



**Technical Assistance Services for Communities**  
**Contract No.: EP-W-07-059**  
**TASC WA No.: To be assigned**  
**Technical Directive No.: HQ-EJ-02**

### **Technical Directive Work Plan**

**Site Name:** Port of Huntington Tri-State  
**Site Locations:** Marshall University, Huntington, West Virginia and  
West Virginia State University, Institute, West Virginia  
**Dates:** June 1, 2010  
**Time:** 7:00-10:00pm EST

As part of the Port of Huntington Tri-State Collaborative Geographic Initiative (“Initiative”), the first of two Community Vision Meetings was held on June 1, 2010 at Marshall University in Huntington, West Virginia. The Community Vision Meetings were held by U.S. Environmental Protection Agency (EPA) Region 3 staff to present the Initiative to community members in the Huntington tri-state area and the Kanawha Valley and to gather community feedback on the Initiative. In addition, these meetings served as an opportunity for EPA to solicit input from the attendees regarding the environmental issues and concerns in their communities. The community input will assist in strengthening the effectiveness of the Initiative, engaging the community in the decision-making process, and building community capacity to ensure protection of the environment and public health.

The meeting agendas and sign-in sheets are attached to this summary report.

### **PARTICIPANTS**

The participants of this meeting represented regulators (state government and city government), industry stakeholders and community stakeholders, and included:

- Representatives of the West Virginia Department of Environmental Protection (WV DEP), including members from the Division of Air Quality, the Environmental Enforcement Office, the Public Information Office and the Office of Environmental Advocate.
- Representatives from the Huntington Sanitary Board.
- A representative from the West Virginia Rural Water Association.
- A representative from a local steel company.
- A representative from an engineering firm.
- Representatives from the Huntington News Network.
- A public health worker.
- Concerned citizens.

## **MEETING SUMMARY**

### **Welcome and Introductions**

The Technical Assistance Services for Communities (TASC) facilitator, Michael Lythcott, called the meeting to order at 7:10 p.m. at the Marshall University Memorial Student Center in Huntington, West Virginia. As per the agenda (see attached Addendum I), Matthew Lee, the Community Involvement Contact from U.S. EPA Region 3, thanked everyone for coming to the meeting. The meeting facilitator, Mr. Lythcott, introduced himself and the following attendees from EPA:

- Makeba Morris, U.S. EPA Region 3, Compliance Assistance Coordinator.
- Kedesch Altidor, U.S. EPA Region 4, Environmental Scientist, Environmental Justice Program.

Individuals in the room introduced themselves and shared their affiliations.

### **Facilitator's Opening Remarks - Meeting Overview and Ground Rules**

Mr. Lythcott briefly introduced the Initiative and gave an overview of the meeting agenda. He stressed that the community dialogue portion of the meeting would assist EPA in understanding community concerns and would enable EPA to adapt the Initiative according to the community stakeholders who are of primary importance. Mr. Lythcott also stressed that individuals could ask questions at any time during the presentation, or could make a note of their questions to ask during the time allotted following the presentation.

### **PowerPoint Presentation:**

#### ***Port of Huntington Tri-State Collaborative Geographic Initiative***

Matthew Lee presented information to the audience on the Initiative, with Makeba Morris presenting the compliance assistance portion of the presentation.

Mr. Lee started the presentation by reiterating that EPA's goals for the Community Vision Meetings are that:

- Community members fully understand the Initiative and feel meaningfully involved.
- EPA receives community feedback on the Initiative in order to know how to enhance the Initiative to better meet community needs.

Mr. Lee briefly introduced background on the Port of Huntington ("Port"), which is the largest inland port in the U.S. in terms of cargo (77 million tons are transported through the Port annually). The Port consists of 100 miles of the Ohio River, 90 miles of the Kanawha River and 9 miles of the Big Sandy River, and is located at the intersection of three states (Ohio, Kentucky and West Virginia) and three EPA regions (Regions 3, 4 and 5). The need for an Initiative stems from the fact that unlike other ports of its size, the Port has no central port authority to oversee its operations. In addition, there is increasing concern over public health and environmental issues for communities located within the Port's boundaries.

Mr. Lee outlined the goals of the Initiative, which are to:

- Assess the environmental impact of the Port's operations on surrounding communities.
- Reduce pollutant loading from facilities.
- Increase facilities' compliance with environmental regulations.
- Increase understanding of environmental requirements by regulated facilities.
- Increase human health benefits.
- Build the community's capacity to help ensure the protection of the environment and public health.

