

# Jefferson County Foundation, Inc.

August 24, 2021

Harold Ward  
Secretary  
Department of Environmental Protection  
601 57<sup>th</sup> 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 Concerns

Dear Secretary Ward,

This recent picture (attachment) of the Rockwool facility shows several concerning issues at the site. There are activities that appear to be occurring at the site, that are not described in or in accordance with Rockwool's Multi-Sector Stormwater General Permit (MSGP) registration materials. We are concerned that these issues are affecting groundwater. As you know, the karst aquifer in this location is very superficial and very sensitive to pollution with surface contaminants, and due to the groundwater flow patterns this pollution affects not just the hundreds of drinking water wells in the area, but also reaches the surface waters in as little as two weeks.<sup>1</sup> These surface waters flow to the Potomac River.

This picture raises several concerns:

1. Next to the settling pond for the Reuse Pond, there are what appear to be containers with material in them. The settling pond for the Reuse Pond appears to contain liquid (at least in part) and be full. The access road just outside the settling pond seems to be wet while none of the other surfaces appear to be wet (i.e., this does not appear to be from rain as there is

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<sup>1</sup> Kozar MD, Hobba WA, Macy JA. Geohydrology, water availability, and water quality of Jefferson County, West Virginia, with emphasis on the carbonate area. US Department of the Interior, US Geological Survey; 1991.

Doctor DH, Doctor KZ. Spatial analysis of geologic and hydrologic features relating to sinkhole occurrence in Jefferson County, West Virginia. Carbonates and Evaporites. 2012 Jun;27(2):143-52.

no other evidence of rain). The access road and a large area of the grass area around the containers and the settling pond for the Reuse Pond appear to have sediment on them. What is occurring here? Is the settling pond of the Reuse Pond being cleaned out? If so, is this material on the road and the grass area sediment from the settling pond? Was this being done while the pond is wet or contains liquid?

These things are very concerning. In Rockwool's Response to Multi-Sector Application Comments dated September 12, 2019, it states:

“For clarification and consistency with the Construction Stormwater Permit Application please see below cleanout approach for facility ponds.

In the Rainwater Reuse Pond the concrete settlement basin will be dried out and accessed with a small endloader (e.g. bobcat or similar) and sediments removed at or before reaching the 50% storage level. Removed sediments will be stored in the Melt for Reuse area and reused in product manufacturing. In the event sediments have to be removed as a result of a petroleum spill or similar unlikely event, the removed material will be temporarily stored in water tight containers for classification, handling and disposal in a permitted off-site facility in accordance with WVDEP regulations.”<sup>2</sup>

It appears from this picture that Rockwool has been cleaning out the settling pond while it is still wet, not after it has been dried out, as the permit materials require. It also appears that this material is being collected in containers. Does this mean that there was a “petroleum spill or similar” event? It is alarming that this material has been spilled or tracked across the ground.

During normal operation this material contains the eroded material from the Melt for Reuse (area B170) area which itself contains melted coal, slag, coke, and other materials.<sup>3</sup> These contaminants are concerning enough, however, if a spill of petroleum or other similarly hazardous product has been spilled this is even more concerning. Any material spilled on the ground in this location is presumed to be carried quickly via indirect infiltration into the groundwater.

What procedure is occurring here? Has there been a petroleum spill or spill of some similar concern that is warranting a different procedure then described for normal operating procedures in Rockwool's response to comments in the MSGP Application? Why is the normal operating procedure in Rockwool's response to comments in the MSGP Application not being followed (i.e., why was the settling pond for the Reuse Pond not dried out prior to clean out)? Why is material being allowed to contaminate the ground

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<sup>2</sup> As found in “1110125\_0\_Comment Response 09 13 19” under “Rockwool Response to Multi-Sector Application Comments dated September 12, 2019. Permit Application WVG611896.” On the ESS system under application number WVG611896 in permit attachments.

<sup>3</sup> Permit to Construct R14-0037 Issued to ROXUL USA, Inc. RAN Facility 037-00108

surrounding whatever procedure is occurring here? How is the groundwater being protected from the pollutants in this process?

2. Vehicle tracks are visible in multiple locations on the site that appear to show prolonged use. Why are vehicles being used in this location? Why are they necessary even though not provided for in the permit? How are materials from the manufacturing areas being prevented from being tracked by these vehicles on to these grass or dirt surfaces and infiltrating into the groundwater?
3. The large northern bioretention area does not seem to be operational in that it has no vegetation. How will this bioretention area achieve best management of the stormwater without vegetation? How will the media be maintained until vegetation is able to grow in this bioretention area? The stormwater outlet for this stormwater structure had well above the reportable limit of heavy metals during the second quarter of 2021.<sup>4</sup> Why is this bioretention area not operational and what is being done to address this situation?
4. It remains impossible to determine from the communications provided on the Application Xtender web portal<sup>5</sup> what was done to the pond liners and if it was satisfactory to address the issue. Has the DEP inspected the entire perimeter of the pond liners? Has the DEP inspected any portion of the pond liners?

It is imperative for the protection of human health and the environment that the DEP determine what is occurring at the Rockwool site and ensure that Rockwool at a minimum maintains the protections described in the MSGP application and preferably takes every measure necessary to prevent pollution of the groundwater with contaminants from its site.<sup>6</sup> We ask that you take any

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<sup>4</sup>This is according to the eDMR for outlet 002 as available on the Electronic Submission System.

<sup>5</sup> Letters from Rockwool to the DEP dated May 24, 2021, June 2, 2021, July 25, 2021, and July 29, 2021.

<sup>6</sup> West Virginia Code **§22-12-5. Authority of other agencies; applicability.**

(d) Groundwater regulatory agencies shall develop groundwater protection practices to prevent groundwater contamination from facilities and activities within their respective jurisdictions consistent with this article. Such practices shall include, but not be limited to, criteria related to facility design, operational management, closure, remediation and monitoring. Such agencies shall issue such rules, permits, policies, directives or any other appropriate regulatory devices, as necessary, to implement the requirements of this article.

And

**§ 47- CSR - 58-7. Prohibitions.**

7.1. It shall be unlawful for any person, unless an authorization has been issued by a groundwater regulatory agency, to deliberately allow crude oil, or any petroleum product derived from crude oil, or septage, or natural gas, or salt water, or any chemical mixture which may impact groundwater quality to escape- from any well, pipeline, impoundment, storage tank, treatment unit, or storage container, or be deliberately allowed to flow onto or under the land surface in such a manner that could impact groundwater quality.

and all steps necessary to protect the water resources from Rockwool's activities including investigate the above issues and the as of yet unaddressed issues from the Foundation's previous four letters, and inform the Foundation and the public of your findings. We look forward to the results of the investigation into these issues and resolutions in a timely manner.

Regards,

*Christine L Wimer*

Dr. Christine Wimer  
President  
Jefferson County Foundation, Inc.

CC (via email):

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7.2. Groundwater quality may not be impacted by any facility operation or any activity unless 1) a valid permit exists and/or 2) the director has taken action pursuant to section(s) 20-5Mc5 (f) through (l) of the W.Va. Code.

