

US EPA ARCHIVE DOCUMENT

Meeting Notes

Port Of Houston Authority Kickoff Meeting

May 4, 2000

Brady's Landing, Houston, Texas

***Excellence & Leadership Proposal for Port of Houston Authority
Tenant Environmental Compliance Program***

Attendees

Stakeholder/Community

Representatives

Mary Beth Maher
Bernard Legrand
Jim Blackburn
Natalie O'Neill
John Barnett
Rosebud Crandle
Natalie Ong
Diane Falcion
Lawrence Vantries
Ed Matuszak
Grady Neal
Alistair McNab
Eunice Cherry
Charlotte Cherry
Jena Moreno
George Lasky
Gerry Cooney
Rebecca Rentz
Jim Duggan
Helen Drummond

EPA Representatives

Shiren Venus, *Office of Enforcement
Compliance, Assurance*
Peter Bahor, *OCEA*
John Dupree, *Office of Policy
Economics and Innovation*
Adele D. Cardenas, *Region P.E. Region
6 Compliance Assurance and
Enforcement-Office of Planning and
Coordination*
Nellie Rocha, *Special Assistant to the RA
Region 6*
Richard Gigger, *Houston Laboratory
EPA Inspectors Group*

Port of Houston Representatives

Laura Fiffick
Dana Blum
Brenda McDonald
Ted Walters

Facilitator

Mary Jane Naquin

Several other observers were seated on perimeter of the meeting table but did not sign in.

Welcome and Introductions

Mary Jane Naquin, meeting facilitator, introduced herself, welcomed the attendees and opened the meeting. Naquin asked that those who were attending sign in and provide their contact information.

Naquin invited participants to sit at the table and introduce themselves. She offered operating groundrules for the meeting. They were to speak respectfully with each other, to speak one-at-a-time, to address issues and not engage in personal attacks, and to listen to presentations as well as to speak about concerns.

Naquin reviewed the meeting's purpose, which was to hear information about the Port of Houston XL Proposal for a Tenant Compliance Program, and to plan next steps and stakeholder involvement. She presented a proposed agenda for the kickoff meeting which included the following items:

- ❑ Review and status of the POHA's application to Project XL -- Adele Cardenas, EPA Region 6
- ❑ The POHA Proposal -- Laura Fiffick, Environmental Affairs Manager
- ❑ The Path Forward -- Cardenas
- ❑ Q & A -- Facilitator

Agenda Review and Rejection

The meeting attendees rejected the agenda. They offered numerous objections to the meeting and its purpose.

Summary of issues raised:

1. PHA did not openly disclose their intention to pursue an XL project to the communities adjacent to the PHA facilities.
2. PHA has been a “bad neighbor” for several years, and is not the type of sponsor that should be allowed to conduct an XL experiment.
3. The XL project is an attempt by PHA to duck their state and federal legal responsibilities.
4. PHA deliberately excluded community members and local residents from the stakeholder process.

The facilitator asked if the attendees wished to adjourn. They agreed to take advantage of the opportunity to address their comments and questions to those from the Port and EPA, but stipulated that the meeting not be used in fulfillment of requirements for stakeholder input on the tenant compliance project.

A series of speakers offered specific comments, but first admonished the Port staff for giving insufficient notice to those interested in attending. They stated that the public notice in the paper was not adequate to meet the needs of those impacted by the Port's operations. Further, it was pointed out that the wording of the notice that was published in the Houston Chronicle was not accurate, and did not reflect the true purpose of the meeting.

In addition, there was an objection to the draft proposal that had been distributed by the PHA staff. The stakeholders pointed out that the draft provided was not the most recent version, which they had located on the Internet. The attendees concurred that without

sufficient time to review the appropriate and accurate documents they could not comment adequately on the proposal. More time was needed for preparation they added. After further criticism of the preliminary meeting preparations, it was suggested that the meeting be canceled until the Port could better organize its agenda and notify the interested parties. A suggestion to withdraw the XL Proposal was made because civil and criminal liability could result if the meeting proceeded.

An attendee also stated that the TNRCC (Texas Natural Resources Conservation Commission) could not waive regulations for the Port under the guise of the XL project. The stakeholders recommended that the Port work on improving its environmental compliance rather than attempt to get relief from regulations.