The Initiative's strategy is a three-pronged approach consisting of:

- Enforcement (inspections).
- Compliance assistance.
- Community involvement (environmental justice).

Mr. Lee gave an overview of data that EPA gathered during the reconnaissance portion of the Initiative. This data informed the Initiative's enforcement strategy, which involves two types of inspections to address large and small facilities:

- Process-based inspections at large facilities are inspections of all media (air, water and waste) that take about a week.
- Multi-media screening inspections with single media follow-up are inspections at small and medium sized facilities, which allow observation of approximately 10 facilities in a week.

Screening inspections were conducted in Nitro, West Virginia in November, 2009 by inspectors from EPA Regions 3, 4 and 5. Potential non-compliance was found at 10 of 11 facilities inspected. The benefits of inspections were highlighted by the fact that the one facility in compliance was inspected five years ago. Further screening inspections are scheduled for the tri-state area in the summer of 2010, and the process-based inspections are scheduled for 2010 and 2011.

Makeba Morris presented information on the Initiative's compliance assistance strategy, which consists of:

- A compliance assistance workshop (held May 2010).
- Compliance assistance mailings (first round sent to industrial facilities in September 2009, second round scheduled to be sent to hospitals and schools in summer 2010).

Mr. Lee presented the concept of environmental justice and outlined EPA's priority to ensure public participation in government decision-making. The Initiative's community involvement strategy involves:

- Community capacity building (potentially through workshops and information sessions).

- Partnership building with relevant stakeholders (e.g., local government, community organizations, trade associations, colleges/universities).
- Public outreach by:
  - The Huntington Initiative website, accessible at <http://www.epa.gov/region03/oecej/initiatives.html>.
  - The Community Vision Meetings (held June 1 and 2, 2010).
  - The Huntington Initiative factsheet (available at the meeting and online at the Huntington Initiative website).
  - The Community Resource Bulletin, which includes basic background information on all the partners involved (EPA Regions 3, 4 and 5, and state agencies), how to submit a tip or complaint, contact information, and information on opportunities for environmental justice grants and brownfields grants.

The two questions Mr. Lee posed to the community in the presentation were:

- How can we best get information on the Initiative to you?
- What else do you think EPA should be doing?

### **Questions and Comments - A Facilitated Discussion on the Presentation**

Mr. Lythcott directed the audience to ask questions about the presentation that they wanted clarified and any other issues directly related to the Initiative. Questions included (answers are in italics):

- How is the 77 million tons of cargo defined?
  - *The Port is a geographic area, and the 77 million tons statistic is based on the U.S. Department of Commerce estimate of cargo that is moved through the Port by waterways, railways and trucking.*
- Where is the second round of compliance assistance mailings to be sent? Does the community have access to the factsheets?
  - *The second round of compliance assistance mailings will be sent to hospitals and schools. The factsheets are available in the back of the room and on the Huntington Initiative website.*
- How were the sectors chosen for inspections? How were the facilities defined as high priority?
  - *The sectors chosen were of greatest concern based on their potential to cause harm to the environment. There were 25 different sectors, and no one sector was targeted more than another. EPA wants to increase compliance by getting information out to the facilities so that they become better stewards of human health and the environment.*

- Who is collaborating on the inspections? Aren't the inspections redundant if the states already perform inspections?
  - *EPA and the states are collaborating. Based on the amount of non-compliance observed in the initial inspections, it seems that there is a need for more inspections.*
- How is the Initiative funded?
  - *The Initiative is funded by the general budgets of EPA Regions 3, 4 and 5, with additional resources provided by the states.*
- It was stated in the presentation that some facilities were found to be without permits in the inspections. Should they have had permits?
  - *Yes.*
- Will there be a third round of inspections?
  - *Maybe. If a citizen calls in a tip or complaint, this could alert EPA to the need for further inspections. Mr. Lee handles the community tips/complaints that are submitted.*
- A representative from the Division of Air Quality at WV DEP wanted to clarify details surrounding the USA Today 2008 Air Quality study ("USA Today study"), which was cited during the presentation on the Initiative. The USA Today study gathered some data and made several assumptions. It was not a legitimate study in that it did not allow external investigators to perform fact checks on the data or analysis. The state [WV DEP] did some follow up studies and monitored air quality from mid-August to mid-October, 2009. The WV DEP measurements were much lower than those cited in the USA Today study. However, the WV DEP representative noted that the USA Today article was beneficial in that it made people focus on the issue of air quality; however, it was important to ensure the people do not think that WV DEP is doing nothing. WV DEP is following up and addressing air quality concerns.
  - *These comments were noted by EPA. The facilitator thanked the speaker for her comments and clarifications.*

