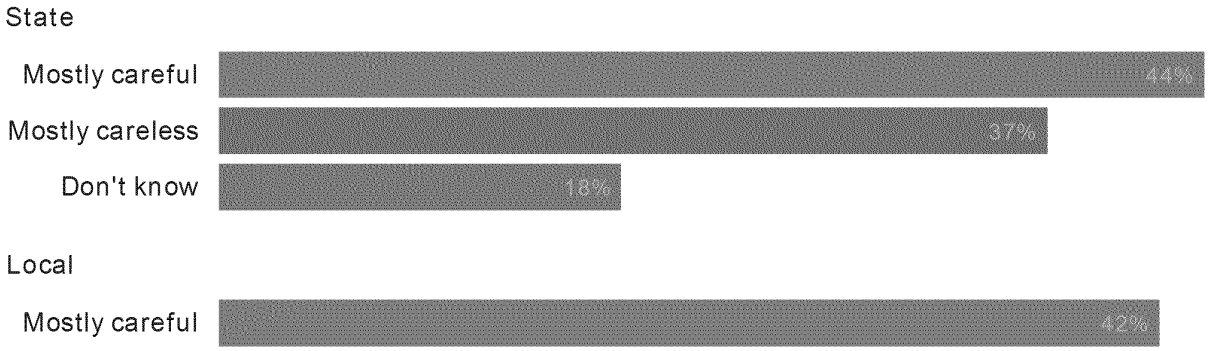
That said, they didn't exactly fawn over either source of authority: Voters were more likely to say state government is more careful handling tax dollars, but only a minority said either government was mostly careful. Similarly, less than half of voters said state or local government mostly addresses the needs of Texans.

"Your attitudes on federalism are closely tied to which level of government shares your partisan and ideological orientation. There is evidence of that here," Shaw said. "The overall ambivalence of the numbers reflects two contradictory facts: Most voters are suspicious of government and its ability to work effectively, but most voters in Texas have conservative representation at the state and local levels, which makes them feel somewhat better about their elected officials."

Tea Party voters skewed those numbers in favor of the state government, Henson said. "72 percent of Tea Party Republicans say state government is careful with tax dollars — a clear indication that the message [from Austin] is resonating with its intended target."

UT/TT POLL

## Governments' handling of tax dollars

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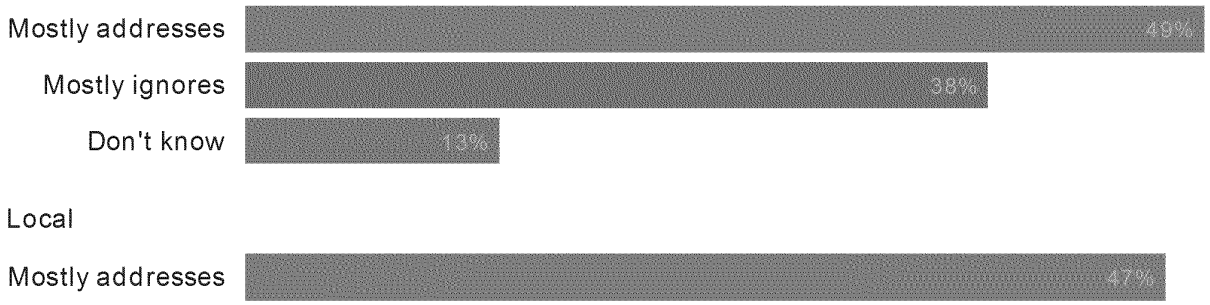
## Governments' responses to residents' needs




The University of Texas/Texas Tribune internet survey of 1,200 registered voters was conducted from October 6 to October 15 and has an overall margin of error of +/- 2.83 percentage points. Numbers in charts might not add up to 100 percent because of rounding.

*This is one of several stories on the latest University of Texas/Texas Tribune Poll. Earlier: Texans grade President Trump, his qualities and his response to top issues; and voters rate the top figures and institutions in state politics. Coming Monday: Texans' views on immigration, healthcare and other issues.*

*Disclosure: The University of Texas at Austin has been a financial supporter of The Texas Tribune. A complete list of Tribune donors and sponsors can be viewed here.*

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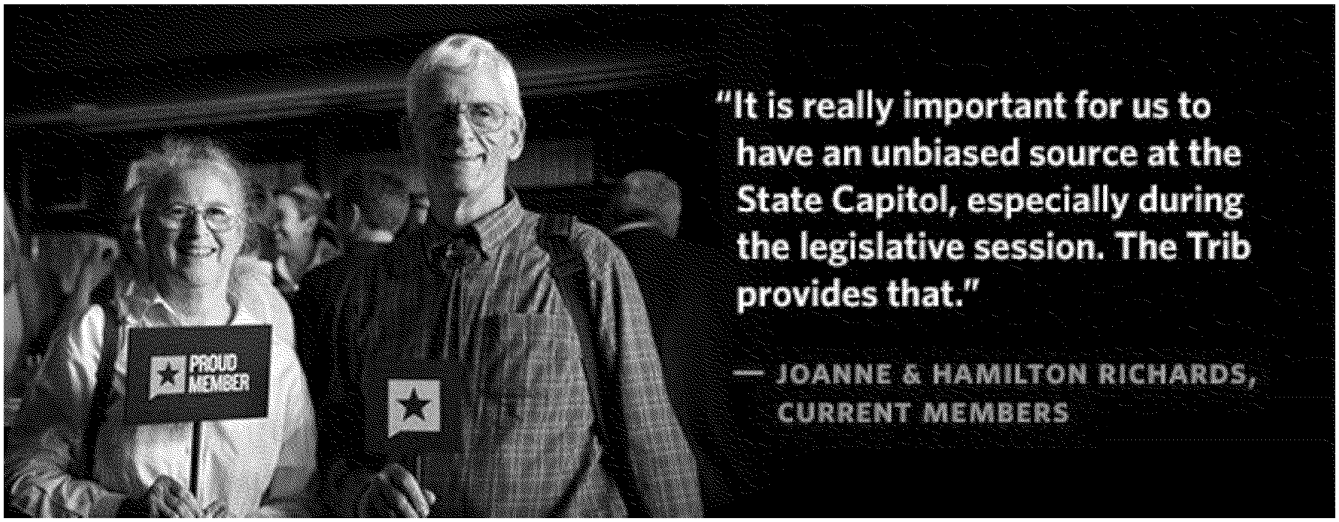

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# As costs go down, solar power rises in Arkansas; homeowners, businesses installing panels

By Emily Walkenhorst twitter

This article was published October 22, 2017 at 4:30 a.m.

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## Major solar projects in Arkansas

*Five utilities have installed or plan to install six solar projects in Arkansas.*

**Entergy Arkansas** has broken ground on an 80-megawatt solar facility just outside Stuttgart.

**Clarksville Light & Water** announced a 5-megawatt solar array on 40 acres, expected to save customers $500,000 per year.

**First Electric Cooperative** in Benton opened its 1-megawatt solar array this spring, expecting to power 100 to 125 homes.

**Ouachita Electric Cooperative**, a south Arkansas utility, installed a 12-megawatt solar array for Aerojet Rocketdyne in 2015. Aerojet Rocketdyne only uses about 6 to 7 megawatts, and the utility purchases the rest for its customers.

Ouachita Electric Cooperative, which is part of the Arkansas Electric Cooperatives, also has built a 3,840-panel, 1 megawatt solar field in Holly Springs at the cost of $3 million. Once the utility gets its tariff model approved by the Arkansas Public Service Commission, a limited number of panels will be available to residents.

**Ozarks Electric Cooperative** built a 4,080-solar panel field that powers 150-200 homes.

Arkansas Democrat-Gazette

PHOTO BY ARKANSAS DEMOCRAT-GAZETTE
Information about Major solar projects in Arkansas

RUSSELLVILLE -- In the shadow of factories and white plumes of air from the Nuclear One power plant, 30 solar panels sit atop Joshua's Fine Jewelry in downtown Russellville.

Chris George is finally living out an 18-year-old dream. The owner of Joshua's Fine Jewelry wanted to power the store on renewable energy, but for 18 years it didn't make sense.

"It was just too expensive. I was just never going to pay it off," said George, 57, whose ambition was to make his store "as green as we could be."

Solar panels were manufactured by far fewer entities in 1999 and materials were more expensive, so installing the panels simply wasn't economical.

By 2015, things had changed. Solar prices had gone way down, many energy experts said, and installations went way up. It also was about the time utilities in Arkansas began installing or announcing plans for large-scale solar projects.

With declining prices in solar, wind and natural gas, the nation's electricity sector is changing.

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Since 2015, utilities have announced six solar projects built in Arkansas, the first ever for the state. The projects aren't just taking off for utilities, either. It's happening on a much smaller scale, too, with Arkansas homeowners and business owners installing solar panels.

So earlier this year, George took another look at solar, figuring out the cost of installation and the potential savings. He'd have to pay about $16,000 -- after a $7,700 federal solar tax credit -- and the panels would save him a few hundred dollars right off the bat. He'd have to pay off the panels on which he would nearly break even for the first few years, but once they were paid off he'd get to keep the savings.

George did the same thing for his home, estimating that after five to six years he'd be left with no electricity payments at all, and came to a conclusion

"Anybody that doesn't do this is foolish."

OUTPACING COAL

President Donald Trump's administration has sought to remove regulations affecting coal production and power, announcing earlier this month that the administration would end the Clean Power Plan, which required states to reduce carbon dioxide emissions and targeted coal plants in the process.

Even with the administration's decision, the costs of natural gas and non-hydropower renewable energies have sunk and their consumption has risen. Accordingly, utilities are using less coal power.

Natural gas has always been a competitor with coal but now has outpaced coal consumption and production in the U.S., according to the U.S. Energy Information Administration's 2017 Energy Outlook, to become the greatest producer of energy at just more than 27 quadrillion British thermal units produced in 2016.

The Energy Information Administration forecasts wind and solar, which produced about 7 quadrillion Btu in 2016, to match coal production and surpass coal in consumption by 2040. Coal produced about 15 quadrillion Btu in 2016 and is projected to produce about 12.5 quadrillion in 2040.

For utility-scale solar, the median price per watt of alternating current dropped from about $6.50 10 years ago to $2.20 in 2016, according to the Utility-Scale Solar 2016 report from Lawrence Berkeley National Laboratory. The report defines a utility-scale project as being 5 megawatts or greater.

Operation and maintenance costs have decreased from $19.30 per megawatt hour in 2011 to $8.20, and the megawatts of added utility-scale solar generation in 2016 (10,636 megawatts) were more than twice what they were in 2015 (4,149 megawatts).

The number of smaller solar installations at homes and businesses has grown by hundreds of thousands each year since 2013, according to the Berkeley lab's Tracking the Sun 10 report released earlier this year.

For those nonutility projects, the median price of installing solar has fallen two-thirds since 2000 (from $12 per watt of direct current to $4) and the size of the projects has more than doubled since 2000 (from 2.9 kilowatts to 6.2 kilowatts)

Incentives for solar are contributing to installation of it, experts said.

Some states offer tax incentives for installing renewable energy. Arkansas doesn't, but the federal government offers a 30 percent tax credit for solar, which effectively knocks off 30 percent of a project's cost. The amount of the tax credit is scheduled to decrease in the coming years.

Renewable energy also has come from states that have standards and goals for the amount or proportion of electricity generated in the state by renewables. Arkansas does not have a standard for either, but neighboring Texas and Missouri do.

Seeing an opportunity, more businesses have opened or expanded to include solar, which has helped drive costs down further.

Fewer companies manufactured panels before, said Seal Energy Solutions co-founder Josh Davenport, but manufacturing of solar and wind technology has risen domestically -- including in Arkansas -- so parts don't need to be shipped as far.

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Employment in solar power also has changed. The industry employs more people in the U.S. than fossil fuels, nuclear and wind combined, according to the U.S. Department of Energy. Solar employs 373,807 people, according to the department's 2017 U.S. Energy and Jobs Report. Wind employs 101,738 people, nuclear employs 68,176 and fossil fuels (coal, natural gas, oil/petroleum and advanced gas) employ 187,117.

RENEWABLES ON RISE

Entergy Arkansas, Southwestern Electric Power Co. and the Arkansas Electric Cooperatives all have expressed intentions to increase reliance on solar and wind renewable energy.

The Energy Information Administration projected in its 2017 Annual Energy Outlook that domestic consumption of natural gas and renewables like wind and solar would continue to rise through 2040, while coal would plummet. Other energy sources -- including petroleum, nuclear, hydropower and liquid biofuels -- are not projected to change much.

Utilities have been invested in renewable energy for decades. For years hydropower has helped round out electricity portfolios that included nonrenewables like coal, natural gas and nuclear.

More recently, however, utilities are adding solar, wind and natural-gas projects and neglecting coal and nuclear.

One of the projects is a 3,840-panel, 1-megawatt solar field in Holly Springs. Ouachita Electric Cooperative built the field in Dallas County for $3 million. Once the utility gets its tariff model approved by the Arkansas Public Service Commission, a limited number of panels will be available to residents, said Mark Cayce, general manager of Ouachita Electric Cooperative.

"It will be cheaper than buying from a traditional generator, mainly because we don't have to fuel it. This is a generator where the fuel delivers itself," said Cayce, noting that solar and wind have no fuel costs that would make prices fluctuate.

And when solar arrays can be built close to where they will be used, transmission costs go down compared with traditional power sources, said John Lester, general manager for Clarksville Light and Water Co.

His city-owned utility in Johnson County will build a 5-megawatt operation using about 20,000 solar panels on 42 acres in town to supply about 10 percent of the power for the community of 4,500 people. It'll cost about 5.5 cents per kilowatt compared with 5.3 cents per kilowatt for the rest of the utility's power sources, but it'll be cheaper because of lower transmission costs, Lester said.

After seven years, the utility can choose to purchase the solar array from Scenic Hill Solar, the private company that is building it, for about $7 million. That will bring the cost per kilowatt down to about 3 cents, saving the city more money.

While the low cost of solar has gotten more utilities on board, many utilities and other groups maintain that a diverse electricity portfolio is best for customers.

"In order to protect consumers from price volatility and electric outages, fuel and technology diversity is key," Steve Cousins, executive director of Arkansas Electric Energy Consumers, said in a statement. "Coal-fired generation is central to such a strategy given its attributes of price stability, dependability, and resilience."

Other notable projects have installed large solar arrays on businesses, such as a 12-megawatt facility for Aerojet Rocketdyne in south Arkansas built by Ouachita Electric Cooperative and a 1.2-megawatt array at L'Oreal's manufacturing facility in North Little Rock installed by Scenic Hill Solar.

Beyond utilities, companies like Scenic Hill Solar and North Little Rock's Seal Energy Solutions are busy.

Davenport said his company has grown to 19 people working in its solar division and has done about 70 solar installations this year.

"It's not the same solar environment as it was two years ago," he said.

NET METERING

Solar proponents are keeping an eye on a rule-making process before the Arkansas Public Service Commission that could affect the financial viability of some projects.

The rule-making concerns "net metering," a term used to describe when a home or business with a renewable-energy generating facility connects to a public utility to possibly transfer surplus power into the utility power grid.

For example, people who install solar panels on their homes connect them to a utility's grid so they can use the energy generated at any time instead of only when it is light outside. Utilities then credit the property owner on their bills for the excess power they've produced. If they've used more than they've produced, they would be charged for that electricity.

The commission is accepting input on new net-metering rules, including a proposal related to Act 827 of 2015 that would allow utilities to deduct from their credits to users the cost of connecting them to the electric grid.

The commission is expected to set new rules in the coming months regarding net-metering contracts. It has already decided that it will expand net metering to allow, on a case-by-case basis, facilities with a capacity of 300 kilowatts or above.

Renewable-energy proponents and environmental groups have supported making net metering as easy as possible.

They'd like to see the current rate of credit -- in which utilities pay the market rate of the electricity back to property owners -- stay the same. But industry groups and Arkansas Attorney General Leslie Rutledge have determined that utilities may reimburse only as much as 75 percent of the market rate.

Input from the industry has focused on the size of a user's net-metering facility and whether existing users should be exempt from any new rules.

In response to questions from the *Arkansas Democrat-Gazette* about its net-metering position, Entergy Arkansas issued a statement saying its proposal "is more appropriate than the retail rate, ensuring that net-metering customers pay rates more accurately reflecting the utility's cost of providing service."

Casey Roberts, a Sierra Club attorney who has been working on the rule-making, said the lower credit can make a big difference for a homeowner who isn't installing solar panels to a larger, more economical scale.

"That could completely remove the financial incentive to go solar," she said.

Utilities have to spend money connecting homeowners and business owners with solar to the electricity grid, but research done by Crossborder Energy for the Sierra Club suggests the costs can be offset by the closeness of solar facilities to existing infrastructure and the consumption of less electricity by property owners, Roberts said.

'A BETTER WORLD'

Chris George said he is "pretty pleased" with the solar panels on his Russellville jewelry store.

They are a way to make a difference that doesn't require much beyond installation, he said.

"We want to leave a better world for our children and grandchildren than what we had," he said.

Nathan George, the son of Chris George who is also a Russellville city councilman, said he's also exploring how to convert the city to more solar power.

In August, the city's electricity costs were about $40,000. Solar panels, Nathan George said, could be a way for the city, much larger than a single store on West Main Street, to save money, too.

*SundayMonday on 10/22/2017*

*Print Headline: As costs go down, sun power rises in state; Utilities adding large solar projects; homeowners, businesses installing panels*

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**RBear says...** October 22, 2017 at 8:26 a.m.

Great article on the changing energy environment in our nation. Arkansas is finally starting to jump on this bandwagon with the electric cooperatives leading the way. With prices continually dropping, alternative energy is quickly becoming more cost effective than some fossil fuels. Renewables, especially home solar projects, are also job creators for more Americans than coal could ever be. They are proving to be the true job creators of our nation.

...

That being said, I'm amazed that some states including Arkansas continue to fight this trend and not offer tax incentives. These projects help diversify our energy portfolio, create jobs LOCALLY, and help improve our environment. They offer long-term energy stability for our nation. Yet, some right wingers will fight providing incentives because of out of date thinking.

...

Why would you make such massive investments in a dying industry such as coal when you can see where the future is headed? There are so many benefits in helping grow this industry it's a no-brainer.

( permalink | suggest removal )

**DontDrinkDatKoolAid says...** October 22, 2017 at 12:52 p.m.

Well, if everything for soler power was made in America, it would be a win-win deal. But sadly not.

( permalink | suggest removal )

**RBear says...** October 22, 2017 at 1:52 p.m.

DDDK regardless whether it is or not, this is win-win for all. There are American companies manufacturing solar today and are trying to get their costs competitive. I disagree with applying tariffs to solar products being imported as that does no good other than to artificially prop up a market.

...

The number of jobs created by solar is AMAZING compared with coal and the benefits of the product are even more AMAZING. Solar just adds to the portfolio and helps diversify our energy resources. Think about it. A vast energy source hitting us every day that we just ignore, yet we try to prop up a source that is dwindling, spend millions to extract, and it damages our environment. Besides, the less we extract the more that will be in reserve IF it's ever needed again.

( permalink | suggest removal )

DontDrinkDatKoolAid says... October 22, 2017 at 2:23 p.m.

I will take reliability over "AMAZING".

( permalink | suggest removal )

RBear says... October 22, 2017 at 3:18 p.m.

DDDK, when you consider a diverse energy portfolio you get far more reliability than with a few sources. Renewables are meant to allow us to conserve those other sources with a constant source that will be there long after we're all gone. By using renewables, we avoid having to use fossil fuels and allow more stockpiling when needed. It just make SO MUCH SENSE to push renewables more and conserve the other sources.

...

For some reason, those on the right see this as a binary decision which shows disturbing short-sightedness. Progressives see this as yet another source to help create diversity in the portfolio. Quite frankly, it shows how much right wingers lack in strategic planning and why they shouldn't hold the wheel when driving policy. Your comments reflect that ignorance.

( permalink | suggest removal )

gohogs17 says... October 22, 2017 at 4:18 p.m.

How is solar energy stored for future use?

( permalink | suggest removal )

TimberTopper says... October 22, 2017 at 5:40 p.m.

moz, your chant of put the miners back to work, seems to be a thing of the past more and more.

( permalink | suggest removal )

TimberTopper says... October 22, 2017 at 5:44 p.m.

hog, in a battery.

( permalink | suggest removal )

GCW says... October 22, 2017 at 6:29 p.m.

Solar is not here yet. When Walmart and other box stores start converting their square miles of roof space into solar arrays then I will believe it. Surely they've run the numbers. You would think solar power would save them bazillions in cooling costs on hot summer afternoons.

( permalink | suggest removal )

RBear says... October 22, 2017 at 6:34 p.m.

When I talked about stockpiling, what I meant and what many energy experts agree is to stockpile fossils while using renewables. It's a pretty ingenious strategy, especially when you consider the on-demand capabilities of natural gas compared with coal. In fact, if you add in home solar the need for coal diminishes even further, essentially obviating it completely.

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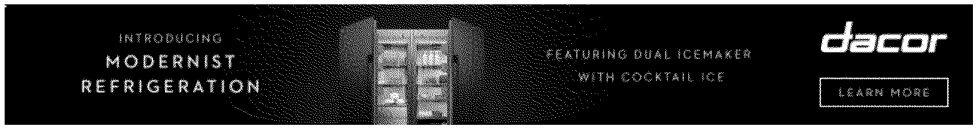


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# Feed company to bring jobs, waste

By Jessica Priest
Oct. 21, 2017 at 9:27 p.m.
*Updated Oct. 22, 2017 at 7 a.m.*

MCT Graphic for The Victoria Advocate

A company connected to one responsible for an explosion near Houston after Hurricane Harvey is one step closer to operating in Calhoun County.

The executive director of the Texas Commission on Environmental Quality approved this month Novus International Inc.'s request to drill two hazardous waste disposal wells despite receiving a few comments from concerned residents.

Jeff Klopfenstein, the president of the group within Novus that's proposed a plant in Calhoun County, wrote in a statement that TCEQ's approval of the two hazardous disposal wells was exciting.

"It shows that should the project move forward, this is a location which takes into account the safety of the environment and local community. This is critical to Novus as a company who has been safely producing product for over 25 years," he wrote.

The TCEQ's executive director doesn't have the final say, though.

## To complain

To make an environmental complaint, go to tceq.texas.gov/compliance/complaints or call 1-888-777-3186. You can complain anonymously.

## To comment

The TCEQ is accepting comments until Nov. 10. To make a comment about Permit Nos. WDW452 or WDW453, go to

tceq.texas.gov/goto/comments or mail to the following address: Bridget C. Bohac, Chief Clerk, TCEQ, MC-105, P.O. Box 13087, Austin, TX, 78711-3087.

## Hazardous wastes at planned plant

Their descriptions and symptoms:

• Pyridine - A colorless to yellow liquid with a nauseating, fish-like odor that can cause eye irritation, headache, anxiety, dizziness, insomnia, nausea, anorexia, dermatitis, liver and kidney damage

• Acetonitrile - A colorless liquid with an aromatic odor that can cause irritation of the nose and throat, asphyxia, nausea, vomiting, chest pain, weakness, stupor and convulsions

• Formic acid - A colorless, fuming liquid with a pungent odor that is corrosive to the eyes, the skin and the respiratory tract. The substance may also affect one's metabolism.

• Methanol - A colorless liquid with a characteristic odor that can irritate the eyes, skin and respiratory tract as well as affect the central nervous system, resulting in a loss of consciousness.

• Phenol - Colorless to yellow or light pink crystals with characteristic odor, phenol as a substance and as a vapor is corrosive to the eyes, skin and respiratory tract and can affect the central nervous system, resulting in convulsions, coma, cardiac disorder, respiratory failure and death.

Residents can ask in the next few weeks for him to reconsider or for a hearing. Otherwise, the matter will go to a vote at an upcoming TCEQ meeting.

"I just cannot believe that we as citizens can see the history of what a company has done elsewhere, and the state will not take that into account. It's like we can't do anything preventative. They want it to happen and then we can say, 'Oh my, we made a mistake,'" said one commenter, Diane Wilson, an environmental activist in Seadrift.

Novus owns a plant in Beaumont. Arkema operates that plant, and it produces the same product Novus' proposed plant in Calhoun County will, a feed supplement called Alimet.

Specifically, one of the things Novus will manufacture in Calhoun County is methionine, which the TCEQ describes as an amino acid added to livestock feed grains for milk and egg production and for muscle growth.

"The supplement allows livestock and poultry producers to formulate feed that has precisely the right nutrients for each growth stage of healthy animals," Klopfenstein wrote.

The TCEQ said the hazardous wastes Novus will generate from manufacturing this include pyridine, acetonitrile, formic acid, methanol, chlorides, cyanide, phenols and benzene.

One of these wastes is a carcinogen, while the others are flammable and explosive, according to the Centers for Disease Control.

Arkema became a household name because of a recent explosion.

According to the Associated Press, Arkema's plant in Crosby, which is not owned by Novus, lost power and was inundated with water during Harvey.

Crosby is about 25 miles northeast of Houston.

The plant's loss of power forced the evacuation of hundreds of residents for a week.

Liquid organic peroxides at the plant destabilized and exploded, injuring 15 firefighters.

Arkema's plant in Crosby manufactures something different than the one Novus is trying to build in Calhoun County.

"Our raw materials and products are stable, even in the event of an extended power failure," Klopfenstein wrote.

The plant Arkema operates for Novus in Beaumont isn't the only plant Novus owns in Texas.

It has another in Brazoria County, about eight miles south of the intersection of SH 35 and Farm-to-Market Road 2917.

TCEQ records show the plant has had at least two hazardous disposal wells.

• Cyanide - A white, absorbent, crystalline powder with a characteristic odor. It is odorless when dry. It can affect the thyroid and cause death.

• Benzene - A colorless liquid with a characteristic odor that evaporates at 68 degrees Fahrenheit. The vapors are irritating and can cause one to pass out or die. It is a carcinogen.

SOURCE: Centers for Disease Control, National Institute for Occupational Safety and Health

One hazardous disposal well is owned by Novus but operated by Ascend Performance Materials Texas, Inc. Another was owned by Novus and operated by Ascend. Now, it is owned by MHBA CB.

Novus, Arkema, Ascend and MHBA have satisfactory compliance histories with the TCEQ, but over the years, the TCEQ has cited both plants for air emissions.

Still, Klopfenstein said Novus' plant in Brazoria County has been certified as an "OSHA (Occupational Safety and Health Administration) VPP Star" since 1996.

TCEQ spokeswoman Andrea Morrow said she was unaware of Novus' connection to Arkema and that wasn't considered when deciding on Novus' application for two hazardous waste disposal well in Calhoun County.

The TCEQ also addressed commenters' concerns about groundwater.

Novus' hazardous waste will be injected between 5,795 to 6,495 feet below ground level. The hazardous disposal wells will be beneath rock that will prevent the waste from contaminating drinking water, TCEQ said.

But Wilson and another commenter, Cheyenne Jurasek, want Novus to periodically test the ground water to ensure that.

"TCEQ says their disposal wells are going to be perfect, but, shoot, all you got to do is read through the history of enforcement on any chemical plant and you will see how everything they thought wasn't going to happen ends up happening over and over again," Wilson said.

TCEQ said the closest water well to the hazardous waste disposal wells Novus is proposing is a little more than three football fields away. Ineos also operates three hazardous waste disposal wells in the area, and the TCEQ does not think Novus' activity will affect them.

This is all still too close for Janie Waghorne, who is also concerned about the groundwater.

"My family has lived in Seadrift for over 100 years and are generations of commercial fishermen who have made their livelihoods on the San Antonio Bay estuarine area. I dearly love the bays and spend many hours with my grandchildren on the water," she wrote to the TCEQ.

Novus' proposed plant and hazardous disposal wells in Calhoun County will be about 6.5 miles from Bloomington near Green Lake.

In 2012, Calhoun County purchased thousands of acres of land around Green Lake for $3.5 million with the intention of making it into a park.

Calhoun Commissioner Kenny Finster said that's still the plan, but he's focusing on recovering from Harvey, which has devastated much of his precinct.

Alexander Padgett, meanwhile, has walked his dog, a Shih Tzu named Cesar, at Green Lake a few times before and wants to see its beauty preserved.

He learned about Novus' plans via Facebook and submitted his first comment ever to TCEQ afterward.

"I know the waste is going to be underground, but knowing it's there is a huge concern for me," he said.

Finster said Novus is already making its mark in Calhoun County. He's seen a sign for the company while driving down SH 185.

In a letter to the county asking for a tax abatement last year, Novus wrote it would generate an estimated $1.8 million in ad valorem taxes during the abatement and have a 20 year life afterward.

Novus wrote it would create at least 10 permanent jobs and employ more than 300 temporary construction workers.

The county gave the company a 10-year, 100 percent tax abatement in exchange for it paying it $1 million in 2019 and $700,000 in 2021.

"We feel like we have the right project, utilizing the right people, and are looking for the right place to move forward," Klopfenstein wrote. "We are confident that the jobs and investment that the project will bring will be welcomed by the local community in whatever location is decided on."

To read the TCEQ's letter about Novus, click here.

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Craig Monk · Dallas Baptist University

I am not sure if anyone caught this but "The hazardous disposal wells will be beneath rock that will prevent the waste from contaminating drinking water, TCEQ said."
HOW WOULD THE TECQ KNOW SINCE THE STUFF IS "6,495 feet below ground level" HOW WILL THEY KNOW WHEN AND WHERE IT WILL POP UP. THE TCEQ COULD NOT REGULATE A HOTDOG STAND!

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# Alcoa reports emissions blow into water, air

By Jessica Priest
Oct. 19, 2017 at 8:45 p.m.
*Updated Oct. 20, 2017 at 8:26 a.m.*

Alcoa plant in Point Comfort.

A white powder from Alcoa in Point Comfort blew into Lavaca Bay and the air this month.

The company reported about 110 pounds of alumina went into the water and about 40 pounds went into the air Oct. 13.

Alcoa spokesman Jim Beck said surplus alumina remained after the plant was idled in 2016. Employees were trying to move it when it entered the water and air.

