

Chief Defends DEP, Orders Water Probe

CHARLESTON, W.Va., September 15, 2009 /The Charleston Gazette/ Environmental Protection Secretary Randy Huffman on Monday defended his agency's policing of mining industry after a national newspaper investigation highlighted lax enforcement in West Virginia to illustrate similar failing by state agencies across the country.

But Huffman also said he has ordered a new investigation of the situation focused on by The New York Times: the Boone County community of Prenter's tainted drinking water, which residents blame on the coal industry.

Huffman said he has decided he needs to take steps to ensure Department of Environmental Protection staffers don't believe the agency is involved in a "conspiracy to protect the coal industry."

"What it is they believe is taking place in this corner office would be a surprise to me," Huffman said in a lengthy interview at DEP headquarters in Kanawha City.

Huffman noted one reader's comment posted on the Times Web site by a DEP employee who alleged the agency's leadership is corrupt. And he recalled some employees saying they were worried Huffman would fire an agency biologist who wrote a memo critical of his congressional testimony defending mountaintop-removal mining.

"It bothers me that there was an expectation that 'Randy is Attila the Hun' here and is going to come down on him," Huffman said. "If I'm coming across that way, I'm a little bit bothered."

Huffman was referring to a memo by DEP biologist Doug Wood highlighting agency research indicating serious water quality programs being caused by mountaintop removal. Wood wrote the memo after Huffman testified at a U.S. Senate hearing and was critical of Obama administration efforts to more closely scrutinize mining permits.

"That's a dangerous place for an employee to be – to think they have to put something in writing because his voice wasn't being heard," Huffman said.

On Sunday, a Times investigation reported that industrial facilities across the county have escaped punishment for tens of thousands of water pollution permit violations. State agencies are ignoring the problems, the story said, and the U.S. Environmental Protection Agency rarely steps in.

The story, by reporter Charles Duhigg, cited as its major example the injection of coal slurry underground around the community of Prenter. Residents complain the slurry has migrated into their water supply, causing a variety of health problems. The front-page article was illustrated by

a large photograph of a 7-year-old's damaged teeth, blamed by his family and dentist on the polluted water.

Huffman said Monday that his agency has been unable to prove mining or slurry injection caused the pollution, but would be conducting a new, more detailed examination of the matter.

As the Times noted, an independent examination by scientists working for Prenter-area residents contradicted the DEP's findings so far, and blamed the problem on Slurry injection.

State officials are already funding a project to provide city water to the area, Huffman said.

If the DEP could prove the pollution is mining related, the state could force the companies responsible to fund that project.

According to the Times analysis, "hundreds of workplaces in West Virginia have violated pollution laws without paying fines. The article cited a "half-dozen" unnamed current and former DEP employees who said "their enforcement efforts have been undermined by bureaucratic disorganization, a departmental preference to let polluters escape punishment if they promise to be try harder, and a revolving door of regulators who leave for higher-paying jobs at the companies they once policed."

But Huffman noted that the Times' print edition included a chart that indicated West Virginia had the 10th-highest rating among the states of taking enforcement actions against water pollution violators.

"If you're going to use a poster child in your article, I don't think you pick a top-10 state," Huffman said.

Huffman faulted his own agency's response to the Times' questions, including part of a formal statement that said, "It is important to note that if the close scrutiny given to our state had been given to others, it is likely that similar issues would have been found."

Huffman said that was written earlier in the agency's discussions with the Times, at a time when DEP officials were "feeling defensive" about the newspaper's examination.

"I think we're an easier target," Huffman said. "And I think we're an easy target on the Clean Water Act generally because of many people in this country's feelings about surface mining."

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