To: Gray, Heather[Gray.Heather@epa.gov]; Eiseman, Robin[Eiseman.Robin@epa.gov]
From: Matlock, Dennis
Sent: Thur 1/16/2014 8:06:46 PM
Subject: FW: for your HOTSITE

Some legal info I thought I would pass along. None of it a surprise...

-----Original Message-----
From: Ferrell, Mark
Sent: Thursday, January 16, 2014 2:50 PM
To: Burns, Francis; Casillas, Laura
Cc: Miller, Linda; Matlock, Dennis
Subject: for your HOTSITE

Sorry these are a bit disjointed today, Im on the fly. Hope something in here is helpful. Some audio links here worth listening to.

Mark

Legal

Lawyers have swarmed the Charleston area in pursuit of class action suits. State Delegate Michael Manypenny (D-Taylor) has joined several Charleston residents and business owners in a federal lawsuit filed Monday (Jan 13). This is the second federal lawsuit filed, and this one goes beyond naming Freedom Industries and West Virginia American Water by adding the chemcial's manufacturer Eastman Chemical Company and specifically tagging Freedom president Gary Southern.

Usage

West Virginia American Water lifted another 20,000 customers from the "Do Not Use" order overnight Wednesday. Also late Wednesday, the CDC and West Virginia Bureau for Public Health issued an advisory warning pregnant women to stick to bottled water even if their system has been given the all-clear.

State Legislature

The West Virginia House of Delegates on Thursday (Jan 16) rushed passage of a bill on the House floor (HB4175) called the West Virginia Small Business Emergency Act (unanimous passage, sent to Senate). The purpose of the bill is to allow for the provision of tax credits, small loans, etc to help businesses that have been negatively impacted by the chemical spill. It is difficult to find one that hasn't been impacted in some way, really. It also proposes to allow the governor's office and heads of the Division of Homeland Security, Department of Commerce, and Department of Revenue to enact emergency rules to help small businesses struggling to restart operations. Amendments to the bill to include help for individuals are already being discussed on the Senate side. Skeptics covering the statehouse (Phil Kabler) claim the bill looks to address some symptoms while ignoring underlying problems. The session is still young, and certainly US House field hearings proposed for Chalreston in the issue by Rep. Rahall will draw closer regulatory scrutiny to the issue.

Senate Majority Leader John Unger (D-Berkeley) today introduced SB373 incorporating the State Water Resources Management Plan into the Water Resources Protection Management Act. The intent is to allow DEP to register and inspect above-ground storage facilities (tank farms). The bill was double-referenced, ensuring its movement will be slow and deliberative for the time being.

Off-siting

Crude MCHM from the spill is being off-loaded onto tanker trucks and driven to a storage lot in nearby Nitro (which is also near a river.) Concern has been expressed by neighbors in the are over large quantities of the chemical being stored near them. Privately, DEP expressed concern this morning that some of the Baker trucks are double-walled (tank within a tank) and some are not. Also, there is still some discussion about what type of containment structure should be required around these tankers. (Freedom pointed out they cant very well build block and cement walls on property they dont own and encapsulate tankers they dont own).

Sampling

Samples early Thursday indicate the spill is no longer detectable in the Ohio River in the Cincinnatti area (R4). The Greater Cincinnati Water Works shut down river intakes Tuesday night in anticipation of tainted water arriving in their region.

Press

Ken Ward story (Charleston Gazette) with quotes from Garvin/McCarthy: http://www.wvgazette.com/News/201401150024

A call for legislative action: http://www.wvgazette.com/Opinion/Editorials/201401150130

West Virginia Water Status Interactive Map: http://www.wowktv.com/category/277203/wv-water-status-interactive-map

Video/Audio TODAY = Senate President Jeff Kessler interview on tank regulation legislation http://bcove.me/k200g1g1
DEP Chairman Randy Huffman on inspection and chemical spills http://bcove.me/k200g1g1
US Attorney Booth Goodwin on investigation http://bcove.me/k200g1g1
WV American Water on current status http://bcove.me/ava70c5j

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