



Respectfully to:

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From: Maya K. van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network

Date: Tuesday, March 28, 2023

I am reaching out with several concerns regarding the Trinseo Chemical Spill Response effort, including: the lack of timely, live public information; the failure to notify the Delaware Riverkeeper Network; and the seeming lack of focus on monitoring the environmental impacts of the spill. We also have a number of questions to which we would like to receive answers.

Regarding Public Information:

It has been disappointing to see the lack of public information coming out about the chemical spill event. The result is that people are frightened, confused, unable to make informed decisions for themselves and their families, and the credibility of the involved agencies and response effort has been severely undermined and compromised. Trust in the information coming out of our state and federal agencies is critical at a time like this – a failure to provide full, fair, forthright, and regular detailed information to the public undermines that trust so one of the most frequent questions we are being asked is whether people should trust what they are hearing from the government agencies. This is not a far-fetched scenario when one considers the failures associated with the Flint debacle. Given the dearth of information that we at the Delaware Riverkeeper Network, like the rest of the public, have received, it is hard to evaluate and comfortably respond to that question.

To date, the U.S. Coast Guard and PA DEP have each only issued one press release and there have been no live press conferences regarding the response. In addition, basic information such as where people can report sightings of wildlife or environmental impacts has been lacking. The only semi-regular – albeit sometimes confusing – information has been coming out of the Philadelphia Water Department (PWD) regarding the city's drinking water supply. But PWD's informational press conferences and other efforts cannot replace what is needed from Incident Command regarding affects to the broader region including other drinking water systems, and impacts for the environment including the Delaware River, Mill/Otter

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Creek, the Bristol Marsh, and aquatic life. We urge at least daily press releases that come out of Incident Command, twice daily would be most welcome; creation of a specific web page where all up to date information and links can be quickly posted and easily found by all with all agencies disseminating one, easy to remember, URL; and daily or at least regular press conferences where press and community leaders like the Delaware Riverkeeper can ask questions and get them live-answered.

I would like to note that the Southeast Regional Office of the Pennsylvania Department of Environmental Protection and the PA Fish & Boat Commission have been vigilant about returning phone calls to the Delaware Riverkeeper Network and providing helpful answers to our questions asked.

I, and my Delaware Riverkeeper Network, are supposed to be on the list to receive notification when there is a catastrophic spill event affecting the Delaware River and Estuary. This notification allows us to be effectively responsive to outreach from the public and press, to help notify the public that if they witness sightings of potential concern where that information should be reported, and to help ensure that to the extent there is value in volunteer engagement that we are helping to ensure it is directed in a safe and helpful way and does not undermine any ongoing response. In this situation, had we received notification, then when early sightings of the plume, or concerns about odor, started to be reported to our offices we could have more effectively and efficiently directed that information to the appropriate response effort and/or agency. Instead, we were left in the dark and as a result any eyewitness information became a missed opportunity to inform the response and also potential natural resource damages claims that might ensue down the line. Regarding volunteers, we have had many requests of whether folks should rush down and take samples, and have urged people to stay away so as not to interfere with the response and for people not to put themselves in harm's way – had we been alerted to the spill early on we could have ensured this message was disseminated early and often to avoid any potential engagement with the contaminated water or response efforts.

Environmental Monitoring Needs to Be an Additional Priority.

It is important and appropriate that monitoring drinking water intakes is receiving high priority attention by the region's water companies and government agencies. As more information is starting to be released, it is becoming clear that there is a robust system of drinking water monitoring that is taking place to ensure informed government action; and as more information is released to the public it will increasingly help people to make the decisions they feel most comfortable and confident in.

It does seem that environmental monitoring is a gap in the response effort. We are neither seeing nor receiving information about monitoring the natural ecosystems that are potentially affected. Conversations with PA Fish & Boat Commission were helpful to understand that ecological monitoring is on the radar, but one would not know that from reports coming out of Incident Command, nor are there easily accessible reports to understand what is being monitored, how, when, where etc. Statements that there have been no reports of wildlife or aquatic life effects does not displace the need for proactive environmental monitoring and sharing of that information with the public.

