

Distinguished honor

Governor rewards Timmermeyer, others for jobs well done

By Lalena Price

CHARLESTON – Gov. Bob Wise bestowed the title of Distinguished West Virginian on several members of his cabinet, including DEP Cabinet Secretary Stephanie R. Timmermeyer.

In a ceremony at the Governor’s Mansion earlier this month, the governor presented Timmermeyer with a plaque and lauded her accomplishments as one of the state’s youngest secretaries.

He said Timmermeyer has done an excellent job in a difficult post. He praised her accomplishments in tackling tough permitting issues as well as helping the DEP make a successful transition into its new Kanawha Valley headquarters in Charleston.

Timmermeyer said she was moved by the governor’s distinction.

“It has been an honor serving the citizens of West Virginia under Governor Wise’s leadership,” she said. “His legacy will certainly reveal his aptitude for complex issues, his unparalleled work ethic, and heartfelt concern for the citizens of this state.

“I wish him the best in his future endeavors,” Timmermeyer said.

Also earning the distinction of Distinguished West Virginian was Mike Callaghan, former DEP cabinet secretary and Timmermeyer’s predecessor.



Above, DEP Cabinet Secretary Stephanie R. Timmermeyer was named a Distinguished West Virginian earlier this month. She was presented the plaque in a ceremony at the Governor’s Mansion. At left, Mike Callaghan, former cabinet secretary, was also honored with the designation.

Agency outlines environmental initiatives



Joe Dawley is general counsel for the agency.

By Lalena Price

CHARLESTON – Subject to the support of the new administration, the agency will propose these five environmental initiatives to state lawmakers during this month’s Legislative session.

Joe Dawley, general counsel for the Department of Environmental Protection, says the initiatives cover some important issues for the agency, industry and citizens.



The Environmental Good Samaritan initiative encourages landowners and others to reclaim abandoned mineral extraction lands and abate water pollution caused by abandoned mine lands. In turn, the landowners, groups and individuals who volunteer to tackle such projects would be protected from civil and environmental liability.

“This is similar to our Brownfields program, but is geared toward watershed groups,” Dawley explained. “Sometimes our watershed volunteers want to tackle a big issue like creating a pond to treat acid mine drainage, but liability issues hold them back.

“This measure will shield volunteers and landowners from liability and give them a great tool to do good work in their communities.”

The same kind of initiative has been successful in Pennsylvania.

A joint interim committee, Judiciary Subcommittee A, voted in August to present the Environmental Good Samaritan Act to the full Legislature in the upcoming session.



The Greenhouse Gas Registration Program was introduced last session

Impaired streams list OK'd

By Steve Young

A comprehensive report detailing the health of the state's waters and a listing of impaired streams statewide has been approved by the U.S. Environmental Protection Agency.

In 2004, the Department of Environmental Protection submitted the West Virginia 2004 Integrated Water Quality Monitoring and Assessment Report to the federal agency for review and approval after soliciting public input. The report was approved Dec. 9, 2004.

The report fulfills requirements of

Section 303(d) and Section 305(b) of the federal Clean Water Act. Section 303(d) requires the creation of a list of impaired streams in the state and Section 305(b) necessitates an overall assessment of West Virginia's waters.

Previously, two separate reports were submitted by the DEP to its federal counterpart.

The DEP's Division of Water and Waste Management's Watershed Branch compiled, evaluated and summarized all readily available water quality data for West Virginia's waters. The integrated report contains assessment methodologies and

results, information on Total Maximum Daily Load development, water pollution control programs and various other water resource management issues. The impaired streams list is the comprehensive 303(d) list, which is used for TMDL selection and development in West Virginia.

Individuals may request a CD version of the West Virginia 2004 Integrated Water Quality Monitoring and Assessment Report or download all or part of the report from www.wvdep.org. Under 'Offices,' go to Division of Water and Waste Management.

For more information about this report, please call Judith Lyons at (304) 926-0495.

Legislative

continued from pg. 1

by Gov. Bob Wise. The initiative requires large generators of greenhouse gases to register emissions with the DEP so the agency can monitor and plan for future federal programs mandating greenhouse gas emission reductions.

Dawley said the bill was perceived in this carbon-producing state as being anti-coal, but that's not the case at all.

"It's a very simple piece of legislation that just requires reporting of emissions so we can see if West Virginia is a net emitter or a net sink," he said, explaining that because the Mountain State has vast forests, our trees may be acting as a natural filter by absorbing carbon dioxide.

