



2020

Jefferson County
Foundation, Inc.

2020 Annual Report

Dear Supporters,

We hope this Annual Report finds you and your families well and hopeful for a new, and better, year. As we reflect on 2020, we see that despite the challenges of this year, the Jefferson County Foundation team has brought uncommon resilience, dedication, and perseverance to the pursuit of our goals.

You, our supporters and volunteers, are essential to our progress. Without you, we could not have done the work described in this report to promote clean water, clean air, sustainable development, and transparent government for Jefferson County and the region.

It is with the deepest appreciation that I thank our donors, team members, and volunteers. Let's be proud of the impact we are having. And since lasting impact requires sustained engagement, please commit to redoubling our efforts in 2021.



Christine Wimer
President
Jefferson County Foundation, Inc.

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Officers

Christine Wimer, MS, DVM, DACVS-LA

Dr. Wimer is passionate about the Shenandoah Valley. She is a direct descendant of Jon and Isaac VanMetre, who were the first Europeans to cross the Blue Ridge into the Shenandoah Valley. Dr. Wimer has a bachelor's degree in biology, a master's degree in applied molecular biology (both from the University of Maryland Baltimore County), and earned her Doctor of Veterinary Medicine from Cornell University. She's a board-certified surgeon and has completed two post-docs in equine immunology. She is a lifelong equestrian and enjoys spending time on her horse farm in Ranson, West Virginia.



Billie Garde

Ms. Billie Garde is a lawyer admitted to the Bar of several states as well as numerous federal circuit courts of appeals and administrative agencies. Her legal practice specializes in the resolution of disputes in the energy industry, including commercial nuclear, pipeline, oil and gas, as well as the Department of Energy weapons, cleanup and research complex. Her career focus has been representing employees who have been subjected to retaliation for raising safety, environmental and regulatory concerns. She has testified before Congress on policy issues and investigations; and is a frequent speaker/trainer on the importance of Safety Culture within high consequence industries. She has lived in Jefferson County since 1996.



Diane Blust

Following a 25-year career in government intelligence, Ms. Blust spent years as a volunteer working on environmental, sustainability, and food issues. She was the president of the Fairfax Coalition for Smarter Growth and head of its Sustainable Reston project, a member of Reston Association's Environmental Advisory Committee, and a Virginia Cooperative Extension Service Master Food Volunteer. In 2014, she moved to Jefferson County where she has a small permaculture homestead.



Clean Water

“...the most concerning potential risk from both construction and operation of the facility is for groundwater contamination.”

Chris Groves, PhD, PG
Western Kentucky University

Author of the Report: Karst Hydrogeology and the Potential for Associated Environmental Risks Resulting From the RAN 5 Project, Jefferson County, West Virginia, submitted as Expert Testimony to the Environmental Quality Board.



Key Contributor >> Lori Maloney

As a watershed ecologist, Lori Maloney has coordinated projects to reduce sediment pollution to and to restore streams from acid mine drainage, and has co-authored publications on the effects of land use on coastal ecosystems. As part of our stormwater permitting team, her expertise is invaluable as we monitor and report on stormwater violations from potential groundwater polluters to the West Virginia Department of Environmental Protections (WVDEP).

You enable us to fight for the water.

Karst hydrogeology underlies a majority of Jefferson County, making the groundwater vulnerable to contamination by surface water pollutants that can move through easily-fractured karst. Surface pollutants can then quickly be carried to groundwater, streams, and the Potomac. It has been well documented that the groundwater flows relatively rapidly, emerging at springs and into streams in days to weeks. Such waters then flow quickly into the Potomac either directly or via the Opequon Creek or Shenandoah River.

The protection of our region’s vulnerable water is a priority on which everyone can agree. Community Growth Strategist Doug Griffiths writes that the number one thing a community can do to kill itself is not have clean water. A majority of businesses and residents in Jefferson County depend on groundwater. The backbone of the economy of Jefferson County—from tourism to the equine industry and agriculture—relies heavily on access to clean water. And more than 6 million people depend on the Potomac River for drinking water east of Harpers Ferry. The groundwater of Jefferson County and the region is clearly a valuable resource worth protecting.

The Foundation is fighting to protect the water resources of Jefferson County and the region from the threats posed by insufficient or lax government oversight of new and existing development, particularly with respect to heavy industry.



