

## Minutes

### BERKELEY COUNTY PUBLIC SERVICE DISTRICT

*As approved by BCPSWD Board at September 14, 2009 regular meeting*

Special Meeting  
Monday, August 31, 2009 5:00 p.m.

The Board of Directors of the Berkeley County Public Service District met at 65 District Way on August 31, 2009.

**Present:** Board Members Greg Rhoe, Bruce Dorsey, Howard Collins, Wayne Dunham and Ruby Kern; Executive Director Paul Fisher; Legal Counsel Hoy Shingleton; District Engineer Chris Thiel; Distribution Superintendent Brian Shade; Guests Robert Denton of GeoConcepts Engineering, Inc; Jenni Vincent of the Journal; Matthew Umstead of the Herald-Mail; Guest list attached; and Recording Secretary Lesley Klein.

#### **Welcome Guests**

Chairman Rhoe welcomed the guests and called the meeting to order at 5:00 p.m. Mr. Rhoe also suggested a change in the order of agenda items. Board members agreed to hear public comments under Good of the Order (item 4) before Discussion/Approval of the District's course of action (item 3).

*A motion as made to reorder the Agenda, taking Good of the Order (item 4) before Discussion/Approval of the District's course of action (item 3).*

*Motion- Howard Collins*

*Second- Ruby Kern*

*Passed- Unanimously*

Mr. Rhoe directed any guests who wished to address the Board under Good of the Order to sign in on the speakers list.

#### **Presentation of consultants findings regarding North Mountain Shale, LLC application for a Quarry Permit.**

The District retained Mr. Robert Denton of GeoConcepts Engineering Inc. and Dr. Joseph Donovan of West Virginia University for various hydrogeology services related to the District's water supply operations. Mr. Denton and Dr. Donovan reviewed the impact study "Groundwater and Surface Water Impacts from Surface Mining" submitted by North Mountain Shale LLC as part of their

Quarry Permit application.

Mr. Denton presented his analysis of the report, explaining the methodology generally used in assessing impacts to groundwater and surface water. He answered questions from the Board and audience. He and Dr. Donovan submitted a summary report of their recommendations, which Mr. Denton reviewed and discussed.

Recommendations regarding the Water District's request to the DEP for actions to be taken by North Mountain Shale (NMS):

- Develop an accurate potentiometric map encompassing an area not less than ½ mile surrounding the proposed permit area and any future areas intended for quarry development. This map should include static water level elevations from existing and new monitoring and supply wells.
- Prepare a Water management Plan that includes site details related to storm water management and silt and erosion management. The plan should also include:
  - baseline turbidity measurements of all Mill Creek tributaries that originate on the NMS site, including the tributary that flows onto the Prospect Hill Farms property.
  - peak and "typical" flow measurements for the tributaries draining North Mountain on the NMS site and on adjacent properties.
- Dewatering Engineering: Evidence should be submitted to support a claim that excavations will not extend below the water table and no dewatering will be needed. If analysis shows that excavation will extend below the water table on any portion of the site, their report should include:
  - an estimate of both peak and average pit dewatering flows
  - a dewatering test to identify the effect of quarry dewatering on surrounding wells and springs. This test should include sufficient test wells capable of lowering the local water table to the proposed depth of quarrying, and a minimum 72 hour evaluation once a stable drawdown at the level of the quarry excavation is reached.
  - monitoring of all accessible wells and springs on NMS property, and within 1,000 feet of the well points for changes in water level and flow.
- Complete the baseline chemistry data to include all common analytes,

and provide a timely baseline for evaluation of future post-mining changes.

- Monitor Water Supply and Chemistry using specific monitoring locations (sentry wells) close to the mine. Continuous unattended water level recordings could insure no long-term water availability impacts. Periodic chemical sampling of water from the sentry wells following rigorous protocols for well purging and sample collection/preservation/chain of custody is recommended.

Mr. Denton's and Dr. Donovan's summary also included recommendations to be considered for implementation by the Water District:

- Conduct a dye trace to determine if the water that percolates out of Mill Creek above the Rockdale Run Formation resurges at the Springdale Farm. The dye should be introduced during base flow conditions at an area of known water loss.
- Develop source water protection plans for the area of Figure 1 in the NMS impact study, and including Glenwood Forest and Springdale Farms well sources. Source water delineations for these areas should be updated. It should be determined if the NMS quarry pit will lie within these areas.
- Continue adequate monitoring of water supply and chemistry for the District wells at Glenwood Forest and Springdale Farms to allow future detection of any changes in baseline conditions that may result from mining operations.

