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Finding Aid

HARRIS COUNTY ATTORNEY RECORDS
BRIO SUPERFUND SITE CASE FILES
CR044
(1971 – 1994, Bulk 1988 - 1991)

Size: 3 cubic feet

Restrictions on Access: None

Restrictions on Use: None

Acquisition: County Attorney Office

Accession Number: 2010.019

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Citation: [Identification of Item], Brio Superfund Site Case Files, Harris County Attorney Records, Harris County Archives, Houston, Texas.

Agency History:

The Brio Superfund site is a former industrial plant located 20 miles southeast of Houston, near Friendswood, Texas. The Brio site also includes the Dixie Oil Processors Superfund site. It occupies 26.6 acres. Beginning in 1969, several companies used the location for a variety of industrial purposes, including copper recovery, oil reprocessing, hydrocarbon cracking, and petroleum distilling. The area was contaminated by the wastes generated by these operations which were stored in earthen and concrete berms. Industrial activity on the property ceased in 1986.

The acreage formerly occupied by Brio Refining, Inc was designated as a Superfund site in 1984, and the adjacent Dixie Oil Processing was designated as a federal Superfund site in 1985. Site remediation was originally to be done through an on-site incinerator, but after a considerable portion of the incinerator apparatus was built, the plan was scrapped in part due to community opposition. This opposition was spearheaded by *The South Belt-Ellington Leader*, a community newspaper, and its editor Marie Flickinger. The site's remediation was completed in 2004, and it was removed from the National Priorities List in 2006.

The Harris County Attorney's Office was never a party to the litigation, but instead acted as an *Amicus Curiae*, or "friend of the court." The county was also concerned about the site due to a joint project between Harris County Flood Control District and the Department of the Army and the potential for environmental damage to Sims Bayou.

The official documents pertaining to the Brio site are housed at the San Jacinto College, South Campus Library, 13735 Beamer Rd, Houston, Texas 77089.

Bibliography:

Environmental Protection Agency, "Superfund Site Progress Profile: Brio Refining, Inc." <http://cfpub.epa.gov/supercpad/cursites/csitinfo.cfm?id=0602601> (accessed November 3, 2010).

Environmental Protection Agency, "EPA Superfund: Record of Decision Brio Refining, Inc." <http://www.epa.gov/superfund/sites/rods/fulltext/r0688031.pdf> (accessed November 3, 2010).

Scope and Contents Note:

Correspondence, notes, an agenda, legal documents, reports, speeches, printed materials, photographs, and a VHS cassette tape 1971 to 1994 document the interest of the Harris County Attorney's Office in the Brio Superfund site and the related litigation.

Correspondence include both original correspondence and copies of correspondence pertaining to the Brio Superfund site. Communications concerning road widening and flood control projects on Sims Bayou reveal the concern about what would happen if hazardous substances were discovered during the project. Of particular interest are County Attorney David Melasky's handwritten notes concerning the Brio Superfund site.

Approximately 37 legal documents (1988 – 1993) record the ongoing litigation including Harris County's *Amicus Curiae* brief, depositions, and affidavits. Thirty-seven reports (1985 – 1990) document soil contamination at the Brio site, Records of Decision, and monitoring programs. Reports also include a State of California hearing from 1977 on the effects of airborne vinyl chloride. Speeches of politicians and the Southbend Homeowner's Association comment on the toxic waste site. Both full issues of the *South Belt – Ellington Leader* (1988 and 1989) and newspaper clippings (1985 – 1990) record the community concern over the cleanup of the Superfund site and related issues.

Of particular interest are a series of black and white aerial photographs taken in 1971 of the Brio site and the Southbend Subdivision. An undated video tape, compiled by community activist Marie Flickinger, presents the case of the plaintiffs and highlights the community's frustration with the Environmental Protection Agency and the slow pace of the legal system.

Archivist's Note:

This collection appeared to be in no particular order in its original boxes. All labeled folders were preserved under their original folder name and all of the contents of those labeled folders were preserved in their original order. Duplicates were discarded.