Jefferson County Foundation 2020 Year in Review: Water

- 4** Legal cases filed (3 cases, one appeal) to stop inappropriately issued permits
- 17** Other nonprofit organizations who collaborated with the Foundation on protecting the water
- 10+** More than 10 detailed complaints sent to the DEP regarding clean water violations *which triggered at least 9 site inspections, and some of which generated notice letters to Permit Applicants.*
- 60+** Letters sent to local officials about water issues

Bloomberg Law



West Virginia’s Use of Expired Stormwater Permits Questioned

Jefferson County Foundation leads a coalition of environmental nonprofits to ask the EPA to investigate why the West Virginia Department of Environmental Protection is allowing the use of expired stormwater permits at construction sites in the state.

Filed 2 Notice of Intent to sue due to lack of proper permitting, which resulted in permit applications for stormwater.

Numerous FOIA requests filed to the U.S. EPA, WV DEP, City of Charles Town, City of Ranson, US Fish and Wildlife Service, WV Public Service Commission, US Department of Transportation, Pipeline and Hazardous Material Safety Administration (PHMSA) and WV Department of Transportation.

Kept the public informed through email updates, social media, public forums, public meetings, door hanger campaigns, and enabled submission of over 80 public comments specific to water protection via our website.

Designed and administering a water testing program to help the region’s property owners protect their rights to recover damages in the event industrial activity impacts future water quality.

Clean Air

According to the National Academy of Sciences, children are inherently more sensitive to the effects of air pollution.



Key Contributor >> Susan April

Susan April is a Principal Environmental Scientist with 30 years of permitting, compliance assessment, and regulation development experience as a consultant for the US EPA, DOE, DHS, tribes, states, and local governments. She has expertise in PSD and Title V air permitting, NPDES permitting, and RCRA permitting. Susan is an amazing resource and a fount of knowledge. We are so lucky to have her on our team.

Clean air and low emissions are worth fighting for.

Until 2018, it had been decades since a new major air emission source had located in Jefferson County. Compared to other counties, our region thus had relatively low background levels of air pollution with few local restrictions on air emissions. This made it attractive to industries seeking a combination of pro-industry regulators and regulatory “room” to emit more pollutants given current low baselines. In 2017, we were caught unaware and off guard when Rockwool applied for an air emissions permit to construct its plant in Jefferson County. To a heavy industry site selector, Jefferson County must have looked like an absolute beacon of opportunity. Unfortunately, the air emissions from an industrial entity like Rockwool will negatively impact the health, safety, and welfare of our county and the region. The science is clear this will be borne out through negative effects on our groundwater (because of air particulates getting trapped in surface waters that flow into groundwater); the tourism, agriculture and equine industries; child mental, emotional, and physical development; and increase in diseases from eczema and asthma to heart disease and cancer. The fact that this fate will be worst for those in low income communities closest to the Rockwool plant make this an egregious example of environmental injustice.

Jefferson County Foundation 2020 Year in Review: Air

250+

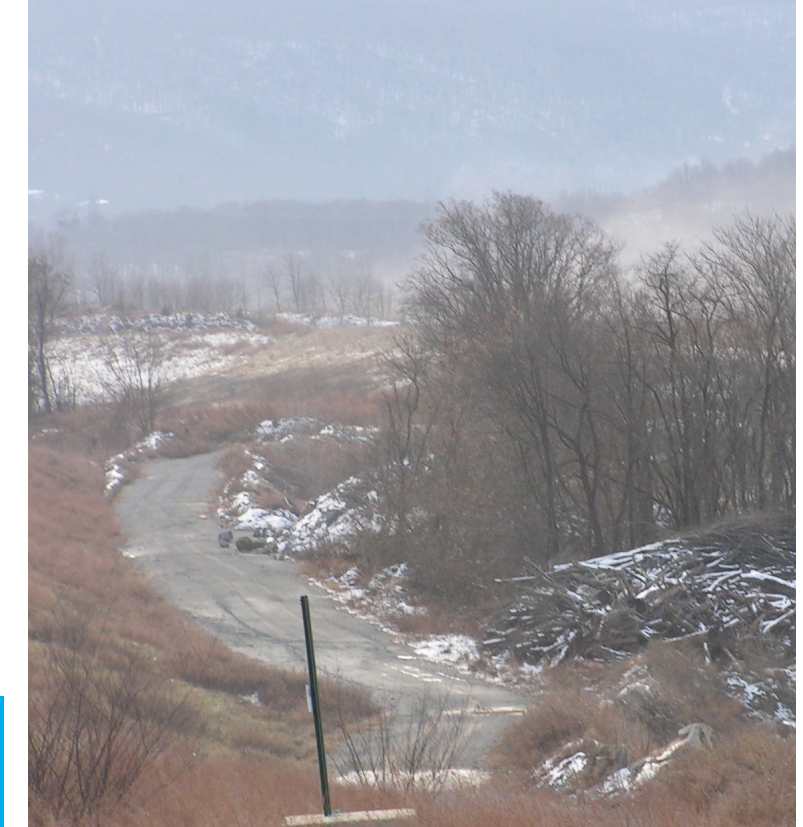
Stopped one inappropriate air emissions permit in Jefferson County this year, providing detailed technical comments on this permit and enabling the public to submit more than 250 public comments via our website.



