

# MUB: New water-safety law just a start

Utility hires company to improve, expand its protection program

**BY DAVID BEARD**

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Following the Elk River chemical spill and SB 373 — the new water protection law — the Morgantown Utility Board (MUB) hired Downstream

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**NUMBER OF** aboveground tanks in Mon River watershed unknown. **Page 5-A.**

Strategies to “expand, improve and conduct” its Source Water Protection Program.

MUB General Manager Tim Ball said the new plan will go beyond the mandate of SB 373.

“We’ve encouraged that,” he said. “Senate Bill 373 is a good

start. We think our customers have a higher expectation and we do for ourselves. We’re not accepting 373 as the goal; it’s the beginning point.”

This will be an update of its 2001 protection plan. In 2003, the state Bureau for Public Health prepared for MUB a federally mandated Source Water Assessment Report (SWAR). SWAR’s emerged from the 1996 Safe Drinking Water Act and were

prepared for 342 public water systems across the state. Local reports were completed during 2002-’04.

All reports are on file with the bureau and can be viewed online.

Some suppliers then followed up with Source Water Protection Plans. The SWARs were federally mandated and funded, the plans

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were not. West Virginia American Water, for instance, did not have a plan for its Charleston facility — the one affected by the Jan. 9 Elk River Spill — legislators learned during the 2014 session.

MUB's 2011 plan took into account such new potential contaminant sources as horizontal gas wells.

## Zone of Critical Concern

The 2003 and 2011 documents focus their attention on MUB's Zone of Critical Concern (ZCC) — a 2,000-foot wide strip of land along the Monongahela River and a 1,000-foot-wide strip along its tributaries five hours upstream from MUB's water intake, and a short distance downstream of the intake. The new program will look at the entire watershed.

The ZCC is 6,070 acres. The watershed is 2,575 square miles — about 1.6 million acres, Ball said.

"I think the Zone of Critical Concern gives people a false sense of security," Ball said. "It oversimplifies the issue. The threats and the issues are far greater in geographic

trial Park facilities, Swanson Plating and more.

Various notations illustrate the shortcomings of the previous surveys. Six sites were labeled as irrelevant because they're on the Deckers Creek watershed, which enters the Mon River below MUB's intake.

Several more were labeled "surveyed, not found," and sit on a former quarry converted to an industrial area; 91 were labeled "not field verified"; and a MUB site was labeled "not shown for security reasons."

In some cases in the previous reports, MUB's contractor didn't have access to the sites. That shouldn't be a problem this time, Ball said, because the law requires access to the sites.

## Some challenges

The bigger challenge will be devising a response plan for all the sites in the expanded footprint. "The watershed that we have is huge," Ball said. "As a

practical matter, while we would want to explore every potential contaminant throughout the watershed, that's just not a practical goal."

They've asked Downstream to develop a threat matrix based on location and toxicity. The matrix could score threats and prioritize attention. "We've committed that we're going to do this right and we've recognized it's going to be an expensive enterprise."

MUB outlines its new plan goals in the Request For Proposal that led to Downstream's hiring. It wants to minimize contamination risks, ensure it's immediately notified in the event of contamination, ensure contingency plans are in place, and develop a communi-

cation plan in case of contamination.

Downstream is to have a preliminary report to

MUB by June 30 and a final report spelling out details by Dec. 30.

Downstream's Evan Hansen played a significant role in the formula-

tion of SB 373. He called legislators' attention to many issues they weren't aware of, including the decade-old SWARs and existing regulations that could have helped prevent the Elk River spill. He offered advice on NPDES permits and other items that were incorporated into the bill.

He said MUB's new plan will include community input — an important element — and will draw

on the 2003 and 2011 documents, plus a new survey of tanks and SPCS to be conducted by the Department of Environmental Protection. Downstream will also do some looking of its own, using high resolution aerial photos available online and "windshield surveys" at street level.

"Even after the plan is developed these potential sources can change," he said. New businesses can and will spring up. So Downstream will keep track of those, too.

"It's great that MUB is going above and beyond 373," Hansen said. "They should be considered a model for other utilities across the state. This is going to protect water for people across the county. There should be a large part of the population that should be feeling pretty good MUB is taking these steps. And I hope that other utilities will give them a call to learn what they're doing."

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scope, in terms of quantity and true risk assessment, than a simple five-hour travel in a Zone of Critical Concern would indicate.”

The assessment reports and protection plans look at Significant Potential Contaminant Sources (SPCS). The Elk River spill focused attention on one type: Aboveground tanks. But SPCS fall into a variety of areas: Agricultural, commercial, industrial, municipal and residential.

MUB’s 2003 report recognized 55 SPSC: 34 industrial, 12 commercial, six municipal, two residential and one agricultural.

The 2011 plan recognized 24 SPCS and 280 sites regulated by the state for public health reasons. There is some overlap between the two 2011 lists. In addition, some of those sites are at the same location. About 76 are private, residential National Pollution Discharge Elimination System (NPDES) permits and another 71 are mining permits.

The SPCS include a metal machine shop, the 4-H camp sewage treatment plant, a reclaimed strip mine, a boat ramp (potential fuel spills), a junk yard, the Morgantown Industrial Park horizontal gas wells and two historic gas stations.

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The regulated sites include Mon County's landfill, the Addivant (formerly Chemtura) north and south chemical plants at Morgantown Industrial park, many other Morgantown Indus-