

SPRING/SUMMER  
2014

# WEST VIRGINIA WATER CRISIS AWAKENS A TRANSFORMATION

## Lessons Learned, Hope Renewed.

A special edition of Headwaters on the new movement for clean water in the wake of the West Virginia Water Crisis.



# HEADWATERS

Conserving and Restoring West Virginia's Exceptional Rivers and Streams



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Cover Photo by D.T. Stephenson  
Headwaters design: Aundrea Humphreys  
Special thanks to Rich Katz, Keely Kernan,  
and D.T. Stephenson for their photographs



photo by D.T. Stephenson

# Water Crisis Inspires New Movement

How the West Virginia Rivers Coalition and people from all backgrounds came together for change

On January 9, 300,000 West Virginians learned their water had been contaminated by a chemical leaking from a storage tank.

We at West Virginia Rivers Coalition knew the Elk River spill wasn't an isolated accident—it was another consequence of years of weak regulatory enforcement.

We also knew there would be a rush to legislate so lawmakers could show this type of crisis could "never happen again."

We were right. The first legislation was introduced by the Governor and in the Senate before the ban on drinking the water was lifted.

Both were narrow bills meant to regulate certain above-ground storage tanks. While steps in the right direction, both legislative packages would not begin to address the root causes of West Virginia's water woes.

Eleven days after the chemical leak, West Virginia Rivers Coalition and Downstream Strategies released a report that told the world that the time for real reforms was long overdue. Regulating a subset of storage tanks would not be enough—not this time.

And something remarkable was happening. The frustration of thousands of people was being transformed into action and engagement. People who never would have called themselves environmentalists organized public meetings and brought their demands to the halls of Capitol. People wanted meaningful reform.

A huge turnout for a public hearing in the House chamber drove home this point. Speaker after speaker openly challenged lawmakers and regulators to do more. Their messages echoed what those who love West Virginia rivers know in our hearts: We enjoy an abundance of water, but year after year we have seen access to clean water diminish.

Our water has paid the price for our legacy of mining, gas drilling, coal-burning power plants, and chemical production. We have seen water-quality standards eroded to help reduce costs to big coal. The right to clean water has been usurped by industries.

On April 1, Governor Earl Ray Tomblin signed a new law that begins a process of change. It's not a perfect law, but at long last people—not just corporations—have a say in local water protection.

This would not have happened if people had not come together in such an inspiring way.

The West Virginia Rivers Coalition is proud to have helped shape this new law.

We're even prouder to have helped thousands of people find their voices and raise them for clean water.

Now we need to harness this new awareness and energy for clean rivers and streams.

This is our story.

**The Elk River  
spill wasn't an  
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enforcement.**



photo by Rich Katz



photo by D.T. Stephenson

## Four Strategies That Turned Crisis Into Change



WVRC science advisor Evan Hansen of Downstream Stream Strategies, photo by Keely Kernan.

More than 16 percent of West Virginians lost access to water after the chemical leak. From this crisis emerged the most significant reforms in a generation.

There were no plans in place to deal with this crisis. The state had no information on the chemical leaked into the water. The West Virginia Rivers Coalition was determined to keep the focus on government responsibility for public safety. Four strategies would make the difference in achieving legislative reforms.

### MEDIA PRESENCE

Politicians said the chemical leak was about one tank and one company. We

knew this wasn't true. With national and state media flocking to the scene, WVRC stepped out front.

First we put out a strong statement placing the leak in the context of government's willful failure to regulate. Then we published strong editorials that called on government and West Virginians to change our relationship to water and the environment.

Within weeks, WVRC would appear in or be quoted in nearly 70 news broadcasts, newspapers, and magazines. The message in each was clear: This was no accident; it was the inevitable result of lax enforcement. Comprehensive reform was needed.

### POLICY RESEARCH

WVRC's Water Policy Work Group and lead science advisor Evan Hansen of Downstream Strategies got to work on a fact finding mission.

We uncovered irrefutable evidence that West Virginia had legal authority to oversee and inspect the Freedom Industries facility. The report, "The Freedom Industries' Spill: Lessons Learned and Needed Reforms," ("Lessons Learned") noted multiple failures by local, state, and federal agencies. Now lawmakers and regulators could not hide from the truth. They would have to accept responsibility to act.

### THE POWER OF COMMUNITY

People came together in remarkable numbers at forums and community meetings to demand change. On one



photo by Keely Kernan

freezing cold night, hundreds gathered at the state Capitol for a vigil to honor water. Thousands gathered across West Virginia and around the globe in solidarity for the right to safe, clean water.