"Alumina poses no risk to the environment," Beck said Thursday.

Alcoa notified emergency response centers for the state and nation afterward, which notified the Texas Commission on Environmental Quality.

"The TCEQ is addressing the spill to the bay, and the nonreportable air emissions affiliated with this incident will be evaluated during the TCEQ's next on-site air investigation," agency spokeswoman Andrea Morrow said.

Alumina, also known as aluminum oxide, is "a white or nearly colorless crystalline substance that is used as a starting material for the smelting of aluminum metal," according to the Encyclopedia Britannica. It's also used in ceramics and other products.

According to the National Institute for Occupational Safety and Health, alumina evaporation at 68 degrees Fahrenheit is negligible.

Inhaling high concentrations in the short term may cause eye and upper respiratory tract irritation. Long-term alumina exposure may affect the central nervous system.

Earlier this year, residents of Point Comfort complained bauxite blowing from Alcoa had gotten worse since its curtailment in 2016.

Bauxite is a byproduct of refining alumina. It is red.

John Fisher, a pastor at a nearby Baptist church, said Alcoa has increased watering pits that contain bauxite as well as obtained a drone, which flies over them.

Fisher is on a panel that was created after Point Comfort sued Alcoa about the problem. That panel met with Alcoa last month, he said.

Wednesday, Alcoa reported an increase in its third quarter revenue and earnings.

It reported a net income of $113 million, up from $75 million from the second quarter. Alcoa said the improvement was mostly due to planned and actual curtailments in Chinese smelting capacity as well as increased Chinese demand.

"If you listened to the earnings call - and I know it's posted online, the about-hourlong call - I believe there is some mention, not about Point Comfort specifically, but about our curtailed assets across the globe," Beck said. "As you and I have discussed before, we are continually reviewing those against a variety of factors, but there's been no announcement about that facility other than what we've said before."

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Luminant, the state of Texas' largest energy supplier has announced it would close three coal-ared power plants in early 2018. Combined, they account for 12 percent of the state's coal power plant capacity.

According to the Dallas News, the Big Brown Plant southeast of Corsicana and Sandow Plant northeast of Austin would close in January and February of next year. A week ago, Luminant announced it was shutting down its Monticello Plant near Mount Pleasant.

Together, the closure of the three plants will remove more than 4,200 megawatts (MW) of coal-generated power, enough to supply electricity to more than four million homes and lead to about 950 people losing their jobs.

As Engadget points out, the news of the Texas plant closures boosts the expected capacity of 2018 power plant closures to over 13,600 MW or a whopping 79 percent more than the known closures for this year. If we were to add the almost 18,000 MW that went ofç ine in 2015, it is clear the trend is more closures in the future.

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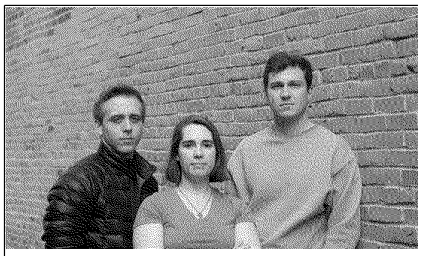

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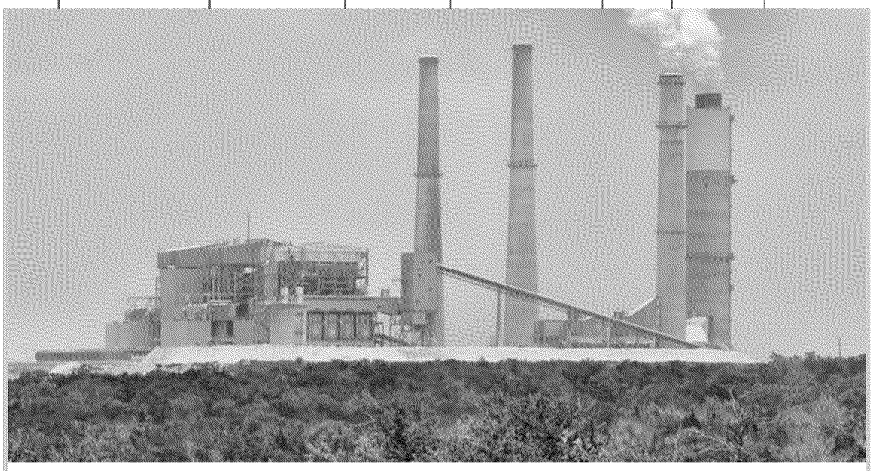

The coal-ãred Fayette Power Project in Fayette County, Texas is but one of many coal power plants in the state.

Larry D. Moore

Luminant ofãcials speak out on the closures

Without mincing words, Luminant ofæcials blame cheap natural gas and the "oversupplied" renewable energy market for the closings. They also point to low prices today for both natural gas and electricity. And it is obvious to Luminant that coal-æred power plants just aren't economical anymore.

According to the æanancial advisory ærm, Lazard, electricity from a coal-æred power plant costs from $60 to $143 per megawatt hour, compared to $48 to $78 for natural gas, while the unsubsidized cost for wind power was $32 to $62.

**Texas power generation capacity**

| Plant type | Megawatt | % of capacity |
|---|---|---|
| Natural gas | 48,998 | 49.7 |
| Coal | 19,177 | 19.5 |
| Wind | 18,092 | 18.4 |
| Other | 6,747 | 6.8 |
| Nuclear | 5,023 | 5.1 |
| Solar | 516 | 0.5 |
| Total | 98,553 | 100 |

SOURCE: ERCOT

ERCOT

"Though the long-term economic viability of these plants has been in question for some time, our yearlong analysis indicates this announcement is now necessary,"

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Needless to say, but the three power plant closures will slash the company's coal generating capacity by 37 percent. Another Texas coal-ãred power plant, CPS Energy's J.T. Deely, is scheduled to close at the end of 2018. This closure was announced in 2013 and would remove another 840 megawatts of coal capacity, or a bit more than 4 percent of the state's total.

Scott Pruitt shoen signing the proposal that would begin the lengthy legal process of rolling back the Wotus rules enacted under president Obama.

Scott Pruitt - EPA

## Scrapping the Clean Power Plan is no help

On Tuesday this week, EPA head, Scott Pruitt said he wanted to ease pressure on the coal industry by doing away with a package of rules put in place under President Barack Obama, known collectively as the Clean Power Plan. The plan sought to reduce greenhouse gas emissions from power plants.

But fossil fuel companies and a few states have fought to keep the rules from being put in place as law. However, despite then-candidate Donald Trump's campaign promise to resurrect the failing coal industry in the U.S., and the decline of coal worldwide, doing away with a Clean Power Plan, as well as pulling the U.S. out of the 2015 Paris Climate Agreement is not going to change the downward demise of the coal industry in this country.

Simply put, the recent decline in coal-ãred power plants suggests that coal may be on an irreversible slide, and that clean energy tech like solar and wind power is still the future.

More about coalãred power plants, texas, three plants, clean power plant

More news from coalãred power plan... Create Alert

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NPR, 2 HRS AGO

# Digging In The Mud To See What Toxic Substances Were Spread By Hurricane Harvey

Rebecca Hersher 3:31

Lindsay Cristides, a master's student in oceanography at Texas A&M University, anchors a research vessel in the Houston Ship Channel before taking samples of sediment left behind by Hurricane Harvey floods. The samples will be tested for contaminants including heavy metals.

Rebecca Hersher / NPR

The floodwaters from Hurricane Harvey had to go somewhere.

The storm dumped 50 inches of rain on parts of the Houston area in late August. Much of the water made its way through streets and bayous and eventually drained into the Houston Ship Channel, the busy commercial waterway that allows ships to travel between the Gulf of Mexico and industrial facilities around Houston.

In the weeks since, the water has drained away, but scientists believe many of the contaminants it carried have not.

"The Port of Houston is saying they had up to 10 feet of storm layer deposited in the ship channel," explains Tim Dellapenna of Texas A & M University, Galveston, who is studying the so-called storm layer of sediment that Harvey left in the bottom of the channel.

Sediment can tell scientists a lot about a flood — contaminants get trapped in the mud, and the very amount of mud and sand can reveal things about how the storm played out.

"We're actually going to try to do a full screening for dioxins, heavy metals, polyaromatic hydrocarbons," Dellapenna explains. Mercury is a heavy metal. Polyaromatic hydrocarbons are often released by petrochemical operations, like the ones that line the ship channel.

Dioxins, in this case, could come from a Superfund toxic waste site nearby. The San Jacinto Waste Pits upstream flooded during the storm, and the Environmental Protection Agency says dioxins may have washed into the channel.

Last week, the EPA announced a plan to remove nearly 212,000 cubic yards of contaminated material from the pits to prevent future contamination from floods.

Dellapenna's team also plans to compare contaminants in the new layer with those found in previous studies of the mud in the channel. For example, they'll specifically screen for mercury, in part because previous work by a doctoral student working with Dellapenna found elevated levels of mercury in the channel mud.

3:31

Other toxicology and environmental science teams from Texas A & M as well as Rice University and the University of Houston have also been testing sediment left by the storm, focusing on parts of the city such as Buffalo Bayou, which runs through downtown Houston, and residential areas that were flooded.

In the Houston Ship Channel, the amount of sediment deposited can also reveal the scale of the storm. The channel is the dredged upper part of Galveston Bay, and it's usually slightly salty. Harvey caused such severe flooding that the freshwater flowing into the ship channel pushed the leading edge of the salty water out toward the Gulf of Mexico.

Usually, where the salty water begins, the sediment carried by freshwater ends, so looking at the sand left behind in the ship channel can help scientists understand how far out that so-called salt wedge was pushed.

"What we're learning just from today is this is pretty sandy," Dellapenna says, referring to a sediment sample taken from midway up the channel near the Houston suburb of Baytown. "That means the salt wedge had to be pushed down further into the bay."

Taking samples in the Houston Ship Channel can be challenging. The process requires anchoring the small research boat with vertical poles and then using a combination of winches, special coring equipment and muscle to sink hollow tubes into the mud below.

"All the barges and tugboats go through there. So just getting to each site will be time-consuming because you have to dodge ships," says Lindsay Critides, an oceanography graduate student at Texas A & M, referring to the enormous oil tankers and other vessels that pass each other in the channel. "We're more maneuverable than they are, so we have to get out of the way."

Plus, the newly deposited sediment can be soupy, which makes it more likely to run out of the tubes before they can be pulled back onboard.

But after a full day of work last week, the team succeeded in collecting a handful of samples. They showed about 6 inches of sandy mud left behind by Harvey in a part of the channel. Toxicologists at Texas A & M expect to have results from screening the sediment for contaminants by February. In addition to publishing their results in academic journals, they plan to share them with a range of health officials to help them plan for future disasters.

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October 2, 2017

***Via U.S.P.S. Certified Mail – Return Receipt Requested***

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Dr. Ileana Arias, Ph.D., Director
Agency for Toxic Substances and Disease Registry,
Center for Disease Control
200 Independence Avenue, SW.,
Washington, DC 20201

***Re:*** ***Notice of Intent to File Citizen Suit Under:***
***Water Pollution Control Act ("Clean Water Act")***
***Resource Conservation and Recovery Act ("RCRA")***
***Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)***

To Whom It May Concern:

Shannan Wheeler, Kelly and David Phelps, Corey Prantil, Keith Lyons, Bevely Flannel, Ezequiel Villareal, Sandy Gonzalez, Ricardo Gonzalez, Crystal Ivey, Phyllis Simmons, Brett Simmons, Greg Nason, Larry Anderson, Tanya Anderson, Betty Whatley and Ronald Whatley (hereinafter referred to as "The Citizens") are all Texas citizens affected by toxic releases between August 29, 2017 and September 3, 2017 from the Arkema Crosby Plant located at 18000 Crosby Eastgate Rd. in Crosby, Texas.

The aforementioned Texas citizens through undersigned counsel, Mark Underwood, Esq. do hereby provide to Arkema, Inc. and the above-listed government agencies a Notice Of Intent To File Citizen's Suit under the Clean Water Act, RCRA and CERCLA. *See attached hereto as Exhibit 1- Address List of the Citizens Providing Notice of Intent to Sue.*

## ARKEMA TOXIC RELEASES- AUGUST 29, 2017 - SEPTEMBER 3, 2017

As Hurricane Harvey swept up in from the Gulf, residents of Crosby, Texas were left unprotected from the toxic chemicals stored, used, processed and produced in Arkema's plant at the intersection of Eastgate Crosby Road and Highway 90.

At their chemical plant in Crosby, Texas, the Arkema Defendants used, controlled, stored, manufactured, distributed, transported, and disposed of hundreds of known toxic chemicals used in the production of the Luperox(™) family of chemicals used in the production of plastic bottles.

In the early hours of Tuesday, August 29, 2017, Arkema called Harris County Emergency Services requesting that Highway 90 be shut down because of a release into the flood waters.

By mid-day Tuesday, National Guard troops were evacuating residents from a 1.5 mile exclusion zone around Arkema's facility, warning them not of a chemical release into the surface waters but only of the risk of explosion.

August 31, 2017 marked the beginning of three explosions culminating with the allegedly controlled ignition on September 3, 2017 of six refrigerated trucks reportedly containing plastic containers filled with organic peroxide. These explosions resulted in thick, rolling plumes of toxic smoke that mixed in the wind of the storm to rain ash, dust and particulate matter throughout the area.

Scientific testing reveals the presence of three families of toxins, PAHs, SVOCs, and heavy metals in ash, soil and dust samples taken from class members' property which correlates to toxins present in Arkema's Luperox(™) product line manufactured at their Crosby facility.

Residents and First Responders breathed a toxic mixture of Arkema's chemicals released into the air, sustained additional exposure through dermal contact with contaminated flood waters and face a potential continuing risk of inhalation, dermal and ingestion exposure to particulate matter that deposited or precipitated in soil and or on exposed surfaces. Many of those exposed to the toxins experienced negative health effects symptoms, some of which have persisted long after exposure has ended.

Relying on Arkema's characterization of the toxic releases emanating from the Arkema site, government officials established an exclusion zone of 1.5 miles from the Akrema plant. Given the toxicity of the substances released, the 1.5 mile perimeter was not far enough to adequately protect either First Responders or those living beyond the perimeter who were not evacuated. Residents living within the exclusion zone suffered enhanced damage to their property because mold was allowed to grow unabated in their homes for eight days until the 1.5 mile exclusion zone order was lifted.

## ENVIRONMENTAL INVESTIGATION

Before issuing this Notice of Intent to File Citizen's Suit, the Citizens through undersigned counsel embarked upon a scientific investigation of the environmental impact of the unpermitted releases by Arkema related to its failure to maintain containment of its wastewater tanks and the dispersion of toxic material resulting from the ignition of Arkema's Luperox(™) chemical.

The Citizens witnessed not only the black plumes of smoke accompany each explosion but also noticed a strange ash material and a mysterious black residue on the ground.

Sampling of ash material deposited in yards from the Arkema Plant's unpermitted discharge, surface water, soils, drinking well water, surface dust, and other bulk materials has been performed by Downstream Strategies, LLC of Morgantown, West Virginia to investigate impacts from the Arkema Plant explosion on residential properties surrounding the Arkema Plant.[1] The collected samples have been analyzed for heavy metals and cyanide, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polycyclic aromatic compounds (PAHs), Dioxins, Furans, and Tentatively Identified Compounds (TICs). Results received to date have identified compounds from each of these analytical groups. *See Exhibit 2- Letter from Marc Glass; See also Enclosed CD-ROM: Exhibit 3- Results- Master Spreadsheet, Exhibit 4- Sample Location Database.*

Analysis of Downstream's testing for metals and inorganics revealed detections for a number of metals: aluminum, antimony, barium, calcium, chromium, cobalt, copper, iron, lead, manganese, nickel, potassium, sodium, thallium, vanadium, zinc, and cyanide. While these metals are found in the Earth's crust, their appearance consistently throughout the samples indicates a potential linkage to activities at the Arkema facility. The concentrations of aluminum, barium, calcium and zinc present a marker establishing an environmental pathway even if the detected concentrations fall below levels expected to cause negative health impacts.

[1] All of the samples have been given alphanumeric identifiers and identified by distance from the Arkema Plant.

Testing also revealed a number of Volatile Organic Compounds (VOCs): acetone, bromodichloromethane, bromoform, chloroform, dibromochloromethane. The EPA classified bromoform as a probable human carcinogen and dibromochloromethane as a possible human carcinogen. There is evidence that eating or drinking bromodichloromethane causes liver, kidney, and intestinal cancer in rats and mice. The Department of Health and Human Services (DHHS) has determined that bromodichloromethane is reasonably anticipated to be a human carcinogen.

Lab tests identified semi-volatile organic compounds (SVOCs): benzoic acid, bis(2-ethylhexyl)phthalate, di-n-butyl phthalate. Additionally, GCMS analysis revealed the presence of several SVOC Tentatively Identified Compounds (TICs): Unknown hydrocarbons, unknown compounds, azuleno [4,5-b]furan-2,9-dione; decahydro, n-hexadecanoic acid; gamma sitosterol, 1-hexanol; 2-ethyl-, hexanoic acid; 2-ethyl-, diethyltoluamide; hexanoic acid; butanoic acid, ethane, 1,1,2,2-tetrachloroethane.

Tests of ash samples, surface water samples and soil samples revealed the presence of the following polycyclic aromatic hydrocarbons (PAHs): acenaphthylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, and 2-methylnaphthalene.

Disturbingly, testing also found detections of the following Dioxins and Furans: 2,3,7,8-tetrachlorodibenzodioxin (tcdd), pentachlorodibenzo-p-dioxin (12378-pecdd), hexachlorodibenzo-p-dioxin, heptachlorodibenzo-p-dioxin, octachlorodibenzo-p-dioxin, tetrachlorodibenzofuran, pentachlorodibenzofuran, hexachlorodibenzofuran, heptachlorodibenzofuran, octachlorodibenzofuran, pentachlorodibenzo-p-dioxin.

## CLEAN WATER ACT VIOLATIONS

In accordance with section 505 of the Water Pollution Control Act ( "the Clean Water Act" or "the CWA"), 33 U.S.C. § 1365, and 40 C.F.R. Part 135, Subpart A, the Citizens hereby notify you that Arkema, Inc. ("Arkema"), has violated, and continues to violate, "an effluent standard or limitation" under Section 505(a)(1)(A) of the CWA, 33 U.S.C. § 1365(a)(1)(A), by failing to comply with the terms of the (National) Texas Pollution Discharge Elimination System ("TPDES") Permit TXR05CZ27. Furthermore, Arkema is in ongoing and continuing violation of section 301 of the CWA, 33 U.S.C. § 1311, as a result of the unpermitted and unlawful discharge of 23,608.01 lbs of hazardous chemicals including, 558.77 of ethylbenzene, 11,175.39 of mineral spirits, 558.77 of naptha, 558.77 of naphthalene, 1396.92 of organic peroxides, 3073.23 of trimethylbenzene, 2793.85 of tert-butyl alcohol, 698.46 of 2,5 dimethyl-2,5 di(t-butylperoxy)hexane and 2,793.85 of t-amyl alcohol and an array of unknown breakdown chemicals into Cedar Bayou.

If within sixty (60) days of the postmark of this correspondence, Arkema does not bring itself into full compliance with the CWA, the neighbors of the Arkema Plant intend to file a Citizens' Suit seeking civil penalties for Arkema's ongoing and continuing violations and for an injunction compelling it to come into compliance with the CWA.

Section 301 of the CWA makes unlawful the discharge of any pollutant by any person into navigable waters of the U.S., except in compliance with an NPDES permit. Arkema discharges stormwater and wastewater under general permit TPDES TXR05CZ27. That permit does not allow for the discharge of ethylbenzene, mineral spirits, naptha, naphthalene, organic peroxides, trimethylbenzene,tert-butyl alcohol, 2,5 dimethyl-2,5 di(t-butylperoxy)hexane and t-amyl alcohol.

Due to poor plant design as well as negligent actions and inactions by Arkema, during and after Hurricane Harvey, large quantities of hazardous chemicals spilled onto the soils of the Arkema Crosby Plant. These chemicals include but are not limited to: ethylbenzene, mineral spirits, naptha, naphthalene, organic peroxides, trimethylbenzene, tert-butyl alcohol, 2,5 dimethyl-2,5 di(t-butylperoxy)hexane and t-amyl alcohol.

Since the dates that these spills occurred, the Arkema plant soil is believed to be heavily contaminated. Rainwater now interacts with these contaminated soils and discharges into Cedar Bayou. These discharges contain contaminants which are not specifically permitted under TPDES TXR05CZ27. Furthermore, discharges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters are not eligible for coverage under TPDES TXR05CZ27. Cedar Bayou is designated for recreational purposes included fishing. Arkema's discharges into Cedar Bayou fail to protect and maintain those uses.

As mentioned above, if Arkema fails to come into compliance with the CWA, we intend to file a citizen suit under section 505(a)(1) of the Act seeking these civil penalties as well as injunctive relief against those parties responsible for this catastrophe. If Arkema does not advise us of sufficient remedial actions taken during this 60-day period, we will assume that no remedial actions have been taken. This notice of intent is sufficient to allow a citizen suit against Arkema for any similar violations after December 1st, 2017.

## RCRA

Additionally, this letter shall serve as notice, in accordance with Section 7002 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972, that Arkema is in violation of standards and permits under RCRA and that its disposal of Luperox products presents an imminent and substantial endangerment to health and the environment.

Pursuant to RCRA Section 7002(a)(1)(A) citizens may commence a citizen suit against "any person… who is alleged to be in violation of any permit, standard, regulation, condition, requirement, prohibition, or order" under RCRA. 42 U.S.C. § 6972(a)(1)(A).

Pursuant to RCRA Section 7002(a)(1)(B), citizens may commence a citizen suit against "any person," "including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment." RCRA § 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B).

Pursuant to 42 U.S.C. § 6903(15), the Arkema Defendants are "persons" subject to the citizen suit provisions of RCRA, 42 U.S.C. § 6972. The Luperox products, including the products' toxic ingredients and waste products, are "solid waste" under RCRA section 1004 because they are "discarded material." 42 U.S.C. § 6903(27). A "discarded material is any material which is abandoned," including material "abandoned by being… burned or incinerated, or accumulated [or] stored before being abandoned by being disposed of, or burned or incinerated." 40 CFR §261.2. The foregoing are also considered "hazardous waste" under RCRA section 1004 [42 U.S.C. § 6903(5)] because they are "ignitable," as defined in 40 CFR §261.21.

Arkema has engaged in the storage and/or disposal of hazardous wastes by abandoning the facility on the night of August 30th and leaving the Luperox products, including the products' toxic ingredients and waste products, to explode and/or leak, and have thus contributed to and are contributing to the past and present storage and/or disposal of hazardous waste under RCRA.

Arkema's inadequate storage and unpermitted disposal of Luperox products, including the products' toxic ingredients and waste products, violated standards applicable to generators of hazardous waste issued under 42 U.S.C. § 6922 and permits for storage or disposal of hazardous issued under 42 U.S.C. § 6925. Arkema had no permit allowing the disposal of hazardous waste under RCRA by the incineration of Luperox products or the leaking of waste water tanks. Arkema is in ongoing and continuing violation of as a result of the unpermitted and unlawful discharge from:

-two wastewater tanks which spilled 23,608.01 lbs of toxins into the ditch line which drains into Cedar Bayou including, 558.77 of ethylbenzene, 11,175.39 of mineral spirits, 558.77 of naptha, 558.77 of naphthalene, 1396.92 of organic peroxides, 3073.23 of trimethylbenzene, 2793.85 of tert-butyl alcohol, 698.46 of 2,5 dimethyl-2,5 di(t-butylperoxy)hexane and 2,793.85 of t-amyl alcohol into Cedar Bayou. *Source TDEQ.*

- three ignitions of refrigerated tractor trailers releasing 62,394.44 lbs including, 2287.68 of ethylhexanol, 573.13 of ethyl hexaldehyde, 2920.26 of acetone, 2672.88 of acetophenone, 60.7 of ethane, 5174.92 of nonane, 1702.67 of nonene, 816.6 of isobutane, 262.76 of isobutene, 64.32 of N-propanol, 20180 of PM2.5, 9982.98 of carbon monoxide, 5.33 of SO2, 554.16 of NO2 and 15136.05 of other VOCs partially from burning diesel. *Source TDEQ*

Furthermore, Arkema's storage and/or disposal of hazardous waste contributed and continues to contribute to the contamination of PAHs, dioxins, volatiles, and semivolatiles in the area surrounding its facility, presenting an imminent and substantial endangerment to health and the environment.

If within sixty (60) days of the postmark of this correspondence, Arkema does not bring itself into full compliance with RCRA standards and permits and abate this imminent and substantial endangerment to health and the environment, the neighbors of the Arkema Plant intend to file a Citizens' Suit seeking an injunction enjoining this imminent and substantial endangerment to health and the environment and for an injunction compelling it to come into compliance with RCRA.

## CERCLA

This letter also serves as notice that that the Arkema is liable for its release of hazardous substances under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), for response costs incurred, damages to natural resources (including assessment costs), and the cost of necessary health assessment and/or health effects studies.

Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in part: (1) the owner and operator of a vessel or a facility; (4) ...from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for –... (B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; (C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release; (D) the costs of any health assessment or health effects study carried out under section 9604(i) of this title.

Each Arkema defendant is "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21). Each Arkema defendant is a current "owner and operator of a vessel or facility" under 42 U.S.C. § 9607(a). CERCLA Section 101(9) defines "facility" to include "(A) any building, structure, installation, equipment, ... storage container, ...or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located . . . ." 42 U.S.C. § 9601(9).

The explosion and spilling of Luperox products at the Arkema facility constitute "emitting," "escaping," and /or "disposing into the environment", and are thus "releases" as defined under 42 U.S.C. §9601(22). The Luperox products are "hazardous substances" as defined by 42 U.S.C. § 9601(14), as they are considered "hazardous wastes" under RCRA for the reasons discussed above.

Plaintiffs have incurred response costs responding to the Arkema's release of hazardous substances, in the form of substantial investigation and sampling costs necessary to determine the nature and extent of the releases and contamination of the area around the Arkema facility. These costs now approach $100,000 spent on collecting environmental samples and lab fees for the analysis of said sampling protocols. The response costs incurred by the Plaintiffs are consistent with the National Contingency Plan, 40 C.F.R. Part 300.

The releases of hazardous substances occurred at a facility owned and operated by the Arkema, who is therefore "liable" for response costs under § 107(a) of CERCLA, 42 U.S.C. § 9607(a)(1). Plaintiffs seek to recover response costs from Arkema and any other available relief under CERCLA Section 107(a).

## CONCLUSION

Arkema could have prevented or avoided this accident with better precautionary measures, compliance with applicable regulations, and the use of reasonable care. The foreseeable risks of harm posed could have been reduced or avoided by reasonable instructions or warnings when it became clear that toxins had been released into the environment. Exposure to this toxic mixture in the environment through human pathways caused bodily injury and has created a need for a community-wide remediation effort, changes in Arkema's operation and a medical monitoring program to protect the public from risk.

Sincerely,

Mark F. Underwood, Esq.

