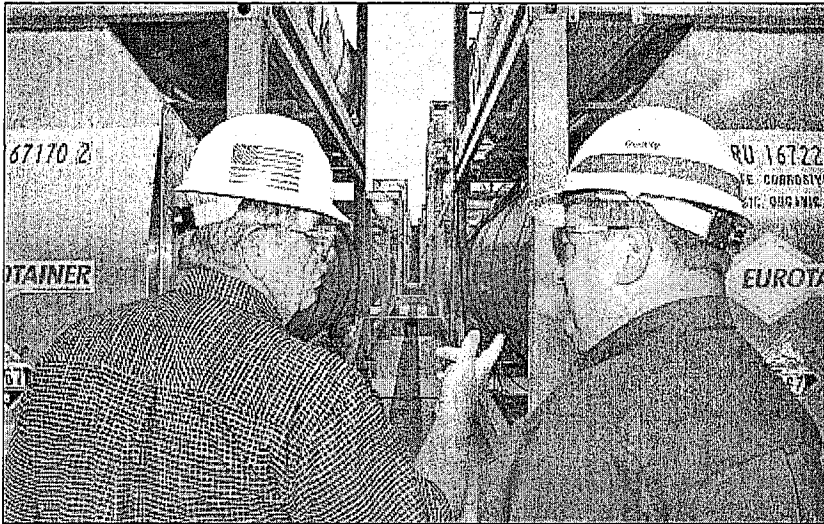


## Special report

# UNNERVING



Photos by Jerry Jordan

Thomas Linson, branch chief for the Indiana Department of Environmental Management and Jefferson County Emergency Management Coordinator Greg Fountain discuss the safety measures taken before hydrolysate shipments leave the Newport Facility in Indiana.

## Are residents right to worry about destruction of chemical weapons at at Port Arthur plant?

By Jerry Jordan  
News Editor

NEWPORT, IND. — Much of the United States' own weapons of mass destruction are stored in a bunker north of Terre Haute, Ind., at the U.S. Army Chemical Materials Agency's Newport Chemical Depot. And since May 5, 2005, in compliance with an international treaty requiring its destruction, the chemical weapon known as VX Nerve Agent has been carefully deconstructed into a caustic liquid through intense agitation and heat.

And while the process takes place in Indiana, the fight over what happens to the residual by-product of VX and its transport to a Port Arthur waste incinerator has been talked about all over Southeast Texas for more than

**'The Newport Chemical Agent Disposal Facility neutralizes the VX by hydrolysis, followed by the irreversible disposal by thermal treatment of the resulting hydrolysate at the Veolia treatment, storage and disposal facility.'**

— Aabha Dixit, Organization for the Prohibition of Chemical Weapons a month. From the debate over transport safety to protests by environmental activists that now involve a federal lawsuit, the VX controversy has made big news on television, print and radio.

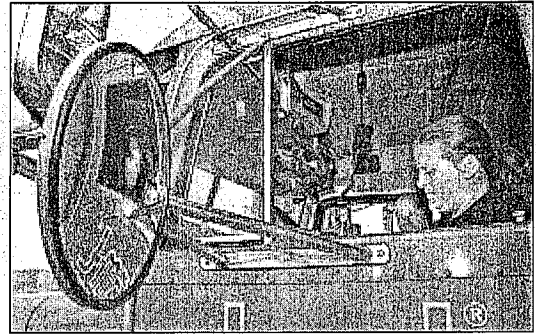
After being approached about bringing a group of people from Southeast Texas to the Newport facility, the U.S. Army, which is responsible for the deconstruction of all chemical weapons in the nation's arsenal, made security arrangements and extended an invitation for a delegation of Southeast Texas officials to

visit the facility and give them a firsthand look at what goes on there.

At the request of Jefferson County Emergency Management Coordinator Greg Fountain, two media outlets, one from the print medium and one from television, were also asked if they would like to tag along.

Fountain said Jefferson County Judge Ron Walker approved the decision to bring a representative KFDM TV-6 and The Examiner newspaper.

See PLANT on page 8 A



Known as suicide jockeys, truck drivers Sue Morgan and Wayne Keck wait to offload a hydrolysate shipment at Veolia Environmental Services in Port Arthur.