Because the federal government has not yet taken the lead on greenhouse gas emissions, several states have adopted greenhouse gas regulatory programs. The states taking the lead on climate change initiatives are generally from the northeast and have economies that are not based on energy or natural resources production.

"When the federal government enacts greenhouse gas legislation, it will look to state programs for guidance and if West Virginia is in the mix then we can ensure that a federal program will not adversely impact our economy," Dawley said. "This is an opportunity for a carbon state like West Virginia to help drive the train when it comes time to tackle this issue nationally.

"And that's a much better place to be than in the caboose when you are a coal-producing state," he said.

The DEP currently has a volunteer reporting program that has very low participation. A registration program would also allow firms to report and register voluntary greenhouse gas reductions that could earn them credit in the event of federal legislation mandating greenhouse gas reductions.

"Be assured that there will come a day when the federal government takes on climate change. By jumping on this issue now, we get a seat at the table," he said.

Just by introducing the legislation last year, West Virginia attracted national attention. Cabinet Secretary Stephanie R. Timmermeyer was invited to participate in a climate change summit in Washington, D.C. in June 2004. "U.S. Climate Policy: Toward A Sensible Center," sponsored by The Brookings Institution and the Pew Center on Global Climate Change, featured government, industry and environmental representatives.

Timmermeyer also has been asked to speak in Washington, D.C., in February at the "Innovative Approaches to Climate

Change: A State and Federal Workshop," that will unite state and federal officials, business leaders, and experts to highlight ongoing efforts at the state level to address climate change. This workshop is sponsored by The Pew Center on Global Climate Change.

The Uniform Environmental Covenant Act will ensure that land use restrictions are enforceable and adhered to by property owners now and in the future. The model legislation was created nationally but will dovetail nicely into West Virginia's Voluntary Remediation and Redevelopment Act, Dawley said. The Voluntary Remediation Act has requirements for recording, notifying, and tracking land use restrictions. The model law simply reflects the latest developments in the law to ensure the proper recording and tracking of land use restrictions.

"Fifty years from now these land use restrictions will still exist, but the people who initially implemented them won't," he explained. "This will make sure a former plant site won't become a playground or a park and possibly cause health problems for future generations."

During the cleanup of a property, such as the former FMC plant site across from the Mound in South Charleston, it's remediated to standards acceptable for commercial property, not residential. There are restrictions put on the use of the land so someone doesn't tap into potentially contaminated groundwater or situate a soccer field on land where the soil might have residual pollutants.

The initiative is being examined by a joint committee that studies model laws.

The Oil and Gas Fees initiative revises state law to increase well work permit fees by \$200, bringing the new fee to \$450. Deep well work permit fees will increase by \$500, bringing the new fee to \$950. This measure would also create a "permit to operate" with a fee of \$5 per well per year.

The DEP's Office of Oil and Gas monitors all actions related to the exploration and drilling, storage and production of oil and natural gas. It tracks more than 40,000 oil and gas wells in the Mountain State ensuring surface and groundwater protection. The office also manages abandoned well plugging and reclamation efforts in these areas.

Fees for the office were last revised in 1983, Dawley said.

"It's been more than 20 years since these

fees were raised," he said. "The cost of doing business has increased since 1983 and our fees have not kept up with inflation. It's time."

The Underground Storage Tank Insurance Fund initiative asks the Legislature to target revenues for the defunct UST Insurance Fund, which could require up to \$14 million dollars to cover outstanding claims.

In the early 90s the federal government mandated that all UST owners be insured. At that time, insurance was cost-prohibitive so the state set up a program to provide financial assurance to UST owners. Remediation costs turned out to exceed the fees charged to owners, so the fund had more liability than revenue.

At that time, private insurance became more readily available in terms of cost, so revenue dipped even further. In 2000, the state stopped providing coverage. Owners of 58 sites have made claims against the fund and it has no revenue, Dawley explained.

"We are asking the Legislature to help us look for revenue streams and for ways to reduce the cost of cleanups," he said. "We are working with an interim finance committee on the issue."

INDEPTH

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■ This journal entry is part of a series by Secretary Timmermeyer as she travels around the state and beyond its borders.

Organizations sign reforestation initiative

By Stephanie R. Timmermeyer

Dec. 15, 2004

ROANOKE — It is a cold, snowy winter day. As I fly north over West Virginia's wooded hills, I think about the importance of the event I am about to attend.

