To: binetti, victoria[binetti.victoria@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; Capacasa, Jon[Capacasa.jon@epa.gov]; Johnson, KarenD[Johnson.KarenD@epa.gov]; Field, Stephen[Field.Stephen@epa.gov]; Ajl, Diane[Ajl.Diane@epa.gov]
Cc: Smith, Bonnie[smith.bonnie@epa.gov]; schafer, joan[schafer.joan@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]
From: Gray, Heather
Sent: Wed 2/5/2014 6:20:17 PM
Subject: Re: Charleston Gazette (2-5) Feds don't plan to sample water in homes

Ex. 5 - Attorney Client

From: binetti, victoria
Sent: Wednesday, February 05, 2014 1:04:29 PM
To: White, Terri-A; Capacasa, Jon; Johnson, KarenD; Field, Stephen; Gray, Heather; Ajl, Diane
Cc: Smith, Bonnie; schafer, joan; Melvin, Karen
Subject: RE: Charleston Gazette (2-5) Feds don't plan to sample water in homes

Terri, here is our statement. Other addressees, get back to Terri immediately if you want to refine/edit:

"If EPA determines that there is imminent and substantial endangerment, and that state and local authorities have not acted, then EPA has broad authority to take action (and/or order others to take action)."

From: White, Terri-A
Sent: Wednesday, February 05, 2014 11:52 AM
To: Capacasa, Jon; binetti, victoria; Johnson, KarenD
Cc: Smith, Bonnie; schafer, joan
Subject: Fw: Charleston Gazette (2-5) Feds don't plan to sample water in homes
Importance: High

Need your help ASAP on this.

From: White, Terri-A
Sent: Wednesday, February 05, 2014 11:41:40 AM
To: Behringer, Caroline
Cc: Johnson, Alisha; Jones, Enesta; Smith, Bonnie; Ferrell, Mark
Subject: Fw: Charleston Gazette (2-5) Feds don't plan to sample water in homes

I'm sure Shawn will be asked this question at the press conf. Although we have the response we provided to Ken Ward (and Shawn has that response), I think we need to have a better answer that explains EPA's authority and whether we can, as reported, order the state to sample at the tap. I'll get started on this.

From: Seneca, Roy
Sent: Wednesday, February 05, 2014 11:22:09 AM
To: Garvin, Shawn; Ryan, Daniel; Early, William; D'Andrea, Michael; Capacasa, Jon; Hodgkiss, Kathy; Arguto, William; Burns, Francis; Wright, Dave; Smith, Bonnie; White, Terri-A; schafer, joan; Seneca, Roy; Ferrell, Mark; Miller, Linda; Lueckenhoff, Dominique; Matlock, Dennis; duteau, helen
Subject: Charleston Gazette (2-5) Feds don't plan to sample water in homes

Feds don't plan to sample water in homes

By Ken Ward Jr.

CHARLESTON, W.Va. -- Federal officials who are visiting West Virginia today appear to have no plans for additional water sampling to determine if Crude MCHM from the Jan. 9 Elk River spill is still inside home plumbing systems across the region.

In interviews Tuesday, neither the U.S. Environmental Protection Agency nor the Centers for Disease Control indicated that they would conduct such tests or push the Tomblin administration to do so.

CDC officials said any such testing or advice to the state would be up to EPA. And EPA officials indicated that they are comfortable with the state's current testing, which does not include tap water inside residences.

In recent days, West Virginia residents have increasingly been asking why state officials from the Department of Health and Human Resources or the National Guard are testing water for Crude MCHM only at the water treatment plant, at fire hydrants and in some public buildings, such as schools.

EPA and CDC officials are to arrive in West Virginia today to meet with Gov. Earl Ray Tomblin, and then have a press conference to "provide an update -- in detail -- on what we have accomplished, where we stand now, and what actions we are taking as we move forward," according to Tomblin spokeswoman Amy Goodwin.

Several outside experts have expressed concern that the MCHM and other chemicals from the spill could have been absorbed by home plumbing systems, where it could continue to leach into water - even if in very small amounts -- for some undetermined amount of time.

Andrew Whelton, a University of South Alabama environmental engineer, has been testing water from area homes and arguing publicly that more information is needed about how chemicals from the spill interact with varying types of home pipes and tanks.

In an email interview Tuesday night, Whelton said that the Obama administration is making a mistake by not pushing for or conducting its own broader study of MCHM's presence in homes impacted by the spill.

"Chemical exposures occur inside homes at kitchen faucets, showers, etc., not at a hydrant," Whelton said. "Plumbing systems do not operate the same as buried pipe networks. There are clear differences."

Last week, Whelton was awarded a $50,000 emergency grant from the National Science Foundation to study the way the Crude MCHM from the spill acts when it enters home plumbing systems.

In announcing the grant, a National Science Foundation official called the Elk River spill "one of the largest human-made environmental disasters in this century." The foundation said that one of the central unknowns about the spill's long-term impacts is how the chemicals interact with home plumbing systems.

At a U.S. Senate hearing on Tuesday, an official from the Natural Resources Defense Council noted Whelton's research, but said the grant provides "insufficient resources to conduct an extensive testing regime representative of the 300,000 customers affected."

During an interview Tuesday, Larry Cseh, an emergency response coordinator with the CDC and the Agency for Toxic Substances and Disease Registry, said that any decision for the federal government to test for MCHM testing in homes would be up to EPA.

In a separate Tuesday interview, EPA regional water protection chief Jon Capacasa initially said he was under the impression that tap water was being tested inside homes.

"My understanding is that a lot of different types of monitoring and testing have been done in the schools, at the taps, in homes, and in distribution systems and finished water leaving the plant," Capacasa said. "We're encouraged by the fact that it shows diminished presence of these chemicals in the water, if not non-detect."

Told that neither the state nor the water company is testing inside homes, Capacasa responded, "I can't speak definitely to it. But I'm aware of the school sampling, which I think was taps. I know all of the sample results have been published online for review. I'm encouraged by that."

Asked for specifics of the home testing he referred to, Capacasa finally said, "You bring up a

good point. Let me do my homework on that before I comment. If that's a concern, we certainly will track that down and make sure we are getting the best information possible."

Several hours later, EPA spokeswoman Bonnie Smith said in an email to the Gazette, "Our drinking water program confirmed with WV Bureau of Public Health and WV American Water that none of the distribution system sampling was done in homes.

"Sample were collected at hydrants and other locations, where samplers could access water representative of particular pressure zones," Smith said. "These samples reflected water quality in the water mains, which is water that would be delivered to homes/buildings/etc."

Smith added, "EPA has reviewed the home flushing protocol that the water company has developed, and believes that if properly implemented by homeowners, the flushing would should result in water quality which is representative of what is being delivered to the homes."

Asked to comment on EPA's statement, Whelton said, "To my knowledge, EPA has not provided any field data to justify their conclusions. It is possible that EPA is simply traveling in [to West Virginia] to reaffirm their position without conducting any unbiased testing to test their assumption.

"It is baffling why any official would make those statements without hard data which they could have collected already," Whelton said.