## VX byproduct no sweat for 'suicide jockeys'

By Jerry Jordan  
News Editor

Team drivers in the trucking industry, especially those working for companies with military or chemical disposal contracts, are known as suicide jockeys — they carry everything from rocket fuel to nuclear waste. So, when the opportunity came up to transport hydrolysate, the deconstructed byproduct of VX nerve agent, from Newport, Ind., to Port Arthur, Texas, some of those suicide jockeys gave a little chuckle.

"This is pretty much routine for us," said Sue Morgan, a truck driver with Tri-State Motor Transit Co., which ships hydrolysate to an EPA-approved waste incinerator in Port Arthur. "This is nothing. We carry missiles, nuclear waste, you name it. This stuff here is toilet water. It's basically Drano. It's nothing."

While it's against Department of Transportation regulations to have minors on a truck when the load is placarded, as is the case with all the hydrolysate shipments, Morgan explained that she would otherwise have no problems letting her children come with her on the trip.

"I have heard all the controversy behind it and I will put it this way: I have two kids, and I would take this load home and let them be around (the truck)," Morgan said. "Now, missiles, no, no, no, that is different. If it were explosives or a radioactive load, I wouldn't put my kids in that position. It wouldn't bother me for them to be around it because that is how harmless this stuff is."

"It doesn't bother me a bit. Pretty much people don't have a clue about what is going over the roads. They got fixated on this when it got in the news and blown out of proportion. If they really want to know what is out there they would be looking somewhere else."

**Gasoline going to a fuel station is more dangerous than this. Everybody that is around this stuff knows what is going on.**

— Sue Morgan,  
Tri-State Trucking

Gasoline going to a fuel station is more dangerous than this. Everybody that is around this stuff knows what is going on."

Morgan said her employer is top-notch and provides her with excellent equipment that is checked out thoroughly and in compliance with all DOT regulations.

Wayne Keck, Morgan's brother-in-law and co-driver, said he never thought twice about the

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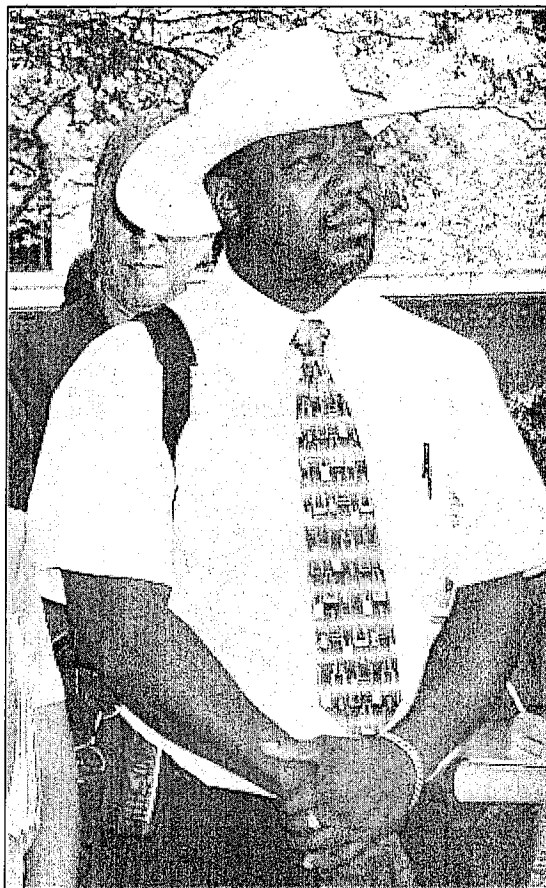


Photo by Jerry Jordan

Hilton Kelley's credibility has come under fire after allegations made in his latest lawsuit are proven to be untrue.

## Environmental activist, Hollywood stuntman or is Hilton Kelley neither?

By Jerry Jordan  
News Editor

The mayor of Port Arthur, Oscar Ortiz, calls him a "clown" and claims that he uses his Community In-Power and Development Association to strong arm the petrochemical industry into paying him money to go away but Hilton Kelley denies those allegations and says he is trying to help the people of Port Arthur.

It's no secret that Kelley has been a vocal opponent of the petrochemical and refining industry. He has filed numerous lawsuits and

orchestrated a number of protests, not only in Southeast Texas but around the nation. He has ties to the Sierra Club, The Chemical Weapons Working Group, the Refinery Reform Campaign and it's national coordinator and environmental activist Denny Larsen. And once again Kelley is fighting a battle in his own backyard by pursuing a lawsuit against the U.S. Army, Secretary of Defense Robert Gates, the Department of Defense, Secretary of the Army Pete Geren and Veolia

See CLAIMS on page 12 A



Photos by Jerry Jordan

Sue Morgan makes sure the ISO container filled with the VX Nerve Agent byproduct, hydrolysate, is secure before leaving Newport, IN en route to Port Arthur.

