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# Congress of the United States
## House of Representatives
### Washington, DC 20515-4329

**COMMITTEE ON ENERGY AND COMMERCE**
- SUBCOMMITTEE ON ENERGY AND POWER
- SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY
- SUBCOMMITTEE ON HEALTH
  RANKING MEMBER
- SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

**DEMOCRATIC SENIOR WHIP**

September 26, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

I am writing in regards to the growing public concerns over the impacts of Hurricane Harvey on human health and the environment on Harris County, Texas, and troubling reports of toxic spills originating from the U.S. Oil Recovery Superfund site in Pasadena, Texas.

On September 19, the Associated Press (AP) reported that the PRP Group, the designated Potentially Responsible Party for the site, informed the EPA on August 29 that there was a toxic spill originating from U.S. Oil Recovery into Vince Bayou.[1] The AP reported that the PRP Group made reports of separate toxic spills to the EPA on September 6 and September 7. The same report further states that the Harris County Pollution Control Service Department sent photos to the EPA on August 29 of three large concrete tanks that were flooded with water, and the National Oceanic and Atmospheric Administration (NOAA) provided aerial photos to the EPA on August 31 of "dark-colored water" surrounding U.S. Oil Recovery, two days after the initial reports. None of these reports provide information about how much toxic material leaked from the tanks.[2] Despite the risks posed by this site, your staff did not immediately investigate the spills.

On September 22, the Federal Emergency Management Agency issued a press release indicating that EPA has recovered 517 containers of unidentified, potentially hazardous material.[3] On Sunday, EPA clarified this statement by indicating that those containers were not collected at or released from Superfund sites. While I appreciate your clarification, waiting more

[1] http://www.houstonchronicle.com/news/texas/article/AP-Exclusive-Evidence-of-spills-at-toxic-site-12208071.php
[2] *Ibid.*
[3] https://www.fema.gov/news-release/2017/09/22/historic-disaster-response-hurricane-harvey-texas

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than two days to address this report worsened the fear and worry of the communities around these Superfund sites.

It is my fear that the reported toxic spills from U.S. Oil Recovery, a site that received industrial hazardous waste for decades, will harm communities and the environment downstream from the site. The apparent slow response and lack of transparency from your agency is already causing harm, by fostering fear and distrust. In order to address the risks from these spills and the very real fears of communities I represent, I request the following:

1) When was the EPA initially informed of the toxic spill at U.S. Oil Recovery? Who was informed initially, and when was notification provided to headquarters and regional staff?

2) EPA requires spills of oil or hazardous substances in quantities that may be harmful to public health or the environment to be immediately reported to the 24 hour hotline when public waterways are threatened. How much time expired between the initial notification of the toxic spill and when the EPA began its assessment of the site? Do you believe this delay compromised EPA's assessment of contamination from the site?

3) What is the average response time for the EPA to begin assessing potential spills, and how long does it usually take to complete these assessments? If the response time for the U.S. Oil Recovery site was longer than average, explain why.

4) Why did the EPA's press released on September 5 exclude notification of the PRP Group's toxic spill report at U.S. Oil Recovery?

5) Why have the EPA's updates to Congress excluded notification of the PRP Group's toxic spill reports at U.S. Oil Recovery?

6) What steps has the EPA taken to date to address the toxic spills at U.S. Oil Recovery? What future actions are planned?

7) Has the EPA taken any enforcement actions towards the Potentially Responsible Party for the toxic spills at U.S. Oil Recovery? If not, at what point will the EPA take an enforcement action?

8) Regarding the 517 containers of potentially hazardous material collected, I request a map of where the containers were required along with an inventory of their contents and the potential risks to surrounding communities.

In addition, I am requesting that the EPA provide to my office, the House Committee on Energy and Commerce, and the Senate Committee on Environment and Public Works, a copy of all soil and water lab tests, as well as a copy of all correspondence relating to the toxic spills at U.S. Oil Recovery.

Please respond to this inquiry as soon as possible, but no later than October 10, 2017. Thank you for your time and assistance with this request. Should you have any questions, please feel free to contact me at (281) 999-5879, or have EPA staff contact Sergio Espinosa with our DC office at (202) 225-1688.

Sincerely,

Gene Green
Member of Congress