To: Vaught, Laura[Vaught.Laura@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]
From: Stanislaus, Mathy
Sent: Tue 3/4/2014 8:15:04 PM
Subject: FW: info on Evan Hansen, Downstream Strategies

This person will be on the panel right after me on Thursday at EPW hearing

From: Matthiessen, Craig
Sent: Tuesday, March 04, 2014 12:34 PM
To: Franklin, Kathy; Tulis, Dana; Jennings, Kim; Deitz, Randy; Breen, Barry; Stanislaus, Mathy
Subject: RE: info on Evan Hansen, Downstream Strategies

Also, here's today's BNA report article on chemical data that quotes Mr. Hansen as well:

http://news.bna.com/deln/DELNWB/split_display.adp?fedfid=42404710&vname=dennotallissues&jd=a0e7f3b8h4&split=0

From: Franklin, Kathy
Sent: Tuesday, March 04, 2014 12:17 PM
To: Tulis, Dana; Jennings, Kim; Matthiessen, Craig; Deitz, Randy; Breen, Barry; Stanislaus, Mathy
Subject: info on Evan Hansen, Downstream Strategies

Here is a recent article involving Evan Hansen of Downstream Strategies. Article has a link to a report the company wrote in conjunction with The West Virginia Rivers Coalition.

http://www.statejournal.com/story/24500531/wvrc-releases-report-on-preventing-future-chemical-spills

Third party discusses WV chemical spill to lawmakers

Posted: Jan 20, 2014 4:38 PM ESTUpdated: Feb 21, 2014 4:00 PM EST

By Mandi Cardosi

UPDATE on Jan. 22:

In a Joint Legislative Commission on State Water Resources, lawmakers heard from Evan Hansen, president of Downstream Strategies.

The company previously released a report to the Legislature on Jan. 21 in conjunction with The West Virginia Rivers Coalition.

The report was released as a result of the chemical spill where 7,500 gallons of crude MCHM, among at least one other chemical, leaked into the Elk River on Jan. 9.

Hansen spoke to the zones of critical concern, explaining there are several in all areas of the Mountain State.

He said the focus of the report was to explain the steps the state government should take to prevent a disaster like the one Jan. 9 from happening again.

Hansen said Charleston has 51 facilities in the zone of critical concern with seven of them being industrial sites including Freedom Industries.

Morgantown has 55 sites within their zone of critical concern with 34 of them being industrial and Huntington has 424 with 206 industrial sites in their zone, Hansen said.

"We knew this site was located there, along with 50 others," Hansen said of the state government and agencies. "This is not just a problem for Charleston or for that matter it's not just a problem related to above-ground storage tanks -- this is a problem that affects all of us that drink water in West Virginia."

Hansen said one thing he believed was under reported and not acknowledged by state legislators was the fact Freedom Industries held a National Pollutant Discharge Elimination System (NPDES) permit, as authorized by the Clean Water Act.

He said the permit is in place for the Department of Environmental Protection to enforce it.

The permit requires a company to report inspections, train employees on what to do should there be a spill as well as practices to make sure pollutants don't flow off-site and into the river.

"This permit is in place and DEP does inspect these sites," Hansen said. "They chose not to inspect this one but do have the responsibility to enforce (the permit)."

Hansen also said a company like FI is covered under a general industrial storm water permit, which is inappropriate for it's handling of hazardous chemicals. Instead, officials suggest lawmakers enact an individual permit which would be more specific in requiring public notice of such a site.

"Any claims this fell through regulatory cracks are false and this requires immediate reporting," Hansen added.

The Emergency Planning and Community Right-to-Know Act helps communities prepare for disaster by requiring industries to report on the storage, use and releases of hazardous chemicals to federal, state and local governments.

FI was filed under the Tier Two Emergency and Hazardous Chemicals form, meaning MCHM along with 16 other chemicals were listed in that form as hazardous, Hansen said. Those forms were filed as late as 2007. The crude MCHM also was defined under the form as being an "immediate acute physical and health hazard."

Hansen said there are some things a bill introduced by the West Virginia Senate does to help prevent another disaster from happening, but some things it misses.

"SB 373 does important things and takes important steps," Hansen said. "But the threat to our water supply is larger than that."

The senate bill also doesn't speak to the existing NPDES permit Freedom Industries was required to have.

Hansen also took issue with Gov. Earl Ray Tomblin's bill, containing 16 exemptions and only applying to above-ground storage

tanks.

"One thing we do agree with is the requirement to develop protection plans," Hansen said.

Some questions were promoted by lawmakers, but everyone agreed working together to create the best plan and produce the best bill to protect West Virginia's waterways is critical.

Original story on Jan. 21:

The West Virginia Rivers Coalition released an independent report of recommendations to prevent future chemical spills like the one that occurred in the Elk River on Jan. 9.

The report was submitted to Gov. Earl Ray Tomblin and state legislators Jan. 20 as suggestions to preventing future chemical spills like the Freedom Industries incident that affected 300,000 residents in nine counties.

The report titled "The Freedom Industries Spill: Lessons Learned and Needed Reforms," is an independently produced report focusing on key issues, information gaps and policy remedies as they relate to three environmental laws relevant to the spill including the Clean Water Act, Safe Drinking Water Act and Emergency Planning and Community Right-to-Know Act.

The full report is available here.**<-- Note link to report**

"We speak for those who expect more of our government – more in its approach and much more in its attitude toward protecting our water resources and our health," said WVRC executive director Angie Rosser. "Our work supports West Virginians who demand meaningful change and accountability at every level of government."

The report was co-authored by Downstream Strategies, a Morgantown-based consulting firm with extensive experience in environmental science and policy, chemistry, permitting, and water system research. "This report presents comprehensive reforms to protect water supplies. We show how state and local governments could have significantly reduced the risk of this spill occurring and more effectively responded to it," said Evan Hansen, president of Downstream Strategies.

Kathy Franklin