### SWEAT

from page 6 A

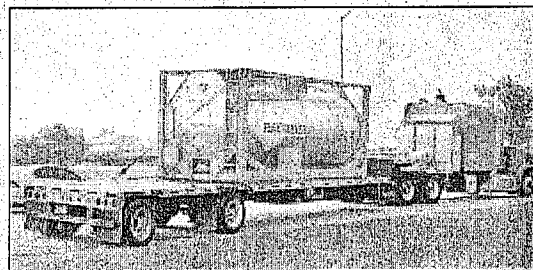
assignment. Both Keck and Morgan said they have made numerous trips from Newport to Port Arthur.

"We've never had any problems," Keck said on Friday, after arriving at the Veolia Environmental Services Facility on Hwy 73 in Port Arthur.

Just 18 hours earlier, Keck and Morgan, at the request of Veolia officials and representatives of the U.S. Army, showed a reporter from The Examiner their safety equipment, emergency plan and provided the reporter with contact information so they could meet up in Port Arthur.

The meeting came after a delegation from Southeast Texas, which had traveled to Indiana to get the behind-the-scenes story on VX, watched their truck being loaded with an internationally-approved chemical storage container known as an "ISO container."

ISO containers are cylindrical metal tanks mounted within a protected steel framework designed to safely store and transport liquid materials such as the hydrolysate that is a byproduct of the VX nerve agent after it is broken down with sodium hydroxide, hot water and agitation. The containers



The Examiner was able to leave Indiana and meet up with Morgan as she and her co-driver pulled into the Veolia facility in Port Arthur.

conform to international regulations set forth by the International Organization for Standardization's manufacturing standards.

After the ISO containers were loaded onto Keck and Morgan's truck, they were double-chained to ensure security. At that point, the load was logged through chain of custody documents and tracked via Global Positioning Satellite (GPS) monitoring.

The reporter from The Examiner who was part of the delegation from Southeast Texas not only was allowed to monitor the truck via the Internet on May 31 but he was also allowed complete access to the Veolia facility in Port Arthur the following morning to watch as Morgan and Keck's truck was offloaded.

At the Veolia facility, work-

ers documented the receipt of the load and, using measures approved by the Organization for the Prohibition of Chemical Weapons (OPCW) at The Hague, The Netherlands, displayed security tags that are used to track every ounce of hydrolysate.

"The convention also has a verification annex, providing a comprehensive regime for monitoring the destruction of chemical weapons, chemical weapon production facilities and chemical weapons storage facilities, as well as routine monitoring of chemical industry through on-site inspections," said OPCW spokesperson Aabha Dixit. "OPCW inspectors verify the destruction of declared chemical weapons in accordance with the provisions

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## PLANT

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chemical treatment over a number of hours, as well as an extended holding period of the denatured hydrolysate, ensures the breakdown of the EA2192 to non-detectable levels, according to Material Safety Data Sheets from the U.S. Environmental Protection Agency. The EPA also approves the thermal destruction of hydrolysate in approved incinerators and in accordance with state and federal guidelines under the provisions of the Resource Conservation and Recovery Act of 1976. The Act gives the authority over the destruction of hazardous waste to the EPA from creation to destruction.

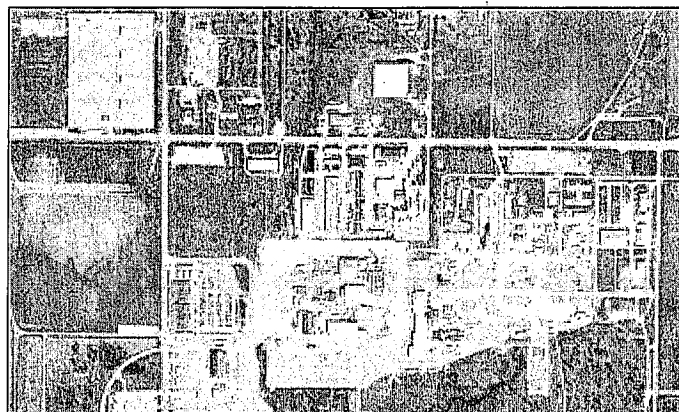
"When the public hears the term VX, it strikes immediate fear into their hearts and minds because Hollywood has vilified it," said Col. Jesse Barber, project manager for the U.S. Army Chemical Materials Agency. "Every chemical processing plant produces waste byproducts. If it were not for the pedigree, nerve agent VX, of the Newport waste, we would not have an upset public. My proof is the fact that we safely shipped almost seven million gallons of wastewater from the destruction of mustard agent HD from Aberdeen, Maryland, to a commercial wastewater treatment facility without incident, and we did not have an upset public. For the Newport waste, I tried to follow a similar process by working with local elected officials. The difference is mustard agent HD doesn't have the same negative connotation that nerve agent VX has."

