



JOBS CLASSIFIEDS HOMES CARS CELEBRATIONS TV WEEKLY CONTESTS

GET CONNECTED [Facebook] [Twitter]



View More Weather »

Home News Business Opinion Sports Life A&E Outdoors Blogs Obituaries Galleries

Joe's Holland We get it! Nobody sells for less, Nobody treats you better << close

Thursday, January 15, 2015

Changes could leave thousands of chemical tanks out of regulations

by Ken Ward Jr., Staff writer

Changes that industry groups are promoting for West Virginia's new chemical tank safety law would allow thousands of tanks located "in close proximity" to drinking water intakes to escape requirements for periodic inspections and mandated safety standards, according to a new analysis of data gathered by the state's [Department of Environmental Protection](#).

One proposal for modifying [SB 373](#) — the bill passed after [last year's leak at Freedom Industries](#) — is to limit the law's scope to above-ground storage tanks located in the "zones of critical concern" around intakes on surface waters and the "source-water protection areas" around intakes that draw from groundwater.

About 3,200 tanks that were registered with the DEP by their owners are within those critical zones and "present the most immediate threat to drinking water," stated [the analysis released Wednesday by the West Virginia Rivers Coalition and the consulting firm Downstream Strategies](#).

However, industry disclosures filed under the new law show that nearly 2,300 tanks are located outside the zone of critical concern but still sit within five miles of a surface water intake. And nearly 18,000 tanks are within five miles of groundwater intakes but not within a source-water protection area, according to the analysis.

"It's remarkable to see the number of tanks so close to rivers and streams," said Angie Rosser, executive director of the rivers group. "So while it's appropriate to look most closely at tanks closest to existing drinking water intakes, focusing protection efforts solely on those zones would miss thousands of tanks that could easily harm our water supplies."

Among the report's findings:

Five of the six counties with the most tanks are clustered in the north-central part of West Virginia: Doddridge, Ritchie, Harrison, Lewis and Gilmer counties. Kanawha County has the fifth-most tanks.

Sixteen tanks were reported to contain MCHM, the coal-cleaning chemical involved in the Freedom leak that contaminated the drinking water supply for hundreds of thousands of people in Charleston and surrounding communities.



Search... [Magnifying Glass]

Get Daily Headlines by E-Mail [Input Field] [Sign Up] Sign up for the latest news delivered to your inbox each morning.

Concealed Carry Guide

Do You Know Your Rights? Get Your Free Concealed Carry Guide Today!



Politics

Tomblin orders flags lowered for Moore memorial services January 15, 2015

Changes could leave thousands of chemical tanks out of regulations January 15, 2015

| More than 1,100 tanks did not pass their initial inspections, and only 55 percent of registered tanks have been certified as "fit for service."

Under the new law, the critical zones around drinking water intakes are determined by formulas that take into account water travel time and other factors, and are meant to represent the area of the intake's greatest susceptibility to potential contamination. DEP data show that, of the 47,000 above-ground tanks that were registered with the state, about 3,200 of them are located within zones of critical concern or source-water protection areas. The data also show that almost half of the tanks are located within 1,000 feet of a stream or other surface water and that almost all tanks are within 5,000 feet of a stream or other surface water, the analysis shows.

While SB 373 focuses on protecting public drinking water supplies, the above-ground storage tank provisions of the bill also repeatedly refer to protecting "the environment" and to the importance of water quality to the "economic vitality of the state."

Rebecca Randolph, president of the [West Virginia Manufacturers Association](#), said this week that her group believes the chemical tank law can "remain largely intact, if steps are taken to focus on protecting public drinking water through regulation of tanks in the zones of critical concern which were established by the legislation."

DEP Secretary Randy Huffman has said his agency is not proposing any changes to SB 373 during the legislative session that started this week and that lawmakers proposing broad exemptions to the new law's requirements are "not going to be very helpful." However, Huffman also said there might be changes that make sense and that ensuring the integrity of tanks used to store chemicals in the zones of critical concern is "what matters at the end of the day."

Already, the DEP has, in [a proposed rule to implement the law](#), set up a tiered system in which certain tanks — those in critical zones near intakes, those the largest capacity and those that contain listed hazardous substances — will receive more attention from the DEP and be subject to stricter standards.

The analysis of DEP data also found that three-quarters of the tanks statewide belong to the oil and gas industry. While just 4 percent of those tanks are within zones closest to drinking water intakes, 40 percent of them are within 1,000 feet of surface water.

Earlier this week, Corky DeMarco, of the West Virginia Oil and Natural Gas Association, said SB 373 unfairly put more regulation on tanks owned by his industry.

"I'd like to go on record as saying I don't believe the oil and gas industry, where we have tanks, what's in our tanks, and the way they are situated and protected, there's much of a problem with them contaminating a water supply, even if it's a local creek," DeMarco told reporters at The Associated Press Legislative Lookahead event on Monday.

On Wednesday, [a peer-reviewed study from Duke University and two other institutions](#) warned that "the relatively high frequency of spills" associated with shale-gas drilling "is one of the major risks associated with" the ongoing natural gas boom in the United States.

The Rivers Coalition report urged lawmakers not to exempt oil and gas operators from the tank law because they use "so many tanks that are very close to surface waters."

Reach Ken Ward Jr. at kward@wvgazette.com, 304-348-1702 or follow [@kenwardjr](#) on Twitter.

New GOP Legislature works to repeal alternative energy bill

January 15, 2015

GOP lawmakers says Tomblin lifting part of their agenda

January 14, 2015

Governor's speech leaves out water, touts coal and urges more drilling

January 14, 2015



Tomblin calls for unity in State of the State address

January 14, 2015

Tweets from [@wvgazette/newsroom](#)



Shocking French Video

If you don't know French, you've got to see this shocking video before it's gone.

You'll be absolutely blown away after!

[Play Video](#)

Ads by Adblade

Trending Offers and Articles



Monitor your credit. Manage your future. Equifax Complete™ Premier.
Equifax



If you are expecting, you can expect to experience these very common cravings.
Rant Food



Warren Buffett Reveals How Anyone With \$40 Could Become A Millionaire
The Motley Fool