A comprehensive group of state and federal agencies, conservation groups, citizens, industries and academia worked to develop the Appalachian Regional Reforestation Initiative. The goal of the initiative is to plant more high-value hardwood trees on active and abandoned mine lands in Appalachian states.

TIMMERMEYER



TREKS

When I arrived at Stonewall Jackson Resort, I took note of the impressive array of people there to sign a commitment to promote the initiative. Some of my counterparts or their representatives from other Appalachian states were there, as well as leaders from the U.S. Office of Surface Mining, the West Virginia

Coal Association, and Quail Unlimited, to name a few.

I had the opportunity to meet Susan Bush, the commissioner for the Kentucky Department of Natural Resources. Like many others there, she shared my sentiments about how progressive thinking and new approaches to reclamation — like planting high quality hardwoods — can move us forward in our environmental protection efforts.

After dozens of organizations signed the statement of mutual intent, person after person spoke about how sorely an initiative like this is needed. In essence, we all pledged to establish a reforestation program promoting the forestry reclamation approach in our state. West Virginia is wholeheartedly on board with the initiative. In fact, not only did I sign the document, but so did Joe Parker, our Division of Mining and Reclamation director, as well as Ken Ellison, director of the Division of Land Restoration. This initiative would not have gotten to where it is today without DEP's own Scott Eggerud, who serves on the task force and helped emcee the event. I'm proud that our state, the heart of Appalachia, was chosen to be the spot for everyone to gather to sign on to the effort.

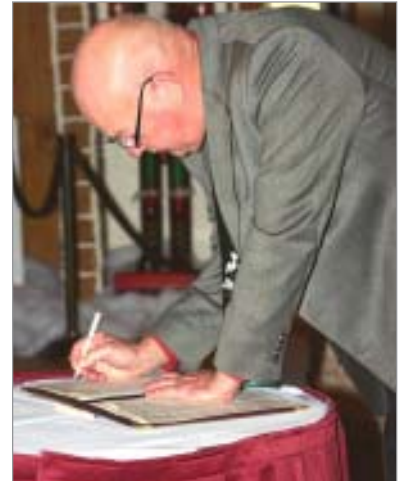
What that means, though, is that we need to be very diligent about how we proceed. Julia Bonds of Coal River Mountain Watch pointed out that while the project is a good starting point, there still is a lot of research and planning to do. Julia spoke up for West Virginia culture, imploring the group's leaders to consider protecting and replanting native understory, like ginseng, a crop that many Mountaineers still harvest to make a living.

I agree with those offering praise for the project, and those encouraging a continuing effort to improve on how we manage our mined lands. We have to work together, pool our resources and ideas, and bring mine lands from open fields to rich forests.



Photos by Jessica Greathouse

Director of the DEP's Division of Land Restoration, Ken Ellison, signs on as Butch Lambert of Virginia's Department of Mines, Minerals and Energy, Bill Gillespie of Gillespie Forestry Services, and Lawrence Beckerle of Quail Unlimited look on.



Above left, Timmermeyer leaves her mark; above, Joe Parker, acting director of the DEP's Division of Mining and Reclamation signs on; at left, Bruce Golden, the Regional Director of the Western Pennsylvania Coalition for Abandoned Mine Reclamation leaves his mark.

Main Receptionist/Public Information Office	926-0440	Oil and Gas and	
Abandoned Mine Lands	926-0485	Oil and Gas Conservation Commission	926-0450
Air Quality	926-0475	Solid Waste Management Board	926-0448
Boards: Air Quality, Environmental Quality, and Surface Mine	926-0445	Water Resources	926-0495
Environmental Enforcement	926-0470	Waste Management	926-0465
Legal Services	926-0460	Pollution Prevention and Open Dump, Land Restoration, Environmental Remediation, and Landfill Closure	
Mining and Reclamation, Blasting	926-0490		926-0455



All about blasting

If you report tremors, our specialists will investigate as they did when recent rumblings far from blasting proved to be an anomaly

By Lalena Price

ESKDALE – Much of the time, Darrell O'Brien's job involves addressing citizen complaints, investigating claims and supervising his team of blasting specialists.

Other times, he can be found on fact-finding missions like a recent one that took him to Samples Mine, a Catenary operation located on the border of Kanawha and Boone counties.

