

Berkeley County Public Service Water District

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September 1, 2009

WV Department of Environmental Protection
Division of Mining and Reclamation
Attn: Randy Moore
105 S. Railroad Street, Suite 301
Philippi, WV 26416

RE: North Mountain Shale LLC
Pending Mine Permit Application

Dear Mr. Moore:

As we advised in our letter of May 6, 2009 the Water District engaged the services of GeoConcepts Engineering, Inc. and Joseph J. Donovan, PhD. to review any study done by North Mountain Shale, LLC (NMS) regarding ground water and/or surface water impacts for the pending mine permit application. NMS produced a report entitled "Groundwater and Surface Water Impacts from Surface Mining" dated July 15, 2009. Relative to the NMS report, we are enclosing the individual reports of our consultants as well as their combined Executive Summary of Recommendations.

The Water District has five major areas of concern associated with this project as it might relate to the quantity and or quality of water. They include:

- 1.) District wells that serve Glenwood Forest Subdivision.
- 2.) District wells that serve southern Berkeley County located at Springdale Farms.
- 3.) Future District well exploration area near the proposed site.
- 4.) Any degradation or pollution source that would impact Mill Creek which then could impact wells at Springdale Farms or other water sources.
- 5.) Private wells in the vicinity of the proposed mine site.

It appears that virtually all agree that the mining operation as currently set forth poses little risk to the District wells that serve Glenwood Forest. Only an increase in the scope or footprint of the mining operation would call for additional investigation in this area. The impacts to the remaining four areas are less clear given the scope of study presented by NMS. It is the position of the Water District, based on our consultants'

review, that the application should be deemed incomplete until additional analyses are performed and the findings interpreted.

We believe additional work needs to be performed in order to arrive at a more accurate assessment of the impacts to the groundwater table and Mill Creek which is on the EPA's 303 (d) list for biological impairment.

Specifically we ask that NMS be required to provide the following in order to complete the permitting process and begin the public comment period:

- 1.) Potentiometric Map of the ½ mile area surrounding the proposed permit area and any future areas intended for quarry development.
- 2.) A Water Management Plan that includes the development of Storm Water and S&E management plans.
- 3.) Dewatering engineering to support the assertion that there will be zero dewatering flows or a realistic projection of peak and average dewatering flows and the impact, if any, on any wells and springs within a reasonable distance from the excavation area.
- 4.) Completion of baseline chemistry data of the monitoring samples already collected to include all common analytes.
- 5.) Fund a Dye Tracing study to be undertaken by the Water District to determine if the losing stretch of Mill Creek resurges at the Springdale Farm Spring.
- 6.) Establish a detailed plan for the ongoing monitoring of the water supply through the use of monitoring wells located as close to the excavation as possible.

NMS affiliate, Continental Brick, has been a responsible corporate citizen of Berkeley County. The Water District believes however that the issues above need to be addressed as a matter of normal due diligence before any mining activity is permitted. It is quite possible that all reasonable risks associated with the operation can be effectively mitigated. The public deserves no less than a thorough analysis and the expectation that all logical steps have been taken to insure a safe water supply.

Sincerely,



Gregory S. Rhoe,
Chairman

Cc: Berkeley County Commission
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