From:	Scott Jones
To:	Leos, Valmichael
Subject:	RE: Diamond Alkali Phase I and SJRWP
Date:	Wednesday, March 30, 2016 10:36:10 AM
Attachments:	removed.txt

Welcome, Valmichael. I appreciate you.

Scott

Scott A. Jones
Director of Advocacy

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Protecting the natural resources of Galveston Bay since 1987

From: Leos, Valmichael [mailto:Leos.Valmichael@epa.gov]
Sent: Wednesday, March 30, 2016 8:42 AM
To: sjones@galvbay.org
Subject: RE: Diamond Alkali Phase I and SJRWP

Thanks Scott. I'll review all this information.

Sincerely,

Valmichael Leos
Remedial Project Manager
U.S. Environmental Protection Agency Region 6
O: 214-665-2283
E: leos.valmichael@epa.gov

From: Scott Jones [mailto:sjones@galvbay.org]
Sent: Tuesday, March 29, 2016 6:14 PM
To: Leos, Valmichael <Leos.Valmichael@epa.gov>
Subject: FW: Diamond Alkali Phase I and SJRWP

Sorry, Valmichael. Meant to include you in recipient list.

Scott

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From: Scott Jones [mailto:sjones@galvbay.org]
Sent: Tuesday, March 29, 2016 4:42 PM
To: 'Walters, Donn' <walters.donn@epa.gov>; Miller, Garyg (Miller.Garyg@epa.gov) <Miller.Garyg@epa.gov>
Cc: Jennifer Ronk (jronk@harcresearch.org) <jronk@harcresearch.org>; Bob Stokes <bstokes@galvbay.org>; 'Sanchez.Carlos@epamail.epa.gov' <Sanchez.Carlos@epamail.epa.gov>; 'Coleman.Sam@epa.gov' <Coleman.Sam@epa.gov>; 'gray.david@epa.gov' <gray.david@epa.gov>
Subject: RE: Diamond Alkali Phase I and SJRWP

Hi Donn and Gary-
Yesterday, I spoke with Elizabeth Butler, the EPA Diamond Alkali site project manager, and Sophia Rini, the EPA CIC. They both deem that project a success, as does Debbie Mans, the executive director of NY/NJ Baykeeper. I hope that the EPA Region 6 team will talk to Region 2 about the success of this site removal, as well as look at other examples of successful removal actions at other locations throughout the country and then give the San Jacinto River/Galveston Bay and its users the same level of protection by removing this source of dioxin once and for all. It's just too risky to try to contain it.

GBF is calling for a removal action, as we noted in our June 2014 letter to Gary and the NRRB after having looked at the scientific evidence, examples of cleanups from throughout the country and the actual events on the ground (made all the more urgent by the happenings in December and this month). Here are our many reasons:

1. the unsuitability of the site for in situ subaqueous containment, as it is not a low energy environment in a protected harbor or low flow stream (it is anything but with our floods, hurricanes and barge traffic…);
2. the inability of humans to perform a dependable risk analysis over such a long period of time that the dioxins will remain at dangerous levels and that a man-made cap must last under natural conditions, let alone man-made acceleration of relative sea level rise and

climate change (I hear a 500 year or more figure from Gary; as well as the Region 2 staff when I asked them how long they thought it would last);

3. the PRP's lack of a legitimate full removal option with common sense BMPs in their draft FS/cleanup alternatives white paper and the incomplete risk analysis of the same in which they used open water dredging and the site being uncovered for 2 years to back up their argument for permanent containment, when there are examples of phased removal out there right now, which makes one question their transparency and motives;
4. a temporary armored cap that was purported by the PRP's to be designed to handle a 100-year flood when it could not handle a 10-year flood, which makes one question the PRP's expertise to model and design a permanent cap;
5. unlined portions of the cap and therefore no true assurance that the cap has removed the pathway to the food chain, which makes one question the PRP's science and judgement when David Keith of Anchor writes in a July 2014 Houston Chronicle op ed that the temporary cap has eliminated all pathways, unequivocally.
6. a mystery hole in the unlined NW quadrant for which we still don't know the cause nor how long it has been there, which makes one question the PRP's ability to adequately construct a cap or monitor it;
7. a majority of the cap that has still not had an underwater inspection, which also makes one question the ability of the PRP's to adequately monitor a cap

I could go on about the deficiencies in the PRP's work to date and the related limitations of the Corps' 3rd party review, but I think that is enough for now.

Bottom line: The science, evidence to date, and inability to truly measure the risk involved overwhelmingly supports the EPA's call for a removal action: it is much more risky to try to contain the dioxin than to remove it. Man-made objects fail, especially over such a long time frame. Look at the examples of failed bridges and dams. We think it is just a matter of time before a cap, enhanced or not, will fail in this location. We are pretty much talking forever, no? Will these companies even be around to try to make it right when that happens?

We also think that containment will ultimately be costlier than removal. What will the cost be to the Galveston Bay recreational and commercial fisheries and related businesses when the cap fails? What will the cost be to the fishermens' and crabbers' health? Has that been factored into the risk analysis?