Inventory

Series: Correspondence

Range of Dates: 1971 - 1991

Title	Date	Location
John E. Wom to Harris County District Attorney regarding pollution at the Phoenix Chemical Company [Brio] with photographs	1971, 08/29	1495-X-01
Letters 1988	1988, 01/25 – 1988, 05/02	1495-X-02
Letters 1989 [1 of 2]	1989, 04/27 – 1989, 10/26	1495-X-03
Letters 1989 [2 of 2]	1989, 10/26 – 1989, 12/29	1495-X-04
Letters 1990	1990, 01/04 – 1990, 12/17	1495-X-05
Letters 1991	1991, 01/08 – 1991, 04/15	1495-X-06
Letters 1992	1992, 05/05 – 1992, 05/08	1495-X-07
Memorandums	1987, 01/20 – 1991, 01/10	1495-X-08
Records of Telephone Calls	1988, 06/17 – 1989, 04/05	1495-X-09
Departmental Communications	1989, 08/01	1495-X-10
Faxes: Department of the Army to Harris County Flood Control	1990, 03/23	1495-X-11
Faxes [1 of 2]	1989, 05/31 – 1990, 05/22	1495-X-12
Faxes [2 of 2]	1990, 11/20 – 1991, 02/01	1495-X-13

Series: Working Papers
Range of Dates: 1972 – 1994

Title	Date	Location
Operation Death Valley Sweep! [faxes, articles, notes, press releases, correspondence, reports]	1972, 03 – 1990, 10	1495-X-14
David Melasky - Brio	1988, 04/05	1495-X-15
David Melasky - Brio	1988, 03/26 – 1989, 08/25	1495-X-16
Author Unknown - Brio	n.d.	1495-X-17
David Melasky - cooperation agreement between Harris County Flood Control District and the Department of the Army for a project on Sims Bayou	1990, 03/1	1495-X-18
Author unknown - issues surrounding Brio site with supporting documents	n.d.	1495-X-19
PIM) Harris County/EPA vs. Brio Toxic Waste Site P.R.P.s [Legal orders, legal motions, memorandums, correspondence]	1991 - 1993	1495-X-20
Brio 1994 [memorandums, legal notes, meeting agendas, faxes, legal opinions, notes]	1994, 04 - 05	1495-X-21
Brio Spring 1994 [notes, legal opinions, correspondence]	1994, 03 – 1994, 04	1495-X-22
Research [faxes, photocopies [with notes], computer printouts, notes] [1 of 2]	ca. 1991	1495-X-23
Research [faxes, photocopies [with notes], computer printouts, notes] [2 of 2]	ca. 1991	1495-X-24

Series: Agendas
Range of Dates: n.d.

Title	Date	Location
Agendas: Agenda of the Brio Task Force	n.d.	1495-X-25

Series: Legal
Range of Dates: 1972 - 1993

Title	Date	Location
Resume / CV of Dr. Joel Hirschhorn, Ph. D. Executive Vice President of Technology and Planning for Envirosearch, Inc.	n.d.	1495-X-26
Petition regarding Brio site clean up by E.P.A.	n.d.	1495-X-27
Environmental Protection Agency Public Meeting Transcript	1988, 02/09	1495-X-28
Declaration for the Record of Decision	1988, 03/31	1495-X-29
<i>U.S. vs. Amoco Chemical Co.</i> Brio Site Consent Decree [1 of 3]	1988, 10 – 1989, 01	1496-X-01
<i>U.S. vs. Amoco Chemical Co.</i> Brio Site Consent Decree [2 of 3]	1988, 10 – 1989, 01	1496-X-02
<i>U.S. vs. Amoco Chemical Co.</i> Brio Site Consent Decree [3 of 3]	1988, 10 – 1989, 01	1496-X-03
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [1 of 6]	1988, 10 – 1989, 04	1496-X-04
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [2 of 6; Attachment A]	1988, 10 – 1989, 04	1496-X-05
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [3 of 6; Attachment B]	1988, 10 – 1989, 04	1496-X-06
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [4 of 6; Attachment C]	1988, 10 – 1989, 04	1496-X-07
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [5 of 6; Attachment C]	1988, 10 – 1989, 04	1496-X-08
<i>U.S. vs. Amoco Chemical Co., et al</i> Complaint [6 of 6; Attachment C]	1988, 10 – 1989, 04	1496-X-09
<i>U.S. vs. The B. F. Goodrich Co. and the BOC Group, Inc.</i>	1989	1496-X-10
Deposition of Philip B. Beient, Vol. II [with notes and map of Brio site]	1989, 04/20	1496-X-11