O'Brien is an inspector supervisor in the Office of Explosives and Blasting, which is under the umbrella of the Division of Mining and Reclamation but operates independently. He joined the team of blasting specialists at the Samples Mine so he could gather seismographic data to determine if recent complaints were valid.

"We've had some calls from miles away about the blasting on this site, so we're gathering some information," he said.

The shot O'Brien was there to see was a big one — about 4 million pounds of explosives. It would remove quite a chunk of mountain.

As a point of reference, the Oklahoma City bombing, which leveled part of a substantial federal building, used 2.2 tons of explosives. If that doesn't give a good visual, consider that an ATF bomb squad filled a car with 40 pounds of explosives and put 600 pounds in a bread truck. After they were detonated, the car was recognizable as a car. The truck, however, was not. These explosions were unconfined blasts designed for destruction. The Catenary blast was well confined and designed only to break up the rock strata over the coal seam.

"This is certainly an extra large shot," he said. "This is not the kind of thing that happens daily."

The first order of business at the mining operation was to coordinate with the other blasting employees on site. The group used CBs and cell phones to coordinate. They also looked out for each other's state-issue white SUVs.

Next, he was to place a few seismographs in strategic locations within sight of where the blast would happen. He drove the SUV over extremely rugged terrain to get to the spot he wanted. When asked if he had a good chiropractor, he laughed.

"Who needs one? I get my spine re-



Darrell O'Brien is an inspector supervisor in the Office of Explosives and Blasting within the DEP. He sets out a seismograph at the Samples Mine in Eskdale.

aligned every time I go on a site," he said.

It's unusual to get ground vibration that far away from a blast.

"Sometimes you will get an air blast, but the ground vibration is something different. After this data comes in, we'll have a better idea of what's going on. It's not impossible that these citizens are feeling tremors. It's amazing sometimes how and where they travel," he said.

The total amount of explosives are not regulated by the state, but blasts must meet regulatory requirements for pounds per 8 millisecond delay (Scaled Distance Formula) or ground movement and air blast must be within regulatory requirements.

OEB regulates only surface coal mine blasting. The Division of Mining and Reclamation regulates blasting in quarries

and the state fire marshal regulates all other blasting.

When there are surface mine complaints, the OEB steps in and gathers data to ensure the safety of citizens and to curtail damage to property.

As it turns out, citizens who complained about the vibrations were definitely feeling blasts miles away from the site, O'Brien reported after all of the information was in. Although the vibrations were felt farther from the blast than expected, none of the surrounding residences received vibrations at or above levels that cause damage. Vibrations well below damage levels are often a nuisance to surrounding residents.

"We have seismic data that shows



Photos by Lalena Price



Photos along the top of pages 4 and 5 show the blast in progress. The photo atop this one shows the blast in full regalia. Above, as the dust settles, you can see that part of the mountain lies in rubble.

vibrations that day,” he said. “They felt it in Whitesville, and it registered on our equipment, so there’s some sort of anomaly there that we haven’t quite figured out yet.”

The OEB is still studying the data from that day and looking for reasons for the rumbles.

Citizen calls prompted that investigation and many others. When someone calls into the agency about blasting issues, the call is entered into Citizen Services, a facet of the agency’s database that tracks complaints and funnels them electronically to the appropriate office or individual.

“Within 24 hours, one of our people is supposed to talk with the caller,” he said. “But it’s actually almost immediately that we call them back.”

The complaint is referred to one of the office’s blasting specialists, who work

around the state. If it involves a claim of blasting damage against a mining company, callers are also informed about the arbitration process. The specialist makes an appointment to view the damage, takes photos and GPS readings at the home in question as well as at the mine, where records, blast logs and seismic data will be reviewed. The citizens and the coal company can settle during an informal conference, take the issue before a claim administrator, or, if that doesn’t work, appeal the decision of the claim administrator during the arbitration process.

Other options available include seeking restitution through the company’s insurance, the homeowner’s insurance or, finally, a formal court proceeding.

“It’s an involved process that means meetings between the company and citizens. Insurance adjusters, engineers and geologists can get involved, too,” he said. “Arbitration is final and binding and intended to keep the cases from weighing down the court system.”

Depending on the size of a surface mining operation, there could be up to four blasts per day. Some smaller mines may blast once per day. In 1999, the Legislature saw the need for an office to specifically handle blasting issues in the state. The OEB has seven blasting specialists working in inspection and enforcement, one specialist conducting research, training and acting as a technical adviser, and another staff member on military leave in Afghanistan.

