

Just a Pinch of Arsenic in Your Public Housing?

In their July 12, 2013 letter regarding the Cedar Terrace site, SCI Engineering states, “soil samples collected from the site **exceeded the regulatory threshold for residential developments**. SCI Engineering will be working with the VCP to determine if the concentrations of **heavy metals** and **polynuclear aromatic hydrocarbons (PAHs)** could be considered background levels for the subject site area or if remedial action is warranted.”

This letter puts the City on notice that it is premature to be considering replatting this site.

The Phase 1 Environmental Site Assessment contains 156 pages. The Phase 2 report contains 519 pages. These reports need to be reviewed by independent environmental experts who can advise the City.

The City must decide what role the Planning Commission, the City Council and the GHA is going to play in the remediation decisions. Will the people who are going to be forced to live on this site have a voice in these decisions? Is there going to be a public comment period?

Will the City allow them build on this site if it is not remediated? How extensive should any remediation be?

This site, and the area around it, has been used for industrial and commercial purposes for more than a century. The GOGP found 54 identified “Facilities of Interest” and/or “Brownfields” within 3,000 feet of the perimeter of the Cedar Terrace site; the distance set forth for scrutiny by HUD.

The current rebuilding plans triggered the requirement to do an environmental analysis. It identified 22 leaking underground storage tanks within 2,640 feet of the property!

Water and soil samples revealed Arsenic, Cadmium, Lead, Mercury and Polyaromatic Hydrocarbon readings that exceed the acceptable levels set by the TCEQ!

What is the City willing to do, how much is it willing to spend, and how much potential liability is it willing to accept to allow residential development on this environmentally compromised site?

The proposed plan to upgrade the site would likely include:

- 1. Spending \$1.1 million to install new water and sewer pipes.**
- 2. Spending \$1 million to “beautify” the water tanks adjacent to the property plus an undisclosed amount needed to accommodate major design changes to the water system.**
- 3. Spending an undisclosed amount to obtain special “disposal permits”, remove the top 12 inches of soil, and dispose of it.**

However, one expert has indicated that at least 24 inches of soil should be removed and replaced, to protect children, who dig in the dirt, and it would be much safer to remove and replace all of the contaminated soil which may extend down several feet.

4. When workers perform the site prep and construction, OSHA rules may require that they be advised of the hazards on the site and supplied with special protective gear. How much will that cost? The work on the site will create potential liability for all of the government entities that allow it to go forward.

5. The GHA hopes to return many of the original 569 families to its new developments. How many of these families are former residents of Cedar Terrace? Shouldn't they be tested for heavy metal toxicity, BEFORE there is any effort to return them to this site? How much will this testing cost? Heavy metals often lead to or accelerate chronic illness. What if they need treatment? How much will that cost?

Finally, what kind of potential liability will be created by returning former residents to Cedar Terrace after years of exposure before Ike? The GHA didn't know that the site was contaminated before the Hurricane, but they sure do now!

The letter says that the proposed remediation would include *“Installation of a highly visible “witness barrier” as a warning barrier for future excavation on the site”*. How is the developer going to fill the market rate units with middle class tenants when they see these “witness barriers”?

Due to the high wind and flood risk, these units will already cost \$260,000 each to build on this site; much more than they would if they were built on the Mainland. If remediation is done, will the actual cost exceed \$300,000 per unit? Is there any limit to what the City will spend just to build on this site?

But, how can you justify allowing them to build on this site without extensive remediation?

The answer is quite simple; make them find a clean site to build on. There was never a good reason to build on this site. The City is simply doing it to appease the self-serving interests of the “local advocates”.

It's time to rezone this property for light industrial uses; auto shops, warehouses, parking lots, etc. and find a suitable location for Cedar Terrace.

And, oh yes, similar conditions exist at Magnolia!

Post Script:

After our remarks were concluded, there was some discussion about how the contamination at the Cedar Terrace site is the responsibility of the State; that the GLO is in charge and they'll

“work things out” with the Texas Commission on Environmental Quality (TCEQ).

That is NOT a very comforting solution; look how well the Public Housing controversy was resolved when the State usurped local control and produced the Conciliation Agreement; a nightmare that the City has been living with for more than three years! The City should NOT abdicate its responsibility to deal with the contamination on this site. If it does, it won't be happy with the outcome. When you give up your sovereignty, you lose control of your destiny!

For example, what will happen, if a few years from now, a lawyer recruits the tenants of the new Cedar Terrace for a class action lawsuit, and argues that the City exercised no oversight before it cavalierly forced poor minorities back onto this site? Who is going to take a bigger hit financially; the City or the GLO?

The most disturbing part of the discussion dealt with the fact that the TCEQ seems to be brokering a political solution to the environmental risk on this site. Instead of dealing with scientific facts about levels of risk and acceptable remediation procedures, they are considering ignoring the contamination altogether if they believe that it is widespread!

There's nothing to see here!

The argument goes like this; the Cedar Terrace site is in an “urban” area. All urban areas are contaminated, so there is nothing unusual about this site. In fact, the entire Island is contaminated, so it's no big deal! The TCEQ directed MBS to do further testing, and if tests at nearby sites have similar contamination, the TCEQ may allow them to build at Cedar Terrace WITHOUT remediation.

This is outrageous!

Who could have “persuaded” the TCEQ to even consider such a political solution when people's health is at risk?

Of course, we did not have the opportunity to point out that this entire neighborhood north of Broadway has been an industrial area for more than 100 years, so we should expect most of it to be similarly contaminated. This is why residential neighborhoods should not be built there. In fact, this is why there are several laws against building Public Housing in this kind of area for a multitude of reasons.

However, widespread contamination in this neighborhood does NOT mean that the “entire island” is contaminated. If they want to make that argument they are going to have to do tests all over the Island; not just in the Northside!

The argument in favor of building on this site is easy to understand; if the intent is to simply warehouse impoverished minorities, what difference does a pinch of arsenic make?

Remember, it’s not MBS that is demanding to build on this site. It’s the “local advocates”.