### **Good of the Order**

Eleven guests requested to address the Board. Each guest was given five minutes to speak.

Ms. M.D. Mallicoat, Glenwood Forest resident, asked for a determination of the Glenwood Forest Wells source water. She expressed her concerns regarding the impact of the proposed surface mine on the quality and quantity of water from this source, and the outcome for residents should the quarry operation have serious negative impacts on the water supply.

Mr. Lewis Baker, of the West Virginia Rural Water Association, volunteered to assist in the preparation of Source Water Protection Plans for the Glenwood Forest and Springdale Farm wells. He stated that more information would be needed to determine impacts of the proposed surface mining on the area water supply before

a complete plan could be developed. He encouraged starting the plans now and updating and finalizing them upon implementation of Mr. Denton's and Dr. Donovan's recommendations.

Mr. Roger Palmer, Destiny Drive resident, stated that an outdated map was used as the basis of the impact study, which did not accurately depict the number and location of current residents. He suggested updating that information. He also expressed his concerns for the negative impact a quarry operation would have on the aesthetic beauty and historic value of the area, and the inadequacy of the access road.

Reverend Millie Martin of Gerrardstown, requested that the "decision makers" visit Gerrardstown and North Mountain. She asked that they "turn on the tap" and compare the current water quality in Gerrardstown before and after a rain storm. She also questioned the reasoning that would permit a mine to "intrude" into an existing community as opposed to a community that grows up around a mine.

Donald Sult of Continental Brick, explained that the NMS impact study submitted conforms to the DEP format and meets those requirements. He stated that an additional report, not part of the information the Water District reviewed, includes additional information such as turbidity data.

Mr. John Wilgeroth asked whether the permit had been approved yet. He also requested clarification concerning the northern reaches of the study area.

Ms. Marcia Ruth questioned the intent of NMS concerning the other three-fourths of the property they have purchased (this permit application addresses only one fourth) and the impact on the surrounding area should they develop mining operations on the entire property. She also questioned how much responsibility/liability for any negative results of the surface mine operation North Mountain Shale, as a limited liability company, and its parent company would bear.

Mr. Ken Mattson, Gerrardstown resident, discussed the differences in the survey results presented in the NMS impact study and Mr. Denton's observations concerning the surface and ground water from his visit to the area. He expressed support for his neighbors, and encouraged the Water District to pursue complete information regarding the possible impacts of the NMS mine on the area water supply.

Mr. Steve Hudock of Prospect Farm spoke of his experience as resident farmer who relies on the area springs, wells and ponds, and who cleans up the debris left on his property from storm water runoff. He also described the impact to his property from the "prospecting" that has been done so far, and of his concerns

regarding the access road.

Ms. Linn Vigh discussed the water needs of her family farm, expressing that the quality and quantity of the water are her primary concerns. She requested that evaluations of the area water supply also include the farm ponds, wells and springs that local farmers rely on.

Mr. Peter Leizke asked a question regarding the potential for contamination of the water supply due to leachate from the shale mined at the NWS site.

Some questions and discussion took place to clarify speakers concerns or provide additional information where possible. Executive Director Paul Fisher provided the District website address as a source for additional copies of Mr. Denton's and Dr. Donovan's reports and Summary of Recommendations. Board Chairman Greg Rhoe agreed that the minutes of this meeting would be posted on the District website after approval at the September 14, 2009 meeting.

**Discussion/Approval of the District's course of action regarding North Mountain Shale, LLC Application for a Quarry Permit.**

Board member Wayne Dunham stated he believed the District should forward the recommendations presented by Mr. Denton and Dr. Donovan to the DEP with a letter detailing the District's concerns. Board members unanimously agreed. The District letter will be provided to the Journal for publication and also made available to the public.

Mr. Rhoe was asked what will happen after NMS responds to this set of recommendations. He stated that appropriate steps will be taken, involving the public as needed. Any subsequent response or final report will also be made available to the public.

**Adjournment.**

*There being no further business, motion made for adjournment at 7:01 pm.*

*Motion— Bruce Dorsey*

*Second— Wayne Dunham*

*Passed— Unanimously*

C. Bruce Dorsey  
Vice Chairman

Ruby S. Kern  
Secretary

Lesley Klein  
Recording Secretary