Vince Ryan
Harris County Attorney

April 2, 2014

Ms. Anne Foster
United States Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

Re: San Jacinto Superfund Site

Dear Ms. Foster:

Harris County has recently identified the attached information regarding the San Jacinto Superfund Site that raises concerns about the integrity and objectivity of information being provided to the public and the EPA in connection with the Site, and upon which EPA is being asked to rely upon in making future critical decisions that will impact the health and welfare of the citizens of Harris County.

The attached document reflects discussions between Waste Management and International Paper regarding a "global plan" to influence the public, improperly pre-determine the site remedy and to interfere with EPA's ability to speak freely to the public at community meetings designed to provide unbiased information regarding the dioxin contamination in their neighborhoods at the San Jacinto Site. The document also identifies the involvement of their consultant Anchor QEA in their efforts to influence the public to accept the least-costly site remedy that it appears that they have pre-selected three years before completing what is required to be an objective investigation and study to evaluate potential cleanup alternatives. The draft Feasibility Study conducted on their behalf by their consultant Anchor QEA was provided to EPA on March 2014. However, in March of 2011, a Waste Management official discusses the responsible parties' efforts to "control their message" to the public so that the community action group members will view the temporary rock cap as part of the permanent remedial action at the site. The Waste Management official advises the International Paper Senior Project Manager that Waste Management is "working on a global plan to build this consensus with all stakeholders and David [the Anchor project manager] is the best spokesperson to address this group and control our message. ValMichael [the EPA's Remedial Project Manager] will not speak out of turn when David is present because he knows he will be called out immediately. We need to control our message and build consensus [are] we may be facing a dig and haul/burn as part of the final remedy." Harris County is providing this information to EPA because it calls into question the objectivity of the Responsible Parties' commitment to the process and to the reliability of the information produced by Anchor, their experts.

The availability of unbiased information to the public is a critical component of the process, as well as ensuring that the information in the studies and testing that is the basis of evaluating the permanent remedy at the Site is not slanted or interpreted so as to influence the outcome. This

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information about the global plan of the Responsible Parties and their consultant (who together control the data interpretation and conclusions of the Feasibility Study) to influence the outcome raises serious questions about the integrity of the Study and the work performed at the Site by those parties.

Harris County recommends that EPA evaluate whether to undertake an investigation regarding the integrity of the community relations process and to evaluate the objectivity of the underlying reports and information being provided to the EPA and the public by Waste Management, International Paper and Anchor Environmental that are the basis for future critical decisions regarding public health and exposure.

Very truly yours,

Rock Owens

Cc: Ms. Pam Phillips (EPA)

Attachment

From: Shafer, Andrew
To: Smith, March
Sent: 3/9/2011 10:23:05 AM
Subject: RE: Please mark your calendars: next CAC meeting and other informational items.

No estimate but will start looking into it. It won't be a pretty number. Incineration may be the only option and it probably won't be on site because of the air regs in Houston. That mean hauling to Port Arthur. I don't think we can take the waste to any of our landfills including CWM Lake Charles.

Andrew L. Shafer, P.E.
District Manager, WM Closed Sites Management Group
9590 Clay Road
Houston, TX 77080

Office No.: 713-772-9100 Ext. 109
Fax No: 832-668-3188
Cell No. 832-724-3802
Did you know? "Waste Management's landfills provide over 24,000 acres of protected land for wildlife habitats and 73 of the sites are certified by the Wildlife Habitat Council."

Be Safe!!

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From: Smith, March
Sent: Wednesday, March 09, 2011 9:28 AM
To: Shafer, Andrew
Subject: RE: Please mark your calendars: next CAC meeting and other informational items.

Phil is against David appearing, but I told him we need to start building consensus on the TCRA as part of the final remedy. Do you have an estimate to dispose of the waste if required? Transportation, landfilling and incineration, etc.

March Smith
Director of Closed Sites

From: Shafer, Andrew
Sent: Wednesday, March 09, 2011 9:49 AM
To: Smith, March; Philip J Slowiak
Subject: RE: Please mark your calendars: next CAC meeting and other informational items.

From experience we know how Valmichael addresses the crowd. When we don't have someone present he will say anything.

Andrew L. Shafer, P.E.
District Manager, WM Closed Sites Management Group
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From: Smith, March
Sent: Wednesday, March 09, 2011 8:47 AM
To: Philip J Slowiak
Cc: Shafer, Andrew
Subject: RE: Please mark your calendars: next CAC meeting and other informational items.