At this point in the discussion a couple of community members that had entered the meeting late, and who were not present for the presentation on the Initiative, wanted to give input on their environmental concern, which was also related to air quality. They stated that there is a particular smell to Huntington due to the prevalence of the practice of burning garbage. On a more personal level, they experience the negative consequences of garbage burning in that four or five months of the year they cannot breathe in their living room because their neighbor burns garbage in the winter time. They have called the fire department, WV DEP, the police and everyone they can think of that might be able to help. So far they have not found anyone to assist them. They noted that it is hard to be engaged in larger, more general pollution issues when they have such a pollution problem affecting them personally on a daily basis. They came to the Initiative meeting in the hopes that EPA could assist them.

- *Unfortunately EPA does not have the authority to intervene in such a case, but there is a wood stove change out program that might help. The program assists*

*community members in exchanging their wood stoves for more energy efficient, less polluting stoves. Information about the wood stove change out program can be sent via e-mail.*

For the next portion of the discussion the facilitator directed the audience to think about community-driven ideas that could help direct the Initiative.

- A representative from the West Virginia Rural Water Association asked how his association can work together with EPA. He was particularly interested in stormwater issues and publicizing them. He noted that there was a lot of overlap with many people working on sanitary systems and sewers.
  - *EPA said they were willing to work with him and his organization as much as possible.*
- An industry representative was concerned about the lack of communication from EPA on the findings from the screening inspections in Nitro, West Virginia. He was concerned that industries do not know what non-compliance was found in Nitro and wonder what will be found when the screening inspections are conducted in Huntington.
  - *The detailed information has not been released due to the ongoing enforcement actions. The potential non-compliance cases are in the case development stage and are therefore confidential.*

The following concerns/comments were expressed by a community member who identified himself as being from the Source Water Protection Program (the program focuses on the watershed and looks at potential issues upstream, such as spill factors, and works on spill prevention):

- How much has EPA worked with the Ohio River Valley Water Sanitation Commission (ORSANCO) on the Initiative?
  - *EPA responded that people in ORSANCO are aware of the Initiative; however ORSANCO is another group to whom EPA would like to reach out again.*
- ORSANCO has resources and expertise and they also have automated detection systems in the stream. Continuous monitors are useful as a protective measure. For example, a network of continuous monitoring of conductivity, pH and temperature in Pittsburg provides an early warning in case of a spill. In addition, if the Port areas can install relatively inexpensive equipment in many locations, this will increase public awareness and facilities' awareness of the river and water quality.
- There is the issue of water containing high bromide ion concentrations (from salt), which is not generally toxic. However if levels are a little elevated, when water is disinfected with chlorine the reaction produces brominated disinfection products. There is a boom in Marcellus shale drilling to access natural gas reserves. One of the results is a high level of bromide ions in the water. The Marcellus shale drilling for natural gas is supposed to be the boom that will replace coal, but there are negative consequences of a boom in that it takes a while for regulators, enforcement and inspections to catch up to prevent pollution. In addition, the oil and gas wells are not in one place; they move, and production of

bromide ion is not a regulated activity. This all means that this is hard to regulate, and it is hard to protect the watershed.

- To summarize, these are some ideas that may assist EPA's efforts in the Initiative:
  - Include other programs that are out there (e.g. use other watershed programs already in place).
  - Use monitoring in real time to allow quick response times.
  - Perform practice emergency drills to see what happens or what goes wrong. This will assist EPA to ensure that industrial facilities and community members are prepared in the case of emergencies.

The facilitator suggested that the larger theme of these comments was a suggestion that EPA look below the state level at other agencies involved, and examine how EPA can bring them on as partners, to combine efforts to address environmental concerns.

As the next step in the discussion, the facilitator asked the audience if they thought that the Initiative is a good thing, whether the community welcomes it, and if not, why?

Community members agreed that people appreciate results, and people will respond favorably to the Initiative if EPA can show that it produces results. It was suggested that EPA work to publicize the Initiative's results, as success stories help to engage people.

- *EPA responded that as soon as the potential non-compliance cases get through case development, and as soon as EPA can release the information, the Huntington Initiative website will be updated with the new information and EPA will send an e-mail to people who entered their e-mail addresses on the sign-in sheet.*

### **Community Feedback on the Initiative - Ways to Move Forward that Include and Ensure Community Input**

At this point a community member asked why EPA was asking for their input.