Evening after evening, WVRC and other partners attended and hosted meetings where the community could be heard. For many people, this would be their first foray into community activism. Our job was to empower and bring voice to this new movement.

### WORKING WITH LAWMAKERS

Many lawmakers knew it was time to change the regulatory culture in West Virginia. They knew that change is politically difficult. But the truth inspired many.

The media focus, the facts published by WVRC, the power of community, and our unrelenting advocacy in the Capitol enabled lawmakers to side with truth. Legislators responded to WVRC's recommendations outlined in "Lessons Learned," and a stronger water protection bill was possible.



WVRC executive director Angie Rosser at the Freedom Industries site with CBS Evening News correspondent Chip Reid. Angie was awarded the prestigious Linda Schnautz Environmental Courage award for her work during the crisis.



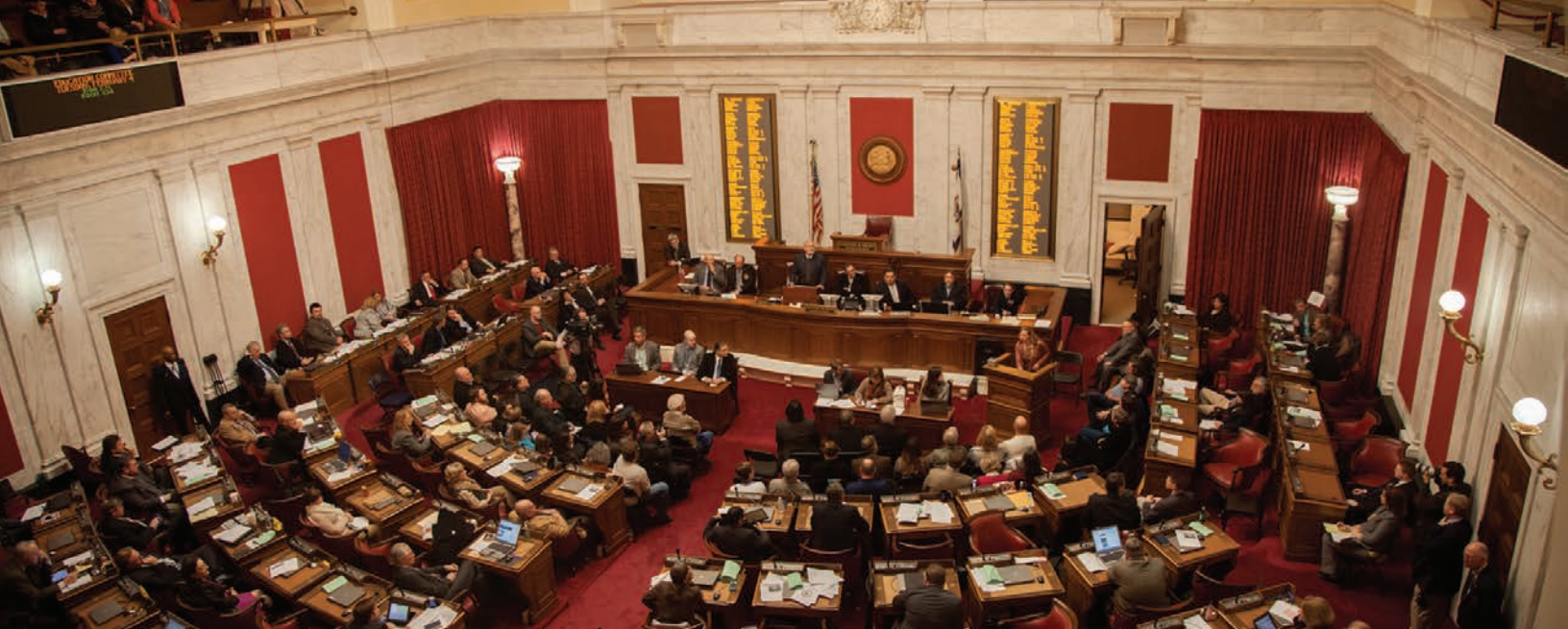


photo by Keely Kernan

## Sixty Days To Policy Reform: The Report That Framed The Dialogue

After “Lessons Learned” was published no lawmaker could deny that a failure to enforce existing laws contributed to the disaster

Shortly after the “do not use” order was issued for nine counties, WVRC executive director Angie Rosser and WVRC’s science advisor Evan Hansen made a critical decision. They researched federal and state laws and regulations that appeared to apply to the Freedom Industries site. What they found amounted to an indictment of government inaction and failure to regulate. On the day of its release, “The Freedom Industries’ Spill: Lessons Learned and Needed Reforms” became national news.