MFU/nh
Enclosures

# EXHIBIT 1

| Name | Address | City | State | Zip |
|---|---|---|---|---|
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| Alexander, Giovanni D'Shea Lynn | 114 Cottontail Dr. | Crosby | TX | 77532 |
| Alexander, Ms. Billie | 603 Cypress Ave. | Crosby | TX | 77532 |
| Allen, Alexis | P.O. Box 96001 | Houston | TX | 77213 |
| Alphonse, Joshua | 12813 Sleepytime | Crosby | TX | 77532 |
| Arceneaux, Mr. Darrell | 416 Zinn Dr. | Crosby | TX | 77532 |
| Ardoin, Mr. Randle Joseph | 229 Cypress Ave. | Crosby | TX | 77532 |
| Ardoin, Ms. Jada | 229 Cypress Ave. | Crosby | TX | 77532 |
| Ballard, Mr. Robert | 118 Barrett Rd. | Crosby | TX | 77532 |
| Banks, Ms. Evelena | 14450 FM 2100 pmb#136 | Crosby | TX | 77532 |
| Barnaba, Mr. Roddrick James | 307 Cypress Ave. | Crosby | TX | 77532 |
| Bass, Ms. MarQuisha | 6616 FM 2100, Apt. 13 | Crosby | TX | 77532 |
| Beavers, Ms. Gwendolyn | 1502 Ambroden Ln. | Channelview | TX | 77530 |
| Bellard, Ms. Nemar | 13306 Cliff Dr. | Crosby | TX | 77532 |
| Belton, England | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| Belton, Mr. Jaliel | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| Bradford, Mr. Lethia | 6616 FM 2100, Apt. 13 | Crosby | TX | 77532 |
| Bradford, Ms. Chelsea | 6616 FM 2100, Apt. 13 | Crosby | TX | 77532 |
| Bradford, Ms. Martha | 6616 FM 2100, Apt. 13 | Crosby | TX | 77532 |
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| Bradley, Mr. Datric | 118 Barrett Rd. | Crosby | TX | 77532 |
| Breckman, Miss Melanie | 5030 Melanie Lane | Crosby | TX | 77532 |
| Breckman, Mr. Daniel James | 5030 Melanie Lane | Crosby | TX | 77532 |
| Breckman, Mr. Ransom | 5030 Melanie Lane | Crosby | TX | 77532 |
| Breckman, Ms. Ida | 5030 Melanie Lane | Crosby | TX | 77532 |
| Brigman, Mr. Thaddeus J. | P.O. Box 470 | Barrett Station | TX | 77532 |
| Brigman, Ms. Gay J. | P.O. Box 470 | Barrett Station | TX | 77532 |
| Brinkley, Mr. Vincent | 606 Cypress Dr. | Crosby | TX | 77532 |
| Brinkley, Mrs. Yolanda Jackson | 606 Cypress Dr. | Crosby | TX | 77532 |
| Britton, Thomas James | 1502 Ambros Den Lane | Channelview | TX | 77530 |
| Brooks, Jamie | 6 CR 4894 | Dayton | TX | 77535 |
| Brooks, Miss Elizabeth | 6 CR 4894 | Dayton | TX | 77535 |
| Brooks, Mr. Casey | 6 CR 4894 | Dayton | TX | 77535 |
| Brooks, Mr. Quincy | 12512 Judge St. | Crosby | TX | 77532 |

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| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Buckner, Mr. Lex Anthony | 156 FM 1942 | Crosby | TX | 77532 |
| Buckner, Mr. Lyle | 156 FM 1942 | Crosby | TX | 77532 |
| Buckner, Mrs. Jennie L. | 156 FM 1942 | Crosby | TX | 77532 |
| Buckner, Mrs. Lorrie | 156 FM 1942 | Crosby | TX | 77532 |
| Bushnell, Ms. Bermadine | 6616 FM 2100, Apt. 75 | Crosby | TX | 77532 |
| Campbell, Ms. Linda V. | 407 Blinkin | Crosby | TX | 77532 |
| Carr, Angel Ann | 422 E. St. Charles Dr. | Crosby | TX | 77532 |
| Carr, Mr. Brian Duane | 422 E. St. Charles Dr. | Crosby | TX | 77532 |
| Carrier, Palma | 2111 1/2 FM 1942 Rd. | Crosby | TX | 77532 |
| Carrin, Sr., Fredrick Dwaine | 11730 Holly Road | Crosby | TX | 77532 |
| Cartwright, Jasmine | 207 Winkin Avenue | Crosby | TX | 77532 |
| Cartwright, Kiev | 207 Winkin Avenue | Crosby | TX | 77532 |
| Cartwright, Ms. Kimberly Rena | 604 Cypress Ave. | Crosby | TX | 77532 |
| Cartwright, Ms. Teleisha LaVon | 114 Cottontail Dr. | Crosby | TX | 77532 |
| Cartwright-Palmer, Kristi | 207 Winkin Avenue | Crosby | TX | 77532 |
| Conner, Ms. Kahmayia | 12514 Judge St. | Crosby | TX | 77532 |
| Cooks, Laquisha Walker | 12813 Sleepytime | Crosby | TX | 77532 |
| Criner, Ms. Latishe | 2111 1/2 FM 1942 Rd. | Crosby | TX | 77532 |
| Crummel, Mr. Zack | 18831 Sunset Trails Street | Crosby | TX | 77532 |
| Curette, Cody | 12813 Sleepytime | Crosby | TX | 77532 |
| De Aburto, Elfega | 4793 Lord Rd. | Crosby | TX | 77532 |
| DeBose, Mr. Lester | 304 Krenek Rd., #66 | Crosby | TX | 77532 |
| DeBose, Ms. Shelia | 304 Krenek Rd., #66 | Crosby | TX | 77532 |
| Dixon, Mr. Charles | P.O. Box 1644 | Crosby | TX | 77532 |
| Dixon, Ms. Charnell Shanice | P.O. Box 1644 | Crosby | TX | 77532 |
| Dixon, Vergie | P.O. Box 1644 | Crosby | TX | 77532 |
| Driver, Ms. Betty | 6616 FM 2100, Apt. 61 | Crosby | TX | 77532 |
| Duff, Mrs. Priscilla | 312 Magnolia | Crosby | TX | 77532 |
| Duffy, Horace J. | 312 Magnolia Avenue | Barrett Station | TX | 77532 |
| Duffy, Priscilla | 312 Magnolia Avenue | Barrett Station | TX | 77532 |
| Eagleton, Ms. Gertrude | 201 Magnolia Ave. | Crosby | TX | 77532 |
| Edwards, Mr. Vincent | 603 Cypress Ave. | Crosby | TX | 77532 |
| Ellis, Ms. Lisa | 17910 Ladue Rd. | Crosby | TX | 77532 |
| Erwin, Ms. Apryl Malveaux | 12521 Alma St. | Crosby | TX | 77532 |
| Flannel, Mr. Roland | 242 Cypress | Crosby | TX | 77532 |

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| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Flannel, Ms. Bevely | 242 Cypress Ave. | Crosby | TX | 77532 |
| Fondel, Ms. Karen | 6616 FM 2100, #63 | Crosby | TX | 77532 |
| Forcha, Mr. Alvin | 308 Nod Ave. | Crosby | TX | 77532 |
| Forcha, Mr. Bryant | 308 Nod Ave. | Crosby | TX | 77532 |
| Forcha, Ms. Gloria | 308 Nod Ave. | Crosby | TX | 77532 |
| Fox, Ms. Rusti Lynne | 4611 Lord Rd. | Crosby | TX | 77532 |
| Francios, Eddie | P.O. Box 16 | Lake Charles | LA | 70602 |
| Frank, Derrick D | 6616 FM 2100, Apt. 75 | Crosby | TX | 77532 |
| Frank, Mr. Armani | 12813 Sleepytime | Crosby | TX | 77532 |
| Frank, Mrs. Stacey | P.O. Box 3211 | Crosby | TX | 77532 |
| Frank, Ms. Amanda | P.O. Box 3211 | Crosby | TX | 77532 |
| Frank, Ms. Stephanie | P.O. Box 302 | Crosby | TX | 77532 |
| Frank, Ms. Tandeka | 6616 FM 2100, Apt. 25 | Crosby | TX | 77532 |
| Frank, Sr., Mr. Demond Alfred | P.O. Box 3211 | Crosby | TX | 77532 |
| Freeman, Ms. Brandy | 6616 FM 2100 Rd., Apt. 27 | Crosby | TX | 77532 |
| Freeman, Ms. Deidra | 714 Magnolia Ave. | Crosby | TX | 77532 |
| Freeman, Ms. Krystle | 714 Magnolia | Crosby | TX | 77532 |
| Fussell, Casen | 806 Liberty Way | Crosby | TX | 77532 |
| Fussell, Mr. Spencer L. | 806 Liberty Way | Crosby | TX | 77532 |
| Fussell, Triniti | 806 Liberty Way | Crosby | TX | 77532 |
| Gallow, Ymonica | 126 1/2 Antoinette | Crosby | TX | 77532 |
| Garcia, Miss Serina | 4806 Woodmount Dr. | Houston | TX | 77045 |
| Garcia, Serina | 4806 Woodmont | Houston | TX | 77045 |
| Garrett, Mr. Jamendric | 310 Dreamland Avenue | Crosby | TX | 77532 |
| Garza, Jr., Mr. Alfredo | 4781 Lord Rd. | Crosby | TX | 77532 |
| Garza, Mr. Alfredo | 4781 Lord Rd. | Crosby | TX | 77532 |
| Garza, Mr. Isaac | 4727 Lord Rd. | Crosby | TX | 77532 |
| Garza, Ms. J. Guadalupe | 4727 Lord Rd. | Crosby | TX | 77532 |
| Garza, Ms. Maria | 4781 Lord Rd. | Crosby | TX | 77532 |
| Garza, Ms. Merari | 4727 Lord Rd. | Crosby | TX | 77532 |
| Garza, Rafaela | 4781 Lord Rd. | Crosby | TX | 77532 |
| Godfrey, Mr. Clarence | 603 Cypress Ave. | Crosby | TX | 77532 |
| Gonzales, Miss Elancyian Perez | 114 Cottontail Dr. | Crosby | TX | 77532 |
| Gradney, Mr. James | P.O. Box 3049 | Crosby | TX | 77532 |
| Gradney, Mrs. Rosie L. | P.O. Box 3049 | Crosby | TX | 77532 |

| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Griffith, Mr. Allen | 518 Cypress | Crosby | TX | 77532 |
| Griffith, Ms. Lizzie | 518 Cypress | Crosby | TX | 77532 |
| Guerra, Daisy | 15252 Grand Point | Houston | TX | 77090 |
| Guillory, Ms. Elizabeth | 215 Antoinette Ln. | Crosby | TX | 77532 |
| Harris, Larry | 11914 Penn Street | Crosby | TX | 77532 |
| Harris, Mr. Reggie | 11914 Penn St. | Crosby | TX | 77532 |
| Harris, Peggie J. | 11914 Penn Street | Crosby | TX | 77532 |
| Harrison, Ms. Lakeisha | 304 Krenek Rd. #21 | Crosby | TX | 77532 |
| Henry, Mr. Raynard E. | 304 Krenek Rd., #71 | Crosby | TX | 77532 |
| Henry, Ms. Brianna | 5030 Methvin Ln. | Crosby | TX | 77532 |
| Hildreth, Ms. Betty | P.O. Box 397 | Crosby | TX | 77532 |
| Hill, Mr. Joe | 410 Wisdom St. | Crosby | TX | 77532 |
| Hollins, Mr. Willie | 2111 1/2 FM 1942 Rd. | Crosby | TX | 77532 |
| Huff, Mr. Albert | 13103 FM 2100 Crosby Lynchburg Rd. | Crosby | TX | 77532 |
| Jackson, Ms. Keisha M. | 12514 Judge Street | Crosby | TX | 77532 |
| Jackson, Ms. Rosa | 12514 Judge Street | Crosby | TX | 77532 |
| Jackson-Pugh, Ms. Hattie | 606 1/2 Cypress Dr. | Crosby | TX | 77532 |
| Jelks, Mr. Terrence L. | 12813 Sleepytime | Crosby | TX | 77532 |
| Jones, Ms. Retha | 410 Wisdom St. | Crosby | TX | 77532 |
| Juarez, Mr. Esteban | 4781 Lord | Crosby | TX | 77532 |
| Juarez, Ms. Isabel | 4781 Lord Rd. | Crosby | TX | 77532 |
| Judge, Mr. Dwight A. | 634 Ruben White Dr. | Crosby | TX | 77532 |
| Judge, Mr. John Allen | 626 Rueben White Dr. | Crosby | TX | 77532 |
| Judge, Ms. Irma | 626 Rueben White Dr. | Crosby | TX | 77532 |
| Judge, Ms. Nashelle | 625 1/2 Cottontail Dr. | Crosby | TX | 77532 |
| Judge, Ms. Violet | 634 Ruben White Dr. | Crosby | TX | 77532 |
| Kelsoe, Mr. Chris | 5030 Methvin Ln. | Crosby | TX | 77532 |
| LaCour, Kenadi | 16310 Stingray | Crosby | TX | 77532 |
| LaCour, Mr. Jonas | 16310 Stingray Dr. | Crosby | TX | 77532 |
| LaCour, Ms. Carol Renee | 16310 Stingray Dr. | Crosby | TX | 77532 |
| LaCour, Ms. Janae | 16310 Stingray | Crosby | TX | 77532 |
| Lavan, Ms. Vanessa | 229 Cypress Ave. | Crosby | TX | 77532 |
| Leal, Mr. Alan | 4775 Lord Rd. | Crosby | TX | 77532 |
| Leal, Mr. Alberto | 4775 Lord Rd. | Crosby | TX | 77532 |
| Leal, Mr. Diego | 4775 Lord Rd. | Crosby | TX | 77532 |

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| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Leal, Ms. Olga | 4775 Lord Rd. | Crosby | TX | 77532 |
| Leonard, Mr. Charles T. | 806 Liberty Way | Crosby | TX | 77532 |
| Leonard, Mrs. Melissa F. | 806 Liberty Way | Crosby | TX | 77532 |
| Lewis, Mr. Donald | 402 Elm Ave. | Crosby | TX | 77532 |
| Lewis, Mr. Richard | P.O. Box 3481 | Crosby | TX | 77532 |
| Lockett, Mr. Jerome | P.O. Box 3081 | Crosby | TX | 77532 |
| Lockett, Mrs. Cynthia | P.O. Box 3481 | Crosby | TX | 77532 |
| Lockett, Ms. Mamie | 229 Cypress | Crosby | TX | 77532 |
| Lopez, Ms. Lucia A. | 4787 Lord Rd. | Crosby | TX | 77532 |
| Lopez, Ms. Martha Eunice | 4727 Lord Rd. | Crosby | TX | 77532 |
| Luten, Mr. Dustin | 12112 Saint Cecelia Dr. | Crosby | TX | 77532 |
| Luten, Ms. Haylee | 12112 Saint Cecelia Dr. | Crosby | TX | 77532 |
| Luten, Ms. Laylin | 12112 Saint Cecelia Dr. | Crosby | TX | 77532 |
| Luten, Ms. Nicole | 12112 Saint Cecelia Dr. | Crosby | TX | 77532 |
| Lyons, Mr. Keith | 3330 Euell | Crosby | TX | 77532 |
| Malveaux, Mr. Leroy | 12521 Alma | Crosby | TX | 77532 |
| Malveaux, Mr. Lionel | 207 Blinkin Ave. | Crosby | TX | 77532 |
| Malveaux, Ms. Bertha | 207 Blinkin Ave. | Crosby | TX | 77532 |
| Malveaux, Ms. Jacqueline | 12521 Alma St. | Crosby | TX | 77532 |
| Martinez, Mr. Antonio | 4070 Felscher Ln. | Crosby | TX | 77532 |
| Mathis, Mr. Michael D. | 207 E. St. Charles Dr. | Crosby | TX | 77532 |
| Matthews, Tracey | 619 Zinn Dr. | Crosby | TX | 77532 |
| May, Mr. Jessie J. | 304 Krenek Rd., Apt. 79 | Crosby | TX | 77532 |
| May, Ms. Latosha D. | 304 Krenek Rd., Apt. 79 | Crosby | TX | 77532 |
| May, Ms. Stella | 304 Krenek Rd., Apt. 71 | Crosby | TX | 77532 |
| May, Stella L. | 304 Krenek Road Apt. 71 | Crosby | TX | 77532 |
| McCrea, Mr. Willie | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| McCrea, Ms. Brilela | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| Merritt, Ms. Mary | 227 E. Melville Dr. | Crosby | TX | 77532 |
| Mitchell, Mr. Kendall | 304 Krenek Rd., Apt. #71 | Crosby | TX | 77532 |
| Mitchell, Ms. Caroline | 304 Krenek Rd., Apt. 69 | Crosby | TX | 77532 |
| Mitchell, Ms. Emma | 304 Krenek Rd., Apt. 70 | Crosby | TX | 77532 |
| Mitchell, Ms. Laura | 12607 Crosby Lynchburg Rd. | Crosby | TX | 77532 |
| Mitchell, Richeal | 304 Krenek Rd., Apt. 70 | Crosby | TX | 77532 |
| Monday, Mr. Otis J. | P.O. Box 598 | Highlands | TX | 77562 |

| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Monday, Mrs. Sandra J. | P.O. Box 598 | Highlands | TX | 77562 |
| Moore, Diana Demetria | 304 Krenek Road Apt. 71 | Crosby | TX | 77532 |
| Moore, Dorian | 230 Cypress Ave. | Crosby | TX | 77532 |
| Moore, Ms. Debra | 230 Cypress Ave. | Crosby | TX | 77532 |
| Moore, Ms. Diane | 4400 Sherri Ln. | Crosby | TX | 77532 |
| Moore, Ms. Jeanette | 1922 Silverdale St. | Houston | TX | 77029 |
| Morgan, Ms. Gloria Dean | 13529 Milo Dr. | Crosby | TX | 77532 |
| Morrow, Jr., Mr. Melvin | 242 Cypress Ave. | Crosby | TX | 77532 |
| Morrow, Ms. Rotisha | 242 Cypress | Crosby | TX | 77532 |
| Morrow, Sr., Mr. Melvin | 611 Cypress Ave. | Crosby | TX | 77532 |
| Murray, Mrs. Alisia Lee | 610 Cypress Ave. | Crosby | TX | 77532 |
| Narcisse, Ms. Cheryl | 13317 Milo Dr. | Crosby | TX | 77532 |
| Nevels, Ms. Anita | 304 Krenek Rd. #21 | Crosby | TX | 77532 |
| Nichols, Mr. Kalvin | 229 Cypress Ave. | Crosby | TX | 77532 |
| Nickerson, Catherine | 600 Cypress Avenue | Crosby | TX | 77532 |
| Nickerson, Ms. Catherine | 600 Cypress Ave. | Crosby | TX | 77532 |
| Norman, Mr. Lance | 4419 Sherri Ln. | Crosby | TX | 77532 |
| Norman, Mrs. Madelina Tita | 4419 Sherri Ln. | Crosby | TX | 77532 |
| Palmer, Maurice | 207 Winkin Avenue | Crosby | TX | 77532 |
| Paul, Stephanie | 11914 Penn Street | Crosby | TX | 77532 |
| Peraza, Mr. Jose | 4787 Lord Rd. | Crosby | TX | 77532 |
| Phelps, Mr. Howard David | 5030 Methvin Lane | Crosby | TX | 77532 |
| Phelps, Mrs. Kelly | 5030 Methvin Lane | Crosby | TX | 77532 |
| Ramos, Daisy | 16719 Scamper Ln. | Crosby | TX | 77532 |
| Ramos, Gerardo | 16719 Scamper Ln. | Crosby | TX | 77532 |
| Ramos, Jr., Ramiro | 16719 Scamper Ln. | Crosby | TX | 77532 |
| Ramos, Mr. Ramiro | 16719 Scamper Ln. | Crosby | TX | 77532 |
| Ramos, Mrs. Karina | 16719 Scamper Ln. | Crosby | TX | 77532 |
| Randle, Ms. Shirley Ann | 11910 Orleans, #B | Crosby | TX | 77532 |
| Randolph, Ms. Taneisha | 118 Barrett Rd. | Crosby | TX | 77532 |
| Rector, Ms. Juanita | 13607 Cedar Grove Dr. | Crosby | TX | 77532 |
| Reed, Mr. Albert | 304 Krenek Rd., #96 | Crosby | TX | 77532 |
| Reed, Ms. Patricia | 607 E. Melville Dr. | Crosby | TX | 77532 |
| Rhone, Ms. Joyce | 218 Elm Ave. | Crosby | TX | 77532 |
| Richard, Mr. Isaiah | 120 Antoinette Ln. | Crosby | TX | 77532 |

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| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Richard, Mr. Paul | 120 Antoinette Ln. | Crosby | TX | 77532 |
| Richard, Ms. Delonda | 120 Antoinette Ln. | Crosby | TX | 77532 |
| Richard, Tyrek | 120 Antoinette Ln. | Crosby | TX | 77532 |
| Roberson, Mr. Harvey | 407 Topsail Way | Crosby | TX | 77532 |
| Roberson, Mrs. Helen | 407 Topsail Way | Crosby | TX | 77532 |
| Robertson, Perry | P.O. Box 96001 | Houston | TX | 77213 |
| Robinson, Kebbien DeShawn | 218 Oak Ave. | Crosby | TX | 77532 |
| Robinson, Mr. Ervin | 218 Oak Ave. | Crosby | TX | 77532 |
| Robinson, Mr. Irvin | 218 Oak Ave. | Crosby | TX | 77532 |
| Robinson, Ms. Jessica Dene | 218 Oak Ave. | Crosby | TX | 77532 |
| Robinson, Ms. Latashia | 218 Oak Ave. | Crosby | TX | 77532 |
| Robinson, Ms. Tawana | 214 Oak St. | Crosby | TX | 77532 |
| Rodriguez, Mr. Raymundo | 4739 Lord Rd. | Crosby | TX | 77532 |
| Rogers, Mr. David | 3040 Ramsey Loop Rd. | Crosby | TX | 77532 |
| Rogers, Ms. Donna | 3040 Ramsey Loop Rd. | Crosby | TX | 77532 |
| Rollison, Ms. April | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| Rose, Mr. Henry | 304 Krenek Rd., Apt. 71 | Crosby | TX | 77532 |
| Salazar, Ms. Yolanda | 4739 Lord Rd. | Crosby | TX | 77532 |
| Sellers, Jr., Mr. Michael | 307 Mako Ct. | Crosby | TX | 77532 |
| Sellers, Mr. Landon | 307 Mako Ct. | Crosby | TX | 77532 |
| Sellers, Mr. Matthew | 307 Mako Ct. | Crosby | TX | 77532 |
| Sellers, Mrs. Nicole | 307 Mako Ct. | Crosby | TX | 77532 |
| Sellers, Ms. Lane | 307 Mako Ct. | Crosby | TX | 77532 |
| Sherman, Ms. Monique | 604 Cypress Ave. | Crosby | TX | 77532 |
| Simmons, Mr. Clyde | 213 Cypress | Crosby | TX | 77532 |
| Simmons, Mrs. Cynthia | 213 Cypress | Crosby | TX | 77532 |
| Small, Ms. Velma | 201 Magnolia Ave. | Crosby | TX | 77532 |
| Smith, DuJuan | 11803 Myrtle Ave. | Crosby | TX | 77532 |
| Smith, Jr., Mr. Harvey | 521 Cypress Ave. | Crosby | TX | 77532 |
| Smith, Ms. Patricia | 6616 FM 2100, Apt. 13 | Crosby | TX | 77532 |
| Smith, Ms. Tashauna | 604 Cypress Ave. | Crosby | TX | 77532 |
| St. Romain, Mr. Alfred | 603 Magnolia | Crosby | TX | 77532 |
| St. Romain, Mrs. Martha | 603 Magnolia Avenue | Crosby | TX | 77532 |
| Stanley, Mr. Roosevelt | 127 Antoinette Ln. | Crosby | TX | 77532 |
| Stanley, Ms. Angela | 127 Antoinette Ln. | Crosby | TX | 77532 |

| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Stanley, Ms. Janice | 127 Antoinette Ln. | Crosby | TX | 77532 |
| Stewart, Mr. Mark | 408 Blinkin Ave. | Crosby | TX | 77532 |
| Stewart, Mr. Tramonte' Jermaine | 114 Cottontail Dr. | Crosby | TX | 77532 |
| Stoot, Mr. Peter | 406 Barrett Road | Crosby | TX | 77532 |
| Stoot, Ms. Jerrylean | 406 Barrett Road | Crosby | TX | 77532 |
| Tanner, Ms. Viola | 4806 Woodmount Dr. | Houston | TX | 77045 |
| Taylor, Mr. Shuncey | 6616 FM 2100 | Crosby | TX | 77532 |
| Theobald, Mr. George | 17111 Adlong School Rd. | Crosby | TX | 77532 |
| Theobald, Ms. Linda | 17111 Adlong School Rd. | Crosby | TX | 77532 |
| Thomas, Ms. Carol A. | P.O. Box 3211 | Crosby | TX | 77532 |
| Thompson, Mr. Darryl | 304 Krenek, Apt. 79 | Crosby | TX | 77532 |
| Turner, Mr. James | 510 Red Oak Avenue | Crosby | TX | 77532 |
| Turner, Ms. Dorothy | 510 Red Oak Avenue | Crosby | TX | 77532 |
| Verrette, Ms. Porsha | 703 N. Hyannis Port St. | Crosby | TX | 77532 |
| Verrette-Whitfield, Mr. Marquis Isaiah | 703 N. Hyannis Port St. | Crosby | TX | 77530 |
| Villareal, Mr. Ezequiel | 1728 Crosby Dayton Rd. | Crosby | TX | 77532 |
| Villareal, Mrs. Irma | 1728 Crosby Dayton Rd. | Crosby | TX | 77532 |
| Walker Cooks, Ms. Laquisha | 12813 Sleepytime | Crosby | TX | 77532 |
| Walker, Erica | 12813 Sleepytime | Crosby | TX | 77532 |
| Walker, Gwendolyn | 12813 Sleepytime | Crosby | TX | 77532 |
| Walker, Mr. Kenneth Earl | 306 Cypress Ave. | Crosby | TX | 77532 |
| Walker, Ms. LaWanda S. | 12813 Sleepytime | Crosby | TX | 77532 |
| Walker, Ms. Nichelle Chenevert | 306 Cypress Ave. | Crosby | TX | 77532 |
| West, Ms. Robin | 408 Blinkin Ave. | Crosby | TX | 77532 |
| Wheeler, Mr. Michael Scott | 18831 Sunset Trails Street | Crosby | TX | 77532 |
| Wheeler, Mr. Shannan Dee | 18831 Sunset Trails Street | Crosby | TX | 77532 |
| Williams, Carolyn Marie | 555 1/2 E. St. Charles Drive, Apt. | Crosby | TX | 77532 |
| Williams, Mr. Clarence | 408 Red Oak Ave. | Crosby | TX | 77532 |
| Williams, Mr. Lester | 408 Red Oak Ave. | Crosby | TX | 77532 |
| Williams, Mr. Raymond | 211 Reuben White Dr. | Crosby | TX | 77532 |
| Williams, Mrs. Taliesia | 211 Reuben White Dr. | Crosby | TX | 77532 |
| Williams, Ms. Carolyn | 555 1/2 E. St. Charles Dr., Apt #2 | Crosby | TX | 77532 |
| Williams, Ms. Lorraine | 207 E. St. Charles Dr. | Crosby | TX | 77532 |
| Willis, Jr., Mr. James | P.O. Box 96001 | Houston | TX | 77213 |
| Willis, Jr., Mr. James | P.O. Box 96001 | Houston | TX | 77213 |

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| Name | Address | City | State | Zip |
|---|---|---|---|---|
| Willis, Ms. Beverly | P.O. Box 96001 | Houston | TX | 77213 |
| Yarter, Mr. Cody | 4611 Lord Rd. | Crosby | TX | 77532 |

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# EXHIBIT 2

Downstream Strategies
Ideas that sustain.

# Arkema, Inc. Plant Area Sampling

To: Kevin Thompson, Esq.
Thompson Barney Law Firm
kwthompsonwv@gmail.com

From: Marc Glass, Principal

Re: Overview of Arkema Plant Area Sampling
Crosby, TX 77532

Date: October 2, 2017

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This memorandum provides an overview of the sampling program for various environmental media conducted near the Arkema, Inc. Plant located at 18000 Crosby Eastgate Road in Crosby, Texas.

I, Marc Glass am a Principal and Senior Scientist at Downstream Strategies, LLC (DS), a Morgantown, West Virginia-based environmental consulting firm, at which I direct the environmental monitoring and remediation program. I am a West Virginia Department of Environmental Protection Licensed Remediation Specialist No. 175, with over seventeen years of direct experience in conducting environmental investigation and site characterization. All sampling was performed by myself or Mr. Chris Bryerman, under my supervision. Mr. Bryerman is a Texas Licensed Professional Geoscientist, TBPG No. 769 with over twenty five years of experience.

The sampling program was initiated on September 4, 2017 and is on-going. All samples are collected according to standard industry practice and standard operating procedures and properly managed under chain-of-custody record for analysis by independent, third-party laboratory analytical service providers. All analytical test methods used for this project are listed in the EPA publication, Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, also known as SW-846. Laboratory service providers for this project are accredited by the State of Texas under the National Environmental Laboratory Accreditation Program (NELAP).

Sincerely,

Marc Glass

Morgantown Location
911 Greenbag Road
Morgantown, WV 26508
304.292.2450

Alderson Location
100 Railroad Avenue
Suite 200
Alderson, WV 24910
304.445.7200

downstreamstrategies.com

# EXHIBIT 3

*On CD-ROM*

# EXHIBIT 4

*On CD ROM*

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 6**
**1445 Ross Avenue**
**Dallas, Texas 75202-2733**

September 7, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7003 0500 0003 0872 5477

JeanMarie Cencetti
Director of Environment and Sustainable Development
Arkema Inc.
900 First Ave
King of Prussia, PA 19406

Dear Ms. Cencetti:

Enclosed is an Information Request (Request) issued to Arkema Inc. This request is being made pursuant to the authority set forth in Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Arkema facility in Crosby, Texas in order to determine compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68.

Please provide the information requested within ten (10) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to Marie Stucky at (214) 665-7560. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact James Murdock of the Office of Regional Counsel at (214) 665-7302. Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures
cc: Ramiro Garcia Jr., TCEQ

## ENCLOSURE A

## ARKEMA CROSBY INFORMATION REQUEST

The Environmental Protection Agency (EPA) is issuing this request for information to Arkema Inc. regarding its Crosby, Texas facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, Arkema, Inc. is required to provide a response to this Request regarding the Arkema Inc. facility in Crosby, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Arkema Inc. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Arkema Inc. to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Samuel Tates, Chief
Chemical Accident Enforcement Section (6EN-AS)
Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Arkema Inc. qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF. Please be aware that SBREFA does not eliminate Arkema Inc.'s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tates, listed above.

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by Arkema to EPA's authorized representatives, including its contractors, Eastern Research Group ("ERG"). Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), Arkema may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

## I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.

3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

4. Please provide a separate response to each question or subquestion in this Request, and precede each answer with the number of the question to which it responds.

5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.

6. If Arkema Inc. has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document

7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

## II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

2. The term "Arkema" includes any officer, director, agent, or employee of Arkema, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.

3. The term "you" or "yours" refers to Arkema.

4. The term "facility" refers to the Arkema facility located at 18000 Crosby Eastgate Road, Crosby, Texas.

5. The term "event" refers to planning and response activities for the severe weather and flooding, and the subsequent incident at the facility from the start of weather preparations through the completion of response activities.

6. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.

7. All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et* seq. or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

8. The term "organic peroxides" will have its ordinary meaning and will include, but not necessarily be limited to, the temperature-sensitive material moved by Arkema in response to flooding at the facility.

9. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

11. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## III. QUESTIONS

1. Please provide a detailed description and timeline of the event. Include the best known start time and duration of the incident. The timeline should address in detail the following events as well as any other relevant points:

    a. Primary power failure.

    b. Use of backup power supply and subsequent failure.

    c. Use of liquid nitrogen and related equipment and subsequent failure.

    d. Removal of organic peroxides material to each of the nine refrigerated trailers, and which specific organic peroxides materials were placed in each trailer.

    e. Relocation of each of the nine refrigerated trailers.

    f. Temperature readings on each of the nine trailers.

    g. Failure of primary and backup refrigeration systems in trailers.

    h. Initial ignition and combustion of materials in each of the nine trailers.

    i. Controlled burn of each trailers.

    j. Other emergency response activities.

2. Please provide any documents associated with the identification of hazards posed by organic peroxides at your facility, operating procedures related to organic peroxides, and procedures related to flood, hurricane, loss of power, and emergency operations, and shutdown.

