

Questions and Answers

Jones Road Groundwater Plume

1. It has come to the residents' attention that the TCEQ was aware of groundwater contamination in the area during early 2001. However, many residents were not informed of this problem until April 2002. **Why did it take more than 14 months to notify the residents, many that were still ingesting the tainted water?**

Tetrachloroethene (PCE) was first confirmed in some residential wells in March 2002 and notification was provided to residents immediately. Residents and businesses have been notified immediately concerning the presence of PCE above the MCL.

PCE was detected at a public water supply well (Finch's Gymnastics) on Dec. 13, 2000. A public water supply well is a well having a potential for at least 15 service connections or that serves at least 25 individuals at least 60 days out of the year. The well at the Finch facility met that description. A followup sample on Jan. 25, 2001 confirmed the contamination in the Finch well. While public water supply wells are required by the TCEQ to sample and report, unfortunately no such requirement is applicable to private water wells. The agency (TCEQ) began an investigation into the contamination at the Finch public supply well, which resulted in locating and sampling private water wells in the area. Although the agency was aware that the public water supply well was contaminated in January 2001, we were unaware until March 2002 that private wells were contaminated.

The TCEQ is working to put in place a system for early notification of area residents after a public water supply is found to be contaminated.

2. In August 2002, TCEQ and Bell Cleaners et al entered an agreement. During negotiations, neither residents nor local officials were included in the decision-making process. **How does this agreement impact (either negatively or positively) the residents?**

A TCEQ order does not address the whole range of legal and liability issues associated with a release. The August 21, 2002 Order directed Bell Cleaners and Henry T.T. Lucky to:

- 1) cease all use of PCE at that location
- 2) grant access for remediation; and
- 3) add a deed restriction to the shopping center property that prohibits use of PCE.

Bell stopped the use of PCE at that location on May 23, 2002. Three follow-up visits by the TCEQ to the location confirmed this fact. Additionally, the TCEQ received a signed access agreement from HTTL and we understand that the deed restriction prohibiting PCE has been filed. The TCEQ should receive proof of this filing very soon.

At the TCEQ Commissioner's Agenda in August, the TCEQ Commissioners referred the site to Superfund, which allows the agency to move forward and conduct a comprehensive investigation and implement a final remedy.

3. As discussed, TCEQ, Bell and HTTL entered an agreement regarding these issues. The TCEQ has not issued any fines to the responsible parties, nor have they required the responsible parties to correct the damage made to the drinking water supply. **Will the TCEQ or EPA make Bell Cleaners and HTTL financially accountable for this problem? If yes, when and how much?**

The TCEQ did not assess penalties because the enforcement case needed to be finalized in order to refer the case to Superfund. Since the agency found that the parties were unable to pay for the remediation, it was thought it would be better to send the case to Superfund to start remediation instead of delaying the remediation by spending one to two years fighting in court with the parties over penalties and then finally referring the site to Superfund once this was settled.

The TCEQ will make the parties financially accountable, but the amount is not known at this time. Under state law, the TCEQ has the ability to order responsible parties to perform and pay for the cleanup work at a site. If an agreement cannot be reached with the responsible parties, state funds may be used to pay for cleanup costs, then the money is recouped through legal action. By law, the agency has up to one year after remediation is complete to file a cost recovery action.

4. We understand few hazardous waste disposal records are available regarding the disposition of PCE wastes from Bell's operations. **Can the TCEQ elaborate on how much PCE was disposed from Bell over the 14 years it operated and where?**

The only disposal documentation we have received from Bell Cleaners and Safety-Kleen covers 1999 to present. 8,814 pounds of spent halogenated solvent to Safety Kleen for recycling. According to TCEQ records, 1400 pounds of waste in 1990 were disposed of at Safety-Kleen.

According to our rules, a generator must keep copies of hazardous waste manifests for at least three years. No other records have been provided by Bell Dry Cleaners.