Good point, however, David is the lead dog when it comes to building a consensus with the CAC members to view the TCRA as part of the permanent remedial action at the site. I am working on a global plan to build this consensus with all stakeholders and David is the best spokesman to address this group and control our message. ValMichael will not speak out of turn when David is present because he know s he will be called out immediately. We need to control our message and build consensus are we may be facing a dig and haul/burn as part of the final remedy.

March Smith
Director of Closed Sites

From: Philip J Slowiak [mailto:Philip.Slowiak@ipaper.com]
Sent: Wednesday, March 09, 2011 9:41 AM
To: Smith, March
Cc: Shafer, Andrew
Subject: RE: Please mark your calendars: next CAC meeting and other informational items.

Let's talk about this. I'm not so sure it's in our best interest to have Dave become too familiar a face at these meetings. It might be better to let Valmichael report all the progress. We need to keep Dave in reserve for bigger issues. The CAC won't move on to other big picture issues if Dave is the center of attention.

Philip J Slowiak, Sr., CSP
Senior Project Manager
Environmental Remediation
INTERNATIONAL PAPER COMPANY
6400 Poplar Avenue
Memphis, TN 38197
Office: 901-419-3845
Cell: 901-604-1952
Fax: 901-214-9550
philip.slowiak@ipaper.com

From: Smith, March [mailto:msmith4@wm.com]
Sent: Wednesday, March 09, 2011 6:08 AM
To: Philip J Slowiak
Cc: Shafer, Andrew
Subject: FW: Please mark your calendars: next CAC meeting and other informational items.

Phil, I think we should have David present the current status in person at the meeting on April 20 as it is designated as a "big picture" meeting. Let me know if you agree and I will forward this information to him.
Regards,

March Smith
Director of Closed Sites

From: Gordon, Leah (CAO) [mailto:Leah.Gordon@cao.hctx.net]
Sent: Tuesday, March 08, 2011 4:41 PM
To: 'walters.donn@epa.gov'; 'ctaylor@tceq.state.tx.us'; Obey, Rita (PHES); Seegers, Mark (Commissioner Precinct 2); Haldin, Kenneth; 'bstokes@galvbay.org'; 'kristi.corse@h-gac.com'; 'Nann.Barbara@epamail.epa.gov'; 'tzhone.stephen@epa.gov'; 'sanchez.carlos@epa.gov'; 'Leos.Valmichael@epamail.epa.gov'; 'lvoskov@tceq.state.tx.us'; Miller, Gail (Commissioner Precinct 2); Schaffer, Michael (PHES); Cron, Catarina (County Judge's Office); 'Axe, Al'; Smith, March; Shafer, Andrew; 'Steve.Ginski@IPaper.com'; 'jcermak@bakerlaw.com'; 'philip.slowiak@ipaper.com'; 'wpetit@jgdpc.com'; 'Powers, Rachel D.'; 'gmcmahan@poha.com'; 'nhausler@poha.com'; 'lhenry@poha.com'; 'Rich O'Connell'; 'Patricia.Radloff@tpwd.state.tx.us'; 'don.pitts@tpwd.state.tx.us'; O'Rourke, Terence (CAO); Sanders, Herman (HCPID); Hamilton, Dimetra (HCPID); 'Leonard Polk'; 'coats.janetta@epa.gov'; 'Scott Jones'; 'Tina.walker@dshs.state.tx.us'; 'David.Rivera@dshs.state.tx.us'; 'Will Graham'; 'Mary.Risner@tceq.texas.gov'
Cc: Patel, Snehal (CAO); Majors, Curtrina (CAO)
Subject: Please mark your calendars: next CAC meeting and other informational items.

1. The next Community Awareness Committee will be on Wednesday, March 23, 2011 at 9:30 AM. If you would like to request specific agenda items, please email Snehal and Donn.

2. We are also sending the following helpful EPA websites on San Jacinto River Waste Pits that were launched recently:

Information about the site generally (S. Tzhone):

http://www.epa.gov/region6/6sf/texas/san_jacinto/

Information specific to the TCRA (V. Leos):

www.epaosc.org/sanjacwpremoval

Please review these websites and we will be discussing/sharing comments with EPA at the next meeting.

3. Every two months, a big picture status report will be provided. The next one is scheduled on April 20, 2011 at the regularly scheduled CAC meeting.

Best wishes,
Snehal R. Patel

Leah A. Gordon
Environmental Paralegal
Environmental Regulatory Section
Office of Vince Ryan
Harris County Attorney
1019 Congress
Houston, Texas 77002

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