

Reminder!
 Open
 Enrollment ends
 May 15!



2015 Legislative Session A Wrap; DEP Bills Pass

The historic 2015 Legislative Session, the first in which Republicans controlled both houses of the West Virginia Legislature in more than 80 years, wrapped up on March 14.

DEP closely tracked 56 bills during the 60-day session and Kristin Boggs, DEP General Counsel, was busy attending committee meetings and speaking to bills and explaining their purpose and impact.

Some highlights of the 2015 Legislative Session:

Senate Bill (SB) 423: This bill amends the Aboveground Storage Tank (AST) Act that was passed in 2014 in response to the Freedom Industries MCHM chemical spill that contaminated the drinking water supply for approximately 300,000 people.

see **LEGISLATURE**, Page 4

Former Freedom Industries site being cleaned up under DEP Voluntary Remediation Program

Freedom Industries, the company responsible for a chemical leak that tainted the drinking water supply for more than 300,000 people in nine counties in January 2014, will take part in the DEP's Voluntary Remediation Program (VRP).

The Voluntary Remediation Agreement was signed by DEP on March 27 and provided to Freedom's chief restructuring officer March 30. Under the agreement the Freedom restructuring team and environmental consultants will work with the DEP to identify human health and ecological risks associated with potential future uses of the site, establish applicable remediation standards, and ensure that those standards are maintained. Upon completion of the remediation, a final report will be submitted to the DEP's Office of Environmental Remediation for review and approval.

During a public meeting at the Charleston Civic Center Patricia Hickman, the DEP Division of Land Restoration Interim Director, answered questions from concerned residents and media about the VRP. Also attending were Communications Director Kelley Gillenwater, Environmental Resources Analyst David Long, and interim VRP/Leaking Underground Storage Tank (LUST) Program Manager Patty Perrine.

Hickman delivered a short presentation about the history of the VRP. The West Virginia Legislature enacted the VRP in 1996 to encourage the voluntary cleanup of contaminated sites and the redevelopment of abandoned and underutilized properties. see **FREEDOM**, Page 4

DEP Investigates Source Of Flooding on Hughes Creek

The DEP's Division of Mining and Reclamation (DMR) is continuing its investigation into the source of water flowing into yards near Hughes Creek in Kanawha County, which resulted in several families being moved out of the area due to safety concerns.

The water could be seen bubbling out of a nearby hillside and out of the ground, but its source is still uncertain.

Dye testing to see if the water was coming from a nearby creek is ongoing, with no conclusive results at this time.

Rob Rice, chief of the Office of Abandoned Mine Lands and Reclamation, said DEP is investigating if the flooding was the result of water from the creek flowing into an abandoned mine.

Rice said it was possible the mine had completely flooded and the water was now forcing its way out of the ground.

Rice said if it is determined that the water was flowing into and out of a mine that pre-dates the Surface Mining Control and Reclamation Act of 1977 (SMCRA), funds from the federal Office of Surface Mining (OSM) could be used to address the problem.

In an effort to alleviate the problem, DEP dug a trench to channel the water out of yards and into Hughes Creek. After one night of being moved to safety, residents returned to their homes.



Water flows from an abandoned mine into a yard on Hughes Creek in Kanawha County. Hay bales were placed to control the flow of water and debris.

Wondering how you can help make inDEPth even better? Here's how!

- ⇒ You can submit story ideas. We are always looking to share the stories of our team members!
- ⇒ Have an old photo of a work site or DEP-related event that you'd like to share? It could be highlighted in the new "DEP Blast from the Past" feature!

Questions?

Email Jake Glance at

Jacob.P.Glance@wv.gov

inDEPth is YOUR newsletter!

By Jake Glance

I would like to thank the nearly 200 people who took part in the survey regarding the “inDEPth” newsletter. The feedback will help the Public Information Office provide a newsletter that you will not only want to read, but also one that you will want to take an active role in developing.

Your feedback has not disappeared down the rabbit hole, never to be seen again. It has been considered and many recommendations have been made based upon it. The information our sur-

vey respondents provided is invaluable.

Some of the changes will be barely noticeable. Others will be a 180 degree change.

