To: Burns, Francis[Burns.Fran@epa.gov]
From: Armstrong, Joan
Sent: Thur 1/16/2014 5:36:07 PM
Subject: FW: see highlighted sentence at bottom. thx

I'll talk to you about this at 1.

Joan Armstrong

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From: Hodgkiss, Kathy
Sent: Thursday, January 16, 2014 12:26 PM
To: Armstrong, Joan; Melvin, Karen; Wright, Dave
Subject: see highlighted sentence at bottom. thx

Company in W.Va. Chemical Spill Cited at 2nd Site

CHARLESTON, W.Va. January 15, 2014 (AP)

By JONATHAN MATTISE Associated Press

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The company responsible for the chemical spill in West Virginia moved its chemicals to a nearby plant that has already been cited for safety violations, including a backup containment wall with holes in it.

As a result, state officials may force the company to move the chemicals to a third site.

Inspectors on Monday found five safety violations at Freedom Industries' storage facility in Nitro, about 10 miles from the spill site in Charleston. The spill contaminated the drinking water for 300,000 people, and about half of them were still waiting for officials to lift the ban on tap water.

The West Virginia Bureau for Public Health issued a statement Wednesday evening advising pregnant women not to drink the water "until there are no longer detectable levels" of 4-methylcyclohexane methanol, a chemical used in coal processing. The statement said it was making the recommendation "out of an abundance of caution" after consulting with the U.S. Centers for Disease Control and Prevention.

The Department of Environmental Protection on Friday ordered Freedom Industries to move all of its chemicals to the Nitro site.

According to a report from the department, inspectors found that, like the Charleston facility, the Nitro site's last-resort containment wall had holes in it. The report described the site's wall as "deteriorated or nonexistent."

Freedom Industries said the building's walls acted as a secondary containment dike, but state inspectors disagreed. The walls had holes in them near the ground level, and they led out to a stormwater trench surrounding the structure's exterior, the report said.

Department spokesman Tom Aluise said the ditch eventually drains into the Kanawha River. The Nitro facility isn't on a riverbank, like the other facility.

The facility had no documentation of inspections of the Nitro site. Nor did it have proof of employee training in the past 10 years, the report said.

Aluise said the state could force Freedom to move the chemicals to a third site, or build secondary containment structures at the Nitro facility. He said the department would issue an administrative order Thursday morning detailing what corrective action will be required. Asked what possible penalties would be brought against the company, Aluise responded in an email: "Yet to be determined."

The report only specified that Freedom Industries has 20 days to provide a written response detailing corrective action.

Members of Gov. Earl Ray Tomblin's administration said they were aware of no problems with

the Nitro facility during a Tuesday evening press briefing, even though the violations were discovered during an inspection Monday.

"My understanding, DEP has checked that facility and there is no issue with the storage there," Jimmy Gianato, director of Homeland Security and Emergency Management, said Tuesday night.

Tomblin also put faith in the agency during the Tuesday briefing.

"I'm sure that DEP is keeping a close eye on where that material is," Tomblin said.

The report was made available to the public Wednesday.

It's unclear whether the state had inspected the Nitro facility before Monday. The facility violated its stormwater permit, but that doesn't require routine inspections, Aluise said.

A spokeswoman for Freedom Industries said the company didn't want to comment. Keith Beneker, the Nitro plant manager, did not answer a phone call.

The Charleston facility flew under the regulatory radar because it only stored, not produced, chemicals, state officials have said. State inspectors were able to assess the Nitro facility under the order to move the chemicals.

During the 7,500-gallon spill Thursday, a cracked containment wall allowed the chemical to ooze into the Elk River. Freedom Industries then moved the remaining 70,000 gallons of that chemical to Nitro.

Under the agency order issued Friday, the company still has to move almost 1 million gallons of other chemicals from the Elk River location to another site, Aluise said. The materials include calcium chloride and glycerin.