

WV Senate Passes Chemical Spill Bill

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CHARLESTON, W.Va. (AP) — The West Virginia Senate on Tuesday unanimously voted for stronger regulations on above-ground storage tanks after a recent chemical spill in Charleston.

The proposal patches a regulatory framework that let Freedom Industries spill chemicals into the public water supply on Jan. 9 without immediate detection, state lawmakers said. The leak into the Elk River kept 300,000 people without clean, drinkable water for days.

Senate Bill 373 by Majority Leader John Unger, D-Berkeley, would require registrations and annual inspections for most surface-level tanks storing fluids. Tanks within 25 miles upstream of a water supply source would be more closely monitored.

The state would take an inventory of aboveground tanks to determine what they're holding and if they are dangerously close to public water supplies.

Storage facilities would need to describe safety measures to prevent spills and address them quickly. Starting July 2015, public water systems would need to file plans to protect against contamination from spills and react in emergencies. Storage entities and water systems would incur fees to cover costs of inspections and responses to spills.

Unger said the bill responds to public demand for an immediate response to the water crisis. The House of Delegates will consider the bill next, and Gov. Earl Ray Tomblin supports the push.

"(The people) want to have the assurance that this will never happen again, here or anywhere in West Virginia," Unger said.

The bill also spells out about 20 exemptions. Most pertain to containers that Unger said are already under ample regulation.

Some pertain to farms, septic tanks, water storage, propane and personal-sized tanks, stormwater and wastewater systems and liquids that turn to gas when exposed.

Some environmental groups have stressed that Freedom Industries was not unregulated. Evan Hansen, president of the environmental consulting firm Downstream Strategies, told a legislative water policy panel that Freedom Industries already held a permit overseen by the Department of Environmental Protection.

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State environmental inspectors visited the Charleston site several times between 2002 and 2012. No violations were found during those visits.

Unger criticized an earlier bill by the governor for extending regulation only to facilities that could threaten public water systems. The two proposals have been combined.

Lawmakers in the Democratic Senate said the bill wouldn't be a government overreach that stifles businesses.

"While I do not want to see regulation rammed down the throats of businesses, I don't want to see contaminated water rammed down the throats of West Virginia citizens, either," said Sen. Erik Wells, D-Kanawha.

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