But one thing will not change: “inDEPth” is **YOUR** newsletter. It is about the 900+ team members that make the West Virginia Department of Environmental Protection the organization that it is.

And not only will “inDEPth” be ABOUT you, it will be BY you. It will be the goal of the Public Information Office to allow more DEP team members to tell their stories in their own words, to give more of a voice to our team members, and to engage our team members in a constructive discussion about how to make the DEP even better.



Earl Ray Tomblin
Governor
Randy Huffman
Cabinet Secretary
Kelley Gillenwater
Communications Director
Jake Glance
Editor

Public Information Office
601 57th Street SE
Charleston, WV 25304
Email:

Jacob.P.Glance@wv.gov
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Coal Seam Continues To Burn In Marion County; DEP, Contractor Working To Extinguish Flames

It looks as though the entire hillside is on fire – but it’s not the surface that’s burning. It’s the coal seam 40 feet below the surface, and estimates are that it is burning as hot as 680 degrees – hot enough to melt lead – and might have been burning for decades.

Smoke rises right up out of the ground at the site in White Hall in Marion County along busy Route 250. DEP and the contractor handling the site have closed one lane of traffic to allow heavy equipment to remove power lines, dozens of trees, and tons of dirt to get to the burning coal below.

Big East, LLC is the excavation contractor at the site, which is an Abandoned Mine Lands (AML) emergency project.

Directly across the street from the reclamation site sits a gas station and other businesses. Directly above the site is a home.

“It’s a tight quarters,” said Spencer Wooddell of Big East. “Nowhere to really work, so we have to haul the dirt off site. We have to get to the coal, get the coal extinguished. Then we have to haul the dirt back to the site.”

A major concern of the site was the possibility of the fire threatening the nearby homes and businesses. But cold, wet weather helped to keep the site cool and Wooddell said that helped to reduce the danger. He said crews were also able to tap into fire hydrants to access additional water to cool the burning coal.

Wooddell said at this point, it isn’t clear how the fire was getting air and continuing to burn for so many years. Once the fire is out, the rest of the coal seam will be sealed off with a layer of clay to prevent air from getting to other parts of the seam where more fires could be burning.

For more information on this story, check out the March edition of “Environment Matters” on the DEP YouTube channel.



Why did PEIA make benefit changes?



The Public Employee Insurance Agency offers a variety of health insurance plans to state employees. For the Plan Year 2016, it has increased the out-of-pocket costs, thus reducing some of the benefits.

“We were stuck with a difficult situation—there was a \$40 million hole in the budget and, since we received no additional funding from the state the PEIA statute dictates that we couldn’t increase employee premiums. We had to find a way to make up for the missing \$40 million,” said Ted Cheatham, director of PEIA.

PEIA took a proactive approach to the dilemma. The PEIA Finance Board held six public hearings around the state in November. The goal of these meetings was three-fold. These meetings, besides offering information, solicited comments from plan members, providers, taxpayers, and other interested parties. They also gave the attendees the opportunity to participate in a survey regarding the proposed benefit changes.

Wanting to involve more members, the Board also conducted an online survey. It received more than 4,300 responses.

“We were pleased at the meetings’ turnout,” Ted said. “And the responses to the survey were useful and insightful.”

With an employee premium increase not being possible, the Board had to make benefit adjustments to arrive at the \$40 million, which they did based on the results of the survey.

State employees who want more information can find it in the Plan Year 2016 Shoppers Guide, which will be mailed to each PEIA policyholder in March. They can also find information at www.wvpeia.com.

Are you engaged? HR is pursuing employee engagement at DEP

By Cher Szerockman, Employee Relations Specialist

In this ever-changing world, DEP's Human Resources is always finding ways to improve DEP. Currently, it's been working on employee engagement, which is where the employee feels invested in the agency, its goals and productivity.

Chad Bailey, the manager of HR, explained why DEP is pursuing this. "Employee engagement is important because a well-engaged employee means the difference between just showing up or excelling at what they do. With today's increased competition for top-notch talent, and the huge costs to retrain new staff, engagement becomes more important than ever."

