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## **Report says water treatment plant was at high risk**

by **Dave Boucher**  
Daily Mail Capitol Bureau Chief

CHARLESTON, WV -- State officials knew the water treatment plant recently overwhelmed by a chemical leak from Freedom Industries was at high risk for contamination, state lawmakers were told Tuesday.

It was listed clearly in the Source Water Assessment and Protection Program report prepared by the state Bureau for Public Health for Kanawha County in 2002.

The West Virginia Department of Environmental Protection also had authority to regularly inspect the site of the leak through a stormwater permit it issued.

This is evidence there is plenty of information readily available to prevent future spills, Evan Hansen, president of environmental consulting service Downstream Strategies told lawmakers Tuesday afternoon.

But Hansen said it would take a commitment on the part of the state to act on this information.

"We have all the tools in place, it's simply been a lack of will at the DEP to use the tools that they already have," Hansen said.

"That's why I think it's so important to fix what we already have and not create an entirely new regulatory scheme." Hansen presented Downstream Strategies' take on the spill and recommended law changes Tuesday afternoon during an informational legislative meeting. Hansen's company is also offering private water testing — for a fee — to people in the area affected by the spill.

Hansen's recommendations include creating protection plans — an effort he said is going to require time and money from the state. His company is one that can craft such plans, he said.

Mike Dorsey, an official with the DEP who has worked on cleanup efforts at the leak site also briefed lawmakers on the situation.

Dorsey, who specified he has no involvement in the DEP's legislative deliberations, said remediation at the site is going well.

Latest efforts indicate about 6,251 gallons of crude MCHM leaked out of a hole in a storage tank on the morning of Jan. 9. That's revised downward from the 7,500-gallon amount Dorsey estimated previously.

After leaking from the tank, an unknown amount of the chemical then seeped through an "ancient" concrete wall and into the Elk River, Dorsey said.

The chemical eventually contaminated the water used by the West Virginia American Water Co. Charleston treatment plant to supply its 1,700-mile pipeline network, leading to a do-not-use advisory for 300,000 people and plenty of questions about regulations.

Hansen said he understands there could be a need for more regulation — specifically for aboveground storage tanks. Gov. Earl Ray Tomblin proposed a bill Monday creating a regulatory system for such tanks, as well as other emergency planning procedures.

State Senate Majority Leader John Unger, D-Berkeley, has also introduced a Senate bill calling for additional aboveground tank regulations.

However, Hansen said he thinks creating a new system could divert attention from the fact the state DEP already has the authority and ability to inspect sites like the one Freedom has along the Elk River.

The situation is more about political will, Hansen said.

"So long as our state leaders make it clear that they're not interested in strict enforcement, the DEP is not going to strictly enforce the permits," Hansen said.

"They have all the authority that they need."

Originally the DEP said it had only issued a stormwater permit to Freedom Industries site, and had not done inspections like those done at facilities that produce materials or cause emissions. Several days after the spill,

though, the DEP announced the state had inspected the Elk River site a slew of times in the last 20 years.

DEP Secretary Randy Huffman said when describing components of the governor's bill that simply walking around a storage facility is not enough. There are registered professional engineers — who don't work for the DEP — that have the ability to adequately test such facilities, he said.

Hansen told lawmakers he thinks the DEP should be required to inspect any site that has a stormwater permit, known formally as a West Virginia/National Pollutant Discharge Elimination System permit.

Those permits should require additional conditions and be specific to the site if the facility is located in a "zone of critical concern," Hansen said.

Such zones are referenced in the governor's bill, as well as in the Bureau for Public Health's source water assessment reports.

Of the 1,500 square miles that make up the Elk River "watershed delineation area," about 6,000 acres are considered to be a zone of critical concern, according to the bureau's report.

The bureau's report identifies more than 50 facilities that could cause contamination in that zone. Comparatively, the Downstream Strategies report 424 facilities sit in the zone affecting Huntington's water supply.

Those source water plans need to be updated, and there need to be plans in place to prepare for an emergency, Hansen said. The governor's bill does call for increased emergency planning by both storage facilities and water providers.

There is plenty of information available now to help improve prevention efforts, Hansen said, but work still needs to be done at the local level to create effective plans.

Tuesday's meeting was planned simply as an informational meeting, so no bills were formally up for debate.

Lawmakers did question Hansen and Dorsey about information available and the spill itself.

The DEP remains at the site of the spill, as does the U.S. Chemical Safety Board and other investigators, Dorsey said.

At this point the DEP has cleared all "low-hanging fruit," Dorsey said, and the easily accessible crude MCHM at the site has been cleaned up.

He said he doesn't think the low temperatures or snow moving across the region will affect DEP efforts at the site.

Dorsey said it's now time to start thinking about long-term remediation. He said DEP officials were scheduled to meet with Freedom Wednesday morning to discuss options.

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