CES Environmental Briefing Sheet:

Purpose:

The purpose of this briefing is to: (1) Provide update on assessment/response activities; and, (2) PRP search activities

Context:

Site Location: 4904 Griggs Road, Houston, Harris County, TX
Area Around Site: Primarily Residential with a mixture of commercial. Residential properties back up to and surround the facility. 1 elementary charter school backs up to facility. An additional elementary school within ¼ mile.
Area Demographics: 97% minority

Facility Background:

- CES is a former waste management/chemical recycling facility;
- CES operated from 2002 – 2010. CES filed Ch 11 bankruptcy in 2010 and forced conversion to Ch 7.
- The City of Houston has responded to many citizen complaints during operations and also during conservatorship by the Trustee.
- The EPA PRB became involved at CES in March 2014 as a result of a spill (vandalism) reported to EPA from TCEQ – Houston;
    - The COH, Trustee's Consultant and Contractor, and TCEQ responded to address the spill and additional stabilization activities. TCEQ Legal has been involved with the CES bankruptcy activities since about 2010. EPA received regular updates and had meetings to discuss site after this spill.
    - EPA coordinated with Trustee's Consultant, EPA believed that the Trustee was close to a deal with its contractor where its contractor would fund the cleanup for payment after sale of property (prospective purchaser appeared to be in the wings). Ultimately, contractor could not afford to forward fund the cleanup;
    - Trustee informed TCEQ that it did not have the funding to completely address the cleanup but it could take some actions and obtained an emergency approval from the court ($131,000) to address 1 vac box, 1 roll-off box, and 7 waste piles. These actions were completed in August 2014; Additional actions are being discussed depending on available funding;
- The CES facility experience another spill on 8/1/14 of approximately 3000 gallons and release into the residential community south of the site that was carried by storm water flow. The suspected spill source was from Tank Trailer 408 (oily water with cleaning solvents). The suspected cause was vandalism as the valve on this tank was open and dripping at the time and was reported as full by the Trustee's consultant.
    - COH responded and dammed up the flow from the site, collected 6000 gallons of contaminated water.
    - TCEQ responded and removed contaminated storm water from the ditches, conducted fresh water and enhanced flushing of open and underground storm sewers and impacted grass/soil/asphalt street areas and collected the flushed materials. TCEQ collected approximately 60,000 gallons of contaminated waters. TCEQ also constructed a dike on the southern portion of the property to restrict storm water flow off the site into the residential area.
    - EPA responded and provided cleanup recommendations to TCEQ, sampled residential ditch water, conducted soil samples in the residential ditch and right-of-way areas, conducted on-site and off-site air sampling, conducted sampling on the suspected source TT408 and TT407, repaired on-site fencing to restrict access to the facility, and trimmed/collected grass clippings from visibly stained ditch areas and residential property right-of-ways.
    - TCEQ has requested EPA assistance to address the environmental issues at the site;
- On August 14, Superfund Management gave approval for initiating immediate removal response actions up to $500,000. The EPA returned to the site on August 19 and began community relations activities by handing out a fact sheet (99 handed out around the facility and also given to City of Houston and TCEQ in electronic format). EPA met with residents and local activist groups (Texas Low Income Housing Information Service) and handed out flyers.
- On August 20, Removal Assessment TDD issued to START Contractor. Sampling started week of August 25.

- On August 26, Superfund Management approved an Action Memo for $2,000,000.
- On September 2, Task Order issued to ERRS Contractor. ERRS contractors showed up on-scene on September 3.
- On September 18, TCEQ plans a site visit for the Preliminary Assessment. The PA expected to be completed in November. The PA was completed in January 2015.

Issues:

- Monetary Issues: The Estate only has limited funding but is currently addressing 1 VB, 1 RB, Waste Piles ($131000). The Trustee continues to work with EPA on additional actions with remaining funding. The COH or TCEQ do not have the necessary funding to address the immediate needs at the Site.
- Security Fencing: The fencing was open to the public but EPA repaired security fencing in August 2014 as part of the Emergency Response to the Chemical Spill;
- Chemical Containers: Vacuum Boxes, ASTs, Frac Tanks, Tanker Trailers, Totes, Drums, Vats, and smaller containers. The containers contain:
    - Hazardous substances include: benzene (D018), creosol (D023-26), 2,4,6-Trichlorophenol (D042), MEK (D035), 1,2-Dichloroethane (D028), Corrosivity (D002), Ignitibility (D001) and other hazardous substances; and, some of the constituents in these waste materials are identified as probable or known human carcinogens.
- Contaminated Asphalt/Concrete: The site has significant spillage to asphalt/concrete surfaces which contaminates storm water which has the potential of runoff into storm sewers or adjacent residential properties;
- Contaminated On-Site Soils: Although soils have not been investigated, it is obvious that soils have been contaminated by releases from on-site containers;
- Contaminated Off-Site Soils: Off-site soils have been impacted by the recent spill (July 2014). In addition, drainage in the community from the site has been ongoing for many years through a normal stormwater outfall. A more complete investigation will be required to determine the impacts of the historical operations on the surrounding properties.
- Groundwater: Groundwater will need to be evaluated to determine if it has been impacted by historical operations at the site.

- Risks:
    - Exposure of the surrounding residential populations and the environment as a result of a chemical releases due to Container failure, vandalism, arson, weather (hurricane, flooding, lightning strikes)

Actions:

- PRP: The below actions can be transitioned at an appropriate time if a PRP group can be identified that can do the work required:

- EPA (Removal Program): Conduct up to $2 million worth of cleanup activities on the site. Activities anticipated to be completed by March 31, 2015. The primary focus of the cleanup is:
    - Disposal of chemical wastes and containers on the facility;
    - Clean asphalt/concrete/soil of visible chemical contamination.

- TCEQ (Removal Program):
    - Complete any appropriate tasks listed above for which EPA may not be able to complete due to statutory funding or time limitations, excluding disposal of containers unless they cannot be salvaged. The TCEQ may be able to commit up to $500,000 to address the Removal Priorities listed above;

- TCEQ/EPA (Site Assessment/Remedial)
    - TCEQ (thru EPA Cooperative Agreement) will assess soil, surface water, and other appropriate media for the purposes of State/Federal Superfund Ranking purposes (PA/SI/ESI). The PA expected to begin September 18 and be completed in November.

    - Next steps will be determined by the outcome of the PA/SI process;
    - TCEQ/EPA will rank the site if their respective ranking criteria are met;
    - The Site will be addressed further following State/Federal Superfund Process. Note: Should the site be proposed to the NPL, additional funding may be made available for continued EPA removal actions as appropriate. Also, pursuant to TX Health & Safety Code at 361.1839(a), the site will only be proposed to the State Registry of Superfund Sites if the site is not addressed under the Federal Superfund Program or under the voluntary cleanup program or by an agreement with the PRPs.

- Enforcement:
    - 120 Boxes of file obtained from CID;
    - 10 CDs obtained from Trustee Consultant;
    - TCEQ has sent 80 letters to Potentially Responsible Parties and have started getting feedback through prominent environmental law firms.