To get the hydrolysate to an approved EPA incinerator, Newport has contracted with the Tri-State Motor Transit Co. to transport internationally approved chemical storage containers from Newport, IN to Port Arthur. The route used traverses major highways in seven states. The 16- to 20-hour journey is made with a three-truck minimum convoy, which stops every one- to two-hours to check the load and ensure that there are no problems with the truck or the shipping container. The shipments began arriving in Port Arthur last month.

Through some logistical planning and the aide of GPS tracking, The Examiner was able to watch three hydrolysate shipments loaded onto trucks in Indiana on Thursday, May 31, monitor those shipments via the Internet throughout the afternoon and then by taking an early morning flight to Houston, meet those same trucks as they pulled into the Veolia facility in Port Arthur on Friday.

(See related article: VX byproduct no sweat for suicide jockeys)

On May 30, the Southeast Texas delegation boarded a plane in Houston



Google Earth image

A satellite image from Google Earth shows the footprint of the Newport Chemical Depot, which has the distinct history of being the only place where VX Nerve Agent was manufactured in the United States.

and made the trip to the Newport Chemical Agent Disposal Facility for a behind-the-scenes operational tour and repeated no-holds-barred question and answer sessions. The delegation, including The Examiner reporter, was provided with unprecedented access to the Newport facility, its staff and its laboratory, which prior to this trip had only been offered on a limited basis to CNN.

Despite the security clearances needed, inspections for cameras and recording equipment to gain access to the facility once inside the Newport facility, the delegation from Southeast Texas was given complete access to the staff and military officers, who appeared extremely candid about what was happening there.

Along with providing a timeline for the destruction of the VX at Newport, one of the first things that Barber clarified for the Southeast Texas delegation was that the VX Nerve Agent being destroyed in Newport is not a gas, as has been incorrectly reported by numerous media outlets.

"That is one thing that I wanted to clear up — the VX Nerve Agent is not a gas. Now, we are anticipating finishing up the hydrolysis project in late spring or early summer of next year," Barber said. "I am projecting us to wrap up in the early part of the year but we might not finish until the fall."

However, despite Barber's stringent military regimen for the destruction of the VX nerve agent, he ran into a problem recently when a group of environmental activists began opposing the destruction of the nation's chemical weapons stockpile.

Led by self-proclaimed environmental activist Hilton Kelley on the local level, several other environmen-

tal groups and a small group of Port Arthur residents have all signed onto a lawsuit that seeks to stop the hydrolysate transports to the Veolia facility. One of those plaintiffs, Anisha Swallow, is listed on the Texas Department of Public Safety Criminal Database as having served time in jail for failing to identify herself as a fugitive from justice. Another plaintiff also shows a criminal history and a background check into Kelley's past has revealed a number of contradictions to comments he has made about himself, which has brought into question the credibility of the lawsuit.

(See related article: Environmental activist, Hollywood stuntman or is Hilton Kelley neither?)

The lawsuit, among other things, alleges that Kelley believes the incineration of the hydrolysate at the Veolia facility will further worsen the air quality in Port Arthur and that the Army is not being truthful with its testing results. The lawsuit also alleges that destroying the hydrolysate poses a substantial danger to the public.

In television and radio interviews, Kelley has repeatedly stated that hydrolysate can be easily regenerated into its original form of VX, something that treaty inspectors, the Army and others say is impossible.

"There has not been enough information put out there about the potential impact to our community," Kelley said during an interview with National Public Radio. "We do not want our community to be known as a toxic dumpsite. No. 1, we know that this hydrolysate is a highly corrosive material in the present state that it is in now. But we have also learned that if this stuff sits long enough and it starts to separate and the water starts to sep-

arate, then it could go back to a more lethal state."