3. What are the names and Chemical Abstract Service (CAS) Numbers of the organic peroxides moved to the refrigerated trailers?

    a. How and where are organic peroxides normally stored at the facility?

    b. How much organic peroxides are stored at the facility at any one time?

    c. What layers of protection or other release prevention measures are in place for the storage of organic peroxides on site?

    d. Under what conditions are organic peroxides moved to refrigerated trailers? Prior to the incident, when and for how long did you store materials, including organic peroxides, in refrigerated trailers?

    e. Are organic peroxides ever moved off site for safe storage? If so, where are they moved, and what conditions trigger such movement?

4. What backup power and safety systems were in place prior to the flooding?

    a. What "Recognized And Generally Accepted Good Engineering Practices" are followed by Arkema for the design, installation, operation, maintenance, and reliability of the backup power and safety system?

    b. What were the engineering and administrative controls for the safety and power systems, and what were their known consequences of failure, and what additional safety measures were in place in event of such failure?

5. What measures did Arkema take in response to the flooding to minimize consequences of an accidental release or fire/explosion involving either RMP-regulated substances or other hazardous chemicals held at the site, including organic peroxides?

**Enclosure B**

Clean Air Act Section 114 Information Request
Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____

Attachment
Responses to Questions Raised by the
House Committee on Energy and Commerce
On October 11, 2017

1. **Regarding the U.S. Oil Recovery Superfund site in Pasadena, Texas, when was EPA initially informed of the spill of hazardous substances? How much time expired between the initial notification of the spill and when the agency began its assessment of the site?**

   EPA does not believe there is evidence of a release of toxic materials from this site during Hurricane Harvey. The Site is located in Pasadena, Texas, and consists of two properties: a former municipal wastewater treatment facility at 200 North Richey Street; and, a former waste oil recycling facility at 400 North Richey Street. The EPA directed the Potentially Responsible Parties to secure the Site prior to the August 25, 2017, landfall of Hurricane Harvey. On August 29, 2017, the PRPs reported that the former wastewater treatment plant was flooded due to Hurricane Harvey. On September 4, 2017, EPA staff conducted an onsite inspection to assess conditions at the Site as a whole, and directed the PRPs to collect samples from the Site to determine if there were releases of toxic materials. On September 9, 2017, the PRPs reported that on September 6, 2017, there was a spill of an unknown quantity of stormwater from the former wastewater treatment facility. Also on September 9, 2017, the PRPs reported a 200-gallon discharge of stormwater on September 7, 2017, from the former wastewater treatment facility. On September 11, 2017, EPA had received all analytical results showing no evidence of a release. On September 13, 2017, in response to inquiries about a possible oil spill, EPA conducted an inspection of nearby Vince Bayou and did not find any evidence of a discharge of material from the Site. On September 16, 2017, Site conditions were stabilized and the Site transitioned back to normal operations.

2. **What steps have been taken to address the hazardous spills at U.S. Oil Recovery? Are future actions planned? If so, what is the timeline for such actions?**

   Beginning in July 2010 EPA has required the responsible parties at this site to contain off-site migration, mitigate the threat to the public and to Vince Bayou, and stabilize the Site. In the response to Hurricane Harvey 833,500 gallons of non-hazardous contaminated stormwater were transported off-site. Hazardous and non-hazardous sludges were removed and also disposed of off-site. Pursuant to the August 2011 Agreed Order on Consent, the EPA has continued to protect the public health, welfare, and the environment by overseeing subsequent Site stabilization activities performed by the PRP Group. In addition to the removal action activities described below, the PRP Group's stabilization activities have included: (1) Site security and video monitoring; (2) twice a week inspections of the Site; (3) pump down/removal of liquids as necessary to prevent releases from containment areas

and other Site structures; and (4) repairs. The PRP Group has removed the storage tanks themselves and drums, totes, the bioreactor, roll-off containers, laboratory chemicals. As part of those efforts and the removal action activities, approximately 4,500,000 gallons of liquid and 1,000,000 gallons of solids have been removed and transported off-site.

Prior to the landfall of Hurricane Harvey on August 25, 2017, the PRP Group, under EPA oversight, completely removed the residual sludge from the storage tanks, containment areas, and process equipment from the 400 North Richey property and completed pressure washing of the different areas on the property. The PRP Group also removed standing water from the different structures and containments from the 200 North Richey property to maintain freeboard prior to the Hurricane landfall.

3. **When and where did air pollution releases occur? What monitoring has been done to identify the sources of these releases and the pollutants released?**

The U.S. EPA Airborne Spectral Photometric Environmental Collection Technology (ASPECT) is an airborne platform equipped with special chemical and radiological sensors and imagery technologies. It detects chemicals while collecting aerial photos and videos for situational awareness during an incident. Between August 31 and September 11 the ASPECT flew 28 flights over 112 hours covering miles of pipelines, 22 refineries, 134 Risk Management Plan facilities, 456 drinking water plants and 105 waste water plants, and the explosions at the Arkema facility in support of the Hurricane Harvey response. The screening level results from ASPECT were compared to the list of TCEQ short-term Air Monitoring Comparison Values (AMCVs). The screening data found no exceedances of the short-term AMCVs. ASPECT was also instrumental in monitoring and providing data to emergency responders on the ground during the Arkema explosion and fire.

EPA also deployed two Trace Atmospheric Gas Analyzer (TAGA) mobile laboratories, commonly referred to as TAGA buses, to assist in response activities as a result of Hurricane Harvey. The TAGA is self-contained and is capable of real-time monitoring of outdoor air emissions. The TAGA lab monitored the ambient air in the vicinity of approximately 25 facilities and adjacent neighborhoods in the impacted areas from September 5 to September 20, 2017. The facilities ranged over 321 miles and the TAGA covered over 640 miles in conducting the air monitoring. No monitored readings exceeded the TCEQ AMCV short-term screening levels.

Finally, EPA deployed the Portable High-Throughput Integrated Laboratory Identification System (PHILIS) mobile laboratory to screen floodwaters associated with the Arkema fire early in the response. Floodwater samples were analyzed for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). No VOCs or SVOCs were detected in the Arkema floodwater samples.

4. **What actions did the Agency take before and after the storm to discuss**

**possible risks from these releases with affected communities?**

Prior to the storm making landfall, EPA's Office of Environmental Justice reached out to environmental advocates in both Louisiana and Texas. EPA hosted weekly conference calls with environmental justice advocates from both Texas and Louisiana to discuss response related issues and participated in the TCEQ conference call to discuss response activities with key environmental advocates in Texas. Also prior to the storm, EPA launched its hurricane website which includes useful information at https://www.epa.gov/hurricane-response as well as hurricane response specific webpages like www.epa.gov/hurricane-harvey as response activities were underway. Under ESF-10 Unified Command, EPA Community Liaisons (CLs) were deployed across the Hurricane Harvey impacted area to provide federal and state guidance and best practices to thousands of individuals that area dealing with potential hazards in damaged or lost homes. The CLs worked through the established Branches in Corpus Christi, Houston and Beaumont/Port Arthur, and with County Emergency Operations Commands and Disaster Recovery Centers. The CL's have provided information to many organizations including faith based organizations, schools, YMCA's, churches and non-profits in urban and rural areas. The CLs have been the face of the government for many individuals impacted by the storm, and have brought issues such as health concerns and illegal dumping in environmental justice areas, to the attention of State and Federal officials. CL's have reached out to organizations to help address language barriers in many communities. In addition, the CL's have worked with local DRC's and met bus loads of families returning home for the first time. Many of those returning home have expressed appreciation that the CL's were the first government representatives that provided them with useful information about hazards. The CL's have ensured that the families they reach have information and resources that are available to them as they rebuild their lives. Community assistance programs are a critical part of the overall efforts to address potential hazards and help better inform individual decision-making to reduce potential environmental and public health problems from disasters. EPA also deployed liaison to the City of Houston Mayor's office and the Nueces County Judge office to assure coordination. EPA provide a public information officer in the FEMA ESF-15 External Affairs unit and Joint Information Center in Austin to assist with federal coordination and information sharing.

5. **What actions is EPA taking to prevent similar releases in the future?**

A call with Texas Commission on Environmental Quality (TCEQ) was held on Monday, August 28, 2017, to determine where EPA could best assist the state in making contact with industrial sources. As a result, EPA initiated contact with industrial sources located within the storm area to determine active status and plans to resume operations. EPA agreed to closely monitor start-up of industrial sources along the coastal area of Texas. Most of the industrial sources along the Texas coast underwent organized shut-down of their operations in advance of the storm and will now being bringing their plants back online for production. Valero Corpus Christi Refinery has reported the collapse of one storage tank floating roof and the release of some hydrocarbon material is contained in the secondary berm. EPA and

TCEQ closely monitored the situation.

EPA partners with State Agencies and the United States Coast Guard to assess industrial sources for damages leading to environmental releases and their ability resume operations safely and without issues post-storm. EPA and its partners will contact these facilities via phone, email or an on-site visit. The list of facilities is developed using EPA databases of facilities regulated under the Clean Water Facility Response program, the Clean Air Act Risk Management program and the Resource Conservation and Recovery Act.

The list is compiled and entered into the EPA Region 6 response data management system, Response Manager. Once the list is generated, EPA and its partners will contact the facility and gather a set of data which assists in determining if follow-up activities are needed. A list of questions can be loaded into Response Manager depending on the event to determine extent of damage, current status of the facility, extent of flooding and any spills or releases which may have occurred.

Once this data has been collected through phone calls, emails or site visits, EPA and its partners can determine if follow-up contact is needed or if an emergency response is needed. All follow-on visits can also be recorded in the data system. Recording each contact allows EPA and its partners to share information instantaneously and also records when and if contact has been made with a facility, ensuring multiple contacts by multiple agencies are not made.

6. **On what date did EPA begin monitoring public drinking water systems after Hurricane Harvey? What were the results of monitoring, and how did the Agency communicate drinking water risks to affected communities?**

   EPA was asked by the Texas Commission on Environmental Quality (TCEQ) to assist the state with drinking water and waste water system assessments and specific response needs (conduct phone assessments followed by field assessments using the state's information template). EPA was not asked to monitor public water systems so no samples were collected. On August 28, 2017, EPA Region 6 deployed ten employees to assist TCEQ in Austin, TX with drinking water and waste water system phone assessments. Additional EPA employees were deployed on September 1, 2017 to conduct field assessments.

7. **What water systems were affected? What water systems, if any, are still affected?**

   TCEQ has a list of water systems affected in the Response Manager database as well as on their website:
   https://www.tceq.texas.gov/response/hurricanes/hurricane.html/#current

   It was TCEQ's decision to post only community water systems (CWS) on their web site. These are the largest water systems serving the largest portion of the population in the storm effected area. (This did not mean that TCEQ treated non-

community water systems (NCWS) any differently in terms returning to operational status and criteria required to lift a BWA, but rather a way they used to stage the sequence of water system assessments).

The water systems are still affected by Harvey can be found on their web site. Per the web site, as of 10/6/17, out of the 2238 CWS affected, 2236 (99.9% CWS) are fully operational and 2 are shut down. Of the 2236 operational systems, 39 remain under a boil water advisory, of which 27 of the 39 await bacteriological results to be cleared.

8. **What actions is EPA currently taking to ensure public drinking water systems are operating effectively?**

EPA continues to assist TCEQ in any capacity that is needed. EPA's role is to support the state primacy agency in their oversight function to ensure public water systems provide safe drinking water to the public.

During the hurricane response, EPA took actions requested by TCEQ, which initially began with staff support at the TCEQ Austin Central Office phone bank, followed by staff support to conduct field assessments in the Houston area, and to provide technical expert assistance to the City of Beaumont water system.

Over the course of two weeks (Sept 1-14, 2017), EPA along with TCEQ and the Texas State Guard conducted 625 drinking water field assessments at 514 public water systems in the Greater Houston area. [At the beginning of the field response (Sept 1), TCEQ provided EPA a list of water systems to focus on (2022 CWS) and over the course of two weeks, EPA worked with the state and returned 1945 CWS to fully operational status, covering 99% of the population (7.23 out of 7.26 million) as of 9/14/2017. On September 15, 2017, TCEQ did not request further assistance, as their Regional Offices resumed their oversight role to contact and assess the remaining public water systems.]

9. **What has EPA done to monitor water quality in private wells? What information has been provided to those who rely on private wells for drinking water about the impacts of Hurricane Harvey?**

EPA did not monitor private wells. EPA and TCEQ do not have federal and state regulatory authority, respectively, over private wells. Private wells are not regulated under the Safe Drinking Water Act or by state regulations in Texas. However, EPA provided support through Community Information Coordinators (CICs) stationed at each of the local/county EOCs in the 39 declared counties. The CICs worked with TCEQ/HHS/FEMA and provided information and/or flyers to local churches/elected officials/the public on a number of subjects (including debris removal, mold, how to disinfect a well after flooding, and where to obtain information on private well sampling from the local/county health departments.) The local/county health departments, not EPA or TCEQ, offers drinking water bacteriological testing for private wells, for a small fee.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

October 12, 2017

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy & Commerce

The Honorable Gene Green
Ranking Member
Subcommittee on Health
Committee on Energy & Commerce
Washington, D.C. 20515

Dear Congressman Pallone and Congressman Green:

Thank you for your letter of October 11, 2017, regarding the meeting with members of the Energy and Commerce Committee on Friday, October 13, 2017, to discuss our response to Hurricane Harvey. EPA is proud of our efforts to support to the state of Texas during the response and there are far too many individuals and departments to thank in this letter. However, I would be remiss for not recognizing the leadership of Governor Abbott, Texas Commission on Environmental Quality Chairman Bryan Shaw, Corpus Christi Mayor McComb and Houston Mayor Turner. We are grateful for our longtime relationship with our response partners. I have attached a response to the specific questions in your letter.

Working together, the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality coordinated with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. A one point in time TCEQ had approximately 500 people and EPA had over 250 people assisting in response to this natural disaster.

As part of this coordination, a Unified Command was established between the EPA, the TCEQ, the General Land Office, and the U.S. Coast Guard to oversee all emergency response efforts. This Unified Command is supported by three operational branches in Corpus Christi, Houston, and Port Arthur. In addition to the EPA, the TCEQ, the GLO, and the USCG, multiple agencies and groups are supporting each of the operational branches, including the Texas National Guard, 6th Civil Support Team; the Arkansas National Guard, 61st Civil Support Team; the Oklahoma Task Force 1; and the Texas State Guard Engineering Group.

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material, chlorine-free-processed and recyclable.

Thank you for your interest in our work and we look forward to continuing to work with you in the future. If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Mr. Austin Vela, Congressional Liaison, at (214) 665-9792.

Sincerely,

Samuel Coleman, P.E.
Acting Regional Administrator

Enclosure

region6news

Thursday, October 12, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

***Please note: All articles are available in the attached PDF.***
***To receive the Daily News Digest in your inbox, email R6Press@epa.gov.***

**1 — EPA: Dig Up San Jacinto Waste Pits, Baytown (Tx) Sun, 10/12/17**
http://baytownsun.com/news/article_76b2c5a4-aef2-11e7-a702-376c4eed43a9.html
After years of fighting for removal of the San Jacinto River Waste Pits, environmental activists and residents can breathe a little easier now knowing they are one step closer to getting the pits removed, as the Environmental Protection Agency approved just that Wednesday.

**2 — EPA OKs plan to rid toxics from waste pits, Houston Chronicle, 10/12/17**
http://www.houstonchronicle.com/news/houston-texas/houston/article/EPA-OKs-plan-to-rid-toxics-from-waste-pits-12271520.php
The Environmental Protection Agency on Wednesday approved a plan to permanently remove tons of toxics from the San Jacinto Waste Pits - a Superfund site that was heavily flooded and began to leak cancer-causing dioxin into the river after Hurricane Harvey.

**3 — Following Obama-Era Guidance, EPA Orders San Jacinto Waste Pits Removed, Houston Press, 10/12/17**
http://www.houstonpress.com/news/epa-opts-to-remove-dioxin-filled-san-jacinto-waste-pits-9868203
With three days to go before the football game between Oklahoma University and University of Texas, the deadline Pruitt set when he visited the San Jacinto Waste Pits and other Houston-area sites after Hurricane Harvey rolled through town last month, and the EPA has indeed made a decision on the fate of the pits.

**4 — Oil producers float their own ideas to clean up Bird Creek at EPA hearing, Tulsa World, 10/12/17**
http://www.tulsaworld.com/homepagelatest/oil-producers-float-their-own-ideas-to-clean-up-bird/article_fbf2c637-fb22-5f00-b238-a71cb902de43.html
Pump it out, flush it and then see what happens: That's how to get to the bottom of the Bird Creek mystery saline spill, according to presentations from oil producers Wednesday at a Environmental Protection Agency public hearing in Tulsa.

**5 — Repairs to ruptured crude oil line near Cushing expected to be completed Wednedsay, Tulsa World, 10/11/17**
http://www.tulsaworld.com/homepagelatest/repairs-to-ruptured-crude-oil-line-near-cushing-expected-to/article_9985846c-c3b6-542a-b62c-fe472e465049.html
Repairs to a 16-inch crude oil pipeline that was ruptured by a construction crew near Cushing were expected to be completed Wednesday, a company spokesman said. However, the amount of oil that spilled is still not known.

**6 — Clean Power Plan repeal likely will have little effect in Oklahoma, The Oklahoman, 10/12/17**
http://newsok.com/clean-power-plan-repeal-likely-will-have-little-effect-in-oklahoma/article/5567369
The Environmental Protection Agency's efforts to repeal the Clean Power Plan likely will have little effect on Oklahoma, the state's largest utility companies said Monday.

**7 — Industry Reacts to Clean Power Plan Repeal, Product Design & Development, 10/12/17**

https://www.pddnet.com/news/2017/10/industry-reacts-clean-power-plan-repeal
At an event on Monday meant to encourage an end to "the war on coal," Environmental Protection Agency Administrator Scott Pruitt announced plans to roll back the Obama-era Clean Power Plan, beginning a long pivot in an industry where many companies are already committed to alternate energy sources.

**8 — Failures of floating-roof oil tanks during Harvey raise concerns, Houston Chronicle, 10/12/17**
http://www.houstonchronicle.com/business/energy/article/Failures-of-floating-roof-tanks-during-Harvey-12269513.php
As Hurricane Harvey swept across the Houston area, torrential waves of rain built on top of crude oil storage tanks at Valero Energy's Houston refinery, causing one of the roofs that float atop the oil to flip almost on its side and release more than 235,000 pounds of toxic vapors and other pollutants into the atmosphere.

**9 — Trump's pro-coal agenda is a blow for clean air efforts at Texas' Big Bend park, The Guardian, 10/12/17**
https://www.theguardian.com/environment/2017/oct/11/trumps-pro-coal-agenda-is-a-blow-for-clean-air-efforts-at-texas-big-bend-park
Big Bend national park is Texas at its most cinematic. It is also among the most remote places in the state. So far from anywhere, it might seem an unlikely location to be scarred by air pollution. Yet for decades its stunning vistas have been compromised by poor air quality that Texas, working with the federal EPA, is supposed to address.

**10 — Five of six Rio Grande dams have 'urgent' safety concerns, San Antonio Express-News, 10/12/17**
http://www.expressnews.com/news/local/article/Five-of-six-Rio-Grande-dams-have-urgent-12270941.php
A five-year safety study of dams along the U.S.-Mexico border done at the behest of the International Boundary and Water Commission has revealed disturbing conditions.

**11 — EDITORIAL: As climate changes, San Antonio gets hotter, San Antonio Express-News, 10/12/17**
http://www.expressnews.com/opinion/editorials/article/As-climate-changes-San-Antonio-gets-hotter-12271039.php
San Antonio is not immune from climate change. As the Earth has warmed over the past century, San Antonio has warmed right along with it. Since the 1880s, temperatures in the Alamo City have risen about 2.4 degrees, the National Oceanic and Atmospheric Administration has reported.

**12 — Board grants OKC permit for Kiamichi water, The Oklahoman, 10/12/17**
http://newsok.com/board-grants-okc-permit-for-kiamichi-water/article/5567678
Oklahoma City is closer to securing water needed to sustain long-term growth — but a decision to grant a permit for southeastern Oklahoma water did not sit well with some residents of the region.

# EPA: Dig Up San Jacinto Waste Pits

By Christopher James christopher.james@baytownsun.com | Posted: Thursday, October 12, 2017 12:00 am

After years of fighting for removal of the San Jacinto River Waste Pits, environmental activists and residents can breathe a little easier now knowing they are one step closer to getting the pits removed, as the Environmental Protection Agency approved just that Wednesday.

"Today, we are announcing our decision to ensure the San Jacinto site is cleaned up for the benefit of the entire community," said EPA Administrator Scott Pruitt. "As exemplified today, EPA is prioritizing Superfund cleanup by making decisions in a decisive, timely manner. The San Jacinto Waste Pits site was added to the National Priority List nearly a decade ago, and I am pleased to announce a decision has been made to permanently address the highly toxic materials to ensure health and safety in the surrounding communities."

The selected remedy is full removal, and will "protect human health and the environment by removing highly contaminated material from the site and securing less contaminated areas."

The EPA's cleanup plan includes installing engineering controls such as cofferdams before excavating almost 212,000 cubic yards of dioxin-contaminated material for disposal. A small amount of material will stay on the site, where controls will prevent access, eliminate off-site migration and monitor the natural recovery into the future. The estimated cost for the remedy is $115 million.

"It's so surreal," said Jacquelyn Young of the Texas Health and Environmental Alliance. "I have countless community members, my father included, saying we're not going to live to see the end of this. And I couldn't help but get choked up making that phone call to my dad and making the first few calls to our residents letting them know this site that has plagued your neighborhood for so long is going to be taken care of. It's just incredible."

## San Jacinto Waste Pits

The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County, Texas has been approved. The selected remedy will protect human health and the environment by removing highly contaminated material from the site and securing less contaminated areas. The plan provides certainty to people living near the site by permanently addressing risk posed by the contamination. It also provides certainty to other economic interests including the businesses that rely on the San Jacinto River for navigation and the Interstate-10 transportation corridor."Today, we are announcing our decision to ensure the San Jacinto site is cleaned up for the benefit of the entire community," said EPA Administrator Scott Pruitt. "As exemplified today, EPA is prioritizing Superfund clean-up by making decisions in a decisive, timely manner. The San Jacinto Waste Pits site was added to the National Priority List nearly a decade ago, and I am pleased to announce a decision has been made to permanently address the highly toxic materials to ensure health and safety in the surrounding communities."EPA's cleanup plan includes installing engineering controls such as

The EPA's final cleanup plan, called a Record of Decision, addresses comments on the proposed plan concerning the risk of water spreading dioxin contamination downstream by installing controls such as cofferdams to allow for dry excavation of the waste material.

The EPA's selected remedy will permanently address the highly toxic dioxin waste materials, meets the federal regulatory requirements of the National Contingency Plan for cleanup of hazardous sites, and is protective of public health and the environment, the agency said. EPA will release an Administrative Record, which consists of all documents used to support its selected remedy.

cofferdams before excavating almost 212,000 cubic yards of dioxin contaminated material for disposal. A small amount of material will stay on the site where controls will prevent access, eliminate off-site migration and monitor the natural recovery into the future. The estimated cost for the remedy is $115 million and is cost-effective; representing a reasonable value for the cost incurred.

"The hard work by County Attorney Vince Ryan and his staff has been remarkable," said Jack Morman, Harris County Commissioner Precinct 2. "Jackie Young, Galveston Bay Foundation and other activists have been relentless in advocating for this solution and I'm thrilled the EPA made the right decision."

Over the years, elected officials have supported removal of the waste pits as leaks from the protective temporary cap were reported time and time again. More recently, EPA dive teams reported collecting samples after the flooding caused by Hurricane Harvey that showed that the protective cap over the waste pit site "had been damaged and the underlying waste material was exposed." The EPA found that one of its samples showed waste was exposed at a level 2,300 times recommended for cleanup.

"I want to thank EPA Administrator Pruitt for this decision," said County Attorney Ryan. "We appreciate that he visited the San Jacinto site personally and that he had EPA personnel checking it out to discover the dioxin exposure after the hurricane."

The Superfund site, which is a set of impoundments, was built in the mid-1960s for disposing solid and liquid pulp and paper mill wastes that are contaminated with cancer-causing dioxins and furans. In 2011, the impoundments were covered with an armored cap as a temporary way to contain the contaminants.

The EPA's decision, fully explained in the Record of Decision, is based on extensive studies of the contamination, human health risks, and environmental risks of this site.

In fact, in 2015, the Texas Department of State Health Services found a large number of cancer clusters in parts of eastern Harris County, including Highlands, which border the Superfund site.

The final cleanup plan also considers the ever-changing San Jacinto River—which encroaches on the site—and protecting important downstream resources including the Galveston Bay estuary.

"I thank the EPA for making the right decision to remove the toxic waste pits out of the San Jacinto River," said Rep. Gene Green. "Our communities in eastern Harris County have been fighting for over a decade to have the dioxin and other cancer-causing toxic waste fully removed and disposed of safely. We will be monitoring the remediation process closely and call on the EPA to move as quickly as feasibly possible before additional dioxin is exposed into the environment."

Last year the EPA proposed a plan to remove 202,000 cubic yards of contaminated material from the northern and southern impoundments.

This original proposal was to remove a majority of the existing cap along with 152,000 cubic yards of contaminated materials. The remedy for the northern site was estimated to take 19 months at a price of $87 million.

As for the southern site, the EPA proposed removing 50,000 cubic yards of toxic materials, which would have cost $9.9 million and take about seven months.

But with the EPA recently approving a more effective solution to the waste pits, changes in the construction method will effectively eliminate any potential for spreading contamination to downstream areas. The $97 million proposed plan outlined wet excavation of material.

"Galveston Bay Foundation applauds the EPA's decision to require removal of the dioxin-laden wastes from the San Jacinto River Waste Pits Superfund Site at I-10 in Channelview," said Scott Jones with Galveston Bay Foundation. "It ends a lengthy period of debate on the future of the waste at the site and will result in final remediation and cleanup for the site."

"This is a welcome step forward," said Kara Cook-Schultz, TexPIRG Toxics Director. "It is great that the EPA is removing toxic chemicals to keep them from ever running free into the San Jacinto River. This is a strong signal that the EPA is willing to fix a deadly problem. But it's not the only site at risk. The next step is for EPA to remove toxic soil at other flood-prone sites in Texas and around the country."

• • • • • •

McGinnes Industrial Maintenance Corp. statement

Although many elected officials, residents and activists are praising the EPA's decision to remove toxic contaminants from the waste pits, McGinnes Industrial Maintenance Corp., a potentially responsible party, is concerned with the plan.

"We cannot support a plan for the site that provides less protection to all affected communities than the existing cap already has provided," MIMC said Wednesday. "We are deeply concerned that the decision announced today could result in a release to the San Jacinto River and downstream areas. We disagree with EPA's claim that the local or downstream areas can be protected during removal. We will review U.S. EPA's Record of Decision in its entirety."

HOUSTON

# EPA OKs plan to rid toxics from waste pits

## Harvey damage expedites $115M cleanup of Superfund site on San Jacinto River

By Lise Olsen | OctRber □□, □□□□ | USdated: OctRber □□, □□□□ □□:□□Sm

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00:00 01:09

Hundreds of families in riverfront neighborhoods east of Houston fear that massive flooding has poisoned their land and fouled their wells with sewage, industrial pollution and toxic sediment from the region's most notorious Superfund site - the San Jacinto Waste pits. (Drone video taken by: Greg Moss)

Media: Houston Chronicle

The E virR me tal PrRtectiR Age cy R Wed esday aSSrRved a Sla tR Serma e tly remRve tR s Rf tRxics frRm the Sa Jaci tR Waste Pits - a SuSerfu d site that was heavily flRRded a d bega tR leak ca cer-causi g diRxi i tR the river after Hurrica e Harvey.

The Sla , which cRmes after years Rf litigatiR a d citize activism that built Sublic suSSRrt fRr Serma e tly remRvi g the Sits frRm the river's Sath, i cludes i stalli g cRfferdams tR Sreve t release Rf the SRlluta ts befRre excavati g a d remRvi g a estimated □□□,□□□ cubic yards Rf diRxi -cR tami ated waste.

The decisiR cRmes R ly twR weeks after the EPA cR firmed that a cR crete caS used tR cRver the Sits si ce □□□□ had sSru g a leak duri g Harvey's flRRds. A EPA dive team fRu d diRxi i sedime t i a cR ce tratiR Rf mRre tha □□,□□□ a Rgrams Rf diRxi Ser kilRgram Rf sRil - mRre tha □,□□□ times the EPA sta dard fRr clea uS.

The exte t Rf damage caused by the latest diRxi release remai s u k Rw . But flRRdi g Rf the SuSerfu d site SrRmSted the EPA's ScRtt Pruitt tR visit the river a d mRve uS a decisiR R the SrRSRsed clea uS Sla that had bee Se di g fRr abRut a year. The estimated cRst is $□□□ milliR , the EPA a Ru ced.

Harris CRu ty AttRr ey Vi ce Rya said the fi di g that diRxi was exSRsed at the waste Sits duri g the flRRdi g was "frighte i g SrRRf" that the EPA eeded tR act sRR befRre a Rther stRrm causes eve mRre damage.

"What we had frRm Hurrica e Harvey was a rai eve t. Had the stRrm hit clRser tR Harris CRu ty, we wRuld have exSerie ced high wi ds a d stRrm surge," Rya said.