Additional comments from attendees were these:

- ❑ The Port is accountable to the people, not to business interest and economic development interests.
- ❑ Stakeholder group members have economic incentives and ties to the Port, and will favor the Port rather than the community that will be impacted. There were no listed stakeholders that were independent or were publicly-elected representatives to speak for the community-at-large.
- ❑ There is a time lag in most Port activities and the people are impacted regardless of the Port's promises.
- ❑ This project should be stopped until the Port can demonstrate a better working relationship with the public it impacts.
- ❑ The Port has a history of disdain for the communities it impacts. This will not be different because the meeting design today shows Port's the disregard for the public.
- ❑ The end is predetermined...regulatory relief for the Port. The POH should not be given any concessions.
- ❑ This is a trust issue. There is no history of trust with the Port.
- ❑ Audits, planning, and support are ordinary things the Port should be doing anyway.... they are requirements that should be routine practice.
- ❑ The XL Project should not happen.
- ❑ Stakeholder involvement is an overused process. The public is already on stakeholder panels with the Port and those are time consuming and go nowhere.
- ❑ We don't want another token stakeholder process for decisions that are already made.

- Regulatory relief is going to the wrong party.

After the critical comments were aired a series of questions were posed. Those asked were:

Question: Is there a timeline for the project...how long will this take?

Question: How will stakeholders be identified and organized for the XL project?

Adele Cardenas briefly described the stakeholder roles: direct stakeholder - negotiates the document and serves at the table; commentator - placed on list to get documents that are created and offers input; public stakeholder - responds at the designated periods of public review as published in the Federal Register.

There are 6-8 months in the project to negotiate the terms of the project. The number of stakeholders determines duration of the process, and the stakeholders' choices about their kind of involvement.

Question: What does the Port get out of it?

Regulatory relief in exchange for the work to educate, train, track and support tenants as they become responsible for their own environmental compliance. Only appropriate "experiments" are undertaken to achieve improved environmental performance.

Meeting Closure

Following the lengthy discussion, many of the attendees elected to leave the meeting, again requesting the project be withdrawn. They chose not to hear the Port's presentation that outlined the XL Proposal, its strategies, goals and timeline. Attendees requested meeting notes and a follow-up communication.

The facilitator suggested a break before adjourning the session during which several of those present asked to hear the overview of the project that was prepared by Laura Fiffick. Fiffick agreed and presented the material on the Port's XL Proposal. After the presentation some attendees commented that the project was worthy, but remained firm in their belief that the Port should not be given any "regulatory relief" as part of the program.

The meeting adjourned at 4 p.m.

Addendum: Summary of Specific Comments

A speaker stated the PHA has a history of disregarding/ignoring public concerns. He recalled an incident in which the Port operated a coke transfer/off-loading operations that created dangerous levels of fugitive coke dust. The dust levels were thought to be

harmful to the adjoining communities, however the PHA stopped operations only after several months of persistent and significant public outcry and with the discovery of a more economical location at which to perform the operations.

He went on to mention the PHA is run by appointed politicians who have little concern about the communities adjacent to the Port and who have few ties to the people that live near it. He questioned the effectiveness of an inspection program that polices leases from which the Port receives income.

Finally, he pointed out that there are no elected officials invited to public stakeholder meetings or processes.

Another attendee, representing a local yachting organization, formally requested that the EPA remove the project.

One attendee said the PHA is not the right sponsor for this project. They have a bad history and should not be granted any regulatory flexibility. His reason for attending was to stop the project, clearly stating that he understood what Project XL is and what PHA is proposing, but feels that PHA is not the sponsor that should initiate an XL project. XL stands for eXcellence and Leadership, he pointed out and said that PHA as a bad neighbor is not fit to be a leader...another port, but not PHA.

He added that PHA includes stakeholders they like, and excludes stakeholders that they do not like. In this project, the stakeholders mentioned in the proposal are composed of appointed members from four area Chambers of Commerce. Members from the communities adjacent to PHA were not included in this list, nor were they actively pursued as stakeholders

One speaker expressed irritation that PHA did not share the XL proposal with her community during its monthly PHA-Town (Taylor Lake) meetings.

She also stated that PHA should voluntarily perform tenant inspections like most other private industry companies and corporations. Using a potty training example, she suggested that a mother did not give her an award to a child for using the bathroom because the child is expected to learn how to do so. As a government agency, PHA should be expected to implement a program to police their tenants, she added.

Another speaker found the XL project puzzling. *"As a home-owner and property owner, I'm liable for what happens at my house and property. Why does PHA feel that they shouldn't be held responsible for what happens at their facilities?"*

One pointed out that PHA was awarded \$385 million bond for improvements (including environmental), yet is asking for regulatory relief to reduce their liability. She asked, "Why are we proceeding with this? Is EPA the environmental exemption agency?"