


Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: John Sadlier, Deputy Director, OCE |

Date: March 25, 2010

From: Steve Goodson, Chief Auditor | 

Subject: Monitoring Operations Data Inquiry |

Background

On Wednesday, February 3, 2010, the Chief Auditor's Office (CAO) received a complaint via the email box fraud@tceq.state.tx.us. The complaint alleged that information given to upper management and subsequently presented to the public was inaccurate and misleading. The complaint further alleged that Monitoring Operation's management presented the information to upper management knowing that the information was inaccurate.

Specifically, the complaint referred to information resulting from the December 15-17, 2009 air monitoring activity in the Fort Worth, Texas. The complaint stated that the data presented showed that "no measured concentrations of the 22 target compounds exceeded TCEQ long-term or short-term screening values when the canisters were analyzed by gas chromatography." The complaint indicated that Monitoring Operation's management had been made aware that the technique used had a limitation and that the technique's limit of detection for 1, 3-butadiene, isoprene, and benzene were above TCEQ long-term health-base appropriate comparison values. The complaint further stated that the samples were analyzed by a more sensitive technique that indicated that benzene was detected at levels greater than the long-term health based appropriate comparison level/ESL. The complaint claimed that the laboratory report was published on January 22, 2010 and as of February 3, 2010 there was no indication that upper management, nor the public, had been contacted to correct the inaccuracy.

Objective

Our objective was to understand the facts and circumstances surrounding the reporting of the results from the December 15-17, 2009 air monitoring activity in Fort Worth, Texas in order to determine:

1. whether information given to upper management and subsequently presented to the public was inaccurate and misleading,
2. whether Monitoring Operation's management presented the information to upper management knowing that the information was inaccurate, and
3. whether samples analyzed by a more sensitive technique did indicate benzene at levels greater than the long-term ESL and whether that information was provided to upper management and the public.

Conclusions

The initial information provided to the OCE Deputy, while technically accurate, could be considered to be misleading. The field *Near Real-Time Analytical Results* (field analysis) indicated that that certain compounds were not detected in the field survey. Evidence shows that the near-real time analytical results, in most cases, showed no detectable levels of the various compounds being measured. However, evidence also shows that the techniques used in the field had a limit of detection above the ESL for long term health effects. The near-real time analytical technique was not designed to detect the presence of certain compounds at low levels. A disclaimer was placed on the field analysis reports indicating that the data was for screening purposes only and may not meet established quality control acceptance criteria. This information was presented to the public on January 12, 2010. A January 26, 2010 revision to the field analysis reports added additional disclaimers regarding the limits of detection.

We found no evidence to show that Monitoring Operation's management was aware that the information could be misleading at the time it was presented to the OCE Deputy. We did find evidence of the OCE Deputy questioning the analytical practices used in the field and the validity of the data and requiring that additional clarification, analysis and sampling be conducted. Specifically, evidence shows that the OCE Deputy, in communication with the Executive Director, directed that the canister samples from the Fort Worth monitoring trip be analyzed using a more sensitive laboratory technique.

Evidence shows that the results for the samples analyzed using a more sensitive laboratory analysis were released to Monitoring Operations Management and subsequently to the OCE Deputy on January 22, 2010. The laboratory analysis report shows that four samples measured benzene exceeding Long-Term ESL. The Executive Director confirmed that he was informed of the results of the laboratory analysis.

The OCE Deputy reported to us that he was not confident in accuracy of the results from the field and laboratory analysis. Evidence shows that the OCE Deputy, in communication with executive management, directed the Dallas-Fort Worth Regional Director to collect additional samples at sites where the laboratory analysis identified benzene. These additional samples were collected on February 5, 2010. Those results were not available when this project concluded on February 22, 2010. At that time, neither Fort Worth officials nor the media have been alerted. The OCE Deputy indicated that a comprehensive report from the Fort Worth Project will be produced once the final samples have been received and reviewed.

Methodology

To answer the objectives, we took the following actions during the period of February 3-22, 2010:

- Obtained, reviewed, and analyzed the complaint, plus various agency documents, including monitoring data, Microsoft power point and video presentations, and email documentation,
- Interviewed the following agency personnel in person or by telephone:
 - Matt Baker P.E., Assistant Director, Field Operations Support Division
 - David Bower P.G., Director, Field Operations Support Division
 - Zak Covar, Deputy Executive Director
 - Tim Doty, Team Leader, Mobile Monitoring Team, Mobile Monitoring & Deployment Section
 - David Manis, Technical Specialist, Laboratory & Quality Assurance Section
 - Daphne McMurrer, Special Assistant, Field Operations Support Division
 - John Sadlier, OCE Deputy Director
 - Mark Vickery, Executive Director |