Engagement is not job satisfaction, Chad explained. He went on to say that when the employee is engaged, they feel more confident in their ability and are more productive. They are in tune with the agency's success, in relation to the big picture.

HR has been conducting research, such as a survey that used various topics to measure just how engaged employees were. It also has hosted meetings at DEP locations in Philippi, Bridgeport, and the Charleston Headquarters. Cher explained that she was looking into holding meetings at the field offices.

"Attendance at the meetings is purely voluntary," she said. "We are looking for input from employees who are willing to give it."

"When engagement is low, things can get off track really quick and it can spread like wildfire...best practices are usually the process that falls apart when engagement is low, though best practices are what produce ideal outcomes," Chad said.



Stay connected! DEP is on social media

By Brianna Hickman, public information specialist

DEP is now on Twitter! In mid-September, the agency created a Twitter account in order to share news, events, and environment facts. Currently @DEPWV has more than 450 followers.

How can you get involved? Follow @DEPWV on Twitter, and invite your friends, family, and neighbors to do the same! Help us keep West Virginians informed about the environment we all share.

In addition to the Twitter account, DEP has a YouTube account and Google Plus page for the *Environment Matters* television show. There are also four program-specific Facebook Pages: Adopt-A-Highway, West Virginia Project WET (Water Education for Teachers), West Virginia NonPoint Source, and Youth Environmental programs.



Lunch-n-Learn with Wellness: Diabetes

By Erin May, DEP Wellness Coordinator

Charleston DEP employees recently had the opportunity to attend a Diabetes Education Lunch-n-Learn with RiteAid Clinical Pharmacist and PEIA Face-to-Face diabetes counselor, Amy Lafferty. The Lunch-n-Learn, sponsored by DEP's Wellness Program, stressed the importance of being proactive and pursuing a healthy lifestyle to lower the risk of developing type 2 diabetes.

Currently, there are 29.1 million people in the U.S. with diabetes, and approximately 86 million have been diagnosed with pre-diabetes. Pre-diabetes is a condition that precedes type 2 diabetes; it's where blood glucose levels are higher than normal. Furthermore, diabetes is the seventh leading cause of death in the U.S. and is the leading cause of blindness, kidney disease, and non-accidental amputation. These are alarming statistics, but you can lower your risk and manage your type 2 diabetes with a healthy lifestyle.

Lunch-n-Learn attendees learned the importance of maintaining a healthy weight and following a healthy diet to help lower their risk. A healthy diet and active lifestyle also help diabetics manage their diabetes and increase quality of life. Even if you aren't at risk for developing type 2 diabetes, a healthy lifestyle is beneficial.

For more information about how to determine your risk level for diabetes, what you can do to lower your risk, and how to manage your diabetes, visit www.diabetes.org.

If there is a lunch-n-learn topic you would like covered in the future, please email DEP's Wellness Coordinator, Erin May, at Erin.C.May@wv.gov.

IRIS is not just a flower anymore

By Neil Chakrabarty, Assistant chief of IRIS

Change sometimes occurs as an answer to a problem. Such is the case with the change from the Information Technology Office to IRIS. IRIS, which stands for Integrated Regulatory Information Support, was created to enable the agency's programs to better equip its employees as they strive to protect the environment.

"By further opening the lines of communication, the Information Technology specialists are able to use the input obtained from the programs to develop software to directly meet their existing and future needs," said Neil Chakrabarty, Assistant Chief for IRIS. He explained how the creation of IRIS as a central data warehouse, enabled all of the software to be compatible, thus lending the data to be easily shared. "As customer satisfaction and improved regulatory control are two big concerns, IRIS has implemented a ticketing feature called Bugzilla. This system keeps track of requests from when they are entered, during the creation of the software, through the implementation of the software, and provision of its long-term maintenance.

"What's so cool about this ticketing feature is that anyone, whether they are the requester, the software developer, or an interested party, can go to the Bugzilla internal Website and track the progress of the request," Neil said. "This allows for greater transparency and better communication-no one falls through the cracks."