Because the majority of citizen complaints come from Logan County, the heart of the state’s mining industry, two specialists cover that region. There’s one specialist each for Boone and Kanawha counties. Lincoln, Mingo and Wayne share one specialist while Raleigh, Fayette, Greenbrier, Summers, McDowell, Wyoming and Nicholas all share a specialist. The northern three-quarters of the state, where there is not much mining activity, has one specialist.

“Not only do we respond to citizen complaints – and there were roughly 350 last year – we perform complete inspections where we look at all aspects of blasting at a site,” O’Brien said. “We also review every blasting plan and pre-blast survey as a part of mining permits.”

OEB specialists can write cessation orders for any reason they see danger involved, the most common being fly rock (when rock rolls along the ground or is cast through the air from a blast). They review the blasting plans for the entire state including surface mine applications, revisions, incidental boundary revisions – any that involve blasting.

Blasters are certified through the state’s Blaster Certification Program. Blasting specialists also go through that training and testing as well as varied training offered by the Office of Surface Mining, the Kentucky Blaster’s Conference, the Mine Safety and Health Administration, and the International Society of Explosives Engineers. Specialists typically log 40 hours per year of additional training or education.

“It’s an ever-changing field,” O’Brien said. “For example, a few weeks after the big blast at the Samples Mine, they put off a shot identical in every way except the detonator. They used an electronic one with a computer chip.

“It caused a lot fewer vibrations with the desired results. We have to keep up on the changing technology because it affects our every day jobs and the safety of citizens, their property and the environment.”



Safer water

A tank at the Berkeley County Landfill could hold more than 300,000 gallons of leachate. Should it fail, there is a secondary containment area which would prevent a spill. Tank floats trigger a call to the DEP in case of failure.

Landfill Closure Assistance helps Berkeley County line landfill, treat leachate

By Lalena Price

MARTINSBURG – The Berkeley County Landfill finally has closure.

One of the largest in the state’s Landfill Closure and Assistance Program, it’s owned by the Berkeley County Solid Waste Authority and is located just southeast of Martinsburg on Grapevine Road.

It took contractors and designers, from start to finish, a little over a year to cap the 26-acre job at a cost to the state of approximately \$4.9 million – almost \$400,000 under the original bid amount.

The price and the feat of capping one of the largest landfills to date in LCAP has program manager Dan Fowler smiling.

“It’s a small price to pay to protect the state’s waters from being polluted by leachate,” he said. “We did it under budget, too, which makes us very happy. The owners of the landfill would never have been able to afford to bring it up to regulatory standards with a double liner and a good leachate collection system or install the state regulated cap required.”

The landfill was shut down by the Department of Environmental Protection and the Environmental Protection Agency several years ago. Its owner applied to enter the landfill in the LCAP program.

Any landfill in the state that does not have a double liner has to close. Twenty-nine landfills are currently in the LCAP program, which operates within the agency’s Division of Land Restoration.

The term closure is relative. LCAP’s dealings with the landfill aren’t exactly over. Now that the proper liner, leachate collection and treatment systems are in place, somebody has to oversee the maintenance of the landfill for the next 30 years. LCAP will pay the bills to treat the collected leachate (polluted water), which flows right into a sewer system. All landfills remain in the program for 30 years after they’ve been capped or until the DEP secretary deems them safe.

Protecting the state’s waters is what LCAP is all about.

A tank on the Berkeley site could, if needed, hold more than 300,000 gallons of leachate water. Should it fail, there is a secondary containment area which would



This aerial photo of the landfill shows the location of its monitoring wells.



Contractors install the necessary liner at the Berkeley site.

prevent a spill into the local stream. There are floats installed in the tank that will trigger a phone call to the cell phone of the inspector specialist for that area, Paul Benedum, giving him the opportunity to respond before the tank could overflow.

“This was such an important one to get capped,” Benedum said. “The water table in that area is extremely close to the landfill. We had to do everything we could to protect the integrity of the water supply.” The water from this area runs into Opequon Creek which runs into the Potomac River.

Of the 29 landfills in the program, 16 have been capped already and their water collection systems are being properly monitored and maintained through the program by one of the three LCAP inspector specialists who cover the state. They

inspect the landfills, monitor water quality and methane gas and file monthly reports with the agency’s permitting section.

“We’re not exempt from the permitting process at our own agency,” Fowler said. “We have to maintain our NPDES permits the same as anyone else.”