Uncovered significant evidence showing that DEP is allowing Rockwool to make changes in operating parameters without modifying their permit; wrote the DEP and EPA demanding that they treat this operating change appropriately, perform due diligence and be transparent.



Presented information to multiple governing bodies and NGOs in Maryland and Virginia explaining our air emissions concerns. Had two meetings with the DEP to share our concerns regarding Rockwool’s air permit and emissions. Advised the EPA of Rockwool’s planned change in operating parameters and the DEP’s lack of appropriate action.

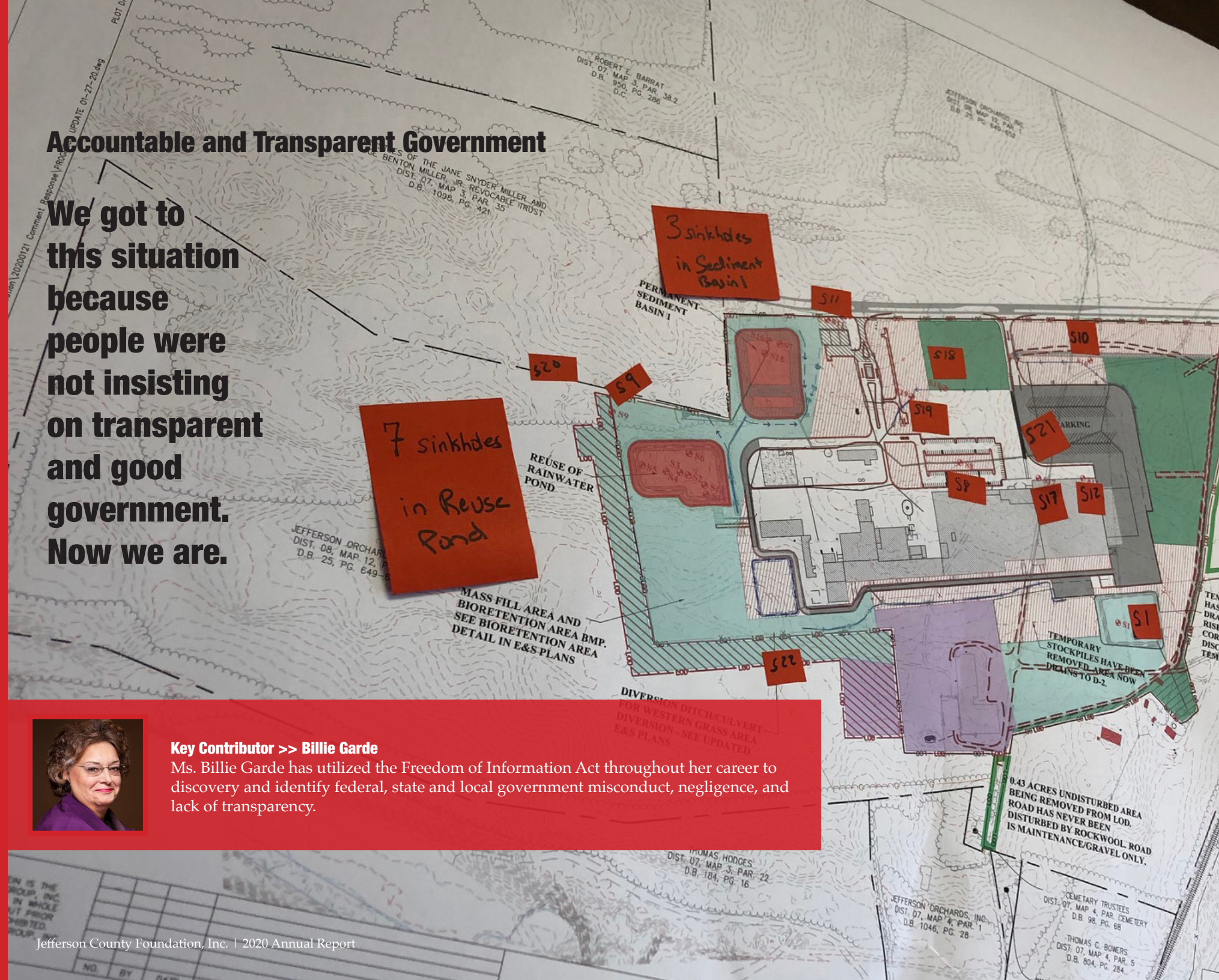


Accountable and Transparent Government

We got to this situation because people were not insisting on transparent and good government. Now we are.

7 sinkholes in Reuse Pond

3 sinkholes in Sediment Basin 1



Key Contributor >> Billie Garde

Ms. Billie Garde has utilized the Freedom of Information Act throughout her career to discover and identify federal, state and local government misconduct, negligence, and lack of transparency.

Government is the servant of the people, not the master of them.

A great majority of Jefferson County residents believe, for a variety of reasons inherent to this county, that this is not the right place for heavy industry and that heavy industry here will endanger the health, safety and welfare of the people and the community. Unfortunately, the public officials who are responsible for bringing heavy industry here abdicated their duty to protect the health, safety, and welfare of the people and the community; instead they participated in decisions that were kept from the public so that we could not protect ourselves. These officials also abdicated their duty to uphold the “fundamental philosophy of the American Constitutional form of representative government which holds to the principle that government is the servant of the people and not the master of them” as stated in Chapter 29B of the West Virginia Code establishing the policy of providing full and complete information about the affairs of government to the people.

The Foundation believes that the only way government can function as it was intended to is if the government operates in a transparent manner and is held accountable for its actions and decisions. The Foundation is working hard to drive the local governing bodies ever more toward transparency. We are also working to obtain information from the local, state, and federal governments for the people and to use this information to hold the government at every level accountable for its actions.

