

STATEMENT OF

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AND
EMERGENCY MANAGMENT

ON THE

CHARLESTON, WEST VIRGINIA

CHEMICAL SPILL

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

CHARLESTON, WV

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Good Morning, Mr Chairman, Ranking Member Rahall and distinguished Members of the Committee. Thank you for the opportunity to provide testimony on the role of the West Virginia Division of Homeland Security and Emergency Management in response to the chemical spill that occurred in Charleston, West Virginia, beginning on January 9, 2014. I am James J. Gianato, Director of the Division.

Initial Information

Early on the morning of January 9, 2014, West Virginia Department of Environmental Protection Air Quality Inspectors were called to investigate an odor complaint along U.S. 119 in the Mink Shoals area of Charleston, WV, which is about two miles northeast of downtown Charleston. By 11:00 AM, inspectors were able to trace the source of the odor to the Freedom Industries site at 1015 Barlow Drive in Charleston. While on site, the inspectors noticed there was liquid in the containment area of one of the tanks on site and directed representatives of Freedom Industries to notify the West Virginia Department of Environmental Protection Spill Hotline. At approximately 12:05 PM, the DEP spill hotline—which is managed by the Division of Homeland Security and Emergency Management—received the call from a Freedom Industries employee reporting that a hole had been discovered in a tank and material was observed leaking from the tank. The caller advised that the dike was containing the material at the time. The material was identified as 4 Methycyclohexane Methanol, more commonly referred to as MCHM. Reports on the quantity of MCHM that leaked from the site have varied from an initial report of 2500-5000 gallons to the current estimate of 10,000 gallons. During the early hours of this event, Kanawha County emergency personnel called the DHSEM office and requested the copies of the Tier II data filings for Freedom Industries. After conducting a document search, the forms were located. The forms were filed under the name of Etowah River Terminal—the name of the previous owner and not Freedom Industries. These documents were provided to Kanawha County Emergency Personnel.

At approximately 4:50 PM on January 9, I received a call from the West Virginia Department of Health and Human Resources- Bureau of Threat Preparedness advising that there would be a conference call at 5:00 PM to discuss an imminent announcement by West Virginia American Water that they were going to issue a “Do Not Use” order due to chemical contamination of their water treatment facility and system. We immediately identified and notified those who needed to be included on the call. Among those included were local emergency management, FEMA and the Governor’s Office. Our agency has been involved in planning for a catastrophic failure of the Bluestone Dam and the potential loss of the West Virginia American Water facility had been a part of that planning process. As a result of our prior planning, we immediately knew that the loss of the water facility would impact a large number of hospitals, schools, nursing homes, residences and businesses. The West Virginia American Water treatment facility and distribution system serves commercial and residential customers in a nine county region. It was

estimated that losing this water treatment facility would have a direct impact on over 100,000 customers. The interdependencies associated with this loss include hotels, restaurants, dairies, as well as farming facilities and many other industries that depend on potable water to safely operate.

Notification

Of primary importance was the dissemination of the DO NOT USE notification to the public and business communities served by WV American Water. This was performed through a variety of means, including the use of emergency text messages, print, electronic and social media outlets, and a press conference conducted by Governor Tomblin.

Initial Response

As a result of previous emergency response planning, we recognized that we did not have adequate resources to respond to an event of this scale and magnitude. Governor Tomblin immediately declared a State of Emergency for the nine counties impacted and the State Emergency Operations Center (SEOC) was fully activated. Key agencies including the National Guard, State Police, Department of Transportation, Department of Agriculture, Department of Environmental Protection, Department of Health and Human Services, Voluntary Agencies and FEMA Region III were called to staff the SEOC.

We quickly recognized the availability of bottled water in the affected area would be limited. Based on media and Law Enforcement reports, after the order was broadcast, citizens were rushing to stores to purchase water and the stock was quickly being depleted. We began the process of procuring water from a variety of sources. Having experienced similar resource shortage issues during the 2012 Derecho and Hurricane/Superstorm Sandy events, Governor Tomblin made an Emergency Declaration request to FEMA seeking support from the Federal Government. Over the next days and weeks, FEMA would provide over 456 trailers of water which is equivalent to over 8.6 million liters, and over 100,000 boxed meals which were essential to supplement the water purchased by the state and received by the numerous donors. Hundreds of thousands of gallons of water were donated by many individuals and businesses, and West Virginia American Water supplied trailers of bottled water and tanks of bulk water.

