

Major stories and events  
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HOUSTON CHRONICLE

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# HOUSTON CHRONICLE

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Chance of storms, High 90, Low 76

## Casinos failed, but Trump hit it big

Review of records: Investors who bet on him paid price

By Russ Buettner and Charles V. Bagli  
NEW YORK TIMES

ATLANTIC CITY, N.J. — The Trump Plaza Casino and Hotel is closed, its windows clouded over by sea salt. Only a faint outline of the gold letters spelling out T-R-U-M-P remains visible on the exterior of what was once this city's premier casino.

Not far away, the long-failing Trump Marina Hotel Casino was sold at a major loss five years ago and is now known as the Golden Nugget.

At the nearly deserted eastern end of the boardwalk, the Trump Taj Mahal, now under new ownership, is all that remains of the casino empire Donald Trump assembled here more than a quarter-century ago. Years of neglect show: The carpets are frayed, and dust-coated chandeliers dangle above the few customers there to play the penny slot machines.

On the presidential campaign trail, Trump, the presumptive Republican nominee, often boasts of his success in Atlantic City, of how he outwitted the Wall Street firms that financed his casinos and rode the value of his name to riches. A central argument of his candidacy is *Trump continues on A14*

### SWAMPED

## Angry first-time victims demand flooding solutions



Mark Mulligan / Houston Chronicle

Greg Bowen's home in the Stable Gate subdivision off Telge Road in Cypress has been stripped of the drywall and of flooring after filling with water April 18, the first time the development ever flooded.

Cypress residents who once never worried of rising waters now live in fear

Third in a series

By Mike Tolson

Something was wrong — that was obvious to everyone who looked at the flooded streets around them. For most of the morning, water had steadily flowed toward the creek behind the neighborhood, as it had done after countless other storms. Now it was going the other way. And rising.

Hank Rennar stood on his corner lot in the Stable Gate subdivi-

sion in Cypress and knew they were in trouble. Neither Rennar nor his neighbors had seen anything like it. Cars parked at the bottom of driveways were doomed by the suddenly about-face muddy torrent.

A day that had begun with the promise of brighter skies and no more rain was about to turn into a frantic rush to shut off the power, find the family photos, move the antiques, locate the pets. Within the hour, Rennar was standing in water over his ankles. Down the street and across the way, some

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had it worse, with water rising to several feet. By the time the so-called Tax Day Flood was over, about 90 percent of the community's 250 or so homes had flooded.

Like residents across the western third of the county, those in Stable Gate view their lives — and the place they call home — a bit differently after the events of April 18. Occasional heavy rains *Flood continues on A26*

## Legal pressure builds on Big Oil

Industry dismisses comparisons to tobacco litigation

By James Osborne

WASHINGTON — In April, the email inboxes of energy executives filled with alerts from the nation's top corporate law firms. Subject: The multi-state investigation into whether Exxon Mobil committed fraud by discounting the impact of fossil fuels on climate change.

For years, efforts to hold energy companies and governments liable for the warming of the planet had moved through the court system with little fanfare or success. But with state governments probing Exxon Mobil's public and internal statements on climate change, lawyers warned their clients to get ready.

"There is escalating effort to bring pressure to bear on companies with respect to their public securities statements on the effects of climate change," the New York law firm Pillsbury Winthrop Shaw Pitman said in a letter.

For oil executives in Texas and across the country, the investigations into whether their industry suppressed findings and misled investors, policy-makers, and the public about global warming not only raise the prospects of criminal charges but add *Case continues on A21*

### CHEMICAL BREAKDOWN

## Roadblocks to right-to-know law

Committees are required to obtain inventories of dangerous chemicals in their communities, but Texas allows them to conceal data from public

Third in a series

By Matt Dempsey and Mark Collette

Somehow, George Freda was supposed to protect much of Harris County from chemical disasters. He had a stack of files in his house, with lists of one compound after another, but he was a committee of one.

He had no staff, no money and no clear directive.

Such are the shortcomings of Local Emergency Planning Committees, the groups that the federal government says could prevent the next major

incident.

Under a mandate from Congress, thousands of committees were created in 1986, two years after Union Carbide's leak in Bhopal, India, killed thousands.

The committees were the first line of defense, empowered to share information about local dangers and prepare the community for any emergency.

Thirty years on, Freda and others like him pose little defense at all. Scores of LEPCs all over Texas are disbanded or barely functioning, a Houston Chronicle investigation has found.

