**To:** Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]
**Cc:** Garvin, Shawn[garvin.shawn@epa.gov]
**From:** Deputy Administrator
**Sent:** Sat 1/11/2014 10:16:49 PM
**Subject:** Deputies Call

Mathy and Shawn:

I have a 6:30 personal engagement that will take me out of communications for about 2 and a half hours.

Any word on a call?

Bob

Deputy Administrator

(o) 202-564-4711

(c) 202-368-8193

**From:** Stanislaus, Mathy
**Sent:** Saturday, January 11, 2014 3:13 PM
**To:** Garvin, Shawn; Adm13McCarthy, Gina; Deputy Administrator; Keyes-Fleming, Gwendolyn; Feldt, Lisa; Ganesan, Arvin; Johnson, Alisha; Hull, George; Stanton, Larry; Reynolds, Thomas; Distefano, Nichole; Stoner, Nancy
**Cc:** Early, William; Breen, Barry
**Subject:** Re: WV Chemical Spill - Update

I just received a call from NSS regarding a Deputies call to deconflict advice from different agencies. Apparently, FEMA RA has flagged that there's different advice being received from EPA, ACOE and other agencies. NSS is putting together a summary. Shawn: any idea of this conflicting advice? Can you all track this down and schedule a pre-call before the Deputies call which is expected in a few hours.

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**From:** Garvin, Shawn
**Sent:** Saturday, January 11, 2014 2:34:44 PM
**To:** Adm13McCarthy, Gina; Deputy Administrator; Keyes-Fleming, Gwendolyn; Feldt, Lisa; Ganesan,

Arvin; Stanislaus, Mathy; Johnson, Alisha; Hull, George; Stanton, Larry; Reynolds, Thomas; Distefano, Nichole; Stoner, Nancy
**Cc:** Early, William
**Subject:** Re: WV Chemical Spill - Update

Latest HOTSITE Report (It also included the drinking water information I passed along last night, so I didn't include that again):

OSCs Matlock and Linden reported on the incident at Freedom Industries in Charleston, WV. The WV Department of Environmental Protection (WVDEP) issued to the facility a cease and desist order; issued a notice of violation from their air division; and issued a notice of violation of the facility's NPDES permit.

WVDEP also ordered Freedom Enterprises Inc to begin removing all the chemicals in the 14 above-ground storage tanks at the Elk River spill site within 24 hours. Materials in three tanks (one of which was the leaking tank) have already been removed. Freedom must also submit a plan to clean up contaminated soil and groundwater before the weekend is over.

WV DEP has directed the facility to contract a certified Oil Spill Response Organization (OSRO), the initial response contractor on-site from the facility was not an OSRO. The facility has now contracted with Clean Harbors. WV DEP directed the facility to dig a cut-off ditch because the product had infiltrated through the ground to a storm drain outfall where it continues to enter the river. The ditch initially was not dug deep enough, so the facility made it deeper so it is now collecting product/water mix.

In addition, the facility dug a pit in the tank farm area and lined the pit with plastic to collect the product before it soaks the soil. The collected product, the leachate from the ditch, and the remaining product from the leaking tank are transferred to vac trucks and disposed of. The vac trucks and collection pumps are a 24 hour operation with WV DEP providing oversight in shifts for the 24 hour period.

WV DEP has also directed the facility to deploy hard boom in the river, which was done once Clean Harbors arrived. The initial boom was absorbent boom that was lying on top of the ice that allowed the product to flow under the ice and enter the river. WVDEP called the US Coast Guard from MSU Huntington to assist in a boom strategy for the river. The boom strategy was agreed upon by EPA, USCG, WV DEP and the facility in a meeting this morning. Clean Harbors will then deploy the boom in the river downstream of the facility and place additional hard boom to divert product from the downstream water intake.

This morning the facility estimated the leaked product as 7,500 gallons. This is total product lost but not all has entered the river because some product is still trapped under the cement pad with the three tanks. WVDEP has ordered the three tanks be cut apart and removed so the pad can be inspected.

WV DEP last night was were sampling from boats in the river along the shoreline of the facility.
The EPA OSCs conducted air monitoring using a PID/FID (TVA 1000) that had readings of 0.5ppm about 500 feet off of the property, then 1 to 7 ppm along the fenceline of the facility, then 7 to 9 ppm within the tank farm area, and 49 to 50 ppm directly above the open ditch collecting the product and directly from the tank.

The facility gave the OSCs information taken from the Etowah River Terminal Inventory Status Report dated January 10, 2014. The report listed the following products stored in the tanks are raw glycerin and finished glycerin (which just has water added); Calcium Chloride at concentrations of 28%, 35%, 38%; Lignin; MCHM (product that leaked); RDC 777 (a road dust control substance); and a tank of weak salt.

The Senate Environmental and Public Works Committee requested if the facility had a SPPC plan. There is an SPCC plan on file for previous owner Pennzoil at the site in 2000 (SPCC Plan # WV-2000-00055). The plan on file does not include an updated plan under the name Freedom Industries. Over the weekend, OSC Melissa Linden has offered to double check what is stored on site currently to determine if the facility is required to have an SPCC. EPA will need to give the Senate Environment and Public Works Committee staff a definitive answer as to whether the facility has an SPCC and whether it is required.

EPA Region 3's staff at the FEMA EOC reported that FEMA's delivery of 54 trucks of water arrived early this morning at the Yeager Airport in Charleston, WV. FEMA is planning to deliver 50 trucks per day. The water is distributed by the Army National Guard at 15 points of distribution (PODs) throughout the area. FEMA also reported the water inventory is being restocked at stores in the area.

Concerning the health affect of the chemical, ATSDR has issued the following statement on the product. EPA is drafting a complementary statement.

"The chemical 4-methylcyclohexane methanol is safe for consumption, bathing and washing clothes if the measured levels are less than 1 parts per million. (ppm). If the levels of the chemical are less than 1ppm then public health officials do not expect individuals to experience adverse health effects. If a person has questions about their drinking water consumption and other household uses please contact their local public health authority. If there are questions about potential health impact, please contact their healthcare provider."

We are working on a statement regarding ATSDR's assessment of the health affects. We are supportive. We have run it through our toxicologist and have been coordinating with ORD, OSWER & OW. I will share the draft statement when it is ready. Let me know if you have any questions.

Thanks - Shawn