Kelley's statements are not true, according to treaty inspectors at The Hague.

"The Newport Chemical Agent Disposal Facility neutralizes the VX by hydrolysis, followed by the irreversible disposal by thermal treatment of the resulting hydrolysate at the Veolia treatment, storage and disposal facility to ensure that chemicals are converted to a form which is unsuitable and unusable for the production of chemical weapons, as required by the CWC," said Dixit. "Facility-specific information has been submitted to the technical secretariat and the process of destruction is monitored and verified by OPCW inspectors in accordance with the plan for verification submitted for the consideration and approval of the Executive Council. Both the process, as well as the verification measures in place, are in full compliance with the requirements of the CWC."

When Kelley was asked where he got his information, he said he had "sources."

Port Arthur Mayor Oscar Ortiz accused Kelley of blowing the situation out of proportion by scaring people so that he could further his own cause.

"I think what he is trying to do maybe is do what he did to Motiva down here and delay their permits and cost the refineries a lot of money and consequently Mr. Kelley forgets to say that he managed to get \$2 million out of them to do economic development supposedly on the West Side (of Port Arthur)," Ortiz countered during the NPR broadcast and later restated his comments in an interview with The Examiner. "But I think again that Mr. Hilton Kelley, all he is trying to do is build a name for Hilton Kelley by scaring people into believing that this thing is going to be a dangerous item."

"Hilton Kelley is a clown. He works for the Sierra Club and by doing so he is crushing economic development in Port Arthur. I would say that anybody who loses their job out there needs to thank him for it. He talks about helping the black community but many of the workers at these facilities are minorities. He is putting his own people out of work. He says this stuff can reform; well, how the hell can it when the chemicals in that water were killed when it was in Indiana. It is wastewater. That is all it is. It can't happen. This is so ludicrous, what he is trying to do. I am telling you, stupidity abounds in that organization. Kelley is a troublemaker and a

See PLANT on page 10 A

**PLANT**

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person who is trying to make a name for himself off the backs of the people of Port Arthur."

When questioned about allegations that the Army is playing a game of bait-and-switch and that its procedures are lax, Barber said, "That is why we showed you everything we do. Even in cases where we are at a half of a point off, we err on the side of caution and rerun the process. We have refined our process to increase or detection levels. I want to get to the best position that I can get to and the lab has worked very hard on that. It took us a long time to get there but we have found ways to do that. We have never gotten complacent with the fact that we are doing good."

According to data provided to The Examiner, the Newport facility breaks down the VX nerve agent to the parts-per-billion level (ppb). Accordingly, the legally acceptable toler-

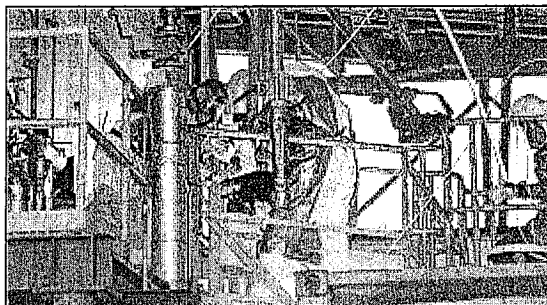


Photo by Jerry Jordan

Workers in chemical suits retrieve a hydrolysate sample from an ISO container to determine whether VX can reform after being in a rested state. Test results later showed no detectable amounts of VX in the sample.

ance levels for the hydrolysate is 20 ppb but Newport has developed a process to break down the VX even further. None of the containers leaving the Newport facility have detectable amounts of VX or the EA2192 and the levels of VX are not only below the acceptable level but also

below Newport's new detectable levels of 14 ppb.

"All of these guys will tell you that if there is an allegation made with something behind it, then I will look into it," said Barber during a question and answer session at the Newport facility. "If someone says reformation occurs, then

present me with something technical that says that a scientist has discovered this and if you have the technical data to back it up, I will take a look at it and have my scientists go over it. And if it is true, then I will do something about it. If someone makes an allegation, then it is only an allegation. I deal in facts. And nothing leaves this facility that is not supposed to leave here. When the hydrolysate is transported in the ISO containers (International Organization for Standardization), there are no detectable amounts of VX or EA2192."

According to a July 7, 2006, report filed by the U.S. Centers for Disease Control, the agency confirmed that the hydrolysate is safe to transport and poses no human health risk when done so in compliance with state and federal guidelines.