"If this were a battle and they were the front line," Harris County Judge Ed Emmett said, "our enemy is going to come through the front line real fast."

The Environmental Protection Agency considers the committees to be a cornerstone of reforms following the fertilizer explosion three years ago in West that killed 12 firefighters and three residents. At a minimum, LEPCs are required to disclose chemical inventories to interested residents or community watchdogs.

But Texas has circumvented federal law by withholding those re-

ports, and the EPA does nothing to stop the state.

The Texas Attorney General's Office, under Greg Abbott and now Ken Paxton, has told committees that they do not have to make inventories available, citing a state law that restricts information that might be useful to terrorists. Despite the terror threat they cite, state officials do not stop LEPCs like Freda's that choose to make inventories public.

Former New Jersey congressman James Florio, who helped craft the federal Emergency Planning and Community *Committees continues on A16*



Michael Ciaglo / Houston Chronicle

Local Emergency Planning Committees in 25 states employ Wally Wise Guy to teach children how to shelter in place in a chemical emergency.

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CHEMICAL BREAKDOWN

# Committees mostly disbanded or failing

Committees from page A1

Right-to-Know Act, calls the Texas approach “totally irrational” and said security concerns should be addressed by individual companies. The goal of the federal law “was to hold everyone to a minimal standard of disclosure,” he said. “Can you imagine if we relieved nuclear facilities of their security responsibilities, and we just tried to hide where they are?”

□□□

Collecting data from LEPCs across Houston is largely an exercise in futility.

Most of the 20 Houston-area LEPCs rejected the Chronicle’s requests for chemical inventories, called Tier Two forms, including Brazoria, Galveston, Waller and Fort Bend counties. One of the committees that did release the information — Southeast Regional — had a trove of data from companies outside its jurisdiction, so an analysis included more than 2,500 businesses in greater Houston. Fifty-five of those facilities were found by chemical safety experts at Texas A&M to have a high potential for public harm. Close to 600 scored in the medium group, storing chemicals dangerous enough to impose serious harm in an incident.

The analysis, plus a string of chemical fires and explosions all over the area — about one every six weeks — is leading some to rethink old policies.

“There are still a lot of things being viewed through the lens of 9/11,” Emmett said. “I would think people who live around a facility storing hazardous materials are going to want to know that information. That’s more important to them than the risk of a terrorist attack.”

Mathy Stanislaus, assistant EPA administrator, said the agency recommends that the public be made aware of facilities and what chemicals are stored there. But he defended the EPA’s practice of allowing states to bypass the federal law, because it’s a “locally grounded statute.” The law contains a line that says it doesn’t overrule state or local statutes.

The Texas Homeland Security Act, passed in 2003, made government information confidential if it could be used to plot terror attacks. For more than a decade, the law was never invoked to block release of chemical inventories. The state reversed course after widespread media interest in the data following the West explosion.

Then-Attorney General Abbott, quoting the 2003 law, issued a ruling that allows state and local agencies to withhold inventories.

Abbott told reporters in 2014 that private companies were still required to release them to the public.

“You know where they are if you drive around,” Abbott said. “You can ask every facility whether or not they have chemicals ... and if they do, they tell which ones they have.”

But it is virtually impossible to find all but the most obvious chemical plants, the Chronicle found. For instance, a warehouse in Spring Branch that exploded in May, about 1,200 feet from a school west of downtown, housed chemicals that had no public paper trail.

Also, many companies do not understand their responsibilities under the law.

State Sen. Rodney Ellis tried to get the data for the Chronicle from the Department of State Health Services, which ran the state’s Tier Two program before another agency took over this year, but he was initially rebuffed.

Then he was told he would have to swear to keep the information secret. He declined.

“I’ve never heard of a legislator being required to sign an affidavit saying they were accepting criminal liability if (state records) got out of their office,” Ellis said. “It makes me wonder what are they hiding?”

He pointed out that even Oklahoma, site of the worst domestic terror attack, freely divulges Tier Twos.

Ellis said legislators should carve out an exception for disclosure within the terrorism statute.

“I don’t know how many



Michael Ciaglo / Houston Chronicle

At a meeting in May, Deer Park LEPC members focus on the National Weather Service’s Dan Reilly discussing hurricane threats.

tragedies like the one out in Spring Branch we have to have to do that,” he said.

Abbott did not grant an interview.

A spokesman reaffirmed the governor’s position that the information could aid terrorists.

At least 10 states release inventories, and no state has reported a terrorist attack on a plant, according to reviews by the Council on Foreign Relations and the Government Accountability Office. Some states don’t release inventories or provide partial information, while others didn’t respond to inquiries.

