

DIOXIN/PCB TMDL STAKEHOLDER MEETING
Draft Meeting Summary

August 17, 2011
1:30 – 4:00 PM

Members Present: Winston Denton (Texas Parks and Wildlife), Nicole Hausler (Port of Houston Authority), Tracy Hester (UH School of Law), Bob Stokes (Galveston Bay Foundation), John Westendorf (Occidental Chemical Corp)

Jeff Stevenson (Shell) was represented by Florentine Vuelvas.

Members Absent: Chris Barry (Harris County PHES), Charles Beckman (Harris County Pct. 2), Ronald Crabtree (City of Deer Park), Daya Dayanada (City of Pasadena), Luke Giles (CCA Texas), George Guillen (Environmental Institute of Houston), Ed Matuszak (Private Citizen, with URS), Kristy Morten (USACE), Gordon Pederson (Gulf Coast Waste Disposal Authority), David Ramsden (URS Corp), Gerardo Ruiz (City of Baytown), Lial Tischler (industrial representative), Kerry Whelan (Reliant Energy), Kirk Wiles (Texas Department of Health),

Support Staff Present:

Linda Broach (TCEQ), Kristi Corse (H-GAC), Will Merrell (H-GAC), Gary Miller (EPA), Brian Mueller (EPA Water Quality Protection Division), Jeff Murray (H-GAC), Jim Neece (TCEQ), Rachel Powers (H-GAC), Hanadi Rifai (UH), Ron Stein (TCEQ), Donn Walters (EPA)

Others Present:

Kathy Cameron (Syngenta)
Jennifer Davis (Parsons)
Tom Douglas (citizen)
Brandon Georgetown (UH)
Linda Henry (Port of Houston Authority)
Steve Hupp (Bayou Preservation Association)
Scott Jones (GBF)
Carol Lamont (Harris County)
Teri MacArthur (Montgomery Texas)

Maria Modelska (UH)
Snehal Patel (Harris County)
Will Petit (representing GBF)
Michael Shirey (OxyChem)
Scott Strathouse (CH2M Hill)
Crystal Taylor (TCEQ)
Taft Tucky (UH)
Cecilia Vancas (Harris County)
Ashley Wadick (TCEQ)

Welcome and Introductions

Rachel Powers called the meeting to order at approximately 1:40 PM. She thanked everyone for coming. Self- introductions of stakeholders, public participants, and H-GAC staff followed.

Review Agenda

Rachel asked stakeholders, participants, and staff to review the meeting agenda.

Adopt February 23, 2011, Meeting Summary

The meeting notes were adopted.

Update on the Draft Houston Ship Channel Dioxin TMDL and PCB TMDL Project, Ron Stein, TCEQ

Mr. Stein described three TMDL projects at work in the area. Two are formal TMDL projects and one is a survey or study for PCBs and Dioxins.

Draft TMDL for Dioxin in the Houston Ship Channel and Upper Bay System TMDL

A draft of the Ship Channel and Upper Bay System TMDL has gone through several internal reviews by TCEQ staff. Staff members are currently working through issues and focusing on fundamental problems, such as the sources of dioxins. TCEQ is focusing on sediment, rather than smaller contributing sources. The smaller contributing sources are not the primary problem. TCEQ is deciding whether to modify the TMDL to address the dioxins in the sediment, or to cease developing the TMDL. The internal review is expected to address these options. Mr. Stein expects that the review process will be completed by the end of September.

If a decision is made to move forward with the TMDL, the TMDL will be submitted to the Commissioners for approval to go to public comment. It is possible that the public comment period might begin before the end of the year. The public comment period is typically 30 days. According to Mr. Stein, TCEQ may be able to adopt the TMDL by the end of August 2012. He will have a more clear idea by the end of September.

Q: What are your thoughts going forward with a modified TMDL or a new TMDL?

A: Personally, we are more weighted with going ahead with a modified TMDL.

Q: Can the public request more than 30 days for the public comment period or can the TCEQ allow more than 30 days?

A: It is not unusual for the TCEQ to extend the public comment period to 45 or 60 days based on requests and feedback from stakeholders.

Q: Will the internal review result in substantial changes to the preliminary draft of the TMDL, which was provided to stakeholders before the internal review process began?