5. **If there are few or no records of waste disposal, are we to assume that all the PCE used at Bell has migrated into the soils and groundwater? If not, has the TCEQ completed calculations to determine how much entered our water supply?**

As stated in answer #4 above, 8,814 pounds of PCE were properly disposed. After the remedial investigation is complete, the TCEQ will have a better idea of the quantity of PCE involved.

6. Clearly this is a delicate situation as some residents, including children, continue to be exposed to this chemical in their water supply. **What are the TCEQ's priorities regarding remedies for this issue? Please elaborate on the TCEQ's comments to take the most "cost effective" approach, specifically as it pertains to providing a clean water supply to residents.**

The use of filtration systems was the fastest emergency remedy available. That was our priority - getting safe drinking water to the affected residents in the quickest way possible. If the site continues in the Superfund process, a long-term remedy will be selected once the remedial investigation has been conducted.

In regard to the question on the most "cost effective" approach, under state Superfund law, we are required to select the remedial alternative that is the lowest cost but that meets other requirements also. Specifically, the law says "The appropriate extent of the remedial action at any particular facility shall be determined by the commission's selection of the remedial alternative that the commission determines is the lowest cost alternative that is technologically feasible and reliable and that effectively mitigates and minimizes damage to and provides adequate protection of the public health and safety or the environment."

7. The TCEQ is currently completing the Superfund HRS scoring for the contamination site and residences. **Will the residents have an opportunity to review and comment on this score before it is finalized?**

The TCEQ uses the protocol provided by the EPA in the preparation of the data-driven Hazard Ranking System score. We are happy to share the protocol. If the data for the site scores 28.5 or higher, it is eligible for consideration for the federal National Priorities List (NPL). If the data for the site scores 5.0 or greater, the site is eligible for the state Superfund program administered by the TCEQ. Data that is used to arrive at the score includes sampling results, population data, and information on waste characteristics, groundwater mobility, depth to aquifer, etc. The HRS does not determine if a cleanup is possible, the amount of cleanup needed, or the method of cleanup. The HRS for the Jones Road site is being prepared for the EPA by the TCEQ and is in draft form until finalized and approved by the EPA. If a site is proposed to Superfund - either state or federal - there is a public comment period and information contained in the HRS is available for review and comment.

8. Per TCEQ's recommendation, this situation has been referred to the Superfund program. **Will the entire plume (resident locations included) be considered the Operating Area in determination of the remedy?**

The entire contaminated groundwater plume under the residential and commercial properties will be considered the Superfund site.

9. If the plume is considered the Superfund Operating Area, there will be obvious losses incurred by the affected residents. Many of these residents are on fixed or low income, with their home representing the bulk of their savings. Please answer the following questions taking this information into consideration:

Will the TCEQ use Superfund monies to purchase impacted homes at pre-contamination values so that residents can relocate?

The TCEQ understands your concerns. However, the state Superfund law does not authorize the TCEQ to compensate individual homeowners for losses of property value associated with designating an area as a Superfund site. State funds are only available for use by the TCEQ to conduct or oversee the cleanup of a Superfund site. Our authority and goal is to identify and remediate contamination.

Will Superfund be used to fund a non-impacted water supply (MUD) on behalf of the residents who cannot leave?

It is too early in the Superfund process to know. During a remedial investigation, the EPA or the TCEQ collect and analyze information to determine the nature and extent of contamination. Once the extent of contamination is known, a feasibility study (FS) begins. During the FS, specific alternate remedies are evaluated, including the possibility of a MUD.

With the obvious loss in home value as a result of the Superfund listing, will the Superfund monies be used to give residents carrying home mortgages debt relief?

Unfortunately, the TCEQ does not have the authority to do that.

Will the TCEQ Superfund program insure or indemnify residents who sell their homes?

The TCEQ does not have the authority to insure or indemnify residents who sell their homes.

Since homes will be located on or near a Superfund site, will TCEQ obtain insurance or insure residents who lose their home insurance as the result of this listing?