Despite being in compliance with the international

treaty requirements and abiding by all state and federal permitting requirements, the lawsuit is causing delays to Barber's operations that, in turn, are costing taxpayers additional money because regardless of whether a single ounce of VX is destroyed, the operational costs to run the Newport Facility are about \$360,000 per day

"The lawsuit is a nuisance," Barber said. "We have been sued by them on numerous occasions. We will comply with the law. Whatever the law says that I have to do, I will respond to. I won't respond to their allegations."

On Monday, June 18, the Army voluntarily agreed to temporarily cease shipments of hydrolysate to Veolia until a July 16 hearing before U.S. District Judge Larry McKinney for the Northern District of Indiana.

See PLANT on page 11 A

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**PLANT**

from page 10 A

Barber told The Examiner that this was a good-faith gesture by the Army. He said the most important issue he is faced with is safety.

"While I can't talk about the open litigation, I can say I've challenged my legal team to resolve this in a matter of weeks, not months, and I'm confident the data we have will support this," Barber said. "Safety for the workers, public and protection of the environment are paramount with me and I won't compromise on that. I know that what we are doing is safe, Veolia is permitted to receive the wastewater and we will present the facts to the courts. You've had a chance to see what and how we do it, and it should be resolved sooner than later."

Dan Duncan, Veolia's Environmental health and safety manager, said the company plans to incinerate its current stock of hydrolysate and wait for the Army to resume shipments.

"Veolia received two additional shipments (on Tuesday) for a total of 103, and we have burned a total of 76," Duncan said. "Veolia will continue to process the remaining 27 on site which has been transferred from portable tanks into a permitted hazardous waste tank, but obviously will not receive any additional shipments until after the 16th provided a favorable decision is reached. We are confident and remain hopeful that once all the facts become apparent, including the recent analysis that demonstrates that VX is not reforming in the contain-

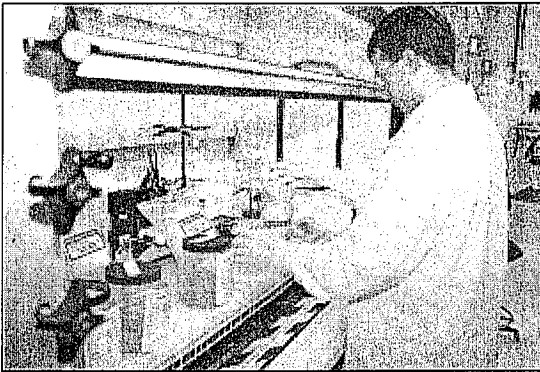


Photo by Jerry Jordan

**A lab technician at the Newport facility prepares the hydrolysate sample taken just five minutes earlier for testing.**


ers stored on site at Newport, the judge will render a favorable decision and shipments will resume."

Barber's and Duncan's comments were followed-up by a press release from CMA community affairs officer Gregory Mahall.

"As stated yesterday, the Army voluntarily agreed to impose a stay on all shipments of Newport hydrolysate to Veolia Environmental Services, Port Arthur, Texas," Mahall said. "That stay was to last through today's (Tuesday) conference, which was intended to outline the path forward regarding the lawsuit. A teleconference today involving attorneys for the Army, Veolia, the plaintiffs and the Judge Larry J. McKinney, has resulted in the Army extending its good-faith, voluntary stay through the interim period leading up to the hearing. No more ship-

ments will leave Newport until the matter is heard in court. As of now, that hearing is tentatively planned for the week of July 16-19, 2007.



"This stay is voluntary; the Army reaffirms its belief that the shipments have been safe and protective of our workers, our communities and our environment. The Army has coordinated its efforts with all interested stakeholders including those states along the transportation route. To date, 103 truckloads have made the 16- to 20-hour trip to Veolia without incident. Veolia has safely incinerated over 340,000 gallons of wastewater to date resulting in the OPCW-approved credit for disposing of almost 580,000 pounds of VX nerve agent. The hearings will take place in Indianapolis and are tentatively set to begin the afternoon of Monday, July 16, 2007."