Thanks-
Scott

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From: Walters, Donn [mailto:walters.donn@epa.gov]
Sent: Tuesday, March 29, 2016 2:26 PM
To: sjones@galvbay.org
Subject: RE: Diamond Alkali Phase I and SJRWP

Scott, I would suggest checking the Region 2 website for further information.

From: sjones@galvbay.org [mailto:sjones@galvbay.org]
Sent: Monday, March 28, 2016 10:13 AM
To: Walters, Donn <walters.donn@epa.gov>; sjones@galvbay.org
Cc: Miller, Garyg <Miller.Garyg@epa.gov>
Subject: Re: Diamond Alkali Phase I and SJRWP

Thanks, Donn.

But can you tell me if Diamond Alkali Phase I removal has been deemed successful by EPA? Or can you provide me the name of an EPA staffer with whom I could speak to get that answer?

Scott

-----Original Message-----
From: Walters, Donn [mailto:walters.donn@epa.gov]
Sent: Monday, March 28, 2016 09:51 AM
To: sjones@galvbay.org
Cc: 'Miller, Garyg'
Subject: RE: Diamond Alkali Phase I and SJRWP

Thanks Scott for input. I always remind the public that one cannot accurately compare different Superfund sites. As I recall this is a very different waterway parameter and much more urbanized and industry near.

From: sjones@galvbay.org [mailto:sjones@galvbay.org]
Sent: Saturday, March 26, 2016 12:59 PM
To: Miller, Garyg <Miller.Garyg@epa.gov>; Walters, Donn <walters.donn@epa.gov>
Cc: sjones@galvbay.org; bstokes@galvbay.org; jronk@harc.edu
Subject: Diamond Alkali Phase I and SJRWP

Hello Gary and Donn-
I have a couple of questions that I hope you can answer:

1. Can you tell me if Diamond Alkali Phase I removal of 40,000 CY of dioxin-laden material up on the Passaic in Newark, NJ has succeeeded in protecting human

health and the environment? I see that Phase II will remove another 160,000 CY. Seems to have a lot of similarities to SJRWP... Here is a video with EPA Region 2's Walter Mugdan explaining the cleanup: https://www.youtube.com/watch?v=cDnWa8v8xpc

2. Gary - can you confirm what you told me on March 11th, that the dioxin under this cap will have no appreciable breakdown? I was wondering if the 500-year risk calculation figure in the Corps 3rd party review is even enough time for these toxins to breakdown? So, if I say that this stuff could last "forever", would I would be correct?

And I have some thoughts about protecting the the bay and some additional questions:

To me, going 500 years into the future, to the Year 2516, is already "forever." That is at least 20 more generations of bay fishermen and crabbers that need a man-made cap to work to keep them safe... In a location that is not a "low energy environment" in a "protected harbor" or "low flow stream" as EPA guidance recommends for in-situ subaqueous containment.

Or go back 500 years to the Year 1516. Would a person standing on the banks of the San Jacinto River in 1516 know what the river would like like in the Year 2016? For that matter, would a person standing on the banks of the San Jacitno in 1965 know what the river would look like in 1975, 1985, 1995, 2015 or today? The answer to those two questions is a resounding "no."

What other changes will mankind induce on this river, and a potential underwater permanent toxic waste containment site, beyond just the natural changes that will surely occur? Rivers will change course, land will sink, the sea and estuarine rivers will rise, and the climate will change. Many, if not all, of those things have already happened in this reach of the San Jacinto since the day that MIMC decided to open up a toxic waste site on the edge of a major river for business.

When the PRPs designed and built the temporary cap, and said it would eliminate all exposure pathways by its very nature and that it would withstand a 100-year flood, I will take them at their word that they believed that to be the case. But we can see that it has failed to meet those standards in it's short 4.5 year lifetime in the form of holes/gaps/caps/erosion. Especially troubling is the hole in the NW quadrant where there is no liner to protect the biota/food web from the 43,700 ppt concentration sediments/waste. I am sure PRPs believed in the temporary cap integrity as much as those who designed and built the I-35 bridge over the Mississippi River in Minneapolis, or those who have built dams that have failed, or those who designed the Titanic and said it was unsinkable. That is the nature of human endeavors and engineering; we are not humble enough to know our engineering limitations.

So, can the PRPs guarantee that a permanent cap can be engineered to protect us during a 500-year flood or 100-year hurricane over a 500 year time frame? What will the risk of containment in this location be over 500 years? Can we even begin to run a reliable risk analysis for that long of a period?

What we do know is that if the wastes are removed from the SJRWP in a responsible manner, then risks to fishermen and crabbers from its dioxin can begin to go to zero as the dioxin that was released from the mid-60s and onward starts to work itself out of the

sediments and food chain. As with the pesticide (chlordane, DDT, etc.) advisory that was recently rescinded for these waters, perhaps we could have another feel good story and dioxin can be eventually removed as a contaminant of concern. That only happened because the sources of those pesticides were removed through bans; none of it was contained under subaqueous caps where it could remain a threat... This dioxin will remain a true threat until it is removed once and for all. If it sits under a cap, we are asking for trouble in the future.

Thanks-
Scott

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This message contained an attachment which the administrator has caused to be removed.

********** ATTACHMENT REMOVED
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Attachment type: [image/jpeg]