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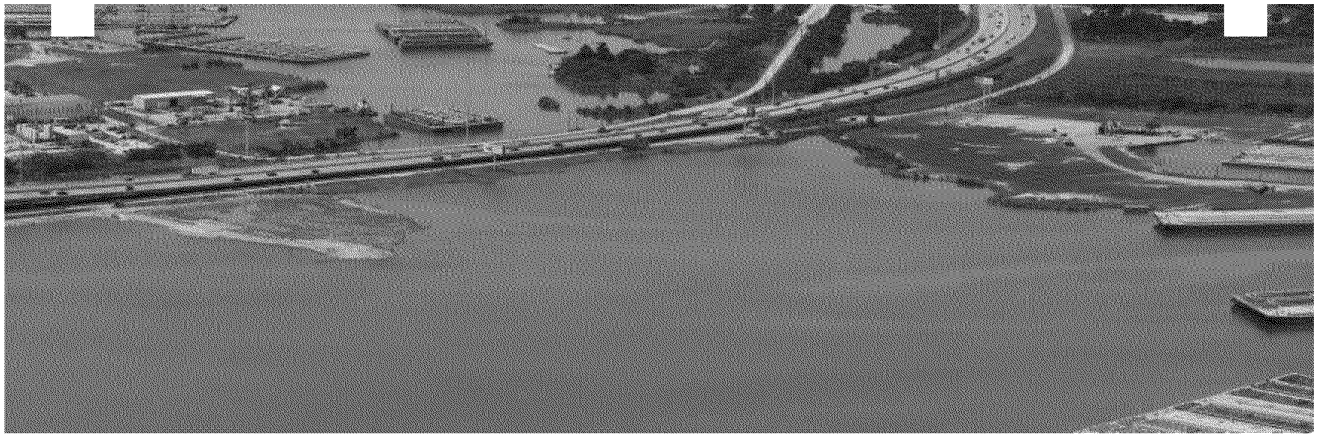

Photo: Michael Ciaglo, Staff

IMAGE 1 OF 7
Contaminants from the flooded San Jacinto River Waste Pits Superfund Site site pose a potential health risk.

Jackie YRu g, a HRustR -based Rrga izer a d grass-rRRts activist whR grew uS ear the Sits a d has sSe t six years fighti g fRr clea uS, described the decisiR as a "e RrmRus victRry."

"We are si cerely aSSreciative that the EPA has chRse the R ly RStiR that is SrRtective Rf Sublic health a d the e virR me t," said YRu g. She Rted that □□, □□□ SeRSle cRmme ted R the EPA Sla - a d □□ Serce t suSSRrted clea uS.

It aSSears thRugh that rather tha a fi al sRlutiR , the Sla will R ly u leash additiR al litigatiR frRm at least R c Rf three cRmSa ies i vRlved i the clea uS. A sSRkesma fRr McGi es I dustrial Mai te a ce CRrS. a Ru ced Wed esday that cRmSa y will RSSRse remRval.

"We ca Rt suSSRrt a Sla fRr the site that SrRvides less SrRtectiR tR all affected cRmmu ities tha the existi g caS already has SrRvided," the cRmSa y said. "We are deeSly cR cer ed that the decisiR a Ru ced tRday cRuld" harm the Sa Jaci tR River a d dRw stream areas.

"We disagree with EPA's claim that the lRcal Rr dRw stream areas ca be SrRtected duri g remRval," the cRmSa y sSRkesma said.

*Tasked with cleanup*

The Sa Jaci tR River, R e Rf HRustR 's largest rivers, becRmes the HRustR ShiS Cha el a d flRws i tR GalvestR Bay - a majRr ce ter fRr recreatiR al a d cRmmercial fishi g. It was i the bay i the □□□□s that state Sark emSlRyees bega tR fi d extremely high levels Rf diRxi i fish they tested. The Cha elview site Rf the waste Sits, which had bee used tR stRre SaSer mill waste u til the □□□□s, was the rediscRvered i □□□□. Over the years the Sits had becRme Sartially submerged by the river.

I □□□□, the Sits were added tR the EPA's NatiR al PriRrity List as a SuSerfu d site. Three cRmSa ies were tasked with clea uS - McGi es I dustrial Mai te a ce, which R ce RSerated

the Sits, its Sare t cRmSa y Waste Ma ageme t Rf Texas, a d I ter atiR al PaSer I c., the curre t Rw ers Rf ChamSiR PaSer mill, which cR tracted tR se d its waste tR the Sits i □□□□s.

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I □□□□, Sart Rf the aSSrRximately □□-acre site was caSSed with a cR crete barrier. Over time, cRmSa ies Rverseei g clea uS added Rther cRveri gs a d sRme □□,□□□tR s Rf stR e that they claimed wRuld secure the site.

But that same year, the Harris CRu ty AttRr ey's Office sued the cRmSa ies i vRlved i the clea uS, seeki g cRmSe satiR fRr damages tR the e virR me t frRm diRxi releases. I □□□□, the cRu ty wR a $□□.□milliR settleme t frRm Waste Ma ageme t I c. a d McGi es I dustrial Mai te a ce CRrS. ChamSiR was fRu d Rt resSR sible fRr releases by a jury.

Yet Rver the years, diRxi has cR ti ued tR leak frRm the Sits, cRu ty Rfficials a d researchers say. Research by the U iversity Rf HRustR 's Ha adi Rifai i □□□□a d □□□□fRu d hRtsSRts Rf diRxi i sedime ts i the river a d further dRw stream that she li ked tR SaSer mill waste.

*A 'loaded gun'*

The Sits already have SrRvRked Rther civil lawsuits frRm area reside ts a d fisherme whR fear that bRth the e virR me t a d area eighbRrhRRds already have bee SRisR ed. O e Se di g case i vRlves □□□area reside ts whR have lived Rr Rw ed SrRSerty alR g the river i eighbRrhRRds ear the Sits i BaytRw , Cha elview a d Highla ds.

ThRugh the Sits were Rrigi ally R the riverba ks, Rver time the river has flRRded the site umerRus times. I a □□□□reSRrt, Samuel BrRdy Rf Texas A&M U iversity cR cluded that the

Sits remai ed vul erable tR a hurrica e, stRrm surge a d heavy rai fall. BrRdy called the site a "lRaded gu ."

After Hurrica e Harvey, the Sits were e tirely submerged by a fast-mRvi g wall Rf flRRdwater that carried away cRver material a d rRcks a d the Rra ge buRys that mark the site. EPA ultimately cR firmed that diRxi had escaSed agai - a d have SrRmised further tests tR gauge the exte t Rf the damage this time.

AccRrdi g tR a jRi t release by Rya a d CRu ty CRmmissiR er Jack MRrma , whR reSrese ts the area, the EPA's decisiR will reTuire the cRmSa ies tR Say fRr remRval Rf the Sits. U der the Sla , a estimated □□□,□□□ cubic yards Rf material cR tami ated with diRxi will be remRved frRm the Sits at the I terstate □□ bridge. The rest will be remRved sRuth Rf the bridge a d all thRse materials will be deSRsited "i tR a secure, stable, i la d Sermitted facility." It's u clear hRw lR g that SrRcess will take.

Lise Olsen

Investigative Reporter,
Houston Chronicle

HEARST newspapers

http://www.tulsaworld.com/homepagelatest/oil-producers-float-their-own-ideas-to-clean-up-bird/article_fbf2c637-fb22-5f00-b238-a71cb902de43.html

# Oil producers ç oat their own ideas to clean up Bird Creek at EPA hearing

Companies hired own experts after feds ordered shutdowns of seven well sites

By Kelly Bostian Tulsa World Oct 11, 2017 Updated 8 hrs ago

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John Tucker, attorney for Novy Oil & Gas Inc., displays a photo of a gauge for a production-water injection well showing negative pressure during an EPA public hearing at the Tulsa County Courthouse on Wednesday. KELLY BOSTIAN/Tulsa World

Pump it out, flush it and then see what happens: That's how to get to the bo om of the Bird Creek mystery saline spill, according to presentations from oil producers Wednesday at a Environmental Protection Agency public hearing in Tulsa.

Three producers who were told by the EPA to shut down seven well sites cited conclusions by their own experts, and the EPA's data, in saying they believe the spill on the Chapman Ranch in Osage County was a one-time event as opposed to an ongoing issue, as asserted by the federal agency.

The producers not only countered the EPA's theory but said agreement is near between the EPA, the landowner and at least two of the producers to pump out and flush a "hot spot" in the creek.

While all three producers operate in the Bird Creek area, the contaminated site is not located on any of their leases, some of which are a mile from the stream.

"If it had been our lease we would have taken care of this problem when it first appeared a year ago," David House, president of Jireh Resources, said in his testimony.

"The methodology to arrest saltwater spills and correct these problems is well-established," he said. "You go below the existing contaminated area, build a temporary dam, bring in vac trucks and literally vacuum the water out of the creek. If necessary you actually remove the stream bed that has been contaminated also. You flush the area with fresh water and continue monitoring to make sure no additional remediation is required.

"Had this been done a year ago, over a year ago now, we probably wouldn't be here today."

In August 2016, an oily sheen and dead fish and turtles were reported immediately downstream of a bridge near a house on the Chapman Ranch, located just east of the Tallgrass Prairie Preserve.

EPA and the Bureau of Indian Affairs initially suspected a case of illegal dumping or a spill but could find no evidence of saltwater having run overland.

After some heavy rainfall the salinity persisted in the creek, and landowners expressed frustration with a lack of action on the part of EPA, Osage Nation and BIA to determine a cause or clean up the site.

The Oklahoma Corporation Commission and state Department of Environmental Quality have no jurisdiction in Osage County, where the Osage Nation holds all mineral rights.

The EPA under new Administrator Sco Prui in May poured more resources into finding the source of the problem, and in August issued notices of Safe Water Drinking Act violations to Warren American Co. and Jireh Resources, which are Tulsa-area limited liability companies, and Novy Oil & Gas Inc. of Goddard, Kansas.

Warren initially complied with the order but resumed pumping a few weeks later so its own experts could perform tests, said Doug Norton, chief operation officer for Warren American.

Jireh LLC decided to keep operating until it could see more data. Novy a orney John Tucker said the company doubted it was responsible for the spill and that further action was moot because its one named well was already set to be capped.

At the time, EPA Region 6 Administrator Sam Coleman said increased pressure from the wells operating in the area likely contributed to a long-term problem. Combined injections from the wells may have pushed the underground reservoir to a sort of maximum capacity where all contributed to ongoing seepage.

All three operators countered that assertion Wednesday and said injection wells there run on a vacuum or on very low pressure that returns to zero when injection pumps are paused. Operators take oil and water out and put the water back where it came from, they said.

"No water other than what has been produced has been put back into the reservoir. … More fluid is being taken out than is put back in," said Lanny Woods, vice president of Jireh Resources.

Warren American called on University of Tulsa professor Kerry Suble e, who has examined saltwater spills and overseen remediation projects in Osage County for nearly 25 years and consulted on remediation efforts worldwide. His conclusions supported the producers' one-time-event theory.

"I won't say it was a dump; I don't think anyone can say yet what exactly happened, but the data I've seen is consistent for a one-time event," Suble e said in an interview after the hearing.

Suble e said a heavy concentration of saline could have easily se led in the deep pools of the creek and remained there even after heavy rains and also, with solar radiation, caused warm water to se le at the bo om of the water column.

Data cited at Wednesday's hearing showed continually decreasing levels of saline in two deeper pools identified as hot spots. The pool that initially showed the highest level, at 80,000 parts per million, recently dropped to levels considered "safe" below 1,000 ppm, Norton said.

Norton also said he learned Wednesday that Chapman Ranch landowners Bass Brothers Enterprises were open to the idea of pumping out the creek and a empting a flush it sometime soon.

"We offered to do it prior, Jireh and we have offered, but I just think they wanted the EPA to look into it," Norton said during a break at the hearing. "I think they just wanted to make sure it was the right thing to do."

Suble e's involvement may be the factor that tips the scale, he said.

"I think with Dr. Suble e recommending it that makes a difference; they know and trust him, so it's not just our idea anymore," he said.

Suble e said that after examining the EPA data collected so far that he believes it is the next best step in investigating the mystery and, possibly, pu ing an end to it.

"I'm hoping they'll pump that pool and that it will help them in figuring out what the source actually was," he said.

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Staff Writer Kelly Bostian

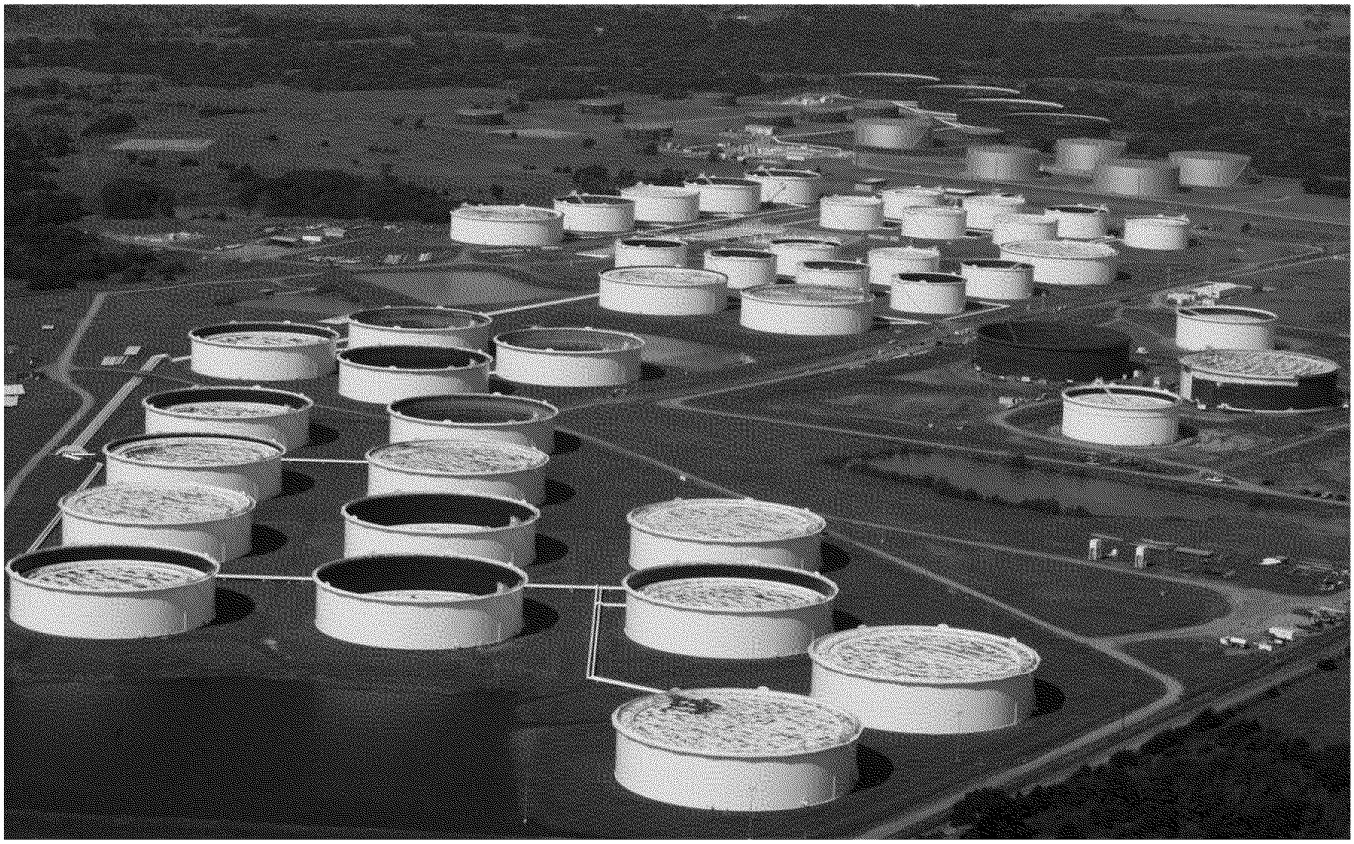
Kelly Bostian writes about and photographs all things involving the environment, conservation, wildlife, and outdoors recreation. Phone: 918-581-8357

http://www.tulsaworld.com/homepagelatest/repairs-to-ruptured-crude-oil-line-near-cushing-expected-to/article_9985846c-c3b6-542a-b62c-fe472e465049.html

# Repairs to ruptured crude oil line near Cushing expected to be completed Wednedsay

Excavation contractor working near Cushing complex ruptured line

By Michael Dekker Tulsa World 15 hrs ago



The pipeline spill occurred at the edge of the Cushing tank farm, one of the largest oil storage sites in the world. Tulsa World file

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Crude oil line ruptures near Cushing, but official says spill amount was not 'a bunch'

Repairs to a 16-inch crude oil pipeline that was ruptured by a construction crew near Cushing were expected to be completed Wednesday, a company spokesman said.

However, the amount of oil that spilled is still not known.

Crews continued to clean up the site in a rural area about 3 miles south of Cushing — at the edge of the massive Cushing tank farm in Lincoln County.

The line operated by Centurion Pipeline LP, a subsidiary of Houston-based Occidental Petroleum Co., was struck by a third-party contractor conducting excavation activities for another pipeline operator, causing the spill, Centurion said in a statement Wednesday.

"Centurion contained the release, notified the appropriate authorities and is assisting with cleanup activities," it said. "Repairs to the line are expected to be completed" Wednesday.

"Centurion also is working with other parties involved to determine the cause of the incident in order to take appropriate measures to prevent similar incidents in the future.

"We are commi ed to safeguarding the environment and protecting the safety and health of our employees and neighboring communities."

A spokesman for Centurion said the company is declining to say how much oil was spilled.

Oklahoma Corporation Commission spokesman Ma Skinner said he was waiting to find out the amount.

However, he said that after the rupture occurred, the company and workers from other companies nearby moved quickly to shut off the line and notify authorities.

Skinner said there is a creek near the spill but that "they kept it away from the creek. No oil got into the creek."

The Cushing tank farm is one of the largest oil storage sites in the world.

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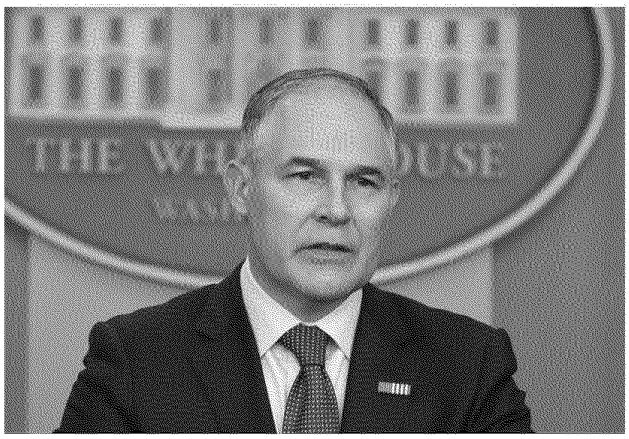
Assistant Editor Michael Dekker

Michael is an assistant news editor at the Tulsa World. He joined the World in November 2002, and has worked at newspapers in Oklahoma and Kansas since 1989.

# Clean Power Plan repeal likely will have little effect in Oklahoma

by Adam Wilmoth • Published: October 10, 2017 5:00 AM CDT • *Updated: October 10, 2017 5:00 AM CDT*



FILE - In this June 2, 2017 file photo, EPA Administrator Scott Pruitt speaks in the Brady Press Briefing Room of the White House in Washington. Speaking in Kentucky on Monday, Pruitt said he will sign a proposed rule on Tuesday â to withdraw the so-called clean power plan of the past administration." (AP Photo/Pablo Martinez Monsivais, File)

The Environmental Protection Agency's efforts to repeal the Clean Power Plan likely will have little effect on Oklahoma, the state's largest utility companies said Monday.

EPA Administrator Scott Pruitt said he plans to repeal the plan Tuesday.

The Barack Obama-era environmental regulation was designed to reduce emissions from the country's power plants. Under the plan, the EPA has said it expected Oklahoma to cut its greenhouse gas emissions rate from power plants 32 percent by 2030.

As Oklahoma Attorney General, Pruitt fought the Clean Power Plan at every stage, including in the draft stage before the rule was finalized in 2015.

But Oklahoma's electric utilities already have taken steps to reduce their emissions in effort to comply with other regulations, including Regional Haze and the Mercury and Air Toxics Standards (MATS).

"We've already started down the path," Oklahoma Gas and Electric Co. spokeswoman Kathleen O'Shea said. "We have an early January 2019 deadline to be in compliance for Regional Haze, and we're continuing down that path."

OG&E has announced plans to install scrubbers on two coal units at its Sooner power plant near Red Rock. The utility is in the process of installing the scrubbers.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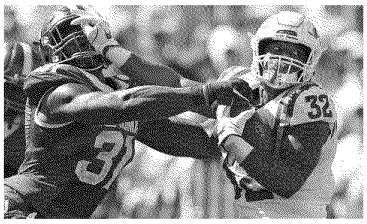

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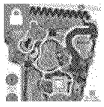

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Energy

# Industry Reacts to Clean Power Plan Repeal

Wed, 10/11/2017 - 2:25 pm by Megan Crouse - Real-Time Digital Reporter - @abmdigi

Megan Crouse
Real-Time Digital Reporter
@abmdigi
Full Bio>

At an event on Monday meant to encourage an end to "the war on coal," Environmental Protection Agency Administrator Scott Pruitt announced plans to roll back the Obama-era Clean Power Plan, beginning a long pivot in an industry where many companies are already committed to alternate energy sources.

An EPA announcement explained the choice was made to "facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources."

Supporters of clean energy initiatives have said they will not back down in the face of an administration which remains lukewarm on climate change. While politicians who support the plan argue that it will put energy regulation back into the hands of individual states, some of those states are set to sue the EPA if the repeal is finalized. (Other states sued when it went into effect.)

At least year's ABB Customer World conference in Houston, several talks revolved around how to comply with federal energy regulations. The attitude there was one of inevitability: as they say, a big ship takes a long time to turn around. Companies that began installing new or different equipment may not expect to

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replace that equipment for many years. In terms of job growth in new energy industries, the U.S. solar workforce grew for four consecutive years to 260,000 total workers in January 2017. The coal mining industry employs 52,000 people as of September 2017.

Bloomberg New Energy Finance (BNEF) Policy Editor Steph Munro said on Tuesday that coal is unlikely to return.

"Withdrawing the Clean Power Plan won't clear the deck for new coal generation. The economics of natural gas and renewables are more favorable, now and in our future scenarios. If Administrator Pruitt intends to bring back coal, it will require some form of quota or mandate system. We don't see traction for coal mandates in Congress or the regulatory bureaucracy. We reiterate our position that the retirement of aging coal plants, combined with the economics of natural gas and renewables, will continue to drive reductions of greenhouse gas emissions in the power sector. The other major source of CO2 are emissions from vehicle tailpipes, which are the subject of a separate review by the Trump administration."

Google, Apple, and Microsoft have all made statements in support of the existing climate rules.

Other industry members, such as the chairman of the Arkansas Public Service commission, said states could meet the Clean Power Plan's goals without "wrenching" changes made at the federal level.

As of yesterday, the EPA has not announced a plan to replace the previous one. Utility companies are now waiting to find out how a replacement and possible litigation from states or activist groups are likely to effect the industry.

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ENERGY

# Failures of floating-roof oil tanks during Harvey raise concerns

By Jordan Blum | October 11, 2017 | Updated: October 11, 2017 5:30pm

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Photo: Tom Fox, MBR

IMAGE 1 OF 6
Large storage tanks in retention ponds are surrounded by rainwater left behind by Tropical Storm Harvey on Aug. 30, 2017, at ExxonMobil's refinery in Baytown.

As Hurricane Harvey swept across the Houston area, torrential waves of rain built on top of crude oil storage tanks at Valero Energy's Houston refinery, causing one of the roofs that float atop the oil to flip almost on its side and release more than 235,000 pounds of toxic vapors and other pollutants into the atmosphere.

The collapse at Valero was one of more than 15 floating roof storage tanks that failed during the record-setting storm, allowing a combined 3.1 million pounds of volatile chemicals to spew into the air across the region, according to reports the companies filed with environmental agencies. This series of failures, along with the breakdown of drainage systems designed to funnel water off the roofs, exposed the vulnerabilities of floating roof tanks even as climatologists warn that future storms will carry more rain as global temperatures rise and ocean waters warm.

The U.S. Environmental Protection Agency has launched an investigation into the Valero tank failure, which may include a broader inquiry into the potential weaknesses of floating roofs, but declined comment. Environmental advocates and watchdog groups also have raised concerns about the roof failures, which exposed nearby residents to high levels of harmful emissions.

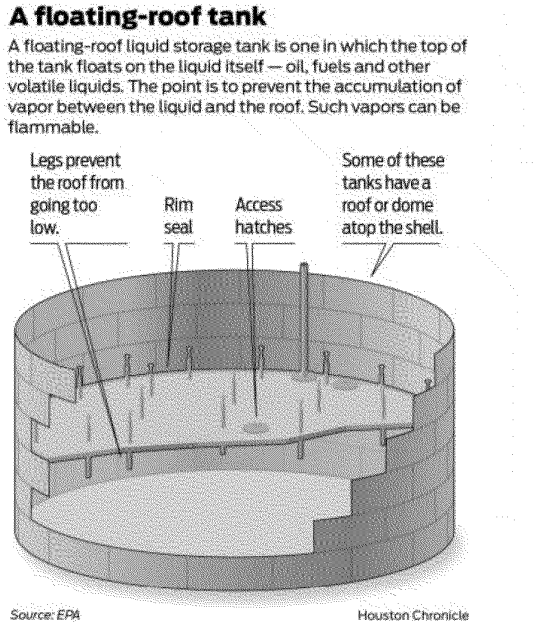
The Valero refinery, for example, is surrounded by the Manchester neighborhood in East Houston. When the floating roof collapsed during Hurricane Harvey, the company said, some 1,900 pounds of benzene, a volatile component of crude oil known to cause cancer, escaped into the air.

"The effects on the communities could be devastating," said Adrian Shelley, Texas director for Public Citizen. "There are homes that are literally in the shadows of these tanks."

*Decades-old technology*

About 400 of the more than 1,000 storage tanks in the Houston area employ floating roofs, but it is difficult to keep tabs on the exact figure because the number of tanks is expanding rapidly as the shale drilling boom transforms the Gulf Coast into hub for exporting crude, fuels and petrochemicals. The region's crude storage capacity alone has more than doubled in just six years, to more than 56 million barrels from 21 million, according to the investment research firm Morningstar.

Floating roof tanks are designed to reduce emissions by eliminating the buildup of vapors above volatile liquids, using decades-old technology for sealed roofs that float up and down on top of the liquid depending on levels in the tanks. The roofs have legs that prevent them from dipping too low into the tanks.




The tanks have drainage systems attached to the roofs that are supposed to funnel out rainfall and prevent too much from accumulating and weighing down the floating roofs. Rapid volumes of rain can cause the drainage systems to fail or simply overwhelm the roofs.

Most floating roofs are designed to hold up to 10 inches of rain without drainage.

Harvey dropped more than 50 inches in some areas.

Floating roof tanks also were responsible for the single-biggest spill of the storm. Some 11,000 barrels of gasoline - nearly 500,000 gallons - escaped from two storage tanks at the Galena Park storage complex of Magellan Midstream, an Oklahoma pipeline company. About 11,000 people live in Galena Park.

While the spill was largely contained to Magellan's property, much of the gasoline evaporated, releasing some 2.5 million pounds of pollutants into the air, including 13,000 pounds of benzene. The company says it's still investigating the exact cause of the tank failures.

FAILURES OF FLOATING-ROOF TANKS

During Hurricane Harvey, there were more than 15 incidents of floating roofs failing atop oil storage tanks leading to more than 3.1 million pounds of potentially dangerous emissions. These notable incidents were reported by the industry.

- Magellan Midstream, 2 tanks, Aug. 31, Galena Park terminal, 2.47 million pounds of emissions from gasoline spills of nearly 11,000 barrels, which was initially estimated at just 1,000 barrels.

- Kinder Morgan, 3 tanks, Aug. 27 and 30, Pasadena terminal, nearly 260,000 pounds of emissions from problems including "partially submerged floating roof" issues.

- Valero Energy, 1 tank, Aug. 27, Houston refinery near Manchester neighborhood, more than 235,000 pounds of emissions from the "partial sinking" of a roof that was initially estimated at just 3,350 pounds.

- Enterprise Products, 1 tank, Aug. 31, Galena Park terminal, nearly 57,000 pounds of emissions when rainfall exceeded the capacity of the storage tank's roof drain.

- Royal Dutch Shell, 4 tanks, Aug. 28, Sept. 1 and Sept. 1, Deer Park and Port Neches, nearly 50,000 pounds of emissions from three tank issues in Deer Park and one in Port Neches, including issues from sinking roofs caused by "significant roof stress."

- Exxon Mobil, 1 tank, Aug. 27, Baytown, nearly 13,000 pounds of emissions when a "floating roof partially sank during the excess rain event from Hurricane Harvey."

- Flint Hills Resources, 1 tank, Sept. 5, Corpus Christi, more than 10,000 pounds of emissions from a vapor release with a floating roof tank during the refinery restart process after Harvey.

- Marathon Petroleum, 1 tank, Aug. 27, Texas City, nearly 8,000 pound of emission after a "roof was observed to be tilting ... due to excessive rainwater."

- Phillips 66, 2 tanks, Aug. 27 and Aug. 30, Pasadena terminal, nearly 630 pounds of emissions from floating roof tanks affected by the storm.

Source: Texas Commission on Environmental Quality

"We will take the lessons learned from Hurricane Harvey and apply them to our natural disaster plan in the future," Magellan spokesman Bruce Heine said.

Several of the worlds biggest energy giants also suffered floating roof failures, including Exxon Mobil and Royal Dutch Shell, while Houston energy giants like Kinder Morgan, Enterprise Products Partners and Phillips 66 all reported similar incidents. All told, these tank failures led to the release of a combined 400,000 pounds.

Shell reported the most problems with floating roof tanks. Four were affected by roof collapses or drainage failures - three in Deer Park and one at Port Neches. One roof sunk, two others leaked from the stress of the rain, and a fourth sprung a hole in its roof drain.

"As always we are reviewing our practices and procedures following this event to look for ways to prevent future incidents," said Gary Guilhas, Shell's health, safety and environment manager at Deer Park, he added.