The report outlined what West Virginians have been saying for decades: “The tone of many of our state leaders has been clear—too much regulation

**Ultimately,  
“Lessons Learned”  
offered the  
framework for  
policy reform.**

and too much involvement by the United States Environmental Protection Agency. Any serious recognition of the link between protecting the environment and promoting a healthy, diversified economy is often lost.”

Perhaps the most remarkable thing about the “Lessons Learned” report was what happened after it was issued. House committee chairs requested public presentations of the findings and recommendations. House leadership made sure a copy of the report was on every Delegate’s desk.

Ultimately, “Lessons Learned” offered the framework for policy reform. It focused the dialogue on clean water—not just on chemical spills.

## THE ELK RIVER STORY

**Jan. 9:** WV American Water announces a “do not use” order for 300,000 people. Hundreds seek medical attention. Governor declares State of Emergency in nine counties.

**Jan. 12:** WVRC mobilizes experts to draft a report on the causes of the leak. WVRC science advisor Evan Hansen of Downstream Strategies leads the research.

**Jan. 13:** An op-ed by WVRC executive director Angie Rosser is published in Charleston and around the country, calling the leak a predictable consequence of an anti-regulatory culture in WV.

**Jan. 14:** Shaping the dialogue on regulatory reform, Rosser appears in more than 20 national broadcasts and publications in one day.

**Jan. 15:** WVRC meets with Senate Majority Leader John Unger about his plan to sponsor a water protection bill.

**Jan. 18:** Hundreds gather at the Capitol for a candlelight vigil. In solidarity, vigils are held throughout the state and nation, even around the world.

**Jan. 20:** WVRC and Downstream Strategies issue the report, “The Freedom Industries’ Spill: Lessons Learned and Needed Reforms.”

**Jan. 21:** Gov. Tomblin introduces a bill to regulate certain aboveground storage tanks, with many exceptions.

**Jan. 21:** WVRC’s “Lessons Learned” report is presented to the first of three legislative committees.



# New Law Mandates Source Water Protection Plans

Following legislative success, the real work begins

When Gov. Tomblin signed a new law mandating protection plans for source water, there were lots of “high fives” for completing this historic bill. Congratulations are in order, but now the real work begins.

Senate Bill 373 marks a huge step forward, but it does not guarantee clean water for the people of West Virginia. It creates a process for each community to protect its own water supply.

This means that the West Virginia Rivers Coalition and clean water allies must empower communities to get involved—and stay involved—in source water protection and government accountability.

There are two parts to source water protection. First is an assessment that prioritizes possible threats to drinking water based on land uses that could harm water quality. The second part is planning, which involves creating action plans to prevent crises.

Source water protection focuses on two things: Zones of Critical Concern and Potential Significant Contaminant Sources, or PSCS. These sound highly technical, but they are easy to understand.

**This victory will be meaningless without citizen involvement in planning.**



photo by Rich Katz

- The zone of critical concern is the area near a public water intake where the threat to drinking water intakes is greatest.

- The PSCS are the potential harmful things within a zone of critical concern, things that can hurt public water if something goes wrong. These can be obvious things like chemical storage tanks, or less obvious things like a large parking lot where buses are stored (from which leaking diesel could wash into a river).

WVRC believes that source water protection planning is the most significant success for clean water in the new law. Now source water protection plans are mandatory. That's a good thing. But this victory will be meaningless without citizen involvement in planning.

WVRC needs to undertake a massive effort to offer community assistance in source water protection planning.

Learn more by reviewing the Citizens' Guide to SB373 at [wvrivers.org](http://wvrivers.org).

**Jan. 27:** WVRC meets with House leadership to press for water protection reforms.

**Jan. 27:** Sen. Joe Manchin introduces federal legislation and pledges West Virginia will have the “cleanest, safest water in America.”

**Feb. 3:** More than a 100 people attend and speak at a legislative public hearing.

**Feb. 10:** Angie Rosser addresses Congressional members at a field hearing.

**Feb. 11:** As House committees take up SB 373, amendments reflect the recommendations of WVRC.

**Feb. 17:** Citizens pack a press conference held for E-Day in the Capitol. Angie Rosser addresses the crowd.

**Feb. 24:** WVRC and Downstream Strategies present a second report outlining significant threats to Charleston's water supply.