A large percentage of the landfills in the program are owned by solid waste authorities or municipalities. Seven are privately owned.

“We’re an assistance program,” Fowler said. “If the Legislature decided to do away with the program, responsibility for closure and maintenance would go back to the owners – solid waste authorities and municipalities mostly – which have already shown that they don’t have the means to maintain and install closure caps.”



Several legislators try out the agency's largest conference room, the West Virginia room, located on the third floor.

Hundreds tour DEP headquarters

By Lalena Price

CHARLESTON — Several hundred people visited the agency's new consolidated headquarters for a tour of West Virginia's only certified green building during an open house last month.

Legislators, citizens and agency employees took tours of the Charleston facility and saw presentations on everything from the energy efficient heating and cooling system to the VOC-free paint that coats the walls of the building.

Tours highlighted facts about the building: it's more than 180,000 square feet, holds 537 rooms, 417 offices, an exercise room, 602 parking spaces and 530 workers.

Cabinet Secretary Stephanie R. Timmermeyer was on hand to meet visitors along with her executive staff and directors. "We hope everybody who came left with a better understanding of why we are striving to meet the Leadership in Energy and Environmental Design 'green' status," she said.

The building earns points to get that certification based on the following categories: sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process.

How the DEP building stacks up:

- **Sustainability:** During the construction phase, the agency earned points for erosion and sediment control. Specially designated parking spaces for those in the agency who carpool as well as landscape and roof design contribute points in this category.

- **Water efficiency:** Water efficient landscaping with plenty of greenery around to catch precipitation and reduce runoff means the agency will rely on Mother Nature to keep the grounds looking good.

- **Energy and atmosphere:** The building runs off minimum energy, one of the prerequisites of qualifying for the LEED program. Lights are used only when needed and the HVAC unit runs only while the building is occupied. It's important to note that the heating and cooling unit was built so that no nitrogen oxides are emitted. The agency is earning the most LEED points in the energy and atmosphere category.

- **Materials and resources:** During the



Randy Huffman, assistant cabinet secretary, gives a presentation on both "green" aspects of the facility — how it will save the state money and how it will leave a fainter footprint on the environment.

construction phase we recycled 97 percent of the demolition material. Hundreds of tons of steel and concrete were recycled to reduce waste going to landfills. The agency's recycling program reduces the amount of paper, plastic and aluminum trash.

- **Indoor environmental quality:** One of the greatest features of the building is the indoor air quality. There are no volatile organic compounds in the building, thanks to VOC-free carpet, floor tile, paint and ceiling tile. In addition, most of our furniture is formaldehyde-free.

With our state-of-the-art HVAC unit, the indoor air is kept clean. With each cycle of air in the building, the unit purges one-third of the old air, giving employees and visitors

cleaner air several times an hour. The carbon dioxide is constantly measured and there are eight sensors around the building that read the levels and adjust accordingly.

The janitorial staff keeps the building clean using green cleaning solutions that are biodegradable and nontoxic, another way to keep indoor air quality at its best.

Formerly, the agency was scattered throughout several locations in the Kanawha Valley. Since the consolidation, travel time for meetings is saving the agency thousands of dollars in travel reimbursements and countless hours in employee travel time.

"Our water and sewer costs will decrease by 35 percent," Timmermeyer added. "And our electric and gas costs are expected to go down 40 percent."

To arrange a tour of the facility for your group, contact the Public Information Office at (304) 926-0440.

Petersburg Tannery property to be cleaned up

PETERSBURG – State environmental regulators have accepted an application from Henry F. Moomau to clean up the former Petersburg Tannery property in Grant County.

The site operated as a tannery from the 1920s to the 1960s. The tannery ceased operation and stood vacant for approximately 10 years and was demolished in the 1970s.

The site is approximately 6.5 acres and has access directly onto Route 220. It is currently a vacant grass-covered area adjacent to McDonalds and Pizza Hut.

The Department of Environmental Protection's Office of Environmental Remediation is negotiating a voluntary remediation agreement with the applicant that requires additional site characterization work to determine the extent of impact.

Previous sampling of soil and groundwater at the site has detected areas of impact believed to be related to 50 years of tannery operation and production. Elevated concentrations of arsenic, acetone, hexavalent chrome, volatile organic compounds, semi-volatile organic compounds, and total petroleum hydrocarbons have been identified on the property primarily around the former structure. Most of the identified soil impacts were contained within the upper 20 feet of the soil horizon. The limited groundwater data available for review suggest that impacts to groundwater are minimal.