Todd Staples, president of the Texas Oil & Gas Association, a trade group, said the industry will conduct a review of tank failures and look for ways to improve the design

TRANSLATOR

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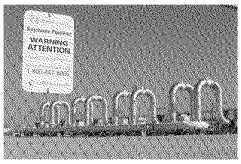
ENERGY




Trump administration says court can't suspend pipeline decision

Japanese court says government, utility accountable in Fukushima

standards and best practices for floating roof tanks. Still, he added, the region's petroleum storage complex proved itself safe and resilient, arguing the number of spills and leaks were minimal considering the massive storm.

"It's a false narrative to see the response and recovery as anything but remarkable," said Todd Staples, president of the Texas Oil & Gas Association. "This was the most catastrophic rain event in the history of Texas."

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*Time for a change?*

Neither the state nor federal government have regulations that spell out specific design codes for floating roofs and their drainage systems, but the industry's leading trade group, the American Petroleum Institute, has published nearly 500 pages of recommended minimum standards for storage tanks. Following those standards, however, is voluntary. API declined a request for an interview.

A safer alternative to the floating roof tanks could be so-called all weather tanks, according to CB&I, an engineering and construction firm that describes itself as the energy industry's most experienced tank builder. The all-weather tanks, also know as internal floating roof tanks,

included a fixed roof above the floating roof to protect it from the weather. However, at least a couple of Harvey's floating roof tank failures included internal roof tanks.

All-weather tanks cost 10 to 20 percent more than floating roof tanks, said Brad Veath, vice president of sales for steel plate structures at CB&I, which is headquartered in The Woodlands. Bigger and better drainage systems might also help avoid the roof collapses under extreme conditions such as Hurricane Harvey, environmental watchdogs said.

Floating roof tanks, of course, weren't the only ones that experienced during Harvey. The Arkema chemical plant in Crosby - prior to power failures and explosions - had two overflowing tanks. BASF, Huntsman and Occidental Petroleum all reported storage tank leaks at chemical plants in the Houston and Beaumont areas, and some other companies had smaller tanks that became unmoored or flipped over.

But floating roofs experienced problems most frequently, and their failures released the most pollutants.

Neil Carman, clean air program director for Lone Star Chapter of the Sierra Club, the national environmental advocacy group, called for thorough state and federal investigations into the problems experienced by floating roof tanks and stricter laws and regulations for designing and maintaining these tanks.

The roofs are simply not designed to handle as much water as Harvey dumped, Carman said, and the drainage systems proved inadequate. He added that the industry can't assume that a storm similar to Harvey won't hit the area again for many years.

"There's been a few problems in the past," Carman said, "but this time it's a much bigger issue than the industry has experienced."

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# Five of six Rio Grande dams have 'urgent' safety concerns

By John MacCormack | October 11, 2017 | Updated: October 11, 2017 7:50pm

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Photo: Ilana Panich-Linsman / New York Times

IMAGE 1 OF 11
The Anzalduas Dam on the Rio Grande in Mission, Texas, Nov. 12, 2015. The numbers of migrants crossing the Rio Grande illegally have risen sharply in recent weeks, replaying scenes from the influx of Central ... more

A five-year safety study of dams along the U.S.-Mexico border done at the behest of the International Boundary and Water Commission has revealed disturbing conditions.

"The safety inspection yielded urgent and high-priority deficiencies at five of the six dams," reads a section of the State Department's 2018 Congressional Budget Justification report, which singled out Amistad Dam in Val Verde County for special comments.

The report also notes that again this year, no money is allotted to the IBWC to repair the defective dams.

The safety study was done by the "Joint Technical Advisors, which includes the U.S. Army Corps of Engineers."

The IBWC is a binational agency that deals with treaty and water issues, including boundary demarcation, water quality, flood control on the border and national ownership of waters.

It also oversees the Morelos Dam on the Colorado River in California, and five dams on the Rio Grande, from Retamal Dam east of McAllen to the American Dam in El Paso. Among them are Amistad and Falcon Dams, which create large binational water reservoirs.

But exactly which dams have what problems remains largely unknown. Nor is it clear if any pose a public safety risk.

Citing security and agency confidentiality reasons, an IWBC official declined to make the safety report available or allow a reporter to speak to an engineer about the dams.

The agency has also refused to release the safety report and related documents in response to Freedom of Information Act requests.

"There is nothing I can give you. It's exempt from FOIA," IWBC spokeswoman Lori Kuczmanski said.

"We can't release our vulnerabilities. That's really what it comes down to. These are binational dams," she added.

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The five Texas congressmen whose districts include the Rio Grande also did not respond to email requests by the San Antonio Express-News for comment on the safety report.

The congressional report also notes problems with the American Dam and American Canal, which provide drinking water for El Paso.

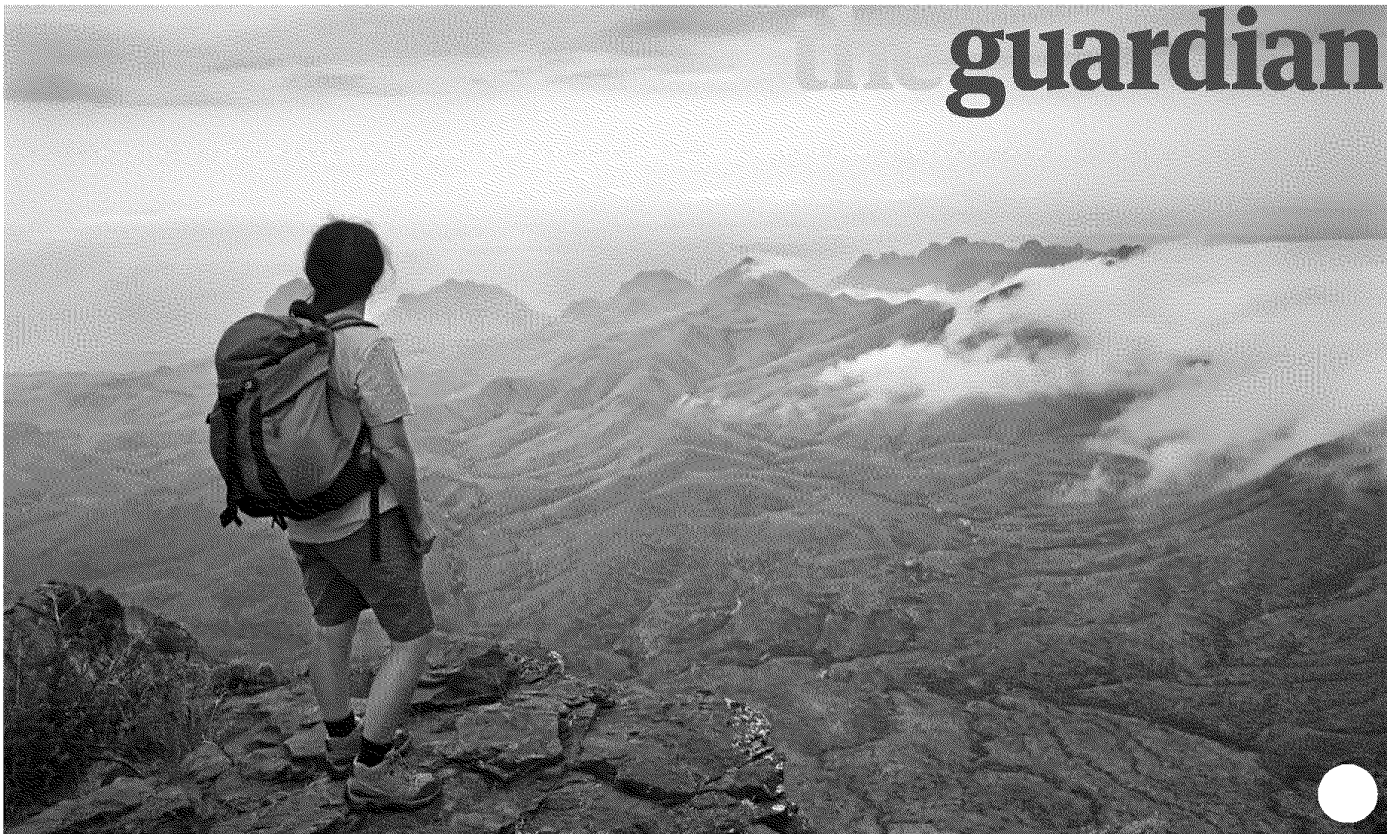
"It is in very poor condition and requires replacing before it collapses," reads the report, apparently referring to the canal.

In discussing Amistad Dam, north of Del Rio, the report described specific problems.

"The final project design for the sinkhole remediation works at Amistad Dam is projected for December 2017," notes the report, while adding that the beginning of repair work lies somewhere in the uncertain future.

"The initiation of the construction phase … continues to be deferred until future years. The cost of these improvements is expected to be quite significant. Since it is a binational project, the Mexican International Boundary and Water Commission is technically and financially participating," the report notes.

*jmaccormack@express-news.net*




# Trump's pro-coal agenda is a blow for clean air efforts at Texas' Big Bend park

For decades the national park's stunning vistas have been compromised by poor air quality, and prospects of improvement were derailed by Trump Tuesday

Tom Dart

Wednesday 11 October 2017 13.34 EDT

Big Bend national park is Texas at its most cinematic, with soaring, jagged forest peaks looming over vast desert lowlands, at once haughty and humble, prickly and pretty. It is also among the most remote places in the state.

Even from Alpine, the town of 6,000 that is the main gateway to the park, it is more than an hour's drive to one of the entrances.

So far from anywhere, it might seem an unlikely location to be scarred by air pollution. Yet for decades its stunning vistas have been compromised by poor air quality that Texas, working with the federal Environmental Protection Agency (EPA), is supposed to address.

But environmental advocates fear that the Trump administration's pro-coal agenda will derail the prospects of improvement, at least in the short term. Tuesday's announcement that the EPA plans to abandon the 2015 Clean Power Plan to reduce carbon emissions came less than two weeks after the agency revealed a revised plan to combat regional haze in Texas and Oklahoma that critics say will do little to cut pollution.

Chrissy Mann, Austin-based senior campaign representative with the Sierra Club's Beyond Coal campaign, said: "Taken in combination with the Clean Power Plan, what we're seeing is an attempt from this administration and this EPA to dig in their pockets and find whatever kind of tricks they think are going to stick to provide a lifeline to the coal industry across the country and here in Texas. It's disappointing."

Texas is part of a multi-state coalition that sued to stop the Clean Power Plan, which was placed on hold by the US supreme court last year.

Ken Paxton, the Texas attorney general, said in a statement: "It's gratifying that our lawsuit against Obama-era federal overreach was a catalyst for repeal of the plan. We look forward to working with the administration to craft a new strategy that will protect the environment without hurting jobs and the economy."

The Perseid meteor shower at the Texas Bend in Big Bend national park in August 2016. Photograph: Jason Weingart / Barcroft Images

A back-and-forth between the EPA and Texas over regional haze has been in motion since 1999, when the agency launched a concerted effort to deal with the problem, bidding to improve the air quality in Big Bend national park, Guadalupe Mountains national park and in Oklahoma, the home state of the EPA administrator, Scott Pruitt.

In 2009, the state enforcer, the Texas Commission on Environmental Quality, issued a plan that would restore "natural visibility" to Big Bend by the year 2155. That was rejected as inadequate by the EPA in 2014.

The EPA wanted Texas to cut 230,000 tons of sulphur dioxide emissions per year to improve visibility and reduce the risk of worsening respiratory diseases and heart disease and damaging soil, water, fish and wildlife.

Two years later, finding "Texas relied on an analysis that obscured the benefits of potentially cost-effective controls", the EPA replaced parts of Texas's emissions plan, calling for plant upgrades and a target of "natural visibility" by 2064.

Texas sued the agency and won a stay of implementation in a federal appeals court. The state argued that it is making reasonable progress and, along with industry representatives, claimed that enacting the structural improvements – notably fitting some electricity plants with sulphur dioxide scrubbers – would cost $2bn and be a backdoor way of forcing the closure of coal-fired power plants. That, it said, might put the state at risk of power shortages and increased prices for consumers.

Last December, in the sunset days of the Obama administration, the EPA proposed another scheme that would also have required older plants to upgrade their technology.

But in August this year, Pruitt's EPA asked a federal court for more time – until the end of 2018 – to come up with a way forward. When the judge refused, on 29 September the EPA unveiled a path that is much more palatable for Texas and the power companies: one that wouldn't require retrofitting, instead claiming to achieve comparable results with an intrastate cap-and-trade programme. That would give polluters allowances within an overall emissions budget that can be used or traded in a marketplace.

Such programmes can be effective, but Mann, of the Sierra Club, contends that the cap is too high so will not provide any incentive for meaningful reductions. "It's not very aggressive. In other words, the amount of pollution that coal plants in Texas are allowed to produce is actually higher than our emissions from last year from the same coal plants, taken all together," Mann said.

The National Park Service and EPA carried out a study in 1999 to understand what causes haze in Big Bend, which is worse in the warmer months. It found that sulphate particles formed from sulphur dioxide sources such as coal power plants and refineries were a key cause.

Researchers discovered that substantial amounts of sulphate particulates came not only from Texas and Mexico, but the distant eastern US. When air flows from the east, production in America's coal heartlands has an effect on Big Bend's scenery.

Even if Trump's efforts to boost coal collide with economic reality and market forces spur more growth in renewable energy, any delays in transitioning to cleaner energy and reduced emissions prolong the haze problem.

Air quality has not improved and ozone has seen a slight deterioration over the past decade, according to Jeffery Bennett, physical sciences program coordinator at the park. "Nitrogen deposition has not changed and remains a significant concern. Desert landscapes are especially sensitive to nitrogen," he wrote in an email in July.

"Mercury is an emerging concern," he added, based on levels found in fish; it is unclear whether this is because of atmospheric deposition or the legacy of nearby abandoned mercury mines.

The park faces Mexico and since Donald Trump entered the White House it has attracted attention as a particularly unsuitable place to build a wall.

Still, in a few years, tourists might find that while Trump might have failed to wall off the Big Bend from Mexico, the view is blocked all the same. "If you're standing here in Panther Junction and not able to see the Sierra del Carmen that's 20 miles away, because of the sulphates and other pollutions that blew in, you're missing a big part of why this became a park," Jennette Jurado, the park's public information officer, said earlier this year at the main visitor centre.

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# As climate changes, San Antonio gets hotter

Express-News Editorial Board **Published 5:34 pm, Wednesday, October 11, 2017**

Isaac Cruz Saucedo protects himself from extreme sun exposure as Beldon Roofing workers take on a job at Sunshine Cottage during the heat of the day on July 21. When climate scientists look at how global warming will change San Antonio, one clear signal emerges: An already-hot city is going to get hotter.

San Antonio is not immune from climate change. As the Earth has warmed over the past century, San Antonio has warmed right along with it. Since the 1880s, temperatures in the Alamo City have risen about 2.4 degrees, the National Oceanic and Atmospheric Administration has reported.

Globally, temperatures are up about 2 degrees.

While this might not sound like much, it is significant, fueling the melting of land ice and rising of sea levels. If greenhouse gas emissions are left unchecked, models predict sustained temperature increases. The predictions vary widely: 2.5 degrees to 8 degrees. But the trend, as Express-News reporter Brendan Gibbons recently outlined, is warmer and warmer.

The most obvious effect will be more triple-digit days locally. The new normal by the second half of this century will be 60 days a year of triple-digit temps. That's good news for folks who want to fry eggs on their sidewalks, but it will be a drag on our livability.

Outside workers — roofers, landscapers, construction workers — will suffer and productivity will decline.

It will cost more to keep our homes cool. Productivity and economic output will suffer. Heat-related deaths will be more likely. Food prices will likely increase.

It wasn't always this hot.

In the 1890s, there were 39 recorded days of triple-digit temperatures. That's for an entire decade. In the 1930s, there were 61 triple-digit days. In the 1960s, there were 92 such days. In the 1990s, there were 144 days when the mercury hit at least 100 degrees.

In recent years, San Antonio has come close to 60 days of triple-digit temps. In 2009, we hit 100 degrees 59 times, for example. In 2011, there were 57 such days.

The threat of climate change is widespread and compared to the span of a human life, relatively slow-moving. But the consensus among scientists is that a warmer world will be a place of extreme weather, famine, intensified flooding on the coasts and the displacement of people.

The scale is so big, it's easy to feel helpless. But we're not. Action starts by accepting climate science and demanding that our elected officials accept and follow the science, as well. It means reducing emission where possible, and supporting the production and development of solar and wind energy sources.

San Antonio and the Earth have been warming, and we have a moral obligation to future generations and the planet to respond to that reality.

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# Board grants OKC permit for Kiamichi water

by William Crum • Published: October 12, 2017 5:00 AM CDT • *Updated: October 12, 2017 5:00 AM CDT*

Oklahoma City is closer to securing water needed to sustain long-term growth — but a decision to grant a permit for southeastern Oklahoma water did not sit well with some residents of the region.

The Oklahoma Water Resources Board voted Tuesday to grant Oklahoma City a permit for 115,000 acre feet of water per year from the Kiamichi basin. The board's vote was 6-1.

The board followed the recommendation of hearing examiner Lyn Martin-Diehl, who concluded after a five-day hearing in August that the city was entitled to the permit under Oklahoma law.

Oklahoma City has storage rights to Sardis Lake reservoir water and first applied for a permit to appropriate water in 2007. Sardis is on Jack Fork Creek, a Kiamichi tributary.

Water is to be diverted from the Kiamichi River at Moyers Crossing in Pushmataha County, downstream from Talihina and above Antlers, for transfer by pipeline to Lake Stanley Draper.

It will be some time before the city needs the Sardis water. Plans are for more than $1 billion in infrastructure investments in diversion structures and pipelines.

The city has plans to expand the Atoka pipeline that empties into Draper reservoir, adding a second pipe along the 100-mile right-of-way and more than doubling its capacity.

Martin-Diehl found that the water sought by Oklahoma City is available for appropriation from Sardis and that Oklahoma City plans to put it to "beneficial use," a key requirement under the law for obtaining a permit to take water from streams.

Martin-Diehl wrote that Oklahoma City's use of Sardis water would not interfere with the needs of water users in the Kiamichi stream system.

Adequate protections are built into last year's water settlement among the city, state and Choctaw and Chickasaw nations, she said.

That agreement is intended to end litigation over management of southeastern Oklahoma water.

It includes detailed plans for managing Sardis Lake reservoir levels and Kiamichi River streamflows, and provides for a tribal role in resource management across the region.

More than a dozen southeastern Oklahoma residents traveled to Oklahoma City to attend


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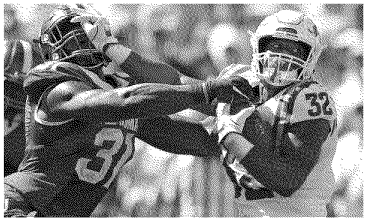

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Tuesday's meeting of the Oklahoma Water Resources Board.

Dale Jackson, of Clayton, whose family has had land along the Kiamichi River for nearly 100 years, said Wednesday that granting Oklahoma City's request for water was "Robin Hood in reverse."

He said the basin's ecology will be ruined and abundant wildlife, including eagles that feed along the stream, will be harmed once Oklahoma City starts diverting water, calling eagles on the river "a sight to see."

Granting the permit is "not right and not fair, it's a shame and disgrace," Jackson said. "They've spent millions to try and steal this from us."

William Crum

OU and Norman High School graduate, formerly worked as a reporter and editor for the Associated Press, the Star Tribune in Minneapolis, and the... read more ›



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# EPA Response to Hurricane Harvey

SAM COLEMAN

REGION VI ACTING REGIONAL ADMINISTRATOR

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# UNIFIED COMMAND

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# RESPONSE OBJECTIVES

- Maximize the protection of public, health, and safety.
- Identify affected drinking water and wastewater systems in each area, evaluate the systems to determine their operational status and facilitate system contact with Federal, State, and Local agencies (provide technical assistance).
- Conduct wide area assessment to identify orphaned containers equal to or greater than 5 gallons, potential or actual discharges from vessels and/or facilities, and document the most effective means for recovery or mitigation in accordance with Natural Disaster Operations Workgroup and the approved Unified Command Vessel/Pollution Removal protocols.
- Prioritize, monitor, mitigate and/or recover identified pollution targets.
- Assess DHS critical infrastructure and RMP/FRP facilities for damage and immediate/ongoing releases.

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# RESPONSE OBJECTIVES

- Establish and maintain a common operating picture (COP).
- Identify and maximize protection of environmentally sensitive areas and threatened species.
- Manage a coordinated interagency response effort that reflects the composition of the Unified Command.
- Establish an IMT that can meet the initial and long-term challenges required for incident mitigation.
- Inform the public, stakeholders, and the media of response activities.
- Ensure appropriate financial accounting practices are adhered to.
- Establish a vessel recovery strategy.
- Establish a strong interagency partnership with public and private organizations to determine ownership and disposition of targets.

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# Unified Command
# Mobile Command Post

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# Command & General Staff Meeting



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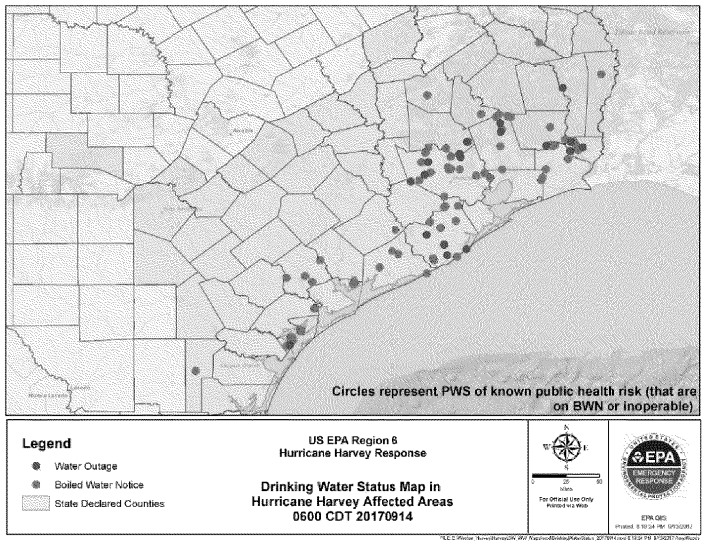
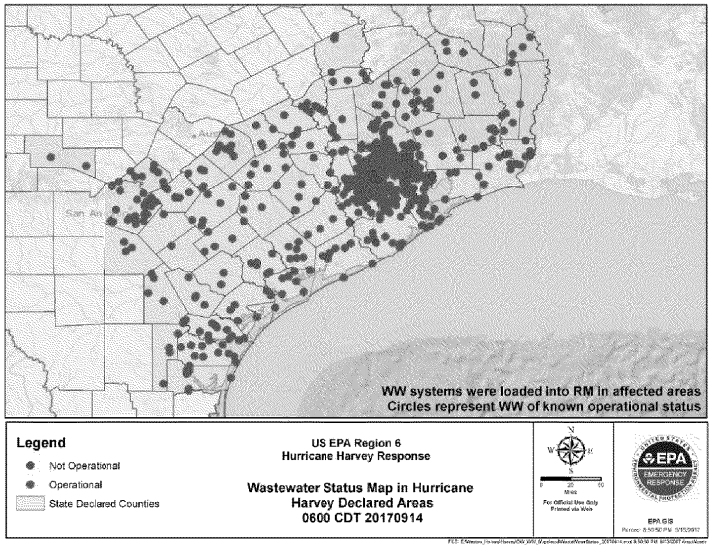
# DW/WW Systems in Partnership with TCEQ




| Drinking Water and Wastewater Assessments (September 14, 2017*) | |
|---|---|
| Assessment Types | Total Assessments |
| On-Site DW Assessments | 567 |
| On-Site WW Assessments | 385 |
| Phone DW Assessments | 6550 |
| Phone WW Assessments | 4606 |

* As of September 14, 2017, drinking water and wastewater assessment activities were transitioned to the Texas Commission on Environmental Quality for completion.



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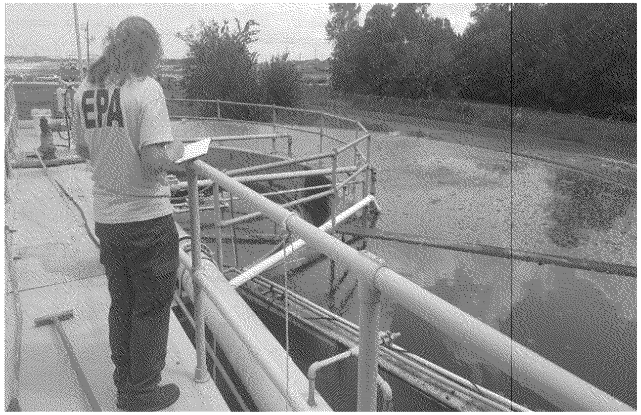
# Accomplishments

- 130 Hazard Evaluations completed and closed
- 267 spills/discharge investigation completed
- 990 orphan containers recovered
- 567 drinking water assessments completed
- 385 waste water assessments completed
- [illegible] ai

- 7 fuel waivers signed, 7th waiver covers 38 states
- 4 No Action Assurance letters signed
- Ground support air monitoring
- 43 NPL site evaluations completed
- EPA fully integrated with TCEQ and TGLO in Unified Command



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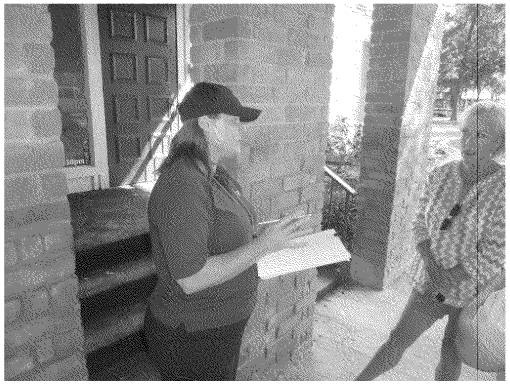
# Accomplishments

The EPA participated in over 260 joint site observations at staging areas and approved landfills.

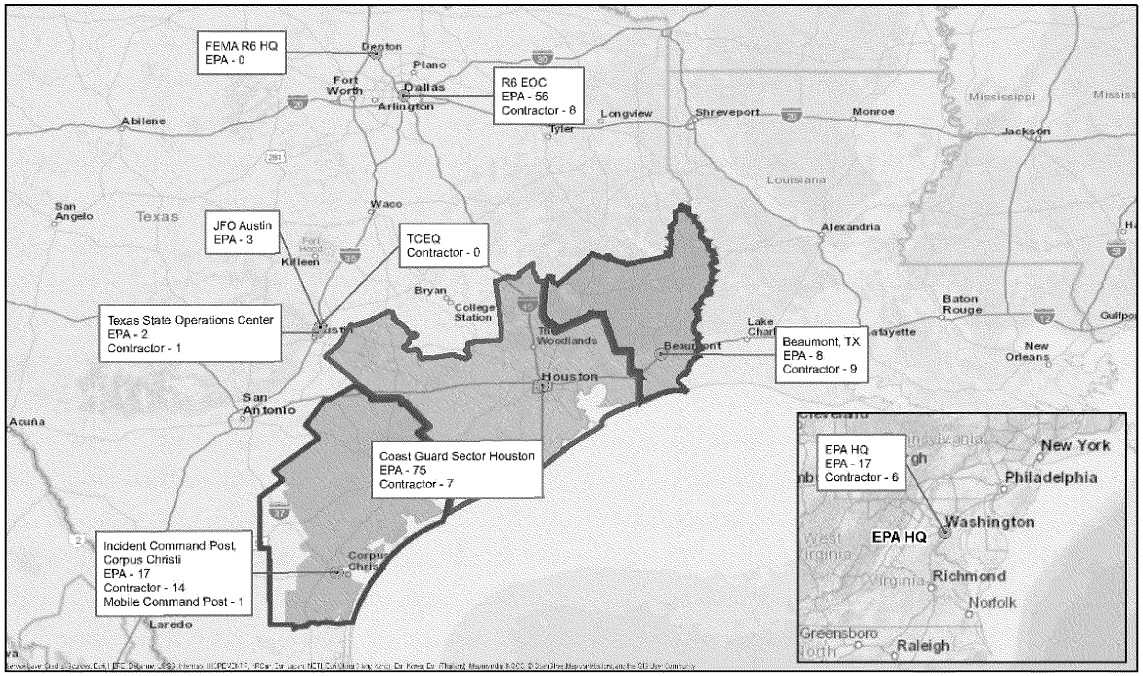
EPA Community Liaisons provided federal and state guidance and best practices to thousands of individuals that are dealing with potential hazards in damaged or lost homes.