The TCEQ does not have that authority.

If connected to a MUD, or other private water supply, will Superfund monies be used to pay resident annual taxes and water use until such time as it is deemed that the contamination no longer impacts local wells?

The TCEQ does not plan to pay residents' annual taxes or for their water use.

Since Superfund maintains strict requirements for the use, reuse and disposal of contaminated media, will the TCEQ/EPA provide residents Innocent Owner/Operator releases to allow residents to maintain their current lifestyles?

Any resident may apply for an Innocent Owner Certificate under Subchapter V of the Health and Safety Code. However, the immunity of an innocent owner does have limitations. To maintain the immunity, the owner must provide access for investigation and remediation, not interfere with any necessary institutional or engineering controls, and not exacerbate the present contamination.

Will the TCEQ require the placement of deed restrictions on impacted households similar to those placed on Bell and HTTL?

The deed restriction placed on the HTTL property states that no PCE may ever be used at that location. This specific restriction is not applicable to residences in this case. However, institutional controls, such as deed notices that state that the groundwater may not be used, are sometimes considered as part of the remedy. This could be a possibility but it is too early at this time to know. However, under Superfund, the public would be able to comment on the remedy, including any institutional controls it may contain.

10. **The drinking water in the area has been impacted for at least two years. What actions can be taken by the TCEQ to expedite the Superfund process? Will the TCEQ take emergency actions to connect residents to a safe drinking water supply?**

The TCEQ has taken emergency action in the form of filtration system installations to provide residents with a safe drinking water supply. The final remedy for the site will come after the remedial investigation has been conducted and will address any other alternate water supplies. The TCEQ is working with the EPA to expedite this process.

11. **What is the anticipated timeframe for completing the Superfund/remediation process? Please provide a Gantt chart or other project management tool to show anticipated activities and deadlines. Specifically, when will residents receive a clean water supply?**

Residents are receiving a clean water supply now. We provided a copy of the "Steps in the Superfund Process" in the information packet handed out at the October 17, 2002 meeting.

12. **How effective does the TCEQ anticipate any remediation program will be at removing contaminants in the production zone (200 foot or greater)?**

The technical means of removing PCE from water or soil are well developed. Volumes and concentrations cannot be predicted without a detailed remedial investigation. We will use the data obtained from the detailed remedial investigation to evaluate the remedial alternatives. The extent and distribution of the contaminant, the specific remediation technologies that are best suited for each cleanup, and the time required to achieve remediation goals are highly variable from site to site.

13. **What is the predicted movement of the contaminant in the groundwater in the future?**

We have identified the existing plume. We are monitoring its movement but we cannot predict its rate of migration. We will continue to sample and monitor.

14. **Several residents have indicated various ailments and other health impacts. Does the TCEQ plan to perform an evaluation of these and other health issues in the neighborhood as it pertains to the PCE contamination?**

The Texas Department of Health (TDH) is the agency that would be in charge of conducting any health studies that might be used to determine if there have been impacts in the community. To address concerns, TCEQ contacted TDH and asked them to evaluate whether specific community cancer rates in the Jones Road area appeared elevated. The TDH evaluation did not find that cancer rates were elevated. However, these types of studies have limitations, and they do not affect the decision of the TCEQ to maintain filters or address contaminated groundwater.

15. **What are the long-term effects of exposure to PCE on our children? How about our pets?**

At the relatively low levels of PCE present in Jones Road wells, the primary concern would be the potential for long-term exposure to result in liver and/ or kidney disease, and possibly cancer of the liver and kidney.

16. **Why has an appropriate remediation plan not yet been put in place, as this affects 150+ people's health?**

An appropriate emergency plan has been put in place - filtration systems are operating on 21 wells with PCE at or above the MCL and those residences have safe drinking water. We have restricted the source, identified the wells with contamination and we continue to monitor and sample. Until the remedial investigation is completed, the appropriate long-term plan will not be known.