Houston Congressman Gene Green, whose district is among the most heavily industrial in the nation, called for a clear national standard.

“We’re not talking about state secrets here,” he said. “We’ve ended up having 50 standards for the community’s right to know.”

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Federal law does little to spell out how committees are supposed to advance plant safety.

Charles Sluder, the fire marshal for the city of South Houston, flipped through files in a cabinet to figure out who was even in charge of the local committee. The man listed as the head of the LEPC had died two years earlier.

Sluder, who is now a member of the LEPC, said he tracks which facilities have hazardous materials and makes sure the companies’ chemical information is current. He also stops by once in a while.

“I know we’re supposed to be proactive, but who’s going to put out the information on what we’re supposed to do?” Sluder asked. “And who’s going to pay for it? We don’t have the resources.”

Sluder’s complaint was echoed by many committees in the area. Congress did not fund LEPCs.

Green said the committees must be funded and monitored by the EPA. He doesn’t share the agency’s opinion that the committees are at the center of chemical plant safety.

“I’ve never been to any of them that generated a complaint to the EPA,” he said.

Under the 1986 law, LEPCs are to help formulate emergency response plans. In 2014, a federal task force reported that many are incapable of doing so and need training.

Most rules regarding LEPCs relate to being the point of contact between companies and the public.

By law, they must have a chairman and an information coordinator.

They are required to have representatives from local government, environmental groups, emergency management, the media, first-responders, facilities and community groups. A single person can represent multiple groups, and there is no minimum number of members.

Most LEPCs fall short of the rules but face no consequences.

A bigger problem: Many simply don’t exist anymore.

Among more than 250 LEPCs in Texas listed with the Department of Public Safety, the Chronicle found 26 with disconnected phone numbers. Emails bounced back or weren’t available for 22 percent.

In 2008, the EPA surveyed committees around the nation.

**Part 1:**  
*Public goes unaware of chemical threats*

**Part 2:**  
*An industry left to police itself*

**Today:**  
*EPA’s fix is already broken*

**Coming soon:**  
*‘Runaway reactions’ going ignored*



[HoustonChronicle.com/chemicalbreakdown](http://HoustonChronicle.com/chemicalbreakdown)

Sixty percent didn’t respond.

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Greater Houston is one of the committees that answers the phone, but it also represents the struggles of the program writ large: trouble releasing information, money problems, no direction.

It initially asked the Chronicle for \$8,000 to produce around 680 Tier Two forms. After months of discussions, the LEPC released all its digital copies without charge.

It later produced two boxes of documents, many in sealed envelopes, that had sat in storage.

Inside those envelopes were Tier Twos, but also uncashed checks totaling hundreds of dollars donated by some of the companies in their area.

Greater Houston covers the most territory of any local committee, stretching from Kingwood to just north of Sugar Land.

Last year, the chairman retired and moved to Kansas.

The group lost most of its emails in a technical snafu.

Its bank account was closed because the LEPC didn’t have a physical address.

The city of Houston took back the office it had once provided and also reassigned an employee tasked with helping the LEPC.

Denise Walker, chief emergency management officer for Lone Star College, became chairwoman in January. Walker wants the committee to be more active and organized.

The LEPC set up a physical address to apply for grants, reopened its bank account and hired a part-time staffer. It brought in an air quality expert this year, and ran a tabletop exercise, where members verbally walked through safety scenarios, this month. It was the first such training in years.

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Even the best-funded, smoothest-functioning committees have trouble fulfilling the government’s expectations.

The La Porte LEPC meets every month and collects dues from each participating company. In 2014, the committee collected \$193,626, making it one of the most well-funded in the state.

It readily provided its chemical inventories to the Chronicle.

It runs annual safety fairs for the public. It shares educational material with businesses and schools on how to shelter in place in the case of emergency.

At the LEPC’s suggestion, the city does drills where dispatchers call a random company and say

it is now undergoing a chemical emergency. The company then runs through its procedures.

“It’s good practice for our dispatchers, too,” said Kristin Gauthier, emergency management coordinator for La Porte and an officer of the LEPC.

Gauthier said she knows other committees aren’t working well.

“Are you doing training? Are you reviewing plans? Are you communicating to the public? Or are you just checking off things on a list?” she asked.

All that effort didn’t prevent multiple failures in response to the fatal leak at the former DuPont plant, where four workers died in November 2014.

The company’s emergency vehicles broke down.