Jefferson County Foundation 2020 Year in Review: Government Transparency

30+ Submitted more than 30 FOIA requests in 2020 to more than 10 different governmental agencies.



Attended dozens of meetings and gave public comment on issues pertaining to the goals of the Foundation. We monitor adherence to the open meetings act (Chapter 6-article 9A of the WV Code) at a variety of governmental bodies in the county.



We sent emails and letters informing governmental bodies of consequential errors they have made in following the Open Meetings Act and Freedom of Information Act, and requesting information be provided or errors be corrected.



Examples of the changes this work has driven this year include:
 Through persistent FOIA requests, the Foundation obtained the Rockwool Plumbing Plans for evaluation by the Foundation’s expert.
 Through the diligent work of board member Billie Garde, the botched Ranson Zoning Public Hearing was repeated, allowing many to speak who had been deprived their original chance and requiring that the Council take their vote in public view as required by law.
 Through the diligent work of board member Diane Blust, the JCDA was required to maintain transparency in the process to develop a strategic plan.

“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created.”

WEST VIRGINIA CODE CHAPTER 29B. FREEDOM OF INFORMATION.

Fair Taxation and Sustainable Economy

Effective economic development means saying “no” to ineffective and inappropriate schemes used in the past and “yes” to smart and sustainable approaches.



Key Contributor >> Diane Blust

Following a 25-year career in government intelligence, Ms. Blust spent years as a volunteer working on environmental, sustainability, and food issues. She was the president of the Fairfax Coalition for Smarter Growth and head of its Sustainable Reston project, a member of Reston Association’s Environmental Advisory Committee, and a Virginia Cooperative Extension Service Master Food Volunteer. Since moving to Jefferson County in 2014 she has worked on sustainability, environmental, and smart economic development.

We oppose illegal and inappropriate tax breaks and handouts to corporations while supporting smart growth and development consistent with Envision Jefferson 2035 Comprehensive Plan.

