

Army Corps to test for mercury before Texas dredging project

By Heather Richards

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Answering the calls of environmental groups, the Army Corps of Engineers says it will test for mercury at a Superfund site on the Texas coast before moving forward with a controversial dredging project to boost oil exports.

The corps wants to deepen and widen the 26-mile Matagorda Ship Channel to pave the way for a potentially significant expansion in exports from the region — between Corpus Christi and Houston — as larger ships would be able to access local ports.

But fishermen and environmentalists are fighting that plan, which they say will kick up sediments contaminated with mercury from historic industrial dumping in the Lavaca Bay.

“Widening the channel, they're just gonna disturb mercury out there, ” said Mauricio Blanco, a 36-year shrimp fisherman who fishes in Matagorda Bay. “They are going to destroy the seagrass, and they are going to destroy the natural habitat.”

The Army Corps announced the \$2.8 million mercury study in a public meeting in Port Lavaca, Texas, earlier this month. It marks the beginning of a new round of environmental research before the corps advances the project.

The idea of expanding the ship channel emerged after the U.S. repealed a long-standing ban on exporting crude oil in 2015. It won congressional approval in 2020. Environmentalists sued in 2022, claiming additional evidence of high mercury resuspension risks and accusing the Army Corps of missing key factors in its 2019 environmental review, including the amount of greenhouse gas emissions the project could bring about by facilitating oil exports.

The Army Corps last year yanked its earlier approval, citing a calculation error, and promised to conduct a supplemental environmental impact statement. The agency began a public comment period earlier this month on what should be in that document. It closes July 3.

Carlos Gomez with the Army Corps' Galveston District said this additional review by the corps is “a direct result of the corps seriously considering the concerns and inputs from the communities and stakeholders impacted by our Matagorda Ship Channel Improvement Project.”

“Transparency and open, clear lines of communication between USACE, the local fishing communities and environmental groups are critical,” he said.

As planned, the channel expansion would allow a much larger class of crude transport vessels to come and go in the bay and access updated Seahawk terminal at Calhoun Port, a port located inside a series of bays and inlets that flow into the Gulf of Mexico.

The dredging proposal first analyzed by the Army Corps would require digging up 21 million cubic yards of sediment, including 2.5 million cubic yards within the Alcoa Point Comfort/Lavaca Bay Superfund site, a former industrial complex for bauxite refining and aluminum smelting, according to the original lawsuit.

A mercury dispute

The Army Corps has acknowledged that widening the shipping channel would have impacts, such as smothering oyster beds.

But a major point of disagreement between the federal agency and opponents of the project has been whether mercury that's long settled under layers of sediment would be resuspended into the water — creating a health and fishing hazard.

Aluminum smelting operations first came to the shore of the Lavaca Bay site in the 1940s. Other operations at the site included bauxite refining, a coal tar processing plant, and a chloralkali production plant. In the late 1960s, the chloralkali plant transported mercury-contaminated wastewater to an offshore lagoon, with overflow discharged directly into Lavaca Bay, according to EPA.

The contaminated area was designated a Superfund site in the 1990s, with a big cleanup effort completed in the 2000s. But part of the bay remains off-limits to fishing due to contamination risks.

In its 2019 environmental impact statement, the Army Corps said dredging could cause “some amount of resuspension of sediment” that can contain mercury, but that it wouldn’t increase the concentration of mercury in the water.

They noted that the shipping channel expansion project wouldn’t dredge in areas with the highest mercury contamination.

Initial testing done by the agency had found no unsafe mercury levels within the dredging area. But at the public meeting earlier this month, officials noted there had been two historic samples within the project area showing elevated mercury levels, and a 2021 sample just outside the project area that tested at twice the federal limit, according to [Inside Climate News](#).

An analysis of the Army Corps environmental study by the Harte Research Institute at Texas A&M University in Corpus Christi found a “high” risk of mercury reanimating from dredging in Lavaca Bay.

The key issue with Army Corps’ conclusion that mercury isn’t going to be a serious issue is that the sampling they are relying on is from shallow sediment analysis, which doesn’t reveal contaminants that have been buried over time, said Erin Gaines, a senior attorney at the environmental group Earthjustice.

Earthjustice, which filed a 2022 lawsuit against the project, is lodging comments to Army Corps that its new mercury study could face the same inadequacy, she said.

“You only know mercury is there if you’re actually adequately tested for it,” Gaines said. “It’s kind of like going in and closing your eyes and saying, ‘OK, well, we will only take it out if we see it.’”

At the public meeting earlier this month, Ramon Roman-Sanchez, a chemist with the corps’ regional planning and environmental center, said the Army Corps will address any mercury issue before the project moves forward.

“Regardless of the amount of contamination that we find, it will all be removed before dredging work commences,” he said, according to [Inside Climate News](#).

The Army Corps’ new mercury testing hasn’t assuaged fishermen’s concerns. Part of the issue is the language barrier for fishermen who speak Vietnamese or Spanish as their primary languages. That’s made it hard for them to review the Army Corps’ technical information, said Blanco, the fisherman.

A June 15 letter to the agency from Diane Wilson, a former fisherman and current executive director of the San Antonio Bay Estuarine Waterkeeper, requested an additional 60 days for public comment on the upcoming supplemental environmental review.

The letter also asks for an extra public meeting, with Spanish and Vietnamese interpretation, scolding the Army Corps for not ejecting an attendee at the meeting earlier this month who said non-English speakers should “go home to Mexico.”

“The Corps staff did not respond or condemn this offensive statement at the meeting, making the fishing community feel unwelcome and excluded from this process,” Wilson wrote. “This is unacceptable. This dredging project could jeopardize the health and future of fisheries in our region.”

The Army Corps did not respond to a question about translation services by press time.

A public-private investment

The multimillion-dollar dredging project is sponsored by the local Calhoun Port Authority, but the port has promised that it won’t be relying on taxpayer dollars.

Max Midstream Texas LLC, a Houston-based oil and gas company, has said it will spend upward of \$300 million to support the expansion project. The company has said its improvements to the Seahawk Terminal at Point Comfort will allow for up to 20 million barrels of crude oil to be transported per month.

Officials at the public meeting earlier this month said Max Midstream will pay Calhoun Port's 25 percent share of the mercury study, according to attendees.

Neither the Calhoun Port Authority nor Max Midstream responded to requests for comment for this story.

Charles Hausmann, the port director at the Calhoun Port Authority, said in a 2021 statement that the expansion would be a serious economic boon.

“The Matagorda Ship Channel expansion is essential if we are going to grow our regional economy as it will allow us to export and import a significant number of goods and products that reach well beyond the traditional energy logistics that we do today,” he said.

Hausmann would later criticize the Army Corps' decision to suspend the project for more environmental review.