

## **Inaccuracies in Rockwool's stormwater permit applications.**

### ***Stormwater construction permit – Permit ID WVR108876 - submitted 7/31/17 approved 10/19/17***

- Failed to check box for 'grading period to exceed 1 year', and sign associated statement for billing for public notice. According to an email from Rockwool to DEP, grading began November 1, 2017. The following is Rockwool's response to application section 10 *Estimated Start and Completion Dates for Project*: Start: "October 2, 2017 Completion: April 15, 2018". How could Rockwool's initial timeline for work have been so grossly underestimated? Grading continues now, nearly 2 years later.
- Named the wrong receiving stream: In its stormwater pollution prevention plan, Rockwool incorrectly named Shaw Run and Opequon Creek as the receiving waters. Rocky marsh Run is the correct receiving stream.
- Failed to note a source water protection area: Rockwool's site is within the Shepherstown supply watershed (the Rocky Marsh Run watershed). Rockwool's stormwater pollution prevention plan notes "well head and source water protection areas are unknown", yet the source water protection area and associated plan is easily found on the web (<http://www.region9wv.com/plans---studies.html> ). But a web search shouldn't have been necessary; Rockwool's stormwater plan contractor Thrasher Engineering was the author of the Shepherstown Source water plan.
- Public notice sign was located in an area that was not readily visible to the public – at the end of Northport Avenue, where the public would not need to travel unless it was deliberately visiting the Rockwool site, for nearly a year. The following is a response from the Rockwool Ranson community (via Facebook messenger) on 8/10/2018, to my question of why the sign was moved. "Hi Lori. The sign has been onsite since last year, closer to the gate entering the construction site. We moved out closer to the road so that it's easier for more people to see." This move closer to the road occurred following an August 7, 2018 inspection – an inspection due to a request by me, where I had noted to the inspector the inadequate location of the sign. While Rockwool's answer that it was moved for more people to see is not incorrect – I think it does not fully disclose the facts; I had inquired as to why the sign was moved, and the response did not include that this came as a result of conversation with an inspector.
- 9/11/2018 – DEP sent a notice of Violation to Rockwool for 6 violations to stormwater control, including failure to report sinkholes.
- A Termination inspection by WVDEP on May 8 2019 was marked "termination denied". Comment/deficiency noted: "Earth disturbance is still being conducted. Notice of termination is denied. You must either modify the permit or apply for reissuance to change acreage and terminate sections of the project." Who requested this termination and why? Did Rockwool request this termination despite knowing that it still had months of work to do before the site would be stabilized?

### ***Stormwater construction permit – Permit ID WVR108876 - application to reissue #1 submitted 9/28/18, withdrawn 10/31/18***

- Again failed to check box for 'grading period to exceed 1 year', and sign associated statement for billing for public notice. According to an email from Rockwool to DEP, grading began November 1, 2017. The following is Rockwool's response to application section 10 *Estimated Start and Completion Dates for Project*: "Start: October 2, 2017 Completion: September 2019" This was over 1 year yet the check box was not marked.
- According to an email released as part of a DEP FOIA to JCV, Rockwool had agreed to a public hearing for this permit.

- No explanation has been given as to why Rockwool applied to reissue this permit in fall of 2018, went through weeks of comment and response with DEP, yet then asked to withdraw this application.
- DEP official told me that Rockwool claimed they were not doing any ground work in after November 1, 2018 when their permit expired (after 1 year) – but we have video documentation of earth moving activities November 30, 2018.

***Stormwater construction permit – Permit ID WVR108876 - application to reissue #2 – submitted 6/21/19***

- The 98.5 acre Limit of Disturbance does not include earth disturbance from associated projects, such as the adjacent Northport Ave Extension. This and other projects are necessitated by the Rockwool facility and should be included in the total LOD.
- Rockwool failed to reapply in a timely manner (90 days from February 9, 2019)

***Multi-sector permit, Permit ID WVG611896***

- Rockwool’s response to Section 10 question about receiving stream is to name Evitts Run. This is not the receiving stream for the site. The correct receiving stream for the site is Rocky Marsh Run. Furthermore in the text ‘comments’ for section 10, Rockwool states that stormwater will be discharged to the City of Charles Town storm water system – which does not exist.

“Discharge from the stone outlet apron discharges to the City of Charles Town storm water system. The facility's storm water post development peak flow and overall discharge is less than predevelopment discharge and the BMPs in place are in compliance with the terms of the WV's MS4. The closest surface waterbody is a former quarry now used for recreational purposes approximately 1,000 feet northwest. The City of Charles Town storm water system ultimately drains to Evitts Run and then to the Shenandoah River.

- Figure 1 of the Spill Prevention, Control, and Countermeasure plan (SPCC) shows local source water protection areas. The map fails to include (and is centered in a way that would not include) the source water protection area for Shepherdstown. Rocky Marsh Run is the source water stream for Shephersdtown water supply, and should be noted.
- The total discharge to streams of 96,537 gallons per day seems excessive unless there is no infiltration whatsoever and all stormwater is diverted directly to streams (or into an MS4 system, which does not exist there).
- Page 23 of the SWPP/GPP document states: “the site is currently continuing construction under approved West Virginia Construction General Storm water Permit, WV 108876” . However, Rockwool failed to apply to reissue its coverage within 90 days of the effective date of the new statewide General Permit.
- Page 22 of the SWPP/GPP document notes “During construction ten sinkholes were identified (approximate locations shown on Figure 2A) and repaired using WVDEP approved methods, as of June 21, 2019.” However, there are at least 17 sinkholes, 5 of which were not repaired as of July 23, 2019. This is according to “Comment #3” of the comment tracking document for the application for reissue #2 of WV 108876. “The sinkholes were added to the map and numbered from 1-17. Sinkholes 1-12 have been repaired using the approved Supplemental Sinkhole Repair Document. Sinkholes 13-17 are recent developments and have not been repaired at this time.” Did these sinkholes develop during the one month between these documents?