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VIA EMAIL: Jose@workersdefense.org & info@workersdefense.org

Jose` P. Garza, Co-Director
Emily Tims, Co-Director
Workers Defense Project
5604 Manor Road
Austin, Texas 78723

Re: Concerns About Hazardous Conditions at the McKalla Toxic Waste Site, Precourt Soccer Stadium

Dear Mr. Garza and Ms. Tims,

Over the last several months, I represented Brian Rodgers, a well-known community activist, in obtaining public records regarding the so-called “McKalla Site” where the planned STADCO/Precourt soccer stadium is expected to be built. Because we understand that groundbreaking is to occur soon, and because of what the public records reveal, I am writing you with an urgent request that the Workers Defense Project (WDP) review the attached evidence and speak out about the risks involved to workers in that upcoming excavation of this toxic waste site.

In response to several public information requests, we obtained thousands of pages of records about the McKalla site and the stadium plans from the City of Austin and TCEQ. As you may know, this site is a former toxic waste site previously owned by Reichhold Chemical Company, a company notorious for the number of Superfund sites and violations. While operating there in 1985, an explosion occurred that destroyed Reichhold’s ability to continue its operation. The City of Austin, using Austin Water Utility funds, bought the site in the late 1990’s to use a utility lay-down area and staging area. Supposedly, the site had been remediated, according to TCEQ. But in November, 2003, AWU employees were digging on the site with a backhoe and hit one or more barrels of BPO which exploded when the chemical was exposed to the air, seriously injuring 5 AWU employees. So, the City engaged TCEQ in *another* remediation attempt, and hired Shaw Environmental, Inc. to oversee it, using water utility revenue for the remediation work, resulting in millions of dollars of AWU revenue being spent on the site. It is important to note that Shaw did not excavate and remediate the entire site, and they did not remove polluted soil, but screened it and put the soil back in place! (Shaw Report attached).

Despite this history, the City Council decided to lease the toxic waste site to Precourt for a for-profit, but tax-free MLS soccer stadium. This is ironic considering that, just last week, the MLS stadium site in Miami was put on hold after the discovery of high levels of arsenic and other pollutants on that site. (see attached 8/21/2019 CNBC report). One wonders if MLS finds toxic waste sites to hold some attraction for soccer stadiums. After the Lease was signed, Precourt hired Terracon Consultants, Inc. to conduct a geotechnical analysis of the site. We got a copy of that report (attached).

Brian Rodgers and others opposed this lease, particularly because this is an AWU asset and water customers should be reimbursed, but also because of concerns for worker and neighborhood safety. After we obtained thousands of public records about conditions there and the Lease, we were overwhelmed with trying to make sense of the toxic waste terms and implications. So, I sought a review of the records by Barrett D. Allison with Environmental & Planning Associates, Inc. I was familiar with Mr. Allison and his expertise in environmental matters from my County Judge days, when, frankly Mr. Allison and I were in a generally adversarial relationship. I trusted that he would tell me the plain truth about what the records show. He did.

I have attached his report. One of the most significant findings concerns the Terracon recommendation that, despite purported remediation of the site, “high hazard” excavation procedures be used for any excavation occurring on the site, as was used by Shaw in their work in 2003-2004. We just found out that on August 12, 2019, the City of Austin issued a Site Plan Permit that does not appear to incorporate the Shaw/Terracon high hazard excavation procedures for the protection of the workers who will soon begin excavation on site. We don’t even know if the Precourt workers have been told about the toxic history of this site, whether they have been given any special hazardous waste site training, or whether they are being provided the protective equipment and procedures as recommended by the consultants hired by the City and Precourt. The Shaw/Terracon recommended high hazard procedures are:

Major equipment to be ... equipped with a Lexan™ blast shield, and supplied [with breathing] air bottle rack, a frame mounted mobile Lexan™ blast shield for the spotter, Level B personnel protective equipment (PPE) and necessary support equipment, flame resistant clothing, a pollution control truck, radio communicators, a crew pick-up truck, Combustion Gas Indicator (CGI), photo ionization detector (PIO), real time respirable dust monitors (PRAM) and other personnel monitoring equipment, perimeter air monitoring equipment, remote thermal sensor, and video camera. Temporary fencing, barricades, or barrier tape around the excavation area will be installed as required by the HASP.

To us, such safety standards for workers are justified, considering that there is good reason to doubt whether this site has been fully and properly remediated of the toxic waste conditions and whether there remains a risk of harm to workers, neighborhood, and the environment with the work planned for this site. For example, on November 30, 2019—when Terracon was getting ready to start boring holes, Greg Kiloh wrote:

When it comes to excavation, I think the areas that deserve some caution are the

rectangular pads north of Shaw's general limit of excavation line, *that were excluded from the excavation* (labeled '6'). (see attached).

In addition, as the site review of the stadium construction plans were being reviewed and disclosed on the City's development permit website, in an email on April 12, 2019, City engineer Leslie Daniel wrote, "I deleted 33 PAGES of WQ [water quality] comments before I posted [comments to AMANDA, the permit website]." What were those comments, and has pollution of water from the stadium excavation and construction work been given the attention it deserves?

The bottom line is that politics, not science or common-sense or transparency, is driving this soccer stadium on a toxic waste site at full speed. We are concerned that not only the environment is endangered. Based on the Shaw/Terracon recommendations, we are worried that workers on the site are going to be at serious risk of harm. We hope you will review the attached material, obtain any other information you consider needed, and let us know what action or help the Workers Defense Project believes is needed.

ALESHIRELAW, PC



Bill Aleshire

Cc: Brian Rodgers

Attached:

- 1 2019-8-22 Environmental & Planning Assoc Report on McKalla Site
- 2 SHAW Report 2003
- 3 2019_0214_Terracon_-_Final_Geotechnical_Report w-out appendix
- 4 2019-8-12 Site Plan Approval
- 5 2018-11-30 Kiloh email - caution excluded areas
- 6 2019-4-12 email Deleted 33 pages before Amanda
- 7 David Beckham's MLS Miami stadium site highly contaminated with arsenic