

Berkeley County Public Service Water District

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February 23, 2010

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:

The Water District would like to call your attention to our letter of September 1, 2009 regarding the pending mine permit application of North Mountain Shale, LLC (NMS). In conjunction with that application, NMS produced a report entitled "Groundwater and Surface Water Impacts from Surface Mining" dated July 15, 2009. The Water District hired two consultants to review that report and provide technical guidance to the District regarding any potential impacts to the quantity and or quality of water as a result of the proposed mining operation. We provided you with copies of both of their reports as well as a combined Executive Summary of Recommendations.

One of those recommendations was to ask NMS to fund a Dye Tracing Study to determine if the losing stretch of Mill Creek resurges at the Springdale Farm Spring. The Water District has a high yield well field at Springdale Farm Spring currently in use as a public water source. With no acknowledgement of our letter of September 1st, the District felt compelled to undertake such a study on its own. The study has been completed and we are enclosing it herewith.

The report's findings indicate a hydrologic connection between the losing stretch of Mill Creek and the District well (s) at Springdale Farm. These results indicate that it is highly likely that water originating from the proposed mining site will impact the regional aquifer and specifically District wells at Springdale Farms.

In light of these findings, it is imperative that the WVDEP considers this exposure in the permitting process. Armed with this knowledge, it would seem that the WVDEP

would want to make certain that all steps are taken to mitigate the risks to the aquifer and the public water supply.

Our study concludes that should the permit be granted, NMS should be required at a minimum to:

- 1.) Subject all water originating from the quarrying operations to sediment settling and chemical filtration processes.
- 2.) Test water quantity and quality on a quarterly basis during November through April and on a monthly basis during May through October.
- 3.) Monitor all outlet water for Total Suspended Solids and Turbidity.

The Water District fully understands that the permit process is within the purview of the WVDEP. The District wants to be certain that all potential impacts to the quantity and quality of water are considered and mitigated. We have made all our information available to the applicant, the public and the WVDEP. We trust that this information will be considered as the process moves forward.

The public deserves a thorough analysis of this proposal and we hope the information we have provided will serve that end and insure that the safety of the water supply remains of paramount importance.

Sincerely,

Gregory S. Rhoe,
Chairman
Enclosure

cc: Berkeley County Commission
Donald B. Sult, Engineer
North Mountain Shale LLC