**Mar. 6:** Evan Hansen addresses U.S. Senate Committee about “Lessons Learned.”

**Mar. 8:** SB373 passes unanimously.

**Apr. 1:** Governor signs SB373 into law.

**Apr. 10:** WVDEP announces it will conduct an expanded public input process in developing rules to implement SB373.





photo by Rich Katz

## A Transformative Moment Comes From Crisis

A new model of organizing aims for clean water throughout West Virginia and beyond

After the chemical leak, people spontaneously began organizing community meetings seeking answers. The West Virginia Rivers Coalition often addressed the crowds at those early meetings to listen to people's concerns, connect them with resources, and suggest constructive actions.

At the same time, organized groups from the environmental,

health, faith, business and social justice communities came together to share information and execute a rapid response to the crisis.

The two parallel organizing efforts soon blended into a "Water Crisis Roundtable" that includes the traditional environmental community as well as dozens of diverse citizen groups and individuals—some newly formed out of the crisis.

The Roundtable met several times over the past months. WVRC has helped put the crisis into the context of a larger clean-water agenda. We provided the expertise and suggested actions needed for comprehensive policy reforms.

What began as a tragic pollution event has sparked an incredible new conversation about what is possible for West Virginia. Through this dialogue could come a transformation of the environmental movement, one built from the ground up by people from all walks of life—people working toward a shared future in which a clean, healthy environment is a part of our birthright.

The work and vision of the Roundtable will evolve as more organizations get involved, but people are united in the belief that it is government's job to assure access to clean, safe water.

The Roundtable represents a huge cultural shift. It's a mindset that finally acknowledges that clean water is a building block for healthy communities and a vibrant economy.

The Roundtable will convene strategic planning sessions over the next three months. To get involved, contact Angie Rosser at [arosser@wvivers.org](mailto:arosser@wvivers.org).

**Clean rivers and  
the wildlife they  
support make  
West Virginia  
Wild & Wonderful.**



photo by D.T. Stephenson





*photo by Samuel Taylor Photography*

## Redeeming West Virginia as the “Birthplace of Rivers”

A monument could inspire a renewed sense of pride

The Elk River chemical leak damaged our entire state’s image. Businesses across the state have suffered—so have their employees.

West Virginia needs to be proactive in recovering its image as an attractive place to live and visit. People are looking for positive ways forward—ideas that showcase what’s best about our state.

The proposed Birthplace of Rivers National Monument is such an idea. It would permanently protect 120,000 acres in the southern Monongahela National Forest, an area containing unique wildlife habitat and some of the most pristine waters in the Eastern U.S.

The Birthplace of Rivers is the headwaters for six storied rivers: the Elk, Gauley, Greenbrier, Cranberry, Williams, and Cherry. It is home to some of our state’s most dramatic vistas, tallest waterfalls, and cleanest waterways. It has wild rivers, dense forests of red spruce, and rugged valleys with trout streams and habitat for black bears and other native creatures. It’s a place treasured by hunters and birders and hikers and paddlers.

West Virginia is special for its abundance of

freshwater and as the headwaters of our nation’s great rivers. In our mountain headwaters, we have some of the cleanest water available for human use and consumption.

We have a responsibility to protect these headwaters that flow as the drinking water source for millions. Our rivers are central to our heritage and outdoor recreation like fishing, hunting, boating, and swimming.

Clean water is good for business, too. Our pristine rivers and mountain landscapes are a centerpiece of our growing tourism industry. It’s good for everyone.

Birthplace of Rivers sends a message throughout the state and the world that we value our water resources, honor our status as a “headwaters state” for the nation, and commit to preserving for future generations what makes us uniquely “wild and wonderful” West Virginia. It’s a celebration of our clean water and quality of life.

**To stay informed about  
the Birthplace of Rivers  
proposal, sign up for  
special email updates at  
[WVRIVERS.ORG](http://WVRIVERS.ORG).**

*photo by Philip Smith*





# PROTECTING HEADWATERS

The West Virginia Rivers Coalition is dedicated to restoring and protecting the rivers and streams throughout the Mountain State. We believe that clean water is the foundation of life, and that all people should respect and be able to enjoy clean West Virginia rivers and streams. Please be a part of this work by making a contribution today.

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*photo by Samuel Taylor Photography*



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