

Jefferson County Foundation, Inc.

July 2, 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.
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Via email jeremy.w.bandy@wv.gov

Re: URGENT Rockwool Stormwater Apparent Violations and Concerns

Dear Secretary Ward,

Over the last three weeks, the Foundation became aware that activities were occurring on the Rockwool site that appeared to be a direct violation of the terms and conditions of its Construction and Multi-Sector Stormwater Permit. Evidence, available to the public, on the Rockwool Facebook page led to taking photographs of this activity. On June 23, 2021, the Foundation filed a complaint with the Department of Environmental Protection (DEP). (Attachment 1) On June 24, 2021 the DEP Inspector in Training Keith Allison performed an inspection of the site. This morning, Mr. Wright forwarded us an inspection report for Rockwool of an inspection performed on June 24, 2021 pursuant to the Foundations' complaint. (Attachment 2) While we appreciate this inspection being done and the report being forwarded, we find the findings to be alarming.

Even more alarming is the fact that the DEP has apparently accepted the activity at Rockwool as "satisfactory," when the activities at the site are completely contrary to the terms and conditions of the Permit. Either the inspector does not understand the terms or conditions of the permit, and the consequences of the obvious violations of it; or, the DEP is simply unwilling to take any enforcement action against Rockwool's blatant violation of it.

On June 23, 2021, we sought assistance from Mr. Maguire in obtaining information on what had occurred here. We appreciate very much Mr. Maguire's assistance with our concerns and his very timely response. The information he was able to gather seems to be somewhat inconsistent with our observations and findings. Alarmingly, we understand the Mr. Wright indicated to Mr.

Maguire that if Rockwool had violated its permit by creating an unpermitted outlet for the Process Water Pond into the Stormwater Pond that the DEP would be powerless to stop it. However, we do understand that a second inspection is to be conducted eminently by a different inspector. We hope that this will be a fully qualified inspector who understands the terms and conditions of the permit and the authority of the DEP. We hope that all of our concerns are addressed by this inspection.

Please see the following concerns that arise from the inspection and its report.

- 1) The findings in this report represent Major changes from the approved operations in the permit. The SWPPP for the currently applicable Multi-sector registration referenced in the inspection report “At no point will water be discharged from this pond.” And “Water stored in the Rainwater Re-Use Pond is ultimately treated and used as process water in manufacturing processes.”¹
- 2) Here the process water and pollutants it contains are being mixed with the stormwater in the stormwater pond. Water will eventually be released from this pond. None of this activity is contemplated in the current permit material. Geese droppings, identified in the inspection report as the cause of the need to transfer the water between ponds, is a common recurring foreseeable problem that will need to be dealt with repeatedly. Was the DEP notified of, or asked to approve, this procedure? If so, why did the DEP allow this action without a modification to the permit to deal with this recurring problem? If not, why is Rockwool not receiving a violation for doing something that is so clearly not allowed by the permit without notifying the DEP?
- 3) What happened to the butterfly valve that requires repair and replacement? Why did it break? Will this happen again? There is no maintenance plan for this piece of equipment in the permit materials. Does Rockwool need to change the design or, at the very least, add a maintenance plan for this vital piece of equipment? Did water leak from this location when the valve became non-functional or during construction? Was the water being diverted from the process pond to this pond at that time?
- 4) The inspection reports states: “The process pond was being drained into the Stormwater Pond, so the facility could clean up after the resident geese onsite.” This means process water (untreated) will be in the stormwater pond. We see in the Rockwool video that the Melt for Reuse area already has melt for reuse in it.² According to the air permit, this material contains basalt/diabase, amphibolite, anorthosite, **blast furnace slag, converter slag**, dolomite, limestone, olivine sand, high-aluminum kaolin clay, aludross (byproduct of aluminum smelting), **coal, pet coke, coke fines, anodes, and dedusting oil**. This area runs off into the Melt for Reuse pond and this contaminated and polluted water is now being pumped into the stormwater pond. How will all of this pollution be removed from the stormwater pond before it is again allowed to discharge from the site or worse yet

¹ Rockwool RAN 5 Multi-sector SWPPP 10-13-2020, page 8 section 4.4 Release Analysis,

² Full video available here

<https://www.facebook.com/ROCKWOOLRansonCommunity/videos/350501166471066>

infiltrate into the ground? How will there be any assurance that no pollutants remain in the stormwater pond following this procedure and any clean up? The process for this activity is completely missing from the permit materials. How often will this process need to be done? Where are the pumps and hoses going that are shown in the photo? Why was none of this documented in the permit for review and approval by the DEP?

- 5) The inspection reports states: “None of this water is leaving the site.” What is the basis for this statement? How can the inspector know that none of this water is leaving the site? Was this true during the recent heavy rains? How was water controlled if the butterfly valve was not working before the heavy rains of the last 3 weeks?
- 6) The inspection report states: “There has been a turbidity curtain installed in pond 2 just in case any sediment would need to be caught in the construction phase.” This curtain has not been present previously. Why would Rockwool put it in now, when for many months it has been saying publicly that they have increasing percentages of vegetative cover?
- 7) The inspection report states: “They are in the process of cleaning sediment out of the stormwater pond 1 currently.” This activity is also not described in the permit. How is this being done? How is the integrity of the liner and subgrade being protected and monitored? Will it be inspected by the DEP following this procedure?
- 8) The photo of the level spreader is actually a photo of a rip-rap channel with a small concrete level spreader in the background, barely visible. The photo is not labeled well enough that you can determine if this is the level spreader at outlet 001 or 002. Outlet 001 was the concern. This appears to be Outlet 002. What level spreader is this? Why did it appear so different in Rockwool’s video?
- 9) Our other concerns were not addressed in this inspection. What about the Vehicle tracking pollutants from the settling pond over the grass where they will directly infiltrate to groundwater with rain water? What about the lack of protection for the drop inlet that can even be seen in the picture provided, but was not addressed? What about the lack of sediment control around the valve replacement earth disturbance? For example, between it and the pond? Why were these things not addressed by the DEP.?
- 10) Finally, why if this inspection was done on June 24, 2021 was this 2-page report with one original paragraph and two photos not shared until over a week later?

These are serious issues and demonstrate to us that DEP continues to give Rockwool preferential treatment when Rockwool ignores its permit requirements. We 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. Further, if the department is operating on the mistaken and inaccurate premise that they are without authority to stop polluting operation, this matter must be immediately addressed.

³ 47 CSR 10-9.4.a.1-4 and 22-12-10-f

We would appreciate a copy of the new inspection report and answers to these questions as soon as possible.

Regards,

Christine L Wimer

Dr. Christine Wimer
President
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