

How Greenpeace Investigations Discovered an Illegal Waste Dump and Tracked those Responsible.

A Greenpeace Andino team investigating the impacts of the oil and gas developments in and around the city of Neuquen in northern Patagonia discovered that highly toxic oily sludge waste from the operations of international oil companies is being tipped in illegal waste dumps, causing massive pollution that threatens wildlife and human health in the area. There are a number of these waste dumps, located in the Neuquén and Río Negro Provinces that are some of the most shocking visual impacts of the fracking operations.

Illegal Waste Dump

The site is located at 38°20'S; 68°43'W; just under 6km north of Añelo. Our team initially found the dumps in November 2017. These were so obviously polluted that we began monitoring activities around the site and took samples for analysis in May 2018. The results of this analysis can be found [here](#) and a summary [here](#).

The dumps have grown substantially; one waste pond has grown from an area of 6.3Ha to 13.6 Ha between December 2016 and October 2018; that is equivalent to almost 15 football/soccer fields.

A local whistleblower leaked a number of photographs and video footage to Greenpeace showing what was going on at the site and particularly reporting that the amount of material being dumped had increased exponentially in the past few months. Subsequently our investigations team tracked trucks dumping the waste to two sites: one operated by the Dutch/British company Shell, the other by Total from France.

The Companies Involved

The waste dumps, operated by the Argentine company Treater, are located about 5 km from the town of Añelo and are used by oil companies operating in the area. Treater claims its clients include:

Royal Dutch Shell plc, - Shell - a British-Dutch oil and gas company based in the Netherlands and incorporated in the United Kingdom. It is one of the oil and gas "supermajors" and the sixth-largest company in the world. Revenue in 2017 was 305.1 billion USD.

Total SA – Total - a French multinational integrated oil and gas company also one of the "supermajors" and the world's eighth-largest oil and gas company by revenue which in 2017 was 171.5 billion USD.

Pan American Energy - a multinational oil company 50% owned by the British oil company BP plc with Argentina's Bidas Corporation and the Chinese company CNOOC owning the rest;

BP plc is British multinational oil and gas company, another of the oil and gas "supermajors" and is based in London, England. Its performance in 2012 made it the world's sixth-largest oil company; revenues in 2017 amounted to 244.6 billion USD.

Bidas Corporation is an independent oil and gas holding company based in Argentina 50% owned by China National Offshore Oil Corporation.

China National Offshore Oil Corporation – CNOOC – is the largest offshore oil and gas producer in China based in Beijing. It operates under the control of the State-owned

Assets Supervision and Administration Commission of the State Council of the People's Republic of China. Its total assets (2014) 17.15 trillion USD.

Tecpetrol – is part of the **Techint Group** which is a joint Italian/Argentine company with revenues in 2012 of 25.477 USD.

Pampa Energía is an independent energy company based in Buenos Aires, Argentina, with participation in the electricity and oil and gas value chain. The company was founded in 2005 and in 2017 its revenues were 3 billion USD.

Exxon Mobil Corporation – ExxonMobil - is a North American multinational oil and gas corporation with headquarters in Irving, Texas. It is the world's fourth-largest oil and gas company by revenue 268.9 billion USD.

Pluspetrol S.A. (Pluspetrol Argentina) - started operations in Argentina in 1976. It has a headquarter in Buenos Aires but it is ultimately controlled by the Dutch holding company Pluspetrol Resources Corporation N.V. based in Amsterdam, the Netherlands. In 2017 Pluspetrol turnover was 1.34 billion USD.

Wintershall Holding GmbH - is based in Kassel, is Germany's largest crude oil and natural gas producer. It is a wholly owned subsidiary of the German chemical giant **BASF**. In 2014 the company profits were 1.46 billion euros or 1.67 billion USD.

YPF – is a vertically integrated Argentine energy company, engaged in oil and gas exploration and production, and the transportation, refining, and marketing of gas and petroleum products which in 2014 had revenues of 17.5 billion USD.

Curiously Shell's name which had been listed on Treater's website, was recently removed.