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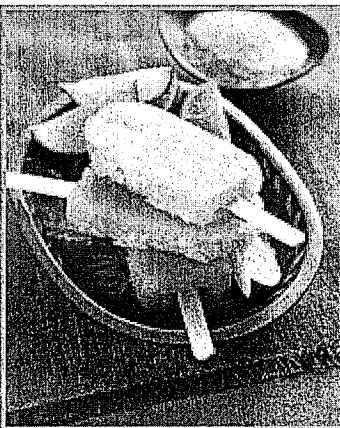
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- 2 TABLESPOONS TEQUILA
- 2 TABLESPOONS GRAND MARINER
- 1 TABLESPOON LIME ZEST

Combine sugar, through orange juice in a small saucepan over medium heat. Cook, until sugar dissolves. Remove from heat and allow to cool. Add tequila, orange liqueur, and lime zest, mix to combine. Pour molds and cover with foil. Place the popsicle stick in center and freeze until hard, preferably overnight.

\*Note: Omit the tequila and Grand Mariner for kid's popsicles.

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**CLAIMS**

from page 7 A

Environmental Services.

So what is the reason for the lawsuit?

Kelley, with the help of other environmental activists, is hoping to keep the Army from destroying a byproduct of the nation's stockpile of VX nerve agent at the Veolia Environmental Services EPA-approved waste incinerator in Port Arthur in a process that is in compliance and being done in accordance with a treaty signed by the U.S. Government at The Chemical Weapons Convention of 1997.

The byproduct, known as hydrolysate, is what is left over after the VX nerve agent is mixed with hot water and sodium hydroxide and then put through extreme agitation for several hours until it breaks down into a caustic material with no detectable amounts of its VX pedigree.

"Hilton Kelley is a clown," said Port Arthur Mayor Oscar Ortiz. "He is hurting our region and the city of Port Arthur by continually harassing the companies that do

business here and provide jobs for our citizens."

Ortiz added that the allegations being made by Kelley about hydrolysate reforming into VX are completely false and are nothing more than scare tactics.

"He's full of crap," Ortiz said.

The federal lawsuit, in which Kelley is listed as a plaintiff, states that he is concerned about breathing "toxic air" in Port Arthur. But the Texas Commission on Environmental Quality does not show that the air in Port Arthur is "toxic" as Kelley alleges in the lawsuit.

Kelley, who bills himself as a former Hollywood stuntman, does not own property in Jefferson County and would not elaborate when asked about the validity of his claims. And he became upset when challenged about not being able to verify his claims that he was a Hollywood stuntman that worked on the television show "Nash Bridges."

"Call me what you want, write it in your paper," Kelley said.

According to an 2003 article on the controversial Mother Jones Web site, Kelley claims that he came back to Port Arthur in 2000 after working in Hollywood and couldn't believe his eyes.

"I was working on the TV show 'Nash Bridges' with Don Johnson," Kelley states in the Mother Jones article. "I decided to make a visit home, like I did every few years, and what I found was beyond belief."

The article continues with Kelley claiming that Johnson told him to go home and "get his hometown cleaned up and come back to work."

But a review of the Nash Bridges cast does not show that Kelley was involved with the show. Additionally, e-mails from a representative of the show's stunt coordinator, Merrit Yohnka, states that he "does not remember anyone named Hilton Kelley doing stunt work on Nash Bridges."

Kelley would not discuss the matter when questioned. He would only say that he is a member of the Screen Actors Guild, which was verified by calling SAG's actor locating service. Kelley also claims that he worked on a movie titled "Midnight Caller."

"It starred Gary Cole and Gary Cole was the star actor from 1988 to 1992," Kelley told The Examiner. "It was a couple of fight scenes we filmed on Alcatraz."

A review of the Internet Movie Database showed that the movie "Midnight Caller" was filmed in South Africa in 1979 under the title "The Demon" and then released in the United States under the name Midnight Caller. Kelley was not listed anywhere in the cast credits for the show. There was a television show in 1988 titled "Midnight Caller" that ran until 1992 but Kelley is not listed there either.

It is these type of inconsistencies that have many people questioning Kelley's credibili-

ty. He recently claimed to have won a \$2 million settlement from Motiva in Port Arthur to help revitalize the west side of the city but in actuality, Kelley is not in control of those funds. They are controlled by a board on which Kelley sits with representatives from Motiva. No funds can be dispersed unless the board, not Kelley, approves the expenses.

"All I can say is that he needs to go back to California," Ortiz said, "because he is hurting the citizens of Port Arthur and harassing the industries that support our community."

Kelley said he doesn't care what Ortiz and others think about him. He said he was in Washington, D.C., on Wednesday "fighting for my community."

"Don't try to sell me on this; I stand where I stand," Kelley said. "I don't have to prove myself to anybody."

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