In 2020 the Jefferson County Foundation formally filed a lawsuit in the Kanawha County Circuit Court against the West Virginia Economic Development Authority (WVEDA) and Roxul USA, Inc. alleging the unconstitutionality of the WVEDA’s resolution to authorize tax breaks for Rockwool. The WVEDA disregarded clear local community opposition to the Rockwool project and authorized up to \$150 million in state bonds secured by Rockwool’s Ranson property which would be held by the state for up to 10 years during which time Rockwool would not pay taxes. This scheme is blatantly unfair and illegal as it allows uneven application of tax laws which is prohibited by Article X of the West Virginia Constitution.

In addition to advocating against unfair taxation schemes, the Foundation continues to work to protect the industries that already thrive in the area and drive revenue for the state. Jefferson County boasts a \$1 billion a year tourism industry, an agricultural industry that is in the top seven counties in three sectors of sales, and an equine industry that for centuries has worked synergistically with tourism and agricultural sectors. This synergy supports hundreds of small businesses and startups well known to provide better paying jobs than large manufacturing installations. It also protects and promotes the health and heritage of Jefferson County. Research has shown that small town tourism, agro-tourism, and local consumption of local agricultural goods can be a massive boon to the economy. Many communities like ours are working hard to develop such industries and markets. We already have these thriving industries and they already work synergistically to provide local markets for local agricultural goods from hay and straw to apples and beef.

The ongoing pandemic has had deep and widespread negative economic impacts. The pandemic laid bare the systemic problems of globalization and global supply chains. The highly complex global and national supply chains may be fine in good times; in bad times, not so much. Last year, we saw shortages of everything from toilet paper to meat to yeast to canning supplies to cleaning supplies.

The pandemic and its economic fallout will require us to rethink economic assumptions. There are economic, environmental, and social imperatives to promote and sustain locally owned and operated businesses that provide goods and services and create jobs. We need to learn the lessons of the day and strive to take advantage of our strengths, not squander them to take on a relic of development goals of days gone by.

59 The number of Rockwools needed to replace the number of jobs the tourism industry provides in Jefferson County

\$1.5 million Amount of business volume Jefferson County would risk each year from the equine industry per job Rockwool says it will provide

\$150 million Amount the WVEDA authorized in state bonds secured by Rockwool’s Ranson property which would be held by the state for up to 10 years during which time Rockwool would not pay taxes

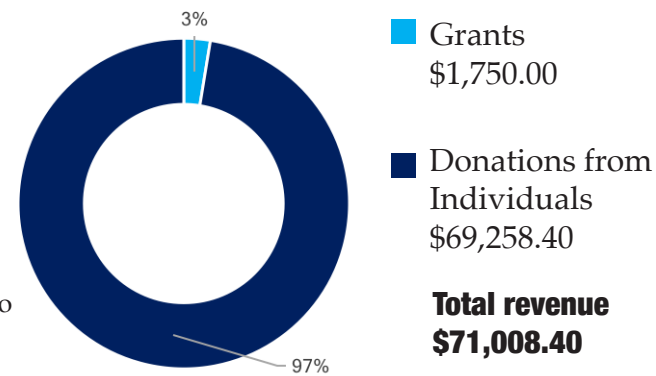


Financial Report

We take our responsibility to use your donation dollars wisely and efficiently in pursuit of our shared goals very seriously. We work hard to ensure that each dollar goes as far as it can to achieve the goals we are all striving for.

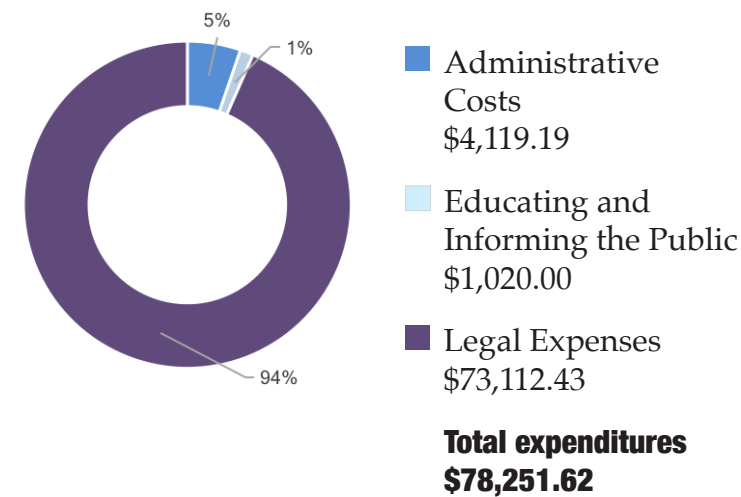
Revenue

Your ongoing support is critical to the operations and goals of the Foundation. A majority of the Foundation's revenue in 2020 came from individual donors, with the remainder coming from grants. We are extremely appreciative of all the individual donors who collectively make the work of the Foundation possible. We want to give thanks also to the West Virginia Sierra Club, Eastern Panhandle Sierra Club and Eastern Panhandle Green Coalition for providing grants to the Foundation this year to support our work.