However, we have testimonies from the communities reporting from meetings with Shell where the company talked about their relation with Treater. We also have testimony from workers taking sludge at least twice a day to the dumps from Rincón de Ceniza – a block operated by Total in partnership with Shell¹ and GyP. We also have pictures of a truck from the company Grupo Horizonte leaving the Sierras Blancas block, operated by Shell, and a transport manifest from another truck from Grupo Horizonte, dumping wastes from La Calera, operated by Plus Petrol. Subsequently we have obtained proof from various documents that show Shell has used and continues to use the facility using transport operated by Grupo Horizonte.

At this stage it is not clear how much or whether waste from the other companies Treater claims to serve ends up in the same dumps.

Illegalities

The wastes are clearly hazardous defined as *“those that can cause damage, directly or indirectly, to living beings or contaminate the soil, water, atmosphere or the environment in general”* in The National Law of Hazardous Waste 24,051². Article 27 of The General Law of the Environment³ defines environmental damage as *“any relevant alteration that negatively modifies the environment, its resources, the balance of ecosystems, or collective assets or values”*.

We have identified at least two illegalities:

¹ See for example: <https://subscriber.bnamericas.com/en/company-profile/oilandgas/shell-compania-argentina-de-petroleo-sa-shell-capsa>, https://www.rionegro.com.ar/energia/los-cinco-nuevos-proyectos-no-convencionales-para-el-2016-CARN_8037990

² Available at <http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/450/txact.htm>

³ Available at <http://www.opds.gba.gov.ar/sites/default/files/LEY%2025675.pdf>

1. The Plant is closer than 8 km to houses, and less than 5 km from crops; (in contravention of Art 39 of the Neuquén Provincial Decree N°2263⁴);
2. The waste dump has no suitable drainage ditch, is filling and overflowing and the bottom and sides are not lined with waterproofing (in contravention of Art 23; Chap III of the General Directorate of Environment and Sustainable Development, Project of regulation of the Law N°1875⁵).

An independent legal opinion⁶ confirms these illegalities.

There is no doubt that these wastes constitute an environmental and public hazard as the risks and harms of fracking are well documented⁷. Furthermore according to technical guidance on classification of similar waste within the Europe⁸ wastes containing petroleum hydrocarbons at levels above 3% of the total mass would normally be required to be labelled as 'toxic to reproduction', while at greater than 10%, materials are identified as being even more acutely toxic, including through risks of inhalation/aspiration.

Conclusions

It is clear that oil companies are operating in the region with scant regard for the environmental and human health impacts of their activities. The evidence gathered here demonstrates that there can be no clean or safe way for fracking to be undertaken. Furthermore in the most recent report⁹ the Intergovernmental Panel on Climate Change (IPCC) has clearly stated that in order to prevent catastrophic climate change we must reduce our use of fossil fuels by almost 50% by 2030. In the face of this evidence, plans to spend billions of dollars to rapidly expand the exploitation of the Vaca Muerta oil and gas reserves is economic madness and contradicts the Argentine government's statements in support of climate action.

⁴ Available at <http://boficial.neuquen.gov.ar/pdf/bo15112003496a.pdf>

⁵ Available at <http://www.estrucplan.com.ar/Legislacion/Nuequen/Decretos/Dec02656-99-Anexo7.asp>

⁶ [Link to legal opinion](#)

⁷ Concerned Health Professionals of New York & Physicians for Social Responsibility. (2018, March). Compendium of scientific, medical, and media findings demonstrating risks and harms of fracking (unconventional gas and oil extraction) (5th ed.). <https://concernedhealthny.org/compendium/>

⁸ SEPA/NIEA/CNC/EA (2015) Waste Classification: Guidance on the classification and assessment of waste (1st edition 2015), Technical Guidance WM3, publ. Scottish Environment Protection Agency / Northern Ireland Environment Agency / Cyfoeth Naturiol Cymru / Environment Agency: 185 pp.

⁹ https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf

Con formato: Inglés (Estados Unidos)