ED_001581_00000263

# EPA Resources




**Legend**

Resource Location

| Branch | Federally Declared Counties |
|---|---|
| Alpha | Alpha |
| Bravo | Bravo |
| Charlie | Charlie |

**US EPA Region 6**

**EPA Resources Locations Map**

Hurricane Harvey Response

N W E S

0 30 60 Miles

For Official Use Only
Printed via Web

EPA GIS
Printed: 2:50:35 AM 9/14/2017

FILE: E:\Weston_Harvey\Harvey\mxd\20170914\Resources_Locations_Map_Harvey_20170914_0800.mxd 2:50:35 AM 9/14/2017 AmyWoods



ED_001581_00000263

# FUNDING

| Funding Sources | Funding Ceiling |
|---|---|
| Non Mission Assignment | N/A |
| MA 4332DR-TX-EPA-01 | $275,000.00 |
| MA 4332DR-TX-EPA-04 | $3,301,270.60 |
| Totals: | $3,576,270.60 |
| Funding Sources | Funding Ceiling |
| MA 4332DR-TX-EPA-03 (Expired) | $12,192,000.00 |

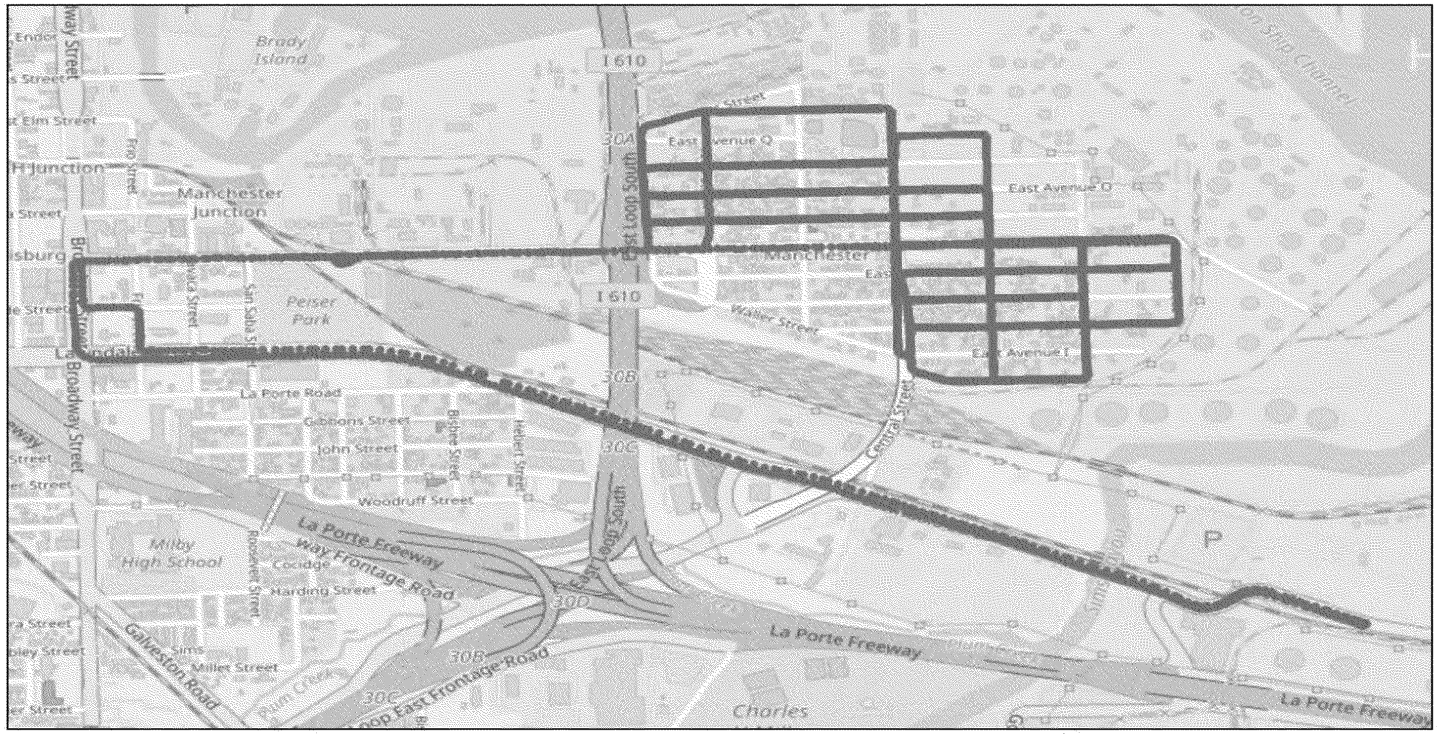
ED_001581_00000263

# TAGA Activities

- Refinery monitoring
- Sensitive community monitoring
- Chemical manufacturing corridor monitoring



ED_001581_00000263




| Substance | CAS # | Short-term AMCV Health (ppb) |
|---|---|---|
| 1,1-dichloroethylene | 75-35-4 | 180 |
| benzene | 71-43-2 | 180 |
| m/p-xylene | 179601-23-1 | 1700 |
| o-xylene | 95-47-6 | 1700 |
| tetrachloroethylene | 127-18-4 | 1000 |
| toluene | 108-88-3 | 4000 |
| trichloroethylene | 79-01-6 | 100 |

**Legend**

No Readings Above Benchmarks

**USA EPA REGION 6**
**TAGA Runs on 20170905**

**What's an AMCV?**
AMCV is a collective term used to describe chemical-specific air concentrations usec to evaluate air monitoring data that are set to protect human health and welfare. Short-term AMCVs are based on data concerning acute health effects. **AMCVs** may contain health-based Reference Values (ReVs) and health- and welfare-based ESL values. AMCVs are screening levels used in TCEQ's evaluation of ambient air monitoring data to assess the potential for measured concentrations of specific chemicals to cause health or welfare effects. Health-based AMCVs are safe levels at which exposure is unlikely to result in adverse health effects. ESLs are screening levels used in the TCEQ's air permitting process to establish maximum emission rates that are written into enforceable air permits. Health-based **ESLs** are set 70 percent lower than the safe level, or AMCV. This additional buffer allows TCEQ to take into account exposure to chemicals from multiple sources in air permit reviews.

N W E S

0 0.1 0.2 Miles

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**Printed via Web**

EPA GIS
Printed: 8:54:16 PM 9/7/2017

FILE: F:\Weston_Harvey\Harvey\TAGA\mxd\TAGA_Results_analyzed20170905.mxd 8:54:16 PM 9/7/2017 thummaj

# TAGA Product

ED_001581_00000263

# ASPECT Activities

- DHS and DOE requested monitoring
- Pipelines
- Refineries
- Release assessment of chemical and oil storage facilities
- Release response support at the Arkema incident
- Aerial reconnaissance imagery to identify releases and orphan containers

ED_001581_00000263

| Chemical Compounds | Short-term AMCV (ppm) |
|---|---|
| 1,1-dichloroethane | 1.0 |
| 1-butene | 27 |
| acetone | 11 |
| dichlorodifluoromethane | 10 |
| ethyl acetate | 4 |
| ethylene | 500 |
| isobutane | 33 |
| methyl ethyl ketone | 20 |
| methylene chloride | 3.4 |
| n-butyl acetate | 7.4 |
| n-propyl acetate | 2 |
| propylene | Simple Asphyxiant |
| vinyl chloride | 27 |

**Legend**

No Readings Above Benchmarks

**USA EPA REGION 6**
**Flight 13 ASPECT**

**What's an AMCV?**
AMCV is a collective term used to describe chemical-specific air concentrations used to evaluate air monitoring data that are set to protect human health and welfare. Short-term AMCVs are based on data concerning acute health effects. **AMCVs** may contain health-based Reference Values (ReVs) and health- and welfare-based ESL values. AMCVs are screening levels used in TCEQ's evaluation of ambient air monitoring data to assess the potential for measured concentrations of specific chemicals to cause health or welfare effects. Health-based AMCVs are safe levels at which exposure is unlikely to result in adverse health effects. ESLs are screening levels used in the TCEQ's air permitting process to establish maximum emission rates that are written into enforceable air permits. Health-based **ESLs** are set 70 percent lower than the safe level, or AMCV. This additional buffer allows TCEQ to take into account exposure to chemicals from multiple sources in air permit reviews.

N W E S

0 0.065 0.13
Miles

**For Official Use Only**
**Printed via Web**

EPA GIS
Printed: 2:46:34 PM 9/8/2017

FILE: F:\Weston_Harvey\Harvey\mxd\20170908\ASPECTFlight13_20170908.mxd 2:46:34 PM 9/8/2017 thummaj

# ASPECT Flights

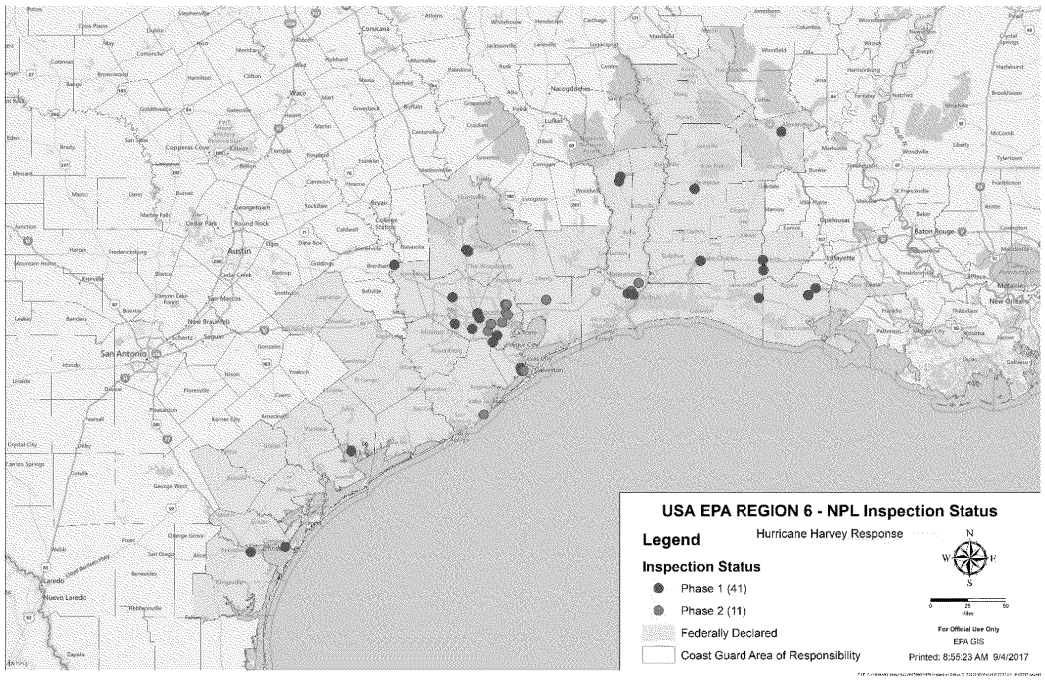
ED_001581_00000263

# PHILIS Activities

- On- Site Release assessment of analytical services
- Staging area sampling services
- Superfund site assessment analytical services

ED_001581_00000263

# NPL Site Inspections




All 43 Federal Superfund NPL Sites in the affected area have been assessed. Of these, 41 sites have been cleared, and two sites (San Jacinto Pits and US Oil Recovery) require additional follow-up.

On September 5, EPA initiated sampling at NPL sites in Texas. EPA will sample sites to confirm no releases. As of September 14, 2017, all Texas NPL sites in the affected area were sampled and information was posted on the EPA website.

ED_001581_00000263

**From:** MSN.com - Hotmail, Outlook, Skype, Bing, Latest News, Photos & Videos
**Sent:** Thur 8/31/2017 12:10:55 AM
**Subject:** Major chemical plant near Houston likely to explode, owner warns
**MAIL_CONVERSATION_TOPIC:** Major chemical plant near Houston likely to explode, owner warns
**Created:** Thur 8/31/2017 12:11:14 AM

All residents within 1.5 miles of the Arkema plant in Crosby, Texas, were evacuated as the Department of Homeland Security set up a command center.

View article...

**From:** MSN.com - Hotmail, Outlook, Skype, Bing, Latest News, Photos & Videos
**Sent:** Fri 9/1/2017 3:10:12 AM
**Subject:** Texas GOP helped imperiled chemical plant lobby against safety rules
**MAIL_CONVERSATION_TOPIC:** Texas GOP helped imperiled chemical plant lobby against safety rules
**Created:** Fri 9/1/2017 3:10:20 AM

Arkema, the company that owns a Texas chemical plant that suffered two explosions early Thursday, successfully lobbied to delay the enactment of plant safety rules — regulations that would've gone into effect five months ago.

View article...

**From:** MSN.com - Hotmail, Outlook, Skype, Bing, Latest News, Photos & Videos
**Sent:** Thur 8/31/2017 4:43:21 PM
**Subject:** Blasts at chemical plant spark new worry in storm-soaked Texas
**MAIL_CONVERSATION_TOPIC:** Blasts at chemical plant spark new worry in storm-soaked Texas
**Created:** Thur 8/31/2017 4:43:37 PM

Two explosions were reported on Thursday at the flood-hit Arkema SA plant in Crosby, Texas.

View article...

**From:** MSN.com - Hotmail, Outlook, Skype, Bing, Latest News, Photos & Videos
**Sent:** Thur 8/31/2017 3:43:18 PM
**Subject:** Fire burning itself out after blasts at Texas chemical plant
**MAIL_CONVERSATION_TOPIC:** Fire burning itself out after blasts at Texas chemical plant
**Created:** Thur 8/31/2017 3:43:20 PM

Two explosions were reported on Thursday at the flood-hit Arkema SA plant in Crosby, Texas.

View article...

**To:** Thompson, Steve[thompson.steve@epa.gov]
**From:** Seager, Cheryl
**Sent:** Tue 9/5/2017 2:21:29 PM
**Subject:** Fwd: Press Inquiry re Arkema

Sent from my iPhone

Begin forwarded message:

**From:** "Gray, David" <gray.david@epa.gov>
**Date:** September 5, 2017 at 9:06:43 AM CDT
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: FW: Press Inquiry re Arkema**

Can you check?

**From:** Pearson, Sam [mailto:spearson@bna.com]
**Sent:** Tuesday, September 05, 2017 8:58 AM
**To:** Gray, David <gray.david@epa.gov>
**Subject:** Press Inquiry re Arkema

Hi David,

I saw over the weekend that Senator Carper wrote to EPA asking for information about how EPA regulated Arkema's plant in Crosby, Texas. Among the information he requested was how often the plant has been inspected by EPA under the risk management program.

I was reviewing EPA data we have here, which was obtained under the Freedom of Information Act, and it seems to show that the Crosby plant was not inspected under RMP since 2003. It's possible it was inspected before that, but we don't have data going back that far.

I saw it shows the following RMP inspections at different Arkema facilities:

| Facility Name | FRS ID | Region | Federal Statute Code | Actual End Date | Actual End Date Year | Actual End Date Month | Compliance Monitoring Type |
|---|---|---|---|---|---|---|---|
| ARKEMA, INC. | 110025376418 | Region 4 | CAA | 11/9/2015 | 2015 | 11 | 112(r)(7) Inspection |
| ARKEMA, INC. | 110000380061 | Region 4 | CAA | 10/26/2010 | 2010 | 10 | Full Evaluation |
| ARKEMA INC | 110019470419 | Region 2 | CAA | 7/27/2010 | 2010 | 7 | Full Evaluation |
| ARKEMA, INC. | 110025376418 | Region 4 | CAA | 6/16/2009 | 2009 | 6 | Full Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/18/2008 | 2008 | 6 | Evaluation |
| ARKEMA COATING RESINS | 110018070380 | Region 5 | CAA | 3/28/2007 | 2007 | 3 | Evaluation |
| ARKEMA, INC. | 110025376418 | Region 4 | CAA | 3/31/2004 | 2004 | 3 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |

Is it correct that the Crosby plant has not been inspected since 2003? Has it ever been inspected under RMP at a different date? I assume you would have access to this same data if it is possible to check.

Thank you,

: : : : : : : : : : : : : : : : : :

**Sam Pearson**

Reporter

**Bloomberg BNA**

Direct 703.341.3881

Cell 571.319.9383

spearson@bna.com

**To:** Coleman, Sam[Coleman.Sam@epa.gov]
**Cc:** Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Thompson, Steve[thompson.steve@epa.gov]; Gilrein, Stephen[gilrein.stephen@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 5:00:35 PM
**Subject:** Re: Background

The Crosby, TX plant produces liquid organic peroxides that are used primarily in the production of plastic resins, polystyrene, polyethylene, polypropylene, PVC and polyester reinforced fiberglass, and acrylic resins.

Sent from my iPhone

On Sep 2, 2017, at 11:57 AM, Coleman, Sam <Coleman.Sam@epa.gov> wrote:

> Crosby?
>
> Samuel Coleman, P. E.,
> Deputy Regional Administrator
>
> 214.665.2100 Ofc
> 214.665. 3110 Desk
> 214.665.2016 Cell
>
> Coleman.sam@epa.gov
>
> Sent from my iPhone
>
> On Sep 2, 2017, at 11:32 AM, Seager, Cheryl <Seager.Cheryl@epa.gov> wrote:
>
>> Background on the R6 Arkema facilities.
>>
>> The Beaumont, TX plant produces methyl mercaptan, ethyl mercaptan, dimethyl sulfide (DMS) and methylmercapto-proprionaldehyde (MMP)
>>
>> The Bayport TX production plant American Acryl LP is a joint venture owned by Nippon Shokubai America Industries, Inc. ("NAII") and Arkema Inc. American Acryl manufactures acrylic acid at its Bayport, Texas facility for the benefit of its owners.
>>
>> Arkema Inc. owns and operates the Clear Lake facility in the Pasadena Industrial District. The plant manufactures acrylic acid, butylacrylate, and methylacrylate.
>>
>> The Houston, TX plant is a global supplier of linear mercaptans, tertiary mercaptans,

and carbon disulfide.

The Pineville, LA Odor-Tech LLC plant has grown into one of the premier suppliers of natural gas and propane odorants in North America.

The St. Charles, Louisiana plant produces latex emulsion products that are supplied to manufacturers of coatings, adhesives and construction products.

•

Sent from my iPhone

**To:** Coleman, Sam[Coleman.Sam@epa.gov]
**Cc:** Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Thompson, Steve[thompson.steve@epa.gov]; Gilrein, Stephen[gilrein.stephen@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 4:32:19 PM
**Subject:** Background

Background on the R6 Arkema facilities.

The Beaumont, TX plant produces methyl mercaptan, ethyl mercaptan, dimethyl sulfide (DMS) and methylmercapto-proprionaldehyde (MMP)

The Bayport TX production plant American Acryl LP is a joint venture owned by Nippon Shokubai America Industries, Inc. ("NAII") and Arkema Inc. American Acryl manufactures acrylic acid at its Bayport, Texas facility for the benefit of its owners.

Arkema Inc. owns and operates the Clear Lake facility in the Pasadena Industrial District. The plant manufactures acrylic acid, butylacrylate, and methylacrylate.

The Houston, TX plant is a global supplier of linear mercaptans, tertiary mercaptans, and carbon disulfide.

The Pineville, LA Odor-Tech LLC plant has grown into one of the premier suppliers of natural gas and propane odorants in North America.

The St. Charles, Louisiana plant produces latex emulsion products that are supplied to manufacturers of coatings, adhesives and construction products.

•

Sent from my iPhone

**To:** Coleman, Sam[Coleman.Sam@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 4:13:38 PM
**Subject:** Fwd: Information on Arkema Chemical Crosby Plant
Attachment
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Date:** September 1, 2017 at 9:16:45 PM CDT
**To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
**Cc:** "Gilrein, Stephen" <gilrein.stephen@epa.gov>
**Subject: Fwd: Information on Arkema Chemical Crosby Plant**

2d email.

Sent from my iPhone

Begin forwarded message:

**From:** "Thompson, Steve" <thompson.steve@epa.gov>
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: Fwd: Information on Arkema Chemical Crosby Plant**

Sent from my iPhone

Begin forwarded message:

**From:** "Allen, Toni" <Allen.Toni@epa.gov>
**To:** "Thompson, Steve" <thompson.steve@epa.gov>, "Osbourne, Margaret" <osbourne.margaret@epa.gov>, "Schaub, Lisa" <Schaub.Lisa@epa.gov>
**Subject: Information on Arkema Chemical Crosby Plant**

The Air Program Liaison at TCEQ (Amancio Gutierrez) reported TCEQ currently does not have any current or pending investigations for Arkema. Arkema

received an Administrative Order in April 2017 (attached) for an emissions event that began on June 11, 2016 and lasted 62 hours (4800 lbs. of isoamylene from the Isoamylene Tank Flow Meter Bleed Valve). The company completed corrective actions by June 17, 2016.

TCEQ emergency response staff is currently working with the facility. Also attached is an email describing TCEQ's coordination with the facility and emergency response agencies as 10:08 PM last night. This email contains a link to press releases by Arkema:

http://www.arkema-americas.com/en/social-responsibility/incident-page-2/

I'll provide any updates.

Thank you,

Toni Allen

EPA Region 6

214-665-7271

**To:** Amancio Gutierrez[Amancio.Gutierrez@tceq.texas.gov]; Kristi Mills-Jurach[Kristi.Mills-Jurach@tceq.texas.gov]
**From:** Cynthia Gandee
**Sent:** Thur 8/31/2017 2:31:36 PM
**Subject:** Fw: Update No. 2 - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

I think this would be good to send to Toni or use as a script when calling her

---

**From:** Guadalupe Quiroz
**Sent:** Wednesday, August 30, 2017 10:30:08 PM
**To:** HSNotify
**Subject:** Update No. 2 - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

Update No. 2

The TCEQ participated in a 5:00 p.m. conference call today with representatives of Harris County Pollution Control, US Coast Guard, Harris County Fire Marshal, the Crosby Fire Department, Greater Harris County LEPC, Arkema personnel, and others. During the call, Arkema explained that the timeline of the organic peroxide decomposition and potential for emergency incident(s) would occur within 6 to 22 hours and could be a series of events occurring over multiple days. Arkema's telemetry temperature readings of the interior temperature of the trailers indicate temperatures inside the trailers are rising. The total number of trailers containing organic peroxide on site has increased to 10. There are also other trailers on site that Arkema said were empty. The number and content of trailers are still being identified, as the Arkema Crosby Plant remains inaccessible due to Hurricane Harvey flood conditions.

Arkema is in discussions with Garner Environmental to be immediately prepared to conduct air monitoring and contain discharge after an incident.

There is a command center established approximately 3 miles of the Arkema Crosby Plant; the command center objectives are Search and Rescue (SAR) and monitoring the Arkema Crosby Plant situation.

Arkema stated that government officials are actively evacuating people; however, there are some residents resistant to leave their residences.

The President and CEO of Arkema, Inc., Rich Rowe, held a press conference today and released this statement: http://www.arkema-americas.com/en/social-responsibility/incident-page-2/

**From:** Guadalupe Quiroz
**Sent:** Wednesday, August 30, 2017 2:53 PM
**To:** HSNotify <HSNotify@tceq.texas.gov>
**Subject:** Update No. 1 - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

Update No. 1

As of 12:30 today, Arkema has heightened concerns with the status of two (2) of its trailers containing organic peroxides, and it anticipates there will be an incident (e.g., flash fire) at the Arkema Crosby Plant within the next 12-24 hours. Arkema does not anticipate a major explosion.

The no fly zone over the plant has been reduced from 8 miles to 1.5 miles. The ground evacuation zone continues to be 1.5 miles.

Arkema receives remote monitoring data from KLLM Services, its refrigeration trailer contractor, every two (2) hours. The data include interior temperatures of the trailers and the amount of diesel fuel remaining. Arkema noted the temperatures are rising at a rate of 1-1.5 degrees/hour. Arkema committed to provide to the TCEQ specific information it has on temperatures in the trailers. Arkema has noted that the remote monitoring data may be compromised due to local conditions and water exposure.

The eight (8) trailers on site at the Arkema Crosby Plant contain various organic peroxide products with different temperature requirements; some of the products must be maintained at a temperature of minus 10° - 20° Fahrenheit to prevent auto-ignition. The organic peroxides in the trailers are stored in five (5) gallon jerry cans. Each of the eight (8) trailers contains up to 38,000 pounds of organic peroxides. At this time, only one (1) trailer has a working chiller.

Arkema does not know precisely which organic peroxide products are contained in each trailer (the transfer from the refrigerated warehouse to refrigerated trailers was conducted quickly in the Hurricane Harvey weather conditions). Arkema stated that the worst case scenario would be a vapor cloud and a flash fire due to a lack of over-pressure. If there is no fire, the materials would quickly evaporate and potentially release methane and alcohols. Other materials at the site include approximately 46,000 pounds of Sulfur Dioxide and approximately 31,000 pounds of Isobutylene. Arkema stated that they do not anticipate a big explosion since there are no over-pressurization risks.

The Arkema Crosby Plant remains inaccessible due to Hurricane Harvey flood conditions.

The EPA's emergency response aircraft, called ASPECT, is being deployed today to assess site conditions at the Arkema Crosby Plant. The equipment on ASPECT will be able to detect chemical leaks, thermally image the facility, and obtain aerial photos of current site conditions.

The TCEQ has daily conference calls with the facility, CID, EPA, and other government agencies.

**From:** Guadalupe Quiroz
**Sent:** Tuesday, August 29, 2017 10:13 PM
**To:** HSNotify <HSNotify@tceq.texas.gov>
**Subject:** Initial - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

**TCEQ Notification Type:** Notification of Significant Incident

**Notification Status:** Initial

General Incident Information:

Type of Incident: Potential Air Release/Discharge/Fire/Explosion

Date: 8/29/2017

Time Incident Started: Approximately 11:00 p.m. on 8/28/2017

Time TCEQ Notified: The Houston Region ER Team was monitoring media outlets overnight, saw a media outlet's report about a possible discharge/explosion/fire risk at the Arkema Crosby Plant (Arkema), and achieved positive contact at 6:32 a.m. today. The attached NRC report was filed by the Military at 3:35 p.m. today.

TCEQ Region: 12- Houston

Responsible Party (RP)/Regulated Entity Information/Incident Location

RP/Regulated Entity Name: Arkema Crosby Plant (Arkema)
RN Number: 100210301

Incident location: 18000 Crosby Eastgate Rd.

City: Crosby

County: Harris

RP Contact Name and Information: Jean-Marie Cencetti (610-878-6632)

Specific Incident Information:

Description of Event / Cause: Arkema produces and stores various materials for the production of liquid organic peroxides. The organic peroxides require refrigeration as they may explode from heat, shock, friction, or contamination. Due to the heavy rains in the Houston Region, Arkema currently has approximately 6 ft of standing water on the plant's site; these conditions and the loss of power at the plant compromised the refrigeration system of the peroxides.

Arkema personnel transferred on-site organic peroxides to eight (8) diesel fueled trailers equipped with refrigeration and temperature monitoring systems. Five (5) out of the eight (8) refrigeration trailers no longer have cooling capabilities. One (1) of the five (5) refrigerated trailers floated and was moved by floodwaters; it is currently still within facility boundaries, up against an on-site warehouse, and its chiller is working. The interior temperatures of six (6) of the eight (8) refrigerated containers are being remotely monitored. The interior temperatures of the remaining two (2) refrigerated trailers cannot be remotely monitored for reasons currently unknown by the company. Arkema stated that the site is currently stable, but an explosion may occur if the various organic peroxide products in the eight (8) trailers are not maintained at the temperatures required to prevent self-ignition. The company representative said that Arkema has been in communication with the Department of Homeland Security and Crosby Fire Department with support from Harris County Office of Emergency Management.

Harris County Emergency Management and the Crosby Fire Department have been in contact with the SOC.

Material Released: No release has occurred

Amount Released: No release has occurred

Affected Media: Potentially Air, Land, and Water

Injuries or Fatalities: None

Other Risks: Explosion, Fire, Air Release

Current Response:

TCEQ Response: Emergency Response Coordinator (ERC) Catherine Sotelo and Emergency Response Work Leader (ERWL) Guadalupe Quiroz

TCEQ Responder Name and Contact Information: Guadalupe Quiroz (713-409-2517)

Incident Commander Name and Contact Information: Not established at this time

Other Federal, State, or Local Authorities on Site: Unknown at this time

Other Pertinent Information, If Applicable:

Weather: Hurricane Harvey/71 degrees Fahrenheit and Rain

Wind Direction: E at 6 mph

Potentially Impacted Receptors: Surrounding rural residential and industrial community. Residents within 1.5 miles of Arkema have been evacuated; reports conflict as to whether the evacuation is due to flooding or the situation at Arkema.

Other: None

**** PLEASE NOTE: This notification is based on the initial report of a spill / release / emission event / threat / or other such occurrence received by TCEQ. Since this notification may contain preliminary information, the TCEQ cannot verify the types or quantities of releases at this time and cannot make any definitive determination about the potential danger to human health or the environment as a result of this release. Specific chemicals, quantities, and the identified risk to human health and safety or environment may change as more information becomes available. TCEQ is providing the information available for the incident at the time of the notification. Staff may not have all the information requested on this Template.**

**To:** Coleman, Sam[Coleman.Sam@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 4:13:08 PM
**Subject:** Fwd: Arkema - Crosby, TX

Sent from my iPhone

Begin forwarded message:

**From:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Date:** September 1, 2017 at 9:16:00 PM CDT
**To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
**Cc:** "Gilrein, Stephen" <gilrein.stephen@epa.gov>
**Subject: Fwd: Arkema - Crosby, TX**

Rosemarie - this is the first of 2 emails with info we gathered earlier this week. Some confusion over whether there has been a RMP inspection. No record of any in the last 5 years. May have been one of their other facilities.

Sent from my iPhone

Begin forwarded message:

**From:** "Thompson, Steve" <thompson.steve@epa.gov>
**Date:** August 31, 2017 at 9:23:40 AM CDT
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: Arkema - Crosby, TX**

No federal inspections at the facility within the last 5 years

A review of ICIS:

•□□□□□□□□ Most recent state compliance activity listed as an investigation in October 2016 (unsure of whether this was on-site or off-site)

- Last state onsite inspection at the facility was in April 2014

- No formal enforcement actions listed

**Cc:** Gilrein, Stephen[gilrein.stephen@epa.gov]
**To:** Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 2:16:45 AM
**Subject:** Fwd: Information on Arkema Chemical Crosby Plant
Attachment
ATT00001.htm
ATT00002.htm

2d email.

Sent from my iPhone

Begin forwarded message:

**From:** "Thompson, Steve" <thompson.steve@epa.gov>
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: Fwd: Information on Arkema Chemical Crosby Plant**

Sent from my iPhone

Begin forwarded message:

**From:** "Allen, Toni" <Allen.Toni@epa.gov>
**To:** "Thompson, Steve" <thompson.steve@epa.gov>, "Osbourne, Margaret" <osbourne.margaret@epa.gov>, "Schaub, Lisa" <Schaub.Lisa@epa.gov>
**Subject: Information on Arkema Chemical Crosby Plant**

The Air Program Liaison at TCEQ (Amancio Gutierrez) reported TCEQ currently does not have any current or pending investigations for Arkema. Arkema received an Administrative Order in April 2017 (attached) for an emissions event that began on June 11, 2016 and lasted 62 hours (4800 lbs. of isoamylene from the Isoamylene Tank Flow Meter Bleed Valve). The company completed corrective actions by June 17, 2016.

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http://www.arkema-americas.com/en/social-responsibility/incident-page-2/

I'll provide any updates.