City firefighters didn’t have enough oxygen for a sustained rescue effort.

The 911 caller from DuPont couldn’t identify what chemical was leaking, but that didn’t stop him from saying that there was no harm to the public. (In fact, the U.S. Chemical Safety Board has not determined the scope of the danger.)

The plant had a strong supervisor culture and, with the people in charge unaccounted for, no one knew what to do, said Jeff Suggs, the LEPC’s vice chairman.

How could something like that happen in a community with such a strong LEPC?

“That was an anomaly. A catastrophic failure,” Suggs said. “It could happen anywhere.”

□□□

George Freda remembers the heightened awareness after Bhopal, and he remembers when things at the Unincorporated Harris County LEPC made a turn for the worse.

It came in 1995, when an industry group, the East Harris Chemical Manufacturers Association, proposed that the committee be split into smaller

groups, arguing that most of the facilities were near the ship channel.

The plan was approved, and interest in Freda’s LEPC waned.

Freda kept attending yearly EPA conferences about LEPCs until 2005, when the funding for those events dried up.

For more than a decade, Freda was the lone person responsible for collecting and disseminating information about hundreds of facilities.

And for all those years, no one approached him for the reports until the Chronicle asked.

He retired late last year, handing off the Tier Twos to his successor.

David Wade, the industry liaison for Harris County’s Office of Emergency Management, is the new administrator.

Wade plans to change its name to Greater Harris County, and he wants to coordinate with other LEPCs like South Houston.

It will look for opportunities to put together exercises, he said.

The challenge, Freda said, will be in keeping everyone engaged. Houston has become inured to chemical plant incidents. They produce spectacular TV news footage, then people move on.

“These things tend to get localized,” Freda said. “That was on the other side of the channel.”

Judge Emmett said he hadn’t really paid attention to the committees until now.

He was surprised to learn they are at the center of the EPA’s reform efforts.

“It strikes me that the whole structure was created by Congress years ago, and everybody said, ‘We’ve solved that,’ and moved on,” Emmett said. “Nobody has ever gone back to look at it and see if it works. We’ll find out where it doesn’t work when there’s a disaster. And that’s not the way it should happen.”

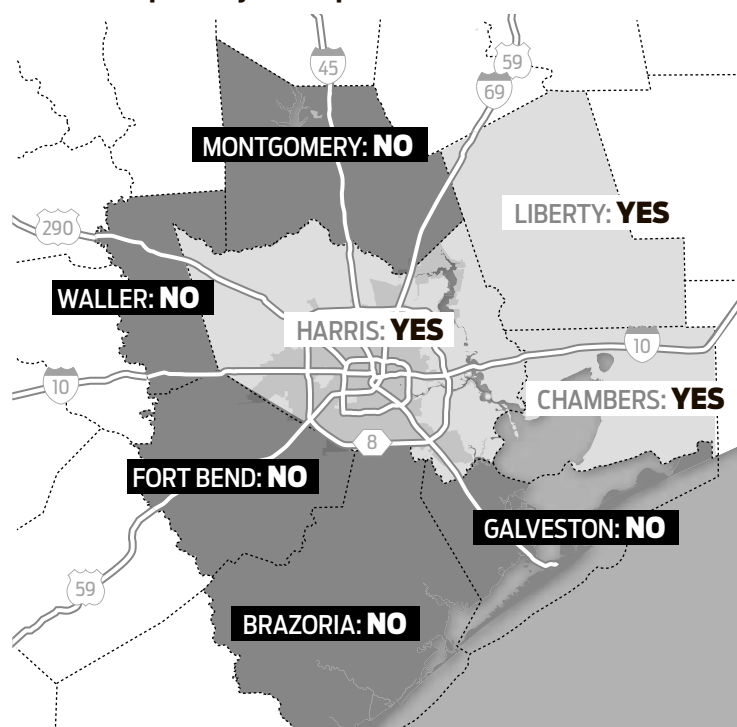
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## New chemical bill doesn’t apply

The Toxic Substance Control Act, likely to be signed by the president soon, does not affect the laws discussed in the Chemical Breakdown series. The federal government has other regulations focused on chemical facility safety and emergency response and preparedness. The TSCA gives the EPA funding and authority to conduct safety testing on chemicals in everyday use, such as the BPA in plastic toys.

## In the dark about dangers

Most committees in the region refused to release the chemical inventories of businesses located there. Help us find the hidden facilities: <http://bit.ly/1Urczxp>



Source: Houston Chronicle research