

Jefferson County Foundation, Inc.

July 14, 2021

Harold Ward
Secretary
Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Kathy Emery, Director
Jeremy W Bandy, Acting Deputy Director
Division of Water and Waste Management- Environmental Enforcement,
West Virginia Department of Environmental Protection
601 57th Street S.E.
Charleston, WV 25304

Via email

Re: URGENT Rockwool Stormwater Apparent Violations and Concerns

Dear Secretary Ward,

Twelve days ago, the Foundation sent a letter regarding activities occurring on the Rockwool site that appeared to be a direct violation of the terms and conditions of its Multi-Sector Stormwater Permit (here in after MSGP) registration (Attachment). We have yet to hear any response to our letter and urgent concerns.

On June 23, 2021, the Foundation filed a complaint with the Department of Environmental Protection (DEP). (Attachment) On June 24, 2021 the DEP Inspector-in-Training, Keith Allison, performed an inspection of the site and the inspection report was forwarded to the Foundation on July 2, 2021 (Attachment). While we appreciate this inspection being done and the report being forwarded, we found the findings to be alarming, which was the subject of our July 2, 2021 letter (Attachment).

On July 2, 2021 we also spoke to Mr. Maguire. He informed us following a short investigation that Mr. Allison was a construction inspector—not a multi-sector inspector—and; therefore, may not have known the possible implications of the unpermitted stormwater handling occurring on the site. He also reported that it was his understanding, from his discussions with Mr. Wright, that the DEP had been notified that Rockwool would be engaging in this activity where “process pond was being drained into the Stormwater Pond.”¹ Even more alarming, we understood that Mr. Wright had explained to Mr. Maguire that the enforcement division of the WVDEP had no power to stop Rockwool to stop pumping process water into stormwater.

¹ RAN 5 Project WVR108876,

² Review Application Comments/Notes for Rockwool’s Multi-sector 2019 general permit registration

It was corroborated by Mr. Driver, attorney for the DEP, in the proceedings of case number 20-13-EQB that the inspector was a construction stormwater general permit inspector. Mr. Driver further stated that this inspection had nothing to do with the multi-sector permit. The permit cited in the inspection report confirms this is true.

We find it absurd that the DEP, knowing that Rockwool has been operational since May, conducted a site inspection in late June under the construction stormwater permit. We would like to reiterate that the water in the process water pond is polluted by the runoff from the Melt for Reuse area. The Melt for Reuse area is shown to be fully operational in Rockwool's own video. The Melt for Reuse material is hazardous material. Rockwool's RCRA permit covers the disposal of the bricks that line the Melting Furnace. The bricks are classified hazardous because they contact the melt. This is the same melt that is in the Melt for Reuse area (this material is presumably not treated as hazardous because it is destined to be recycled and therefore enjoys an exemption from RCRA regulation). However, as rainwater runs over this material, which can be seen in the video as gravel consistency, particulate matter is undoubtedly entrained in the rainwater. This water is carried with its hazardous pollutants to the Rainwater for Reuse pond.

This is presumably why the multi-sector permit reviewer asked so specifically how the Rainwater for Reuse pond (process water pond) would be emptied if the need arose.² Rockwool addressed this in both their comments to the reviewer dated 10-13-2020 and the SWPPP submitted 10-13-2020. In Section 5.3.1 of the final SWPPP, approved as part of the 11-5-2020 MSGP registration approval, Rockwool stated that if the Rainwater for Reuse pond needed to be emptied that it would contact a tank company and the pond would be emptied into tanks. Under section 5.3.2 of the SWPPP, in which operation of the stormwater pond is described, there is no description or statement that water from the stormwater pond would ever be used to accept water from the Rainwater for Reuse pond, i.e., process water pond. In fact, nowhere in the SWPPP or in the entire application does it mention that the Rainwater for Reuse pond (process water pond) will be outletted, via discharge to the stormwater pond. Rockwool does state specifically in its' 9-12-19 response to the DEP reviewer comments that "The Rainwater Re-Use Pond has no outlet and will retain captured stormwater for re-use within the facility."

We understood from Mr. Maguire that a second inspection was to be conducted eminently by a different inspector that was fully qualified, who understood the terms and conditions of the multi-sector registration and the authority of the DEP. We had hoped that we would timely receive the report from this inspection. Instead, 12 days later, we are still left wondering. Has this inspection happened? What were the results of the inspection? The Foundation asserted 11 concerns we had hoped that the inspection and its report would address. These concerns are also left unaddressed. This lack of response and willingness to follow through on our concerns are frustrating. This is even more concerning because over the past 10 days there has been substantial rainfall in this area and more is predicted.

² Review Application Comments/Notes for Rockwool's Multi-sector 2019 general permit registration application, 10-7-2020 comment 6.

Again, these are serious issues and demonstrate to us that DEP continues to prioritize Rockwool's ease of operation over human health and the natural resources of Jefferson County and the region. We continue to believe that the Director of Enforcement has the authority to suspend the permit³ for these violations, and should do so until a fully qualified DEP inspector reviews the risks to the groundwater imposed by these permit violations, and determines whether the actions are outside the terms and conditions of the permit.

We would appreciate a response to these urgent concerns as soon as possible.

Regards,



Dr. Christine Wimer
President
Jefferson County Foundation, Inc.

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³ 47 CSR 10-9.4.a.1-4 and 22-12-10-f