Title	Date	Location
Affidavit of Terry Pat White	1989, 05	1496-X-12
<i>James Staughter, et al vs. Farm Home Savings Association, et al</i> Agreed Protective Order	1989, 10/11	1496-X-13
Southbend Municipal Utility District's public comment to consent decree in <i>U.S. vs. Amoco Chemical Co.</i> [1 of 2]	1989, 10/30	1496-X-14
Southbend Municipal Utility District's public comment to consent decree in <i>U.S. vs. Amoco Chemical Co.</i> [2 of 2]	1989, 10/30	1496-X-15
Order authorizing the County Attorney to participate in litigation pertaining to the Brio Superfund Site	ca. 1990	1496-X-16
Southbend Municipal Utility District's comments on consent decree in <i>U.S. vs. Amoco Chemical Co., et al.</i>	1990, 01/08	1496-X-17
<i>U.S. vs. Amoco Chemical Co., et al</i> Certificate of documents comprising the official record	1990, 11/29	1496-X-18
Resolutions of the Harris County Commissioners Court opposing consent decree and authorizing the County Attorney to file an <i>Amicus Curiae</i> brief [unsigned; one copy with highlighting]	1990, 12/11	1496-X-19
<i>U.S. vs. Amoco Chemical Co., et al</i> application for leave to appear as <i>amicus curiae</i> and to file brief of opposing entry of consent decree	1991, 01	1496-X-20
<i>U.S. vs. Amoco Chemical Co., et al Amicus Curiae</i> brief of Harris County opposing entry of agreed consent decree and requesting the appointment of a special master	1991, 01	1496-X-21
<i>U.S. vs. Amoco Chemical Co., et al</i> Southbend Municipal Utility District No. 13, and Homes, Lives, and Environment in Peril's (H.E.L.P.) brief in support of motion for leave to intervene and complaint in Intervention [with notes]	1991, 01	1496-X-22
<i>U.S. vs. Amoco Chemical Co., et al</i> Notice of Intent to File <i>Amicus Curiae</i> Brief	1991, 01/04	1496-X-23
<i>U.S. vs. Amoco Chemical Co., et al</i> Defendant's	1991, 01/04	1496-X-24

Title	Date	Location
opposition to applicants' motion for leave to intervene		
<i>U.S. vs. Amoco Chemical Co., et al</i> Response to defendant's motion for expedited hearing	1991, 01/04	1496-X-25
<i>U.S. vs. Amoco Chemical Co., et al</i> Order denying Applicant's motion to Intervene and Appear as <i>Amicus</i> Plaintiff's supplemental memorandum in opposition to motion to intervene, and in opposition to application of <i>Amicus Curiae</i> .	1991, 01/05	1496-X-26
<i>U.S. vs. Amoco Chemical Co., et al.</i> Memorandum of the United States of America in opposition to motion to intervene and file complaint.	1991, 01/06	1496-X-27
<i>U.S. vs. Amoco Chemical Co., et al</i> Motion for leave to intervene, intervenor's motion for leave to file a brief exceeding page limits, brief in support of motion for leave to intervene and complaint in intervention, motion for continuance	1991, 01/07	1496-X-28
<i>U.S. vs. Amoco Chemical Co., et al</i> Order denying motions by Southbend Municipal Utility District, et al	1991, 01/10	1496-X-29
<i>U.S. vs. Amoco Chemical Co., et al</i> Applicants' response to Harris County's motion for continuance for appointment of a master, reply by applicants in intervention to defendants' opposition to applicants' motion for leave to intervene	1991, 01/15-16	1496-X-30
<i>U.S. vs. Amoco Chemical Co., et al</i> Amended <i>Amicus Curiae</i> brief of Harris County opposing entry of agreed consent decree and requesting appointment of a special master	1991, 01/16	1496-X-31
<i>U.S. vs. Amoco Chemical Co., et al</i> Supplement to the amended [Harris County] <i>Amicus Curiae</i> brief	1991, 02/01	1497-X-01
<i>U.S. vs. Amoco Chemical Co., et al</i> Applicants' [Southbend Municipal Utility District, et al] supplemental response to Harris County's motion for appointment of a special master	1991, 02/04	1497-X-02
<i>U.S. vs. Amoco Chemical Co., et al</i> supplemental brief in support of applicants' motion for leave to intervene	1991, 02/12	1497-X-03

Title	Date	Location
<i>U.S. vs. Amoco Chemical Co., et al</i> Defendant's response to H. E. L. P., MUDs [Municipal Utility District] and Harris County's supplemental briefs	1991, 02/22	1497-X-04
<i>Southbend Municipal Utility District, et al vs. U.S., et al</i> Appeal from the U. S. District Court for the Southern District of Texas brief of Appellants	1991, 06/26	1497-X-05
<i>Southbend Municipal Utility District, et al vs. Amoco Chemical Company, et al</i> Brief for the Federal Appellee [highlighted]	1991, 08/05	1497-X-06
Brio Summit Meeting [1 of 2]	1993, 03/16	1497-X-07
Brio Summit Meeting [2 of 2]	1993, 03/16	1497-X-08