Immediately upon notice of the suspicion of contamination to the drinking water, the Division requested the activation of the West Virginia National Guard 35th Civil Support Team. This team which is a key resource to the State is a full time federally funded state asset specializing in Weapons of Mass Destruction and Chemical Biological Radiological Nuclear Explosive (CBRNE) response capabilities. The men and women of this unit have been deployed at the spill site since the initial hours of the event and they continue to serve. Over the course of the event, six additional Civil Support Teams from neighboring states Virginia, Kentucky, Tennessee, Ohio, the District of Columbia and Pennsylvania have participated in the water collection and testing protocols established for this event. To date, over 2400 samples have been collected and

evaluated. Initial testing was performed to screen to a Center for Disease Control (CDC) threshold of one part per million (1 ppm) of MCHM in drinking water. The CDC standard and water sampling protocol was conducted in the affected area broken down into twenty-six zones. All areas have been tested and cleared to that level.

Evolving Issues

Based on an understanding that the initial emergency event was requiring life-saving direct federal assistance was over, FEMA and the State closed the Incident Period for the Emergency Declaration on January 20. Although the incident period was closed, FEMA continued to supply the State with cost-shared water due to the large number of people still refusing to drink their tap water. In addition to Freedom Industry varying its estimation of material spilled and reaching the river, on January 21, 2014, 12 days into the event, the company advised DEP that an additional product, PPH, had been mixed with the MCHM and had leaked into the river as well. Little was known about PPH and we immediately began conducting research to identify the manufacturer and make contact with them to obtain the most current information on this product to share with the CDC and the interagency team that was involved in water sampling.

Upon learning that the second chemical PPH was in the MCHM that leaked, testing was done to check for PPH as well as MCHM in the water samples. In order to help build on the 1 part per million testing that was done, and to create a higher level of confidence in the safety of the water, systematic testing was done to clear all zones at a laboratory non-detectable level of ten parts per billion. That testing began with hospitals and has been expanded to schools as well as the pre-determined sites across the nine county area. As of today 26 out of 26 zones have been cleared at this threshold.

The Division is still coordinating with the National Guard and West Virginia American Water Company and continues to supply bottled and bulk water to citizens impacted by the event. The water distribution throughout this event has been a collaborative effort of multiple agencies at the Federal, State and local levels. Local agencies and volunteer groups have distributed water to individual citizens who could not travel to distribution sites. During the Derecho and Hurricane/Superstorm Sandy, social media provided a valuable tool to not only share information but to obtain information on citizen needs. In cooperation with the National Guard and the WV Intelligence Fusion Center, we built upon a capability utilized for these events and the National Boy Scout Jamboree to monitor and provide information on various social media platforms.

Recovery

As we continue to move forward, we must learn from this event. What happened in Charleston, West Virginia, could happen in any town or city in America that has a similar water system located in a similar geographic footprint. We must capture the many lessons learned using them as a catalyst to continue to strengthen our infrastructure security and resiliency posture. We will

use this event to more fully understand the interdependencies of our Critical Infrastructure, and to improve our statewide emergency response plans. We can never forget that all emergency events start at the local level and we have to provide our local officials and responders with the necessary resources and training to manage these threats and disasters.

I would be remiss if I did not recognize the numerous first responders at all levels that worked tirelessly on this response and continue to do so. I also want to thank the hard working men and women of the Division of Homeland Security and Emergency Management and all of the interagency partners that worked with us during this and every event. I also want to recognize the private sector partners who provided support to us and the many who donated water and supplies, as well as the many volunteers who worked tirelessly during the past month. I also feel it is important to recognize the Governor and his staff who worked diligently to support the agencies and the citizens of West Virginia. He has already appointed an after action review team to analyze our response and make recommendations for improvement. Our goal is to make sure an event like this never happens again; but if it does, we will be better prepared to respond and to mitigate it. Mr. Chairman, and other members of the committee, I thank you for inviting me to me here today. I will be glad to answer questions at the appropriate time.