To: Snyder, Raquel[Snyder.Raquel@epa.gov]; Miller, Linda[miller.linda@epa.gov]
From: Ferrell, Mark
Sent: Mon 1/13/2014 6:38:14 PM
Subject: RE: question

Statutory authority is emerging here as a big issue, local media are starting to catch on to that wrinkle. WVDEP chair Randy Huffman, when asked during the presser that just concluded, why DEP didnt know more about the chemical that was leaked explained that DEP does not have the statutory authority to ask or inspect the contents at such tank farms. Lot of eyebrows went up...

Mark Ferrell

EPA Region 3

Office of State and Congressional Relations

West Virginia Liaison

Charleston, W.Va.

(304) 542-0231

From: Snyder, Raquel
Sent: Monday, January 13, 2014 1:29 PM
To: Miller, Linda
Cc: Ferrell, Mark
Subject: RE: question

Hi Linda,

Thanks so much! I've been passing along the updates that Mark has provided and that seemed to address their immediate concerns.

Right now, it looks like the committee has shifted their questions that are more HQ-centric, i.e. What authorities does EPA have in this situation, what federal regulations apply, etc.

So we may be able to handle it from here but if they start asking for region specific information, I will be sure to let you know and send the questions your way.

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Miller, Linda
Sent: Monday, January 13, 2014 1:23 PM
To: Snyder, Raquel
Cc: Ferrell, Mark
Subject: Re: question

Staff still working non stop in wv and phil on the issue. It would be great if we could call the staffer tomorrow. Thanks. Linda

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From: Snyder, Raquel
Sent: Friday, January 10, 2014 6:40:42 PM
To: Miller, Linda
Subject: RE: question

Thank you so much for checking.

We will accommodate R3's schedule!

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Miller, Linda
Sent: Friday, January 10, 2014 6:29 PM
To: Snyder, Raquel; Ferrell, Mark
Subject: question

Hi Raquel. There is an SPCC plan on file for previous owner Pennzoil at the site in 2000. The plan on file does not include an updated plan under the name Freedom Industries. However, we need to double check what is stored on site currently to determine if the facility is required to have an SPCC. (Staff will also double check records on site and confirm information given to me by the database search.) We will forward updated information to you as available.

R3 staff will be available for T and I on Monday. Afternoon would be better if possible. Thanks! Linda

Linda Miller

EPA Region III

Office of State and Congressional Relations

1650 Arch Street

Philadelphia, PA 19103

215 814 2068

Cell: 215 287-7414

From: Snyder, Raquel
Sent: Friday, January 10, 2014 4:57 PM
To: Ferrell, Mark

Cc: Miller, Linda
Subject: RE: T&I follow up Questions

Thank you!

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 4:49 PM
To: Snyder, Raquel
Cc: Miller, Linda
Subject: Re: T&I follow up Questions

Freedom Industries has a news conf scheduled for 5:30. Linda will get you an answer on SPCC shortly.

From: Snyder, Raquel
Sent: Friday, January 10, 2014 4:39:30 PM
To: Ferrell, Mark
Cc: Miller, Linda
Subject: RE: T&I follow up Questions

Got it, thanks! Do you know if the facility had an SPCC plan? Senate EPW committee is asking.

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 4:36 PM
To: Snyder, Raquel
Cc: Miller, Linda
Subject: Re: T&I follow up Questions

Correction - the leak is 1\2 mile upstream from water intake.

From: Snyder, Raquel
Sent: Friday, January 10, 2014 4:34:11 PM
To: Ferrell, Mark
Cc: Miller, Linda
Subject: RE: T&I follow up Questions

This is perfect, thank you so much!

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 4:34 PM
To: Snyder, Raquel
Cc: Miller, Linda
Subject: Re: T&I follow up Questions

1) Nothing is actually manufactured at the site. It is an old Pennzoil "tank farm" that has been repurposed by Freedom Industries Inc to store 4 methylcyclohexane, which is used to wash coal at coal preparation plants. This is not a mine discharge - its a storage take leak, sited about 1\2 mile downstream from WV American Water Co's intake.

2) EPA has no official advisory statement at this time on the toxicity of the material.

3) I will explore possibility of a Monday call and notify you ASAP.

From: Snyder, Raquel
Sent: Friday, January 10, 2014 3:38:06 PM
To: Ferrell, Mark
Cc: Miller, Linda
Subject: RE: T&I follow up Questions

This is interesting thank you. The committee still has some questions:

1)What was the purpose of the plant? What were they manufacturing?

2) Does R3 have an official EPA position on the FEMA q (below)?

3) Will R3 be able to do a call on Monday to brief the committee staff?

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 3:33 PM
To: Snyder, Raquel
Cc: Miller, Linda
Subject: Re: T&I follow up Questions

West Virginia American Water Co is collecting water samples. Labs at local DuPont plant and the WVDHHR Bureau for Public Health are running the samples, taken from a variety of locations. (DuPont worked last night to develop and share a method to detect this material in water.)

WVDEP has the lead at the moment. FEMA is assisting (providing and siting potable water buffalos in various areas, coordinating with the state Office of Emergency Services and local volunteer fire departments. EPA is on the ground at the site to document and provide technical assistance - EPA has not been formally requested to engage by the state. DEP has asked EPA to set up air monitoring (PID) photo ionization detection.

A threat was registered against the site facility by phone around 12:30 today and Kanawha County deputies and FBI responded on site and swept the area.

A vac truck is being brought to the facility by barge to collect material contained around the spill site before rains arrive later tonight.
At this point the water company appears to have the lead on public communications with periodic press conferences.

From: Snyder, Raquel
Sent: Friday, January 10, 2014 3:09:48 PM
To: Ferrell, Mark
Subject: RE: T&I follow up Questions

They are most interested in what was going on at the facility. I told them there is no history of enforcement actions and that one of the facilities has an NPDES permit while the other is a RCRA small quantity generator. I also mentioned it was the old Pennzoil plant and the chem was used for coal washing.

Does R3 have any more info or what they were manufacturing or producing?

The staff were also on a call with the Ranking Member and FEMA regarding the situation and

Ex. 5 - Deliberative

Also, let me know about a call for Monday with the committee staff. There may be many more requests for briefings. The senate is now involved in inquiries.

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 3:06 PM
To: Snyder, Raquel
Subject: Re: T&I follow up Questions

Can you resend Qs please

From: Snyder, Raquel
Sent: Friday, January 10, 2014 2:52:48 PM
To: Ferrell, Mark
Subject: RE: T&I follow up Questions

Great, thanks! Let me know when you have an ETA on the answers to their q's . They are chomping at the bit!

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 2:51 PM
To: Snyder, Raquel
Subject: Re: T&I follow up Questions

Senate side, Manchin and Rockefeller have both dropped releases this afternoon. Will forward.

From: Snyder, Raquel
Sent: Friday, January 10, 2014 2:47:35 PM
To: Ferrell, Mark
Subject: RE: T&I follow up Questions

Ex. 5 - Deliberative

Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586

From: Ferrell, Mark
Sent: Friday, January 10, 2014 2:46 PM
To: Snyder, Raquel
Subject: Re: T&I follow up Questions

Ex. 5 - Deliberative

From: Snyder, Raquel
Sent: Friday, January 10, 2014 2:37:08 PM
To: Ferrell, Mark
Subject: T&I follow up Questions

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Ex. 5 - Deliberative

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Many thanks,

Raquel Snyder

Congressional Liaison

U.S. EPA/Office of Congressional Affairs

(202)564-9586