Series: Reports

Range of Dates: 1977 - 1990

Title	Date	Location
State of California Air Resources Board public hearing to review and consider data on the effects of airborne vinyl chloride	1977, 12/23	1497-X-09
Harris County Pollution Control Department soil sample report	1985, 01/29	1497-X-10
Brio refining site: Component I-Existing database report	1985, 06	1497-X-11
Sampling at Brio Refinery, Friendswood, Texas	1985, 08	1497-X-12
Brio Technical Committee meeting and site evaluation of Beamer Towers Property [dated July 16, 1987]	1986, 01/07	1497-X-13
Supplemental remedial investigation Brio/DOP sites, Friendswood, Texas, volume 1 of 8	1987, 03	1497-X-14
Lab reports on samples taken from Brio site [attachments to missing documents]	1987, 04	1497-X-15

Title	Date	Location
Feasibility study – Brio Refining Inc. and Dixie Oil Processing site, Friendswood, Texas [1 of 2]	1988, 01	1497-X-16
Feasibility study – Brio Refining Inc. and Dixie Oil Processing site, Friendswood, Texas [2 of 2]	1988, 01	1497-X-17
Technical Review Remedial Investigation/Feasibility study Brio Refining, Inc. Site, Harris County, Texas	1988, 02/29	1497-X-18
Brio Refining: Record of Decision	1988, 03/31	1497-X-19
Dixie Oil Processors: Record of Decision	1988, 03/31	1497-X-20
Summary of remedial alternative selection Brio Refining site, Southeast Harris County, Texas	1988, 03/31	1497-X-21
Harris County Pollution Control Department Dixie Oil Processors tar sample report	1989, 06/12	1497-X-22
Brio Site Task Force air monitoring program plan [section 2 only]	1989, 09/06	1497-X-23
Summary of the situation at the Brio Refining Site [Jan. 1990] and Supplement [Feb. 1990]	1990, 01 – 1990, 02	1497-X-24
The Scientist's/Engineer's Role as a Special Master in Complex Environmental Litigation	1990, 10/18-19	1497-X-25
Constituent analysis, pits I - R	n.d.	1497-X-26

Series: Creative Works

Range of Dates: 1985 - 1990

Title	Date	Location
Comments and concerns of the Southbend Homeowners' association on the EPA's proposed plan of action for the cleanup of the Brio and DOP [Dixie Oil Processors] Sites [author unknown]	ca. 1985, 04	1497-X-27
Statement of Harris County Commissioner El Franco Lee [Pct. 1] concerning the Brio toxic waste site.	ca. 1990	1497-X-28

Title	Date	Location
Statement of Mayor Paul W. Schrader of Friendswood, Texas, concerning the Brio / DOP [Dixie Oil Processors] Superfund site remediation.	1990, 02/01	1497-X-29

Series: Printed Material
Subseries: Newspapers and Newspaper Clippings
Range of Dates: 1985 - 1990

Title	Date	Location
<i>South Belt – Ellington Leader</i> March 24, 1988	1988, 03/24	0008-V-05
<i>South Belt – Ellington Leader</i> April 6, 1989	1989, 04/06	0008-V-06
Newspaper clippings [Photocopies and originals]	1985, 04/03 – 1990, 10/23	1497-X-30

Series: Printed Material
Subseries: Publications
Range of Dates: 1985 - 1990

Title	Date	Location
<i>EPA Environmental News</i>	1985, 05/16	1497-X-31
<i>EPA Environmental News</i>	ca. 1988, 03	1497-X-32
Superfund Project Update Dixie Oil Processors, Harris County, Texas	1988, 01	1497-X-33
Superfund Project Update Brio Refining and Dixie Oil Processors	1989, 04	1497-X-34
EPA Region 6 Superfund Fact Sheet Brio Fact Sheet	1989, 08/31	1497-X-35
Brio Site Task Force Public Information	1990, 06	1497-X-36

Series: Printed Materials
Subseries: Transcripts
Range of Dates: ca. 1989

Title	Date	Location
Transcripts: Transcript of Marie Flickinger Interview with Sam Becker, Lou Barinka, and Roger Mecham [EPA officials]	ca. 1989, 05/15	1497-X-37

Series: Audio Visual Media
Subseries: Photographs and Photonegatives
Range of Dates: 1971

Title	Date	Location
Photographs: Aerial Photographs taken by Bob Douglas of the Brio site and Southbend Subdivision taken on October 22, 1971, between 4 – 5 PM	1971, 10/22	0037-P-02
Photonegatives of Aerial Photographs taken by Bob Douglas of the Brio site and Southbend Subdivision taken on October 22, 1971, between 4 – 5 PM	1971, 10/22	0037-P-03

Series: Audio Visual Media
Subseries: VHS
Range of Dates: n.d.

Title	Date	Location
Video compiled by Marie Flickinger concerning the Brio Superfund Site in Harris County, Texas. VHS 399	n.d.	0007-Z-01