

From: (b) (6) Privacy, (b)
To: [ECRD Complaints](#)
Subject: FORMAL COMPLAINT — Gary, WV Municipal Water Quality
Date: Monday, March 2, 2026 8:00:10 PM

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Hello

As a concerned resident of southern West Virginia, my heart breaks every time I hear about the daily struggles of our neighbors just a few miles away in Gary. These are not distant statistics—they are fellow West Virginians, many of them elderly widows of coal miners, young children, disabled veterans, and families who have already endured the collapse of our region's coal economy. They deserve clean water, dignity, and the basic chance to live without fear of their own taps. Yet for **decades**, the municipal water system in Gary has failed them in ways that cruelly discriminate against those with disabilities.

I am filing this **formal complaint** on behalf of the qualified individuals with disabilities in Gary who are being denied equal access to safe drinking and bathing water. The Town of Gary operates the water system as a recipient of EPA financial assistance through Safe Drinking Water Act programs and infrastructure grants. The West Virginia Public Service Commission and the State of West Virginia share responsibility through regulation, oversight, and control of funding and potential takeover.

For generations, and with full knowledge of all three entities, Gary's water has been discolored (red, orange, or black), coated with a greasy film, and filled with excessive iron, manganese, and other contaminants. It carries a metallic smell that makes showering feel like breathing chemicals. Residents report painful skin rashes, burns, breathing problems, ruined clothes and appliances, and the constant terror of boil-water advisories. Many families, already living below the poverty line in one of America's poorest counties, spend more than \$150 a month on bottled water they can barely afford, choosing between formula for babies and medicine for the sick. For people with disabilities: chronic respiratory conditions, weakened immune systems, skin disorders, or mobility issues that make hygiene essential—the harm is devastating. They cannot safely bathe, drink, or even wash their hands without risking serious health setbacks. This is not just poor service; it is discrimination that robs them of basic human dignity in their own homes.

The Public Service Commission opened a formal investigation in July 2025 (b) (6) Privacy, (b) (7)(C) Enf. Privacy. On February 6, 2026, PSC staff recommended declaring the system “distressed” and transferring operations to the McDowell County Public Service District. Public hearings are scheduled for March 19, 2026, in Welch. Yet despite years of complaints, 76% water loss from leaks, and documented suffering, no real relief has come. Funding requests for more than \$6 million in fixes have sat unaddressed since 2022.

This ongoing failure violates Section 504 of the Rehabilitation Act (and parallel protections under the Americans with Disabilities Act) because safe water is a core service of an EPA-funded program, and it is being delivered in a way that excludes and severely burdens people with disabilities.

The Town, PSC, and State have known about these problems for decades but have refused reasonable modifications—such as free safe water delivery, point-of-use filters, or accelerated repairs—that would give disabled residents an equal chance to live healthy lives.

I respectfully ask the External Civil Rights Division to:

1. Immediately open an investigation into this discrimination.
2. Require the Town of Gary—and the overseeing State and PSC—to provide every affected disabled resident with free safe drinking and bathing water or effective filters within 14 days.
3. Order a detailed corrective action plan within 30 days that includes full system upgrades or transfer to the McDowell County PSD, plus reimbursement for bottled water and medical costs caused by this crisis.
4. Coordinate directly with the ongoing PSC hearings on March 19, 2026, to ensure swift justice.

Please confirm receipt of this complaint within 10 days and let me know the next steps. These families have waited long enough. As a fellow West Virginian who loves this region and its resilient people, I cannot stay silent while our neighbors—especially the most vulnerable—are left behind.

I am available for an immediate call or meeting and will share this information at the March 19 PSC hearing.

Thank you for protecting the most vulnerable among us and for helping restore hope to a community that has already lost so much.

Sincerely,

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Concerned Citizen
Southern WV