STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
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EARL RAY TOMBLIN
GOVERNOR

January 27, 2014

Ms. MaryAnn Tierney
Regional Administrator
FEMA Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA, 19106-0444

Through:

Mr. Michael J. Lapinski
Federal Coordinating Officer
FEMA-3366-EM
FEMA Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA, 19106-0444

Dear Ms. Tierney:

Beginning on January 9, 2014, the West Virginia-American Water Company issued an order directing approximately 100,000 customers not to use their tap water. The affected area contained portions of Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam, and Roane Counties. This "Do Not Use" order was issued to prevent adverse health effects for the approximately 300,000 residents, as well as those visiting the area. This situation was deemed serious enough to warrant an immediate Presidential Emergency Declaration (FEMA-EM-3366-WV) that utilized Emergency Protective Measures to assist the state in providing for the safety and welfare of the affected citizens, but that help was limited to Direct Federal Assistance.

At the time of the Presidential Emergency Declaration, no one knew how long this assistance would be needed, but by the rapid response to our request, affected citizens were provided the water and food they have needed during this time of deprivation.

The public agencies that have borne the brunt of the extraordinary expenditures required to distribute supplies and meet the needs of the affected population are presently denied access to Category B Emergency Protective Measures funding due to the limitation placed on the program by the wording of the Emergency Declaration. Therefore, I respectfully request that this Emergency Declaration be modified to provide Category B, Emergency Protective Measures, including direct funding assistance, to eligible applicants in the nine counties currently included in the declaration.

This is necessary due to the extraordinary expenditures incurred by state and local responding agencies and the adverse effects on the economy and tax revenues of the affected areas. A preliminary estimate is that state and local responding agencies will incur in excess of $2,000,000 in eligible costs in addition to the state payment of 25% of the costs of the already approved direct federal assistance. And, I must emphasize that the response is ongoing and several of the key agencies have not been able to take the time to provide estimates of their costs because of their commitment to meeting the needs of the people first.

At the same time, the affected area's economy has been devastated by the loss of income to businesses that have been closed or open on a limited basis. One source has estimated that hotels and restaurants have lost $1,000,000 in revenue a day while other businesses have had to close part of their operation. For example, a business selling coffee and food in addition to merchandise could remain open, but lost a portion of its income which, in some cases, can equal or exceed its merchandise revenue. There is concern that this event will further impact the state's economy because of the negative images that many potential tourists have seen.

The closure of businesses costs workers their source of income and increases their need for assistance. A similar situation exists for government at all levels. If businesses and individuals do not make money, then they pay less in taxes and that affects the solvency of state and local governments. A detailed analysis of this event is not possible at this time, but I am certain it will show a total economic loss for the citizens, businesses, and governments of this area that will exceed the direct emergency protective measures we are providing many times over.

The economic and social consequences of this event are far-reaching. The school systems in some of the affected counties have lost instructional time that will result in extending their school calendars to comply with state law, lost food that expired during the outage, and had extraordinary costs to pay in order to flush their water systems and clean the areas exposed to the contaminated water. Ongoing testing of the water supply by National Guard personnel, including members of Civil Support Teams from four states, has assisted in the verification of the levels of the contaminant so it could be determined when the levels fell to the range that the Centers for Disease Control and Prevention believed safe. Yet, despite the best efforts of the company and government many people no longer view their tap water as safe and are continuing to demand bottled water to meet their potable water needs. It is impossible to predict when this will change, if ever.

There is little hope that these costs can be recouped by the party found responsible for this event. The company that was storing the contaminants has filed for bankruptcy and there are several pending suits against that company. It is very unlikely the state will ever receive any reimbursement for its costs from the responsible party. We are aware that the assistance that can be provided through the Stafford Act is limited. However, by granting my request that the Emergency Declaration be modified so eligible Emergency Protective Measures expenditures by state and local governments and eligible non-profit agencies are treated the same as those provided by the federal government, your efforts to help those affected will be as comprehensive as they can be.

Sincerely,

Earl Ray Tomblin

Earl Ray Tomblin
Governor