

From: **Whittaker, Frank M** <frank.m.whittaker@wv.gov>
Date: Tue, Dec 28, 2021 at 8:59 AM
Subject: Re: My Email Address
To: Chambers Smith, Jessica <jessica.chamberssmith@wv.gov>
Cc: Linda B Harper <linda.b.harper@wv.gov>, B.J. Chestnut <b.j.chestnut@wv.gov>, Joseph E Hager III <joseph.e.hageriii@wv.gov>

Jessica,

Your emergency request for tire fire response and mitigation at WV Tire Disposal Incorporated is approved. Please follow all emergency procedures outlined in the Purchasing Division Procedures Handbook and provide all supporting documentation to this office within 30 days of this approval for processing.

Thank you,

Frank Whittaker, CPPB, NIGP-CPP

Assistant Director
West Virginia Purchasing Division
2019 Washington Street, East
Charleston, WV 25305
(304) 558-2316
frank.m.whittaker@wv.gov

On Tue, Dec 28, 2021 at 8:20 AM Chambers Smith, Jessica <jessica.chamberssmith@wv.gov> wrote:
Frank,

Please see our request for emergency approval below. Feel free to contact me if you have any questions or concerns.

Thanks,

Jessica Chambers-Smith
(304)926-0499 ext.41140

----- Forwarded message -----

From: **Joins, Rusty T** <rusty.t.joins@wv.gov>
Date: Mon, Dec 27, 2021 at 10:51 PM
Subject: Re: My Email Address
To: Chambers Smith, Jessica <jessica.chamberssmith@wv.gov>

Cc: Randy E Taylor <randy.e.taylor@wv.gov>, B.J. Chestnut <b.j.chestnut@wv.gov>, Jeremy Bandy <jeremy.w.bandy@wv.gov>

Justification:

Tire Fire Response, Emergency Purchase at WV Tire Disposal Incorporated, hereafter referred to as facility.

A fire at the facility was identified during the early morning hours of 12/25/2021, and continues to burn even though local volunteer fire companies have worked to extinguish the fire for three days.

The fire is impacting the community through air emissions, the extensive use of the local public water supply, the potential off site migration of contaminants washed into the onsite stormwater management pond, and the potential of the fire igniting other buried tires in an adjacent tire disposal cell.

The facility is permitted to process and dispose of used tires onsite. Due to continued regulatory non compliance, the facility has been under a cease and desist order for the last two years, is currently under administrative orders issued by WVDEP and court orders.

Mr. Robert Thompson, the reported owner of the business, and primary company official, has been slow to take action to arrange for additional pumps for quenching the burning tires, slow to sign the contract authorizing the cleanup, which was key in committing to the initial site assessment, and slow to ensure the funds are made available to the contractor. In a conversation Saturday evening, 12/25/21, Mr. Thompson indicated that he was not familiar with the proper methods of mitigating a tire fire,

It has been reported that Mr. Thompson canceled the business insurance and/or allowed the insurance to lapse. Whichever the case, there is no insurance to fund the fire response.

Necessary work:

Fire fighting operations will include

- Skilled management staff trained and experienced in responding to and mitigating tire fires
- Continual water supply trucked in from a source other than the The City of Summersville public water supply to be used for cooling heavy equipment and quenching the burning tires
- Tank trucks to deliver the alternate water supply to the site
- Properly trained and experienced personnel familiar with tire fire fighting operations
- Adequate amount of equipment to remove burning tires from the fire, quench the burning tires, and move the extinguished tires away from potential reignition and to maintain an adequately sized work area
- Skimming equipment for the onsite stormwater management pond and containment volume to recover the oil phase discharge from the fire fighting operation

- Personnel trained and experienced in waste management to ensure proper disposal of the material collected from the surface of the onsite stormwater management pond

I will forward the estimate upon receipt.

On Mon, Dec 27, 2021 at 3:37 PM Chambers Smith, Jessica <jessica.chamberssmith@wv.gov> wrote:

Hi Rusty,

I am going to need a detailed justification outlining the work necessary to clean up everything in order to determine if this is an emergency that we can proceed with under our exemption, or if it will have to be approved by State Purchasing. If the vendor provided a quote that would even be helpful.

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Thanks,

Jessica Chambers-Smith
(304)926-0499 ext.41140

----- Forwarded message -----

From: **Taylor, Randy E** <randy.e.taylor@wv.gov>

Date: Mon, Dec 27, 2021 at 3:23 PM

Subject: Re: My Email Address

To: Chambers Smith, Jessica <jessica.chamberssmith@wv.gov>

Thanks,

Here is the email that Rusty just sent to me.

On Mon, Dec 27, 2021 at 3:06 PM Joins, Rusty T <rusty.t.joins@wv.gov> wrote:
Mr. McCarty,

Per our conversation, the West Virginia Department of Environmental Protection accepts your good faith estimate of \$800,000.00 to \$1,000,00.00, for the purposes of responding, extinguishing the tire fire and properly managing the oil phase material collected in the on site stormwater management pond.

This agreement will be effective upon your reply email which will indicate your acceptance. In your follow-up email please provide a timeline for mobilization and commencement of operation at the site.

Please feel free to contact me with any questions.

Respectfully,
Rusty T. Joins, Chief
Homeland Security and Emergency Response
West Virginia Department of Environmental Protection