A: No. TCEQ is considering enhancements to the implementation and the reasonable assurance section. There are wording changes, but the essence of the document is still the same.

Houston Ship Channel and Bays PCBs TMDL Project

The PCB TMDL for the Upper Bay System has been on hold for the better part of the fiscal year. Internally, TCEQ has been deliberating about how to proceed with the TMDL. TCEQ has renewed funding for the project and is moving forward. Dr. Rifai will speak about plans for the next fiscal year. The process for this TMDL might be contingent on the outcome of the Dioxin TMDL. For now, the TCEQ is going ahead with this project.

Galveston Bay System Dioxin and PCBs Surveys Project

TCEQ is developing a plan to address new fish advisories issued by the Texas Department of State Health Service for the greater Galveston Bay system. TCEQ has begun sampling based on sampling sites recommended by stakeholders. Because of budgetary constraints, TCEQ has extended the timeframe for sampling. Sampling will be done this fiscal year and next fiscal year, after which the data will be assessed. The sampling and data are necessary for the development of a TMDL and a characterization of conditions in the Bay.

TCEQ's internal reviews are not limited to PCB and dioxin projects in the Houston area; rather, these issues are being considered for projects across the state.

PCB TMDL Project – Project Updates, Dr. Hanadi Rifai, UH

Dr. Rifai began by stating that she has been involved with the projects for PCBs and Dioxins since 2002. She showed snapshots of PCB and dioxin sampling since 2002, including a comparison of pre- and post-Ike data. There were significant differences between the post “Ike” and the “traditional” sampling events, although it is unclear whether the differences represent a trend or an anomaly.

For current sampling, UH is using the same methodology as in the past to ensure consistency. They are using the same high volume water sampling, sediment sampling, and fish tissue analysis. With the available funding, they were able to collect data from the sampling points. As of July 31, they had collected samples from most of the intended locations. At some locations they were able to collect tissue from all of the desired fish species. Right now, they are categorizing the fish tissue and sending the analytical data to the labs for testing. Once this is complete, they will conduct a QA/QC on the data.

Different methods and standards are used for testing PCBs and Dioxins. Over time, the methods have changed. At first, sediment testing showed that dioxin concentrations were significant; however, the sediment was not showing concentrations of PCBs. Some species of fish will have both PCBs and Dioxins in their tissue; however, crabs will have only PCBs.

Dioxin issues in the Galveston Bay are more complex than previously thought. From the two datasets that were collected in 2008 and 2009, they were able to locate “hot spots” or areas of elevated concentrations of dioxin. Sediment from Greens Bayou, Hunting Bayou, and Patrick Bayou appears to be contributing to dioxin levels in the Bay system.

The open bay and parts of the ship channel extending into the bay system have higher concentrations.

Currently, UH is developing a model which will help determine the direction of the study. However, there is limited funding and a lot of work to do. The sampling does not cost that much; however, they are thin on dollars and have some tough decisions to make. They are working on determining the different congeners in the sediment; however, the stakeholders and agencies will have to figure out the allowable amounts of Dioxins and PCBs that can be present in the bay and ship channel. Currently, the allowable amount of Dioxin in the ship channel is half a teaspoon a day.

Updated on the San Jacinto Waste Pits Superfund Site, Gary Miller, EPA

Mr. Miller reported that the draft of the final report for the San Jacinto River Waste Pits site is due in the middle of 2012. EPA has been sampling sediment, soil, and fish tissue. A preliminary report on the sampling results is available. Just this past Thursday, EPA sampled for dioxin in residential areas. EPA should have the results of the sampling in three weeks. Additional sampling of the southern impoundments, the area south of I-10, will be done soon. The cover on the waste pits has been completed. They are working on a developing a monitoring and inspection plan.

Q: Could you describe the location of the southern impoundments? It was not discussed at the last meeting.

A: The southern impoundments are south of I-10, and south of a little surface road. In 1965, paper mill waste was placed in those impoundments. Cores in the northern part of the southern impoundments found some dioxin. EPA is sampling the sediment and ground water further south and will continue to sample in the future.

Q: Has the “blue line,” the representation shown at previous meetings of the border around project area, changed?

A: Not yet, but EPA will review data report. We will make sure we identify the the full extent of the contamination.

Q: Can you give us an update on the Patrick Bayou Superfund Site? Have you conducted studies, clean ups, or determined who the responsible parties are?