Thank you,

Toni Allen

EPA Region 6

214-665-7271

**To:** Amancio Gutierrez[Amancio.Gutierrez@tceq.texas.gov]; Kristi Mills-Jurach[Kristi.Mills-Jurach@tceq.texas.gov]
**From:** Cynthia Gandee
**Sent:** Thur 8/31/2017 2:31:36 PM
**Subject:** Fw: Update No. 2 - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

I think this would be good to send to Toni or use as a script when calling her

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**Sent:** Wednesday, August 30, 2017 10:30:08 PM
**To:** HSNotify
**Subject:** Update No. 2 - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

Update No. 2

The TCEQ participated in a 5:00 p.m. conference call today with representatives of Harris County Pollution Control, US Coast Guard, Harris County Fire Marshal, the Crosby Fire Department, Greater Harris County LEPC, Arkema personnel, and others. During the call, Arkema explained that the timeline of the organic peroxide decomposition and potential for emergency incident(s) would occur within 6 to 22 hours and could be a series of events occurring over multiple days. Arkema's telemetry temperature readings of the interior temperature of the trailers indicate temperatures inside the trailers are rising. The total number of trailers containing organic peroxide on site has increased to 10. There are also other trailers on site that Arkema said were empty. The number and content of trailers are still being identified, as the Arkema Crosby Plant remains inaccessible due to Hurricane Harvey flood conditions.

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The President and CEO of Arkema, Inc., Rich Rowe, held a press conference today and released this statement: http://www.arkema-americas.com/en/social-responsibility/incident-page-2/

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The no fly zone over the plant has been reduced from 8 miles to 1.5 miles. The ground evacuation zone continues to be 1.5 miles.

Arkema receives remote monitoring data from KLLM Services, its refrigeration trailer contractor, every two (2) hours. The data include interior temperatures of the trailers and the amount of diesel fuel remaining. Arkema noted the temperatures are rising at a rate of 1-1.5 degrees/hour. Arkema committed to provide to the TCEQ specific information it has on temperatures in the trailers. Arkema has noted that the remote monitoring data may be compromised due to local conditions and water exposure.

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The Arkema Crosby Plant remains inaccessible due to Hurricane Harvey flood conditions.

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The TCEQ has daily conference calls with the facility, CID, EPA, and other government agencies.

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**Subject:** Initial - Potential Air Release, Explosion, Fire/R12/Arkema Crosby Plant - Notification of Significant Incident

**TCEQ Notification Type:** Notification of Significant Incident

**Notification Status:** Initial

General Incident Information:

Type of Incident: Potential Air Release/Discharge/Fire/Explosion

Date: 8/29/2017

Time Incident Started: Approximately 11:00 p.m. on 8/28/2017

Time TCEQ Notified: The Houston Region ER Team was monitoring media outlets overnight, saw a media outlet's report about a possible discharge/explosion/fire risk at the Arkema Crosby Plant (Arkema), and achieved positive contact at 6:32 a.m. today. The attached NRC report was filed by the Military at 3:35 p.m. today.

TCEQ Region: 12- Houston

Responsible Party (RP)/Regulated Entity Information/Incident Location

RP/Regulated Entity Name: Arkema Crosby Plant (Arkema)
RN Number: 100210301

Incident location: 18000 Crosby Eastgate Rd.

City: Crosby

County: Harris

RP Contact Name and Information: Jean-Marie Cencetti (610-878-6632)

Specific Incident Information:

Description of Event / Cause: Arkema produces and stores various materials for the production of liquid organic peroxides. The organic peroxides require refrigeration as they may explode from heat, shock, friction, or contamination. Due to the heavy rains in the Houston Region, Arkema currently has approximately 6 ft of standing water on the plant's site; these conditions and the loss of power at the plant compromised the refrigeration system of the peroxides.

Arkema personnel transferred on-site organic peroxides to eight (8) diesel fueled trailers equipped with refrigeration and temperature monitoring systems. Five (5) out of the eight (8) refrigeration trailers no longer have cooling capabilities. One (1) of the five (5) refrigerated trailers floated and was moved by floodwaters; it is currently still within facility boundaries, up against an on-site warehouse, and its chiller is working. The interior temperatures of six (6) of the eight (8) refrigerated containers are being remotely monitored. The interior temperatures of the remaining two (2) refrigerated trailers cannot be remotely monitored for reasons currently unknown by the company. Arkema stated that the site is currently stable, but an explosion may occur if the various organic peroxide products in the eight (8) trailers are not maintained at the temperatures required to prevent self-ignition. The company representative said that Arkema has been in communication with the Department of Homeland Security and Crosby Fire Department with support from Harris County Office of Emergency Management.

Harris County Emergency Management and the Crosby Fire Department have been in contact with the SOC.

Material Released: No release has occurred

Amount Released: No release has occurred

Affected Media: Potentially Air, Land, and Water

Injuries or Fatalities: None

Other Risks: Explosion, Fire, Air Release

Current Response:

TCEQ Response: Emergency Response Coordinator (ERC) Catherine Sotelo and Emergency Response Work Leader (ERWL) Guadalupe Quiroz

TCEQ Responder Name and Contact Information: Guadalupe Quiroz (713-409-2517)

Incident Commander Name and Contact Information: Not established at this time

Other Federal, State, or Local Authorities on Site: Unknown at this time

Other Pertinent Information, If Applicable:

Weather: Hurricane Harvey/71 degrees Fahrenheit and Rain

Wind Direction: E at 6 mph

Potentially Impacted Receptors: Surrounding rural residential and industrial community. Residents within 1.5 miles of Arkema have been evacuated; reports conflict as to whether the evacuation is due to flooding or the situation at Arkema.

Other: None

**** PLEASE NOTE: This notification is based on the initial report of a spill / release / emission event / threat / or other such occurrence received by TCEQ. Since this notification may contain preliminary information, the TCEQ cannot verify the types or quantities of releases at this time and cannot make any definitive determination about the potential danger to human health or the environment as a result of this release. Specific chemicals, quantities, and the identified risk to human health and safety or environment may change as more information becomes available. TCEQ is providing the information available for the incident at the time of the notification. Staff may not have all the information requested on this Template.**

**Cc:** Gilrein, Stephen[gilrein.stephen@epa.gov]
**To:** Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 2:16:01 AM
**Subject:** Fwd: Arkema - Crosby, TX

Rosemarie - this is the first of 2 emails with info we gathered earlier this week.

Sent from my iPhone

Begin forwarded message:

**From:** "Thompson, Steve" <thompson.steve@epa.gov>
**Date:** August 31, 2017 at 9:23:40 AM CDT
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: Arkema - Crosby, TX**

No federal inspections at the facility within the last 5 years

A review of ICIS:

- Most recent state compliance activity listed as an investigation in October 2016 (unsure of whether this was on-site or off-site)

- Last state onsite inspection at the facility was in April 2014

- No formal enforcement actions listed

**To:** Gilrein, Stephen[gilrein.stephen@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 1:55:23 AM
**Subject:** Fwd: Information on Arkema Chemical Crosby Plant
Attachment
ATT00001.htm
ARKEMA Order 2016-1817-AIR-E.pdf
ATT00002.htm

Sent from my iPhone

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Sent from my iPhone

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**From:** "Allen, Toni" <Allen.Toni@epa.gov>
**To:** "Thompson, Steve" <thompson.steve@epa.gov>, "Osbourne, Margaret" <osbourne.margaret@epa.gov>, "Schaub, Lisa" <Schaub.Lisa@epa.gov>
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I'll provide any updates.

Thank you,

Toni Allen

EPA Region 6

214-665-7271

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| | | |
|---|---|---|
| **IN THE MATTER OF AN** | § | **BEFORE THE** |
| **ENFORCEMENT ACTION** | § | |
| **CONCERNING** | § | **TEXAS COMMISSION ON** |
| **ARKEMA INC.** | § | |
| **RN100210301** | § | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2016-1817-AIR-E**

## I. JURISDICTION AND STIPULATIONS

On APR 11 2017, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Arkema Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 18000 Crosby Eastgate Road in Crosby, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.

3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of $3,413 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $2,731 of the penalty and $682 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that by June 17, 2016, the Respondent completed the following corrective actions in order to prevent a recurrence of emissions events due to the same or similar causes as Incident No. 235680:

   a. Installed a plug on the double block and bleed valve of the flow meter for the Isoamylene Pump;

   b. Updated the production pre-startup checklist to include verification of the valve position prior to the start of a respective production run;

   c. Conducted a field audit to inspect and identify all drain lines and sample lines tied into the acid sump;

   d. Created a graphic scorecard within the production and operation data historian in order to provide additional visibility of the tank levels for continuous monitoring;

   e. Revised numerical documentation for raw material storage tanks to include the tank's daily volume difference in gallons and in pounds; and

   f. Conducted an assessment of all bleed valves for all equipment associated with the production process and plugged critical valves as necessary.

## II. ALLEGATIONS

During a record review conducted from July 20, 2016 through August 3, 2016, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 6271, Special Conditions No. 1, Federal Operating Permit No. O1554, Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,800 pounds of isoamylene from the Isoamylene Tank Flow Meter Bleed Valve during an emissions event (Incident No. 235680) that began on June 11, 2016 and lasted for 62 hours and 14 minutes. The emissions event occurred when the Isoamylene Tank Flow Meter Bleed Valve was left in a partially open position, allowing isoamylene to drain from the tank to the Multi-Purpose Unit Acid Sump. Since the emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Arkema Inc., Docket No. 2016-1817-AIR-E" to:

   Financial Administration Division, Revenue Operations Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.

3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission — Date

For the Executive Director — Date: 4/11/17

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature — Date: 1/11/17

Name (Printed or typed): MARK HELDT
Authorized Representative of Arkema Inc.

Title: REGIONAL DIRECTOR OF MANUFACT.

☐ *If mailing address has changed, please check this box and provide the new address below:*

**Instructions**: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 14, 2017

Mr. Wendal Turley
Plant Manager
Arkema Inc.
18000 Crosby Eastgate Road
Crosby, Texas 77532

Re: TCEQ Enforcement Action
Arkema Inc.
Docket No. 2016-1817-AIR-E

Dear Mr. Turley:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date is as stated in the enclosed Agreed Order.

Should you have any questions, please contact Raime Hayes-Falero, the Enforcement Coordinator assigned to this matter, at (713) 767-3567.

Sincerely,

Michael Parrish
Enforcement Division

Enclosure

cc: Raime Hayes-Falero, Enforcement Division
Air Section Manager, Region 12

**To:** Amancio Gutierrez[Amancio.Gutierrez@tceq.texas.gov]; Kristi Mills-Jurach[Kristi.Mills-Jurach@tceq.texas.gov]
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**TCEQ Notification Type:** Notification of Significant Incident

**Notification Status:** Initial

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Date: 8/29/2017

Time Incident Started: Approximately 11:00 p.m. on 8/28/2017

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Potentially Impacted Receptors: Surrounding rural residential and industrial community. Residents within 1.5 miles of Arkema have been evacuated; reports conflict as to whether the evacuation is due to flooding or the situation at Arkema.

Other: None

**** PLEASE NOTE: This notification is based on the initial report of a spill / release / emission event / threat / or other such occurrence received by TCEQ. Since this notification may contain preliminary information, the TCEQ cannot verify the types or quantities of releases at this time and cannot make any definitive determination about the potential danger to human health or the environment as a result of this release. Specific chemicals, quantities, and the identified risk to human health and safety or environment may change as more information becomes available. TCEQ is providing the information available for the incident at the time of the notification. Staff may not have all the information requested on this Template.**

**To:** Gilrein, Stephen[gilrein.stephen@epa.gov]
**From:** Seager, Cheryl
**Sent:** Sat 9/2/2017 1:52:56 AM
**Subject:** Fwd: Arkema - Crosby, TX

Sent from my iPhone

Begin forwarded message:

**From:** "Thompson, Steve" <thompson.steve@epa.gov>
**Date:** August 31, 2017 at 9:23:40 AM CDT
**To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
**Subject: Arkema - Crosby, TX**

No federal inspections at the facility within the last 5 years

A review of ICIS:

- Most recent state compliance activity listed as an investigation in October 2016 (unsure of whether this was on-site or off-site)

- Last state onsite inspection at the facility was in April 2014

- No formal enforcement actions listed

**To:** Gray, David[gray.david@epa.gov]; Taheri, Diane[Taheri.Diane@epa.gov]
**From:** Seager, Cheryl
**Sent:** Fri 9/8/2017 2:20:57 PM
**Subject:** Fwd: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

Getting answer together - want you in loop

Sent from my iPhone

Begin forwarded message:

**From:** "Franklin, Kathy" <Franklin.Kathy@epa.gov>
**Date:** September 8, 2017 at 9:08:52 AM CDT
**To:** "Thompson, Steve" <thompson.steve@epa.gov>
**Cc:** "Belke, Jim" <Belke.Jim@epa.gov>, "Tates, Samuel" <Tates.Samuel@epa.gov>, "Smith, Monica" <smith.monica@epa.gov>, "Stucky, Marie" <Stucky.Marie@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
**Subject: RE: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations**

Thanks. Jim Belke is out of the office today, but did acknowledge receipt of the message. We have a question from our management: Was the Arkema Crosby facility a "high risk" RMP facility? High risk according to inspection criteria?

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

**From:** Thompson, Steve
**Sent:** Thursday, September 07, 2017 11:11 PM
**To:** Franklin, Kathy <Franklin.Kathy@epa.gov>
**Cc:** Belke, Jim <Belke.Jim@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith,

Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
**Subject:** Fwd: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

Sorry for the delay and the different fonts (can't seem to fix on my IPhone!). I underlined our responses to the questions to help identify them clearly.

Let me know if you have any questions.

Steve

Update as of 9/7/17:

***1) In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings***

***associated with that inspection.***

We have not conducted an RMP inspection at the Arkema - Crosby facility based on available records back to 2003. The inspection targeting criteria that we use for high risk facilities are where offsite consequences impact a large number of people or they have had an accident

-

***2) In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse***

***findings associated with all such inspections***.

We have no records of any RMP inspections for the Arkema facilities in Hahnville, Beaumont, and Houston.

We show that the Odor-Tech LLC facility was inspected on 3/7/2013. The inspection did not identify any areas of concern.

We understand from Region 6 that no recent EPA RMP enforcement actions have been taken against the Crosby TX facility, based on ECHO database. Region 6: Does that database cover only the last 5 years and were there any RMP inspections older than 5 years? We also understand that the Arkema Crosby site was on the RMP joint EPA/TCEQ inspection schedule for October 2017. (This statement is incorrect) The facility that was planned for inspection in October 2017 was the Arkema – Houston facility, NOT the Crosby facility. NOTE: Texas/TCEQ is not delegated the RMP regulations. EPA Region 6 notifies the state of ANY inspections conducted in that state (including non-delegated program inspections), and TCEQ would have been invited to attend/observe once a tentative date was selected.

As stated above, we do not have records of any inspections or enforcement actions specific to the Arkema Crosby facility.

**From:** Franklin, Kathy
**Sent:** Tuesday, September 05, 2017 1:13 PM
**To:** O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Cobb, David <cobb.david@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>
**Cc:** Wallace, Leonard <Wallace.Len@epa.gov>; Maimone, Francesco

<Maimone.Francesco@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; jones, bill <jones.bill@epa.gov>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
**Subject:** RE: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

We are now getting a request from our AA's office to have draft responses to Senate inquiry regarding Arkema for their review by Thursday, September 7 . I apologize for asking for speedier answers. If Regions could provide responses on the Arkema facilities inspections/violation by COB Thursday, it would be greatly appreciated. Thanks to those who have already responded.

Kathy Franklin

USEPA, Office of Emergency Management

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1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

**From:** Franklin, Kathy
**Sent:** Tuesday, September 05, 2017 12:46 PM
**To:** O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Cobb, David <cobb.david@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly

<McFadden.Kelly@epa.gov>
**Cc:** Wallace, Leonard <Wallace.Len@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; jones, bill <jones.bill@epa.gov>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
**Subject:** Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

Colleagues:

We have received an inquiry (see attached letter) from the Senator Tom Carper of the Senate Committee on Environment and Public Works regarding Arkema Crosby TX incidents involving organic peroxides. Two of the questions below ask about RMP inspection/violations of Arkema facilities:

***1) In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings***

***associated with that inspection.***

***2) In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse***

***findings associated with all such inspections***.

We understand from Region 6 that no recent EPA RMP enforcement actions have been taken against the Crosby TX facility, based on ECHO database. Region 6: Does that database cover only the last 5 years and were there any RMP inspections older than 5 years? We also understand that the Arkema Crosby site was on the RMP joint EPA/TCEQ inspection schedule for October 2017.

We request your assistance with answering these 2 questions by providing information on RMP inspections/violations at all the US Arkema facilities and provide this information to Jim Belke by COB September 12. Arkema lists their US facilities on the following website: http://www.arkema-americas.com/en/arkema-locations-in-the-americas/?country=northamerica/usa/

Please also reply to indicate if you have no responsive records. I am sending this out on behalf of Jim Belke, who is busy with a training class for the next few days. Let me know if you have any questions.

Thank you,

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

**To:** Thompson, Steve[thompson.steve@epa.gov]
**From:** Seager, Cheryl
**Sent:** Fri 9/8/2017 2:56:59 AM
**Subject:** Re: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

I think so. It's hard to be sure on the phone but it looks good to me.

Sent from my iPhone

On Sep 7, 2017, at 9:35 PM, Thompson, Steve <thompson.steve@epa.gov> wrote:

Does this capture the feedback from David? My iPhone is putting everything in different fonts!

Let me know and I will send to OEM.

Sent from my iPhone

Begin forwarded message:

**From:** "Stucky, Marie" <Stucky.Marie@epa.gov>
**Date:** September 7, 2017 at 3:25:55 PM CDT
**To:** "Thompson, Steve" <thompson.steve@epa.gov>, "Tates, Samuel" <Tates.Samuel@epa.gov>, "Osbourne, Margaret" <osbourne.margaret@epa.gov>
**Subject: FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations**

Update as of 9/7/17:

***1) In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings***

***associated with that inspection.***

We have not conducted a RMP inspection at the Arkema - Crosby facility based on available records back to 2003. The inspection targeting criteria that we use for high risk facilities are where offsite consequences impact a large number of people or they have had an accident

***2) In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse***

***findings associated with all such inspections.***

We have no records of any RMP inspections for the Arkema facilities in Hahnville, Beaumont, and Houston.

We show that the Odor-Tech LLC facility was inspected on 3/7/2013. The inspection did not identify any areas of concern.

We understand from Region 6 that no recent EPA RMP enforcement actions have been taken against the Crosby TX facility, based on ECHO database. Region 6: Does that database cover only the last 5 years and were there any RMP inspections older than 5 years? We also understand that the Arkema Crosby site was on the RMP joint EPA/TCEQ inspection schedule for October 2017.

*The facility that was planned for inspection in October 2017 was the Arkema – Houston facility, NOT the Crosby facility.*

*As stated above, we do not have records of any inspections being conducted at the Arkema Crosby facility.*

*Texas/TCEQ is not delegated to conduct RMP Inspections. EPA Region 6 prioritizes notifying the state on ANY inspections conducted in that state (including non-delegated program inspections), and TCEQ would have been invited to attend/observe once a tentative date was selected.*

**From:** Franklin, Kathy
**Sent:** Tuesday, September 05, 2017 1:13 PM
**To:** O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Bookman,

Robert <Bookman.Robert@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Cobb, David <cobb.david@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>
**Cc:** Wallace, Leonard <Wallace.Len@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; jones, bill <jones.bill@epa.gov>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
**Subject:** RE: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

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Phone: 202-564-7987

Email: franklin.kathy@epa.gov

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**Sent:** Tuesday, September 05, 2017 12:46 PM
**To:** O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Bookman,

Robert <Bookman.Robert@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Cobb, David <cobb.david@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>
**Cc:** Wallace, Leonard <Wallace.Len@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; jones, bill <jones.bill@epa.gov>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
**Subject:** Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

Colleagues:

We have received an inquiry (see attached letter) from the Senator Tom Carper of the Senate Committee on Environment and Public Works regarding Arkema Crosby TX incidents involving organic peroxides. Two of the questions below ask about RMP inspection/violations of Arkema facilities:

***1) In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings***

***associated with that inspection.***

***2) In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse***

***findings associated with all such inspections***.

We understand from Region 6 that no recent EPA RMP enforcement actions have been taken against the Crosby TX facility, based on ECHO database. Region 6: Does that database cover only the last 5 years and were there any RMP inspections older than 5 years? We also understand that the Arkema Crosby site was on the RMP joint EPA/TCEQ inspection schedule for October 2017.

We request your assistance with answering these 2 questions by providing information on RMP inspections/violations at all the US Arkema facilities and provide this information to Jim Belke by COB September 12. Arkema lists their US facilities on the following website: http://www.arkema-americas.com/en/arkema-locations-in-the-americas/?country=northamerica/usa/

Please also reply to indicate if you have no responsive records. I am sending this out on behalf of Jim Belke, who is busy with a training class for the next few days. Let me know if you have any questions.

Thank you,

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)

Phone: 202-564-7987

Email: franklin.kathy@epa.gov

<Arkema RMP sites R6.xlsx>

**To:** Thompson, Steve[thompson.steve@epa.gov]; Stucky, Marie[Stucky.Marie@epa.gov]
**From:** Seager, Cheryl
**Sent:** Thur 9/7/2017 3:30:52 PM
**Subject:** FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

**From:** Gray, David
**Sent:** Thursday, September 07, 2017 10:29 AM
**To:** Seager, Cheryl <Seager.Cheryl@epa.gov>
**Cc:** Taheri, Diane <Taheri.Diane@epa.gov>
**Subject:** RE: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

Thanks Cheryl.

Here is what we have said publicly. I have also alerted OCIR to this request to make sure they are coordinated.

Yes, it is correct that the site has not had an RMP inspection at the Arkema - Crosby facility based on available records back to 2003. The inspection criteria that we use for high risk facilities are where offsite consequences impact a large number of people or they have had an accident.

**From:** Seager, Cheryl
**Sent:** Thursday, September 07, 2017 10:21 AM
**To:** Gray, David <gray.david@epa.gov>
**Cc:** Taheri, Diane <Taheri.Diane@epa.gov>
**Subject:** FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

David – we received the request below from EOM. It doesn't look like you are in the loop. We have preliminary answers and as you can see are going to try to pull archived records so we can provide a complete answer. Want you in the loop as this is due by COB today – and we may be editing at the last minute depending upon what we find in archives.

**From:** Thompson, Steve
**Sent:** Thursday, September 07, 2017 10:03 AM
**To:** Seager, Cheryl <Seager.Cheryl@epa.gov>
**Subject:** Fwd: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

We are also going to the offsite records center today to pull archived files to double check for inspection reports.

Sent from my iPhone

Begin forwarded message:

> **From:** "Stucky, Marie" <Stucky.Marie@epa.gov>
> **Date:** September 6, 2017 at 12:05:49 PM CDT
> **To:** "Thompson, Steve" <thompson.steve@epa.gov>
> **Subject: FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations**
>
> As of now, this is what I know:
>
> ***1) In what year was the Arkema facility in Crosby, TX last inspected under the Risk Management Plan program? Please provide documentation of any adverse findings***
>
> ***associated with that inspection.***
>
> Based on what we know at this time, we have no records showing an RMP inspection at the Arkema - Crosby facility.
>
> ***2) In what year was every other Arkema facility in the U.S. that is subject to the Risk Management Plan program last inspected? Please provide documentation of any adverse***

***findings associated with all such inspections***.

We have no records showing RMP inspections at the Arkema facilities in Hahnville and Houston.

We have requested additional records from the records center on the Beaumont facility.

We are also looking into the Odor-Tech LLC facility, as that one was not on the original list of facilities we reviewed.

I am hoping to have the information on Beaumont and Odor-Tech by tomorrow.

We understand from Region 6 that no recent EPA RMP enforcement actions have been taken against the Crosby TX facility, based on ECHO database. Region 6: Does that database cover only the last 5 years and were there any RMP inspections older than 5 years? We also understand that the Arkema Crosby site was on the RMP joint EPA/TCEQ inspection schedule for October 2017.

**The facility that was planned for inspection in October 2017 was the Arkema – Houston facility, NOT the Crosby facility.**

Texas/TCEQ is not delegated to conduct RMP Inspections. EPA Region 6 prioritizes notifying the state on ANY inspections conducted in that state (including non-delegated program inspections), and TCEQ would have been invited to attend/observe once a tentative date was selected.

Sincerely,

Marie Stucky

U.S. Environmental Protection Agency Region 6

1445 Ross Avenue (6EN-AS)

Dallas, Texas 75202

(214)665-7560

stucky.marie@epa.gov

Confidentiality Warning:
This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. It is intended for the named recipient(s) only. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized. If you received this e-mail in error, please advise me (by return e-mail or otherwise) immediately and do not duplicate it or disclose its contents to anyone.

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We are now getting a request from our AA's office to have draft responses to Senate inquiry regarding Arkema for their review by Thursday, September 7 . I apologize for asking for speedier answers. If Regions could provide responses on the Arkema facilities inspections/violation by COB Thursday, it would be greatly appreciated. Thanks to those who have already responded.

Kathy Franklin

USEPA, Office of Emergency Management

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**Sent:** Tuesday, September 05, 2017 12:46 PM
**To:** O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Cobb, David <cobb.david@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>
**Cc:** Wallace, Leonard <Wallace.Len@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; jones, bill <jones.bill@epa.gov>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
**Subject:** Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

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Please also reply to indicate if you have no responsive records. I am sending this out on behalf of Jim Belke, who is busy with a training class for the next few days. Let me know if you have any questions.

Thank you,

Kathy Franklin

USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G  Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC  20460 (Zip 20004 for private courier delivery)

Phone:  202-564-7987

Email:  franklin.kathy@epa.gov

**To:** Thompson, Steve[thompson.steve@epa.gov]
**Cc:** Stucky, Marie[Stucky.Marie@epa.gov]
**From:** Seager, Cheryl
**Sent:** Thur 9/7/2017 3:24:18 PM
**Subject:** RE: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

On #2 can we add info on how long ECHO goes back/anything older than 5 years?

Thanks

**From:** Thompson, Steve
**Sent:** Thursday, September 07, 2017 10:03 AM
**To:** Seager, Cheryl <Seager.Cheryl@epa.gov>
**Subject:** Fwd: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

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Sent from my iPhone

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**From:** "Stucky, Marie" <Stucky.Marie@epa.gov>
**Date:** September 6, 2017 at 12:05:49 PM CDT
**To:** "Thompson, Steve" <thompson.steve@epa.gov>
**Subject: FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations**

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Sincerely,

Marie Stucky

U.S. Environmental Protection Agency Region 6

1445 Ross Avenue (6EN-AS)

Dallas, Texas 75202

(214)665-7560

stucky.marie@epa.gov

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**Cc:** Taheri, Diane[Taheri.Diane@epa.gov]
**From:** Seager, Cheryl
**Sent:** Thur 9/7/2017 3:21:21 PM
**Subject:** FW: Senate EPW committee inquiry regarding Arkema facilities RMP inspections/violations

David – we received the request below from EOM. It doesn't look like you are in the loop. We have preliminary answers and as you can see are going to try to pull archived records so we can provide a complete answer. Want you in the loop as this is due by COB today – and we may be editing at the last minute depending upon what we find in archives.

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**Sent:** Thursday, September 07, 2017 10:03 AM
**To:** Seager, Cheryl <Seager.Cheryl@epa.gov>
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**To:** Gray, David[gray.david@epa.gov]
**From:** Seager, Cheryl
**Sent:** Tue 9/5/2017 7:46:46 PM
**Subject:** Re: Press Inquiry re Arkema

Based on what we know at this time, we have no records showing an RMP inspection at the Arkema - Crosby facility. We have requested records from the records center on the facility to review. Depending on where those records are stored (onsite or offsite), it may take some time to receive and review all of the records.

Sent from my iPhone

On Sep 5, 2017, at 9:06 AM, Gray, David <gray.david@epa.gov> wrote:

# Can you check?

**From:** Pearson, Sam [mailto:spearson@bna.com]
**Sent:** Tuesday, September 05, 2017 8:58 AM
**To:** Gray, David <gray.david@epa.gov>
**Subject:** Press Inquiry re Arkema

Hi David,

I saw over the weekend that Senator Carper wrote to EPA asking for information about how EPA regulated Arkema's plant in Crosby, Texas. Among the information he requested was how often the plant has been inspected by EPA under the risk management program.

I was reviewing EPA data we have here, which was obtained under the Freedom of Information Act, and it seems to show that the Crosby plant was not inspected under RMP since 2003. It's possible it was inspected before that, but we don't have data going back that far.

I saw it shows the following RMP inspections at different Arkema facilities:

| Facility Name | FRS ID | Region | Federal Statute Code | Actual End Date | Actual End Date Year | Actual End Date Month | Compliance Monitoring Type |
|---|---|---|---|---|---|---|---|
| ARKEMA, INC. | 110025376413 | Region 4 | CAA | 11/9/2015 | 2015 | 11 | 112(r)(7) Inspection |
| ARKEMA, INC. | 110000380061 | Region 4 | CAA | 10/26/2010 | 2010 | 10 | Full Evaluation |
| ARKEMA INC | 110019470419 | Region 2 | CAA | 7/27/2010 | 2010 | 7 | Full Evaluation |
| ARKEMA, INC. | 110025376413 | Region 4 | CAA | 6/16/2009 | 2009 | 6 | Full Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/18/2008 | 2008 | 6 | Evaluation |
| ARKEMA COATING RESINS | 110018070380 | Region 5 | CAA | 3/28/2007 | 2007 | 3 | Evaluation |
| ARKEMA, INC. | 110025376413 | Region 4 | CAA | 3/31/2004 | 2004 | 3 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |
| ARKEMA INC | 110000464168 | Region 6 | CAA | 6/6/2003 | 2003 | 6 | Evaluation |

Is it correct that the Crosby plant has not been inspected since 2003? Has it ever been inspected under RMP at a different date? I assume you would have access to this same data if it is possible to check.

Thank you,

: : : : : : : : : : : : : : : : : :

**Sam Pearson**

Reporter

**Bloomberg BNA**

Direct 703.341.3881

Cell 571.319.9383

spearson@bna.com