IRIS is a part of the Business and Technical Office. For further information regarding IRIS, it can be found at: <http://www.dep.wv.gov/bto/iris/Pages/default.aspx>

FREEDOM

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One of the advantages of the VRP is the issuance of a certificate to the applicant at the end of the remediation process that details site conditions, restrictions, and what work was done to clean up the site.

Cabinet Secretary Randy Huffman has said repeatedly that Freedom must convince DEP that there is no chance that any amount of MCHM from this site would ever contaminate the drinking water supply again.

Currently, the bulk of the work being done is the removal of soil and stormwater runoff from the site. Ira Buchanan, a Licensed Remediation Specialist, will supervise all assessment and remediation work performed at the site.

LEGISLATURE

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Under this wide ranging bill, DEP Cabinet Secretary Randy Huffman is required to compile an inventory of AST's. Among other requirements owners and operators must register their AST's, money will be set aside for the Aboveground Storage Tank Administration Fund and the Protect Our Water Fund (also known as the Leaking AST fund), and zones of critical concern and peripheral concern will be developed.

House Bill (HB) 2625: This bill extends the "sunset date" (the date the fund was scheduled to expire) of the Hazardous Waste Management Fund from June 30, 2015 to June 30, 2020. Boggs said this bill enables DEP to keep primacy of our Hazardous Waste Management Program. (West Virginia Code §22-18-22).

HB 2626: This bill relates to the use of the Abandoned Land Reclamation Fund. It removes the 30 percent cap placed on Abandoned Mine Land's (AML) waterline funding and increases from 10 percent to 30 percent the amount of the annual AML grant that can be retained in the Acid Mine Drainage (AMD) Set-Aside Fund. These changes bring AML into conformance with the 2006 amendments to the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA).

CSX derailment was Joins' first day as HSER Chief

Rusty Joins' first day as the chief of the Homeland Security and Emergency Response Division was an absolute train wreck.

No, seriously. It really was a train wreck.

Joins' first day as HSER chief was the same day the CSX train carrying three million gallons of Bakken crude derailed. The spilled oil ignited, sending fireballs into the frigid air.

He has been with DEP since 1991 and assistant chief of the emergency response division since 2007—but Monday, February 16 was the first day the "assistant" was dropped from his title.

"I was at home and got a call from the spill line and they said there were multiple cars derailed and a fire, and then we were off to the races," Joins said.

The CSX train derailed just feet from the Kanawha River and the resulting fire threatened several homes.

"My first thoughts that day were how do I get my people there in such bad weather," Joins said. "You're talking to your people and telling them to get there as soon as they safely can. It took one of our guys two hours to get from Putnam County to Charleston because of the weather."

The derailed cars continued to burn until early Thursday. DEP officials, along with those from the federal EPA and Coast Guard, were closely monitoring the spilled material near the river. Joins said the decision was to let the spilled material burn itself out.

"The logic there was that if you start putting it out you could wash some of it into the river, and we were trying to keep the material out of the river. By letting it burn, it was consuming itself. In an ideal word, we wouldn't let it burn either but the choices are pretty limited there."

He said February 16 is a day he won't soon forget—and it is one that he will use to compare other wild days to in the future.

"It's one of the worst. We've had other train derailments, but aside from spilling a chemical and this happening on this level, I can't think of anything since the mid-1990's. There was a situation in Nitro where the spilled material was flammable, the tanker was burning, and it went on for a few days."



Flames erupt from one of the derailed train cars in Mount Carbon. The train was carrying Bakken crude oil from North Dakota. Photo courtesy Governor Tomblin's Office.



Recent Hires

Michael Roller, Business and Technology Office
Laura Adkins, Office of Oil and Gas
Steven Clarke, Business and Technology Office
Eric Blend, Office of Oil and Gas
Nedia Cyran, Rehabilitation Environmental Action Plan
Michael Brightwell, Business and Technology Office
Walter Simmons, Office of Oil and Gas
Jake Glance, Public Information Office
Helen Ann Ford, Business and Technology Office

Retirements

Sherry Thaxton, REAP
Keith Porterfield, Div. of Mining and Reclamation
Mark Slusarski, Div. of Land Restoration
Gary Guthrie, Abandoned Mine Lands
Forrest Jones, DMR
Steven Young, OO&G