17. Many homes have been fitted with Carbonair filters. Many have experienced odorous and discolored water upon use of these filters. **Is this the best temporary control measure available to residents or is there a better control system?**

Yes, this is the best emergency control measure available. We are working on a solution to the odorous and discolored water. We have been notified that five filtration systems have either the odorous or discolored water problem. Those five filtration systems are providing safe water for use. The odor and discoloration are not a health concern but they are a nuisance and we are working to correct this. We have determined that a greensand filter is the solution to this particular water problem.

18. Currently only wells that have contained contaminant levels above 5 ppb have been affixed with a filter system. Some residents are currently exposed to levels at or near the MCL. **If requested, will the TCEQ place a filter or temporary control on any wells with trace levels of contaminants?**

We will not be providing filters unless the sampling shows PCE at 5 ppb or more. We will monitor the 15 impacted wells under 5 ppb quarterly. The 5 ppb action level has a safety buffer built in.

19. **Why does the TCEQ plan to initiate quarterly sampling and analysis of resident wells instead of the current monthly frequency?**

The TCEQ has not been sampling monthly. It may have appeared that way since TCEQ staff and contractors were in the neighborhood frequently in the early stages of our investigation to try to locate private water wells and to gain access to these wells. Now that we have a general idea of where the contamination is, monitoring on a quarterly basis gives us an opportunity to observe the contamination and respond if we find any new wells above the MCL. If it becomes evident that we need to sample more frequently than quarterly, we will do so.

20. There has been mention of multiple sources of contamination. **Has the TCEQ identified all sources?**

The TCEQ has identified Bell Cleaners as a source of PCE. We have been looking for other sources but have not found any. If you have historic knowledge that might help us, we welcome that information.

21. Currently Dollar Dry Cleaning is constructing a new location just north on Jones Road from Bell Cleaners. **Has the TCEQ investigated this facility to ensure that a repeat of this issue does not occur?**

We have the authority to investigate if there is a release or threatened release. However, we have

not investigated this facility as of this date.

22. There have been some accusations that abandoned wells have acted as a migration route for PCE contamination. **Has TCEQ identified these wells and what are the plans to correct this problem?**

The agency which has the authority and responsibility regarding abandoned water wells is the Texas Department of Licensing and Regulation. In August 2002, a representative of the Texas Department of Licensing and Regulation accompanied the TCEQ during sampling. At one location, the representative identified an abandoned well and notified the owner that the well needed to be plugged.

Additional locations with abandoned wells have been identified by the Harris County Health Department. These locations have been given to the Texas Department of Licensing and Regulation so that they can notify the landowners. The landowners are responsible for plugging abandoned water wells.

23. **Is there or does the TCEQ plan to institute a clean-up fund for contamination from dry cleaners as is for Underground Storage Tanks?**

TCEQ does not have the authority to institute a clean-up fund.

24. **Does the TCEQ plan to increase the monitoring of the small generators and entities such as Bell to limit these type of issues arising in the future?**

Because of lack of resources, there is no plan to increase the monitoring of small quantity generators. However, under the new citizen-collected evidence program, which took effect in January 2002, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. This new law gives the agency a new source of information to prove violations and it provides the opportunity for citizens who want to get involved with the environmental protection of our state a very direct way of doing so.

25. **Why has the TCEQ or EPA not banned PCE for dry cleaning purposes, as it has been in the UK and Europe?**

The TCEQ has in place pollution prevention measures that assist dry cleaners in implementing waste minimization and hazardous waste management practices. As the hazards associated with PCE became known, the dry cleaning industry has improved its waste management practices. However, serious environmental contamination has been left behind at some facilities.

In 1993 the EPA began regulation of dry cleaner air emissions under the Clean Air Act. At that

time, EPA announced a multi-stage strategy to reduce dry cleaner emissions of PCE to the environment. We are unable to comment on the EPA's future plans regarding PCE.