- *The Initiative is not just focused at the facility level. EPA wants to know the community's concerns. For example, if community members are greatly concerned about lead, EPA will know to provide information on lead and help address that issue.*
- *EPA is using the Initiative as a model to help direct future initiatives. The Initiative uses a new approach by combining enforcement, compliance assistance and community engagement, and is also unique because it involves three states and three EPA regions.*

At this point in the discussion the facilitator asked the community for ideas about how to better engage the community in order to bring more people out to such meetings.

Before engaging the facilitator's question, a community member first raised the question as to how this meeting was publicized.

- *The meeting was advertised in newspapers, libraries, radio stations, TV stations and a mailing of factsheets to environmental groups.*

The following summarizes the community input to the facilitator's questions regarding improved community outreach and specifics on how EPA can better communicate with the community:

- The low turnout at the meeting may be due to the fact that it was scheduled right after a holiday (the meeting was held on the Tuesday after Memorial Day). People take vacations just before or after a holiday and many people may be out of town.
- WV DEP sent out information on the meeting. In general, information is sent close to the event date so that people do not forget, but maybe in this case, due to the timing of the meeting it was too close to a holiday, and people did not pay attention.
- The title of the meeting: "The Port of Huntington Tri-State Collaborative Geographic Initiative" is not interesting to the general homeowner. There is a need to publicize something that is personal and resonates as important. Perhaps emphasizing the health aspects in relation to the Initiative would help engage the general community.
- Industries receive a news release, which is sent to particular types of industries. Such news releases are a good advertising mechanism (e.g. WV DEP has contact information for all the water companies, waste companies).
- Often similar events and meetings have good attendance because they are related to an issue that is of major concern and a follow up study is performed. Such meetings garner interest because people want to hear the results of the follow up study. In the Huntington Initiative case it seems is as though it is a study looking for an issue.
- More could be made of the fact that eight out of 11 facilities had potential non-compliance issues. This would be particularly effective in garnering interest if it was related to a specific contaminant, media or facility about which the local community was already concerned. The community would be interested if EPA came in at that point and advertized how the issue would to be addressed.

### **Next Steps: How EPA will Communicate and Engage with the Community**

Community members were informed that if they entered their information on the sign-in sheet they will be on the Initiative mailing list for future mailings.

### **Wrap-Up and Final Comments**

The facilitator thanked everyone for their participation and feedback on the Initiative, and for their input on general environmental concerns and community outreach.

The meeting adjourned at approximately 9:10 p.m. and attendees were invited to take factsheets and make sure their information was on the sign-in sheet.



**Facilitator**

Michael J. Lythcott    TASC/E<sup>2</sup> Inc.

**Notes**

Joanne Scanlon        TASC/E<sup>2</sup> Inc.

## Addendum I. Meeting Agenda

### AGENDA

## ***Port of Huntington Tri-State Collaborative Geographic Initiative***

### **Community Vision/Engagement Meeting**

The Marshall University Memorial Student Center

Fifth Avenue Marshall University

Huntington, W.Va. 25755

**Tuesday, June 1st, 2010**

**7:00 p.m. – 10:00 p.m.**

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| <b>6:30 – 7:00</b>  | <b>Sign In</b>   |
| <b>7:00 – 7:15</b>  | <b>Welcome and Introductions</b><br>Matthew Lee, U.S. EPA Region 3, Community Involvement Contact  |
| <b>7:15 – 7:30</b>  | <b>Facilitator's Opening Remarks - Meeting overview and ground rules</b><br>Michael J. Lythcott, Technical Assistance Services for Communities (TASC) Facilitator <ul style="list-style-type: none"><li>a. Purpose, Goals and Objectives of the Meeting</li><li>b. Development of Ground Rules</li></ul> |
| <b>7:30 – 8:15</b>  | <b>PowerPoint Presentation:</b><br><b><i>Port of Huntington TriState Collaborative Geographic Initiative</i></b><br>Matthew Lee<br>Makeba Morris, U.S. EPA Region 3, Compliance Assistance Coordinator   |
| <b>8:15 – 8:45</b>  | <b>Questions and Comments - A facilitated discussion on the presentation</b><br>Michael J. Lythcott  |
| <b>8:45 – 9:30</b>  | <b>Community Feedback on the Initiative - Ways to move forward that include and ensure community input</b><br>Michael J. Lythcott  |
| <b>9:30 – 9:45</b>  | <b>Next Steps: How EPA will communicate and engage with the community</b><br>Matthew Lee   |
| <b>9:45 – 10:00</b> | <b>Wrap-Up and Final Comments</b><br>Michael J. Lythcott   |
| <b>10:00</b>        | <b>Adjourn</b>   |