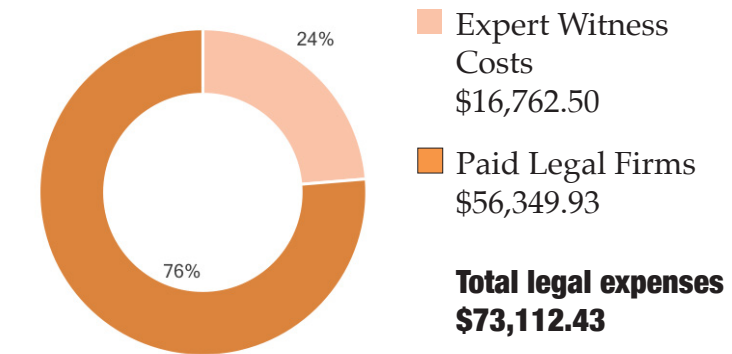
Expenditures

All donations and grants from non-board member donors were used for legal fees to support the work of the Foundation. Administrative costs were completely covered by a portion of the donations of the Foundation's board members. The Foundation has an all-volunteer staff and many volunteer scientific and legal contributors collectively donating hundreds of hours each month.



Legal Expenses

The vast majority of the Foundation's budget goes to support legal representation in West Virginia, which is essential to pursue our legal and regulatory actions. At the same time the Foundation's status as a 501(c)(3) non-profit enables us to attract and leverage considerable pro bono legal work. In this way, we are able to obtain specialized legal counsel we would not otherwise be able to afford and we are able to use more efficiently the legal work we do pay for. This means we are able to achieve more with every dollar donated to the Foundation.



We are so grateful for the support of our donors and partners in the fight to protect our regions natural resources.

"We are delighted to be recurring donors to the Jefferson County Foundation.

Their dedication to eradication of the proposed Rockwool facility has been incredible.

We will continue our support as long as necessary to prevent this plant from becoming fully operational.

We ask for your support to the legal fund of Jefferson County Foundation so their resistance may continue."

~Ruth and Gerald Hatcher
Ranson, WV

"Water storage ponds on the sinkhole-pocked property have raised serious concerns about contamination of drinking water. The Foundation organized testing of local residents' wells, so that baseline levels of likely pollutants would be known. I am proud to say Sierra Club has offered some assistance with this project.

Support from larger organizations can help, but the backbone of Jefferson County Foundation's funding comes from concerned residents of the surrounding area. Legal representation is costly, and this grassroots group is made up of ordinary people with the same financial challenges that your household faces. Please help Jefferson County Foundation preserve your air and your water. Please help our neighbors look forward to a thriving economy based on clean, sustainable, long-lasting jobs."

~Aileen Curfman
Co-Chair of the West Virginia Sierra Club

Thank you to other key volunteers and collaborators

Bruce Appelgren	Benita Keller
Natasha Baihly	Jennifer King
Beth Brent	Gavin Perry
Giuliana Brogna	Patricia Perry
Susannah Buckles	Cheryl Pullen
Tracy Cannon	Mary Reed
Terry Feelemyer	Kevin Sellner
Karen Freer	Colin Stein
Mike Glenn	Jim Surkamp
John Gonano	Sharon Wilt
Ruth & Gerald Hatcher	Susie Wimer
Regina Hendrix	Celine Wilson

Appalachian Mountain Advocates
Dunkard Creek Watershed Association
Earthjustice
Eastern Panhandle Protectors
Eastern Panhandle Sierra Club
Ohio Valley Environmental Coalition (OVEC)
Piedmont Environmental Council
Rural Agricultural Defenders
Sierra Club
Sierra Club Catoctin Group
Sierra Club Maryland Chapter
Sierra Club West Virginia
Smarter Growth Alliance for Frederick County
Brent Walls, Upper Potomac Riverkeeper
Warm Springs Watershed Association
West Virginia Environmental Council (WVEC)
West Virginia Highlands Conservancy
West Virginia Rivers Coalition

www.jeffersoncountyfoundation.org

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