A: I am not involved. At this point, our agency is not officially commenting on it. We are figuring out any relationships between the Patrick Bayou Site and the Waste Pits.

Q: In what stage of the process is the NPL site?

A: Efforts have been made by the Patrick Bayou Task force, and we are working on getting a better picture. We are studying connection to the site, if there is one. We are working on the connection and deciphering what the connection is.

Q: Both PCB and Dioxin contamination is occurring at that site. Where does that site stands in the clean up process? Is something is going on? Can you provide general information about what to expect in that process and where is it in the process?

A: I do not know. In terms of the SJRWP site, the waste pits were used for placing waste from a paper mill. Over time, due to subsidence and other factors, the San Jacinto River began to cover the pits. In terms of what we have done, we have placed various membranes and fabrics, and different sizes of rock over the pits. This was done as a temporary measure. Eventually, a final measure will be selected for the site once we have completed the feasibility study.

Q: Can you provide an updated fact sheet and maps of new pits? It would help for gathering some orientation to the site.

A: We will provide an updated fact sheet and maps of the new pits for the next meeting.

It was noted that the EPA has great website, which is up to date on the SJWP. However, it does not provide much information on the southern impoundments.

Q: Is there a risk assessment?

A: Not yet

Q: Is one of the exposure pathways the consumption of seafood?

A: Food ingestion is one of the pathways.

Q: Is there an eco-risk assessment?

A: Yes

Q: Will the cleanup standards for the site be consistent with the cleanup standards in the TMDLs?

A: Our number one priority is developing a “cleanup plan.” We still have questions regarding sediment and residential soils.

Q: Is the southern impoundment a single pit or more than one pit?

A: We do not know. It could be one pit or two pits with divider. We do not have an historical aerial photo.

Panel of Resource Agencies and Stakeholders

The panel began by talking about the sediment data for the Houston Ship Channel system. The system has several hotspots. The proportions of different congeners varies depends of sampling locations. The proportions in Patrick Bayou are not the same as in the San Jacinto River Waste Pits site.

Q: In terms of the correct terminology, we are talking about hot spots and hotter spots?

A: When we did the fingerprinting, results showed a range of concentrations. The areas next to pits and around the San Jacinto Monument had concentrations in the hundreds, while concentrations in the pits themselves had concentrations in the thousands. The area around the San Jacinto Monument is in 100s. We are concerned with anything over twenty/twenty one.

Q: Was this talked about at the meeting this morning? [Note: EPA and several resource agencies meet regularly to discuss progress on the SJRWP superfund site.]

A: This was brought up at the meeting this morning. It is difficult to describe this in the abstract. We did decide this morning that we need pictures.

Q: Is there a defined categorical segregation?

A: We found 17 different congeners. There are different chemical processes that result in different congeners.

Ms. Patel stated that Harris County considers this to be an important public health and environmental issue. They county is working closely with the Superfund team. A big piece of this effort is public and community awareness.

GBF is working to increase communication with the general public. They are currently working on signage. They will place 120 signs around the bay, especially near the waste pits. The signs will have graphics warning the public of the different advisories. They should be in the ground in the next month or so. They are also working through the EPA on a technical assistance grant for an independent review of the data. They want to interpret the data and communicate the findings to citizens. They do not way anyone to feel left out of the cleanup process.

Q: What are the next steps for the Patrick Bayou Site?

A: The fingerprinting data was of immediate interest to the EPA and other agencies because one of the questions is if the Patrick Bayou Site had anything to do with the SJWP site. We are going to continue to collect data and analyze data.

Other Business

Rachel passed around the current roster of stakeholders, which has three vacancies. She explained that some people have moved on or have left the stakeholder group. She is looking for

appropriate people to be invited for the stakeholder process. She would welcome recommendations for replacements to be considered at the next meeting. She will follow up with an e-mail request.

Next Meeting

Rachel stated that the next meeting will be within 6 months. The next meeting should be in February unless the TCEQ or this process comes to a significant milestone, in which case, we would meet sooner. EPA has agreed to share information about the Patrick Bayou Site at the next meeting.

Q: Dr. Rifai, during the interim period could you share any new data?

A: Yes, we will circulate it.

Adjourn

The meeting adjourned.