Questions should be directed to Dennis Stottlemeyer, Office of Environmental Remediation, 601 57th St, SE, Charleston, WV 25304. He may be reached by e-mail at dstottlemeyer@wvdep.org or by phone at (304) 926-0455.

Agency issues permit for quarry near Bowden

CHARLESTON — The agency has issued a permit for J.F. Allen's proposed quarry near Bowden in Randolph County.

Thanks to suggestions submitted during the public comment period, as well as comments made through meetings with the Shavers Fork Coalition and the applicant, several changes have been made to the permit. It now requires that J.F. Allen monitor the water quality and quantity of nearby springs before, during, and 10 years after mining activity.

The area is already home to several quarries that appear in the viewshed. Because of that, the permit could not be denied for aesthetics. However, as a protective measure, the company is being required to construct a vegetative berm to help minimize effects to the viewshed in the area.

As with any permit, the DEP's Division of Mining and Reclamation will routinely inspect the facility to ensure compliance with regulations and the protection of human health, safety and the environment.

The company is still three permits away from being able to operate. It still needs an NPDES permit from the Division of Water and Waste Management, a 404 Certification permit from the Corps of Engineers, and 401 Certification from the Division of Mining and Reclamation.

Those opposed to the permit have 30 days to appeal the decision to the Surface Mine Board.

IN BRIEF

EQB to hear six appeals During January meeting

CHARLESTON — Six appeals are on the docket for consideration by the Environmental Quality Board during its Jan. 14 meeting at the Department of Environmental Protection's headquarters, 601 57th St., SE, in Charleston. The meeting is set to begin at 9 a.m. in the first floor hearing room.

Appeals by PKC, Huntington Alloys, Hominy, Crab Orchard/MacArthur Public Service District, Morgantown Utility Board, and Rapp's Dairy are on the docket for consideration by the board.

The board is also scheduled to receive an update of the Nutrient Criteria Committee and will establish a process for conducting a study on aluminum. Members also will hear a report from the Legislative Rule Making Review Committee on manganese and mercury.

The Environmental Protection Agency has completed its review of the board's new or revised water quality standards. Members plan to discuss the EPA's actions on the rule.

For a complete agenda, go to www.wveqb.org.

AQB to hear Oxbow, Techsol, Catenary appeals

CHARLESTON — The Air Quality Board has scheduled three appeals for its upcoming January meeting Jan. 18 at 9 a.m. at the Department of Environmental Protection's headquarters located at 601 57th St., SE in Charleston.

Oxbow Carbon will have a formal hearing on an appeal regarding certain terms and conditions in the company's Coke Screening Operation permit. The hearing will be limited to arguments regarding issues raised in two previous appeals and whether the final resolution of one appeal could result in the settlement of another similar one.

Techsol Chemical filed an appeal in

August with regard to a Notice of Violation and a Cease and Desist Order issued by the Division of Air Quality. The evidentiary hearing in this appeal is set for this board meeting.

Catenary Coal filed an appeal in October with regard to a Notice of Violation and a Cease and Desist Order issued by the DAQ. The evidentiary hearing is set for this board meeting as well.

Inspectors honored for summer flood work

CHARLESTON — Tim Justice, an inspector for the Office of Environmental Enforcement, and Harold Ward, an inspector with the Division of Mining and Reclamation, earned Rewards and Recognition honors from DEP Cabinet Secretary Stephanie R. Timmermeyer for their work during the summer floods.

Justice's own property was damaged by the heavy rains, but he opted to first help protect human health and safety by working with the State Police and the Office of Emergency Services. In addition to his environmental work during the floods, he also brought blankets, medicine and food to residents stranded by the high water.

When Memorial Day rains inundated the southern coalfields, Ward put together a crew of inspectors to ensure that mining ponds and impoundments were secure. He also worked with Mingo County emergency officials to dispel rumors about impoundment failures and fielded dozens of citizen calls about the issue.

Air Toxics Coordinator's work earns her award

CHARLESTON – The Division of Air Quality's Renu Chakrabarty earned a Rewards and Recognition Award for her work on a pilot project to help reduce pollution from school buses.

Chakrabarty implemented a project to retrofit diesel buses in Berkeley and Jefferson counties, reducing emissions to improve air quality in the Eastern Panhandle and protect school children's health.

