



Local News

> [News](#) > [Local News](#)

[Print this Page](#)

[←--back to story](#)

DEP reviewing comments on proposed quarry

Group urges consideration of reports before decision is made

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POSTED: March 5, 2009

Area residents and J.F. Allen Co. are waiting for a decision from the West Virginia Department of Environmental Protection about a modification permit for Pond Lick Mountain Quarry.

Ken Politan, DEP assistant director of policy and development, said the DEP is currently reviewing public comments and is working toward a goal of rendering a decision sometime next week.

As the decision draws closer, members of the Bowden Faulkner Citizens Protective Response are still looking for answers and responses to a report they have submitted to the DEP.

The modification permit requests the company be granted the right to discharge iron and aluminum at the state's maximum levels afforded to Tier 2 classification streams.

Bowden Faulkner CPR argues increased levels of iron and aluminum will cause irreversible damage to the waters of the Shavers Fork River and a tributary.

CPR members Cat Cole and Martin Biafora say they want the DEP to consider reports prepared by their hired experts before making a recommendation on the permit.

Instead of obstructing progress, Cole and Biafora said the group is advocating responsible land use for the community.

In an effort to make its point to the DEP, Bowden Faulkner CPR submitted a report, completed by Downstream Strategies of Morgantown, to the DEP. The report raises nine issues that Cole says deserve consideration and a response before a decision is made.

The issues:

Shavers Fork is a Trout Stream and Plays an Important Role in the Local Economy

While the report does not quantify the economic effects of the stream, it states the river is a popular recreation and fishing destination.

"Any impacts from the quarry to Shavers Fork via tributaries, springs or groundwater can harm this important trout stream," the report states. "Other non-water-quality impacts from the quarry can also impact the economic base that has been built upon the clean waters of Shavers Fork."

Baseline Water Quality Data Were Not Used to Calculate Degradation

According to Downstream Strategies, "recent data collected on Shavers Fork just upstream from the confluence with the unnamed tributary-over a period of months as required by the baseline water quality procedures-would be required to accurately calculate whether significant degradation is predicted for Shavers Fork."

The Unnamed Tributary May be a Trout Water

Fishermen and local residents report they have seen trout fingerlings in the tributary, the report says.

"It is recommended that WVDEP pursue all reports of whether the unnamed tributary is a trout water before making any final decision on new discharge limitations," the report states. "Consideration should be given to whether this stream should be classified as a trout water because of its existing use and because it is part of a larger coldwater system. If WVDEP determines that trout water protections are warranted, then the discharge limitations that use 100 percent of remaining assimilative capacity on the unnamed tributary would need to be recalculated."

The Review of Social and Economic Importance Must Consider Benefits and Impacts Over a Broad Area, Not Just Those Specifically in the Unnamed Tributary Subwatershed

"If the review of social and economic importance is to accurately reflect the impacts of the proposed quarry, then it must account for impacts over and above the specific additional discharges of iron and aluminum to the unnamed tributary," Downstream Strategies states. "It must also fairly account for impacts that will result from other aspects of the quarry, including aesthetics, noise and other factors that have the potential to impact tourism."

The Pond Lick Quarry May Not Be Able to Meet the New Aluminum Limitations Using the As-Designed Pond

"Discharge monitoring reports from the nearby Aggregates Quarry cast doubt on whether the proposed aluminum discharge limitations can be consistently met at the Pond Lick Quarry without additional treatment," the report states. "WVDEP therefore cannot accept the assertion that the as-designed retention pond can be used as the base treatment cost alternative or as any alternative at all. The base treatment cost will, in fact, be more expensive than calculated in the Potesta report."

The Alternatives are Flawed

"The only alternatives seriously analyzed in the Potesta report-alkaline additions-are not necessarily appropriate for neutral-to-alkaline water," the report states. "Several possible alternatives that might be more appropriate for these waters-increased retention time, wetlands, pollution prevention through separation of water sources, and flocculants-should be seriously considered."

Water Chemistry From the Nearby Aggregates Quarry Varies Considerably and is Not Accurately Presented

"Additional samples would help characterize the variability of the raw water from the Aggregates Quarry and would help clarify the discrepancy between the acidity and alkalinity values found with the first two samples," Downstream Strategies states. "A better characterization of the range of water chemistries found at the Aggregates Quarry would provide more confidence in the titration results."

The Titration Results are Poorly Documented and May Not be Reliable Indicators of Treatment Costs

"Notwithstanding our concern that alkaline additions may not be the most effective treatment method for neutral-to-alkaline water, the titrations are not convincing," the report says. "They are poorly documented. Statements describing the titration results are contradictory. Numerous questions are raised by these results. At the very least, these titrations should be better documented and reviewed before their results are accepted."

Other Parameter of Concern Are Not Analyzed

Downstream Strategies is concerned that manganese, turbidity and/or temperature were not considered, but can affect the waters.

"WVDEP should perform calculations to ensure that antidegradation protections are provided for these three important parameters," the report states.

Cole said she asked the DEP for a response to the issues raised, but had received nothing as of Wednesday.

Bowden Faulkner CPR had also asked the DEP to extend public comment period until April 30 in order to submit a Socio-Economic Study currently being prepared by MESAS of Washington, D.C., according to Cole.

Even if Bowden Faulkner CPR ends up on the wrong side of the upcoming decision, it plans to continue the fight through the court system, Cole says.

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