Mill Creek/Otter Creek, the Bristol Marsh, the Delaware River, and the aquatic life and benthic invertebrates that are part of those ecological systems are being exposed and need to be carefully monitored. Mill Creek/Otter Creek is identified in PA DEP's 2022 integrated report as impaired for aquatic life as a result of multiple assaults including siltation, sedimentation, and urban runoff/storm sewers. Adding this chemical spill to these localized creeks means impacts to an already compromised ecosystem that is home to species such as native eels and the benthic invertebrates they feed upon. Bristol Marsh is also in the path of impact. Bristol Marsh is a unique habitat and wetland along and at the mouth of Mill Creek/Otter Creek and is one of the last remaining freshwater marshes along the Delaware River. Although the tidal freshwater

marsh is small and surrounded by commercial development, six rare plants native to the Delaware River tidal marshes thrive there: Multi-flowered mud plantain, Long-Lobed Arrow-Head, Subulate Arrow-Head, Waterhemp Ragweed, Swamp Beggar-Ticks, and Indian Wild Rice. Dependent on daily tidal flushing, these and other highly specialized wetland plants, nearly extirpated from Pennsylvania, comprise part of a marsh ecosystem that functions as a nursery, pollution filter and water purifier for the Delaware River. And of course, this reach of the Delaware is home to many species including our Delaware River's genetically unique population of Atlantic Sturgeon, among other species.

Despite the direct impact from the chemical release and the importance of these ecosystems, we have not received public information or reports about monitoring or data collected to understand the potential impacts of this spill either near term or long term. We think the failure to properly share information with our organization and the public about what is being done to ensure these systems are protected and to determine if they are being impacted is a serious shortcoming of the response effort. We would like to know if all agencies are conducting essential ecological monitoring and data collection.

Outstanding Questions.

Because of the inability to communicate with those involved in the response, and the failure of Incident Command to share robust information with our organization and the public at large, there are a lot of outstanding questions we and others have. Among the questions we would like to receive answers to:

- What is the history of this facility and company with regards to illegal and/or accidental pollution discharges?
- Why are other water purveyors not proactively sharing information along with the Philadelphia Water Department in order to help provide information and allay the concerns of all communities in the region that receive drinking water from the Delaware River system?
- Why has the U.S. Coast Guard and other agencies associated with Incident Command not held daily press conferences to share information regarding the chemical release and emergency response efforts?
- Why has a special website not been established to provide a single location for securing the most up to date information on the spill and the clean-up response including information covering New Jersey and Delaware, and where information can be found regarding drinking water and environmental impacts?
- Why has Incident Command not proactively told community members where they could report eyewitness sightings that may be of value to the response effort? What is that number and/or email address?
- What data are being collected to assess the impacts of the chemical spill to impacted ecosystems along the Mill Creek/Otter Creek and the Bristol Marsh, as well as the Delaware River; what does that monitoring/data collection show?
- What is the ratio of chemicals discharged? We understand that 3 chemicals were in the discharge that was reportedly a mixture of 50% water and 50% polymer - but what is the percent of each of three chemicals that was discharged?
- What response do emergency responders and regulatory agencies have to Trinseo's announcement that it is planning to resume operations in the coming days?
- Is the actual cause of the spill confirmed by regulatory agencies and what investigations have been done to ensure there will not be any repeat releases when operations resume?

- The estimate of 8,100 gallons of chemical release seems to have been determined by Trinseo, what efforts have been undertaken by regulatory agencies to confirm the volume of the chemical release? Is there any question that the spill may have been a greater amount?

We hope to be in touch to receive answers to our questions and secure a more robust process for public information and engagement. We also would like to request a follow up meeting, after the crisis has passed, to discuss our concerns with the response, particularly the failures on the information and communications front.

Respectfully,



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the Delaware Riverkeeper