



Jefferson County
Foundation, Inc.

2021 Annual Report

Dear Supporters,

In 2021 your support of the Jefferson County Foundation made possible a year of intense work in which we forged new partnerships, bolstered alliances, and progressed the legal and regulatory actions that are at the core of our strategy. We enter 2022 with momentum.

You, our supporters, are vital to the Foundation’s work to protect the environment and promote sustainable development and transparent government. Work like this requires diverse inputs and if we all contribute what we can, there is no limit to what we can achieve.

It is therefore with the deepest respect and appreciation that I thank our community of financial donors, team members, and volunteers. And it is with the same sentiment that I ask you to commit to continuing our efforts in the months ahead.

Christine Wimer
President
Jefferson County Foundation, Inc.

In This Report

- Officers _____ 1
- 2021 At-a-Glance _____ 2
- Clean Water _____ 4
- Clean Air _____ 10
- Accountable and Transparent Government 14
- Fair Taxation and Sustainable Economy__ 16
- Looking Forward _____ 18
- Financials _____ 20



Officers

Diane Blust

Following a 25-year career in 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.



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 focuses on resolving issues arising in the energy industry—including commercial nuclear, oil and gas, and the Department of Energy weapons, cleanup and research complex--specializing in representing employees who have been subjected to retaliation for raising safety and environmental concerns. She has testified before Congress and administrative agencies, and is a frequent speaker / trainer on the importance of Safety Culture within high consequence industries.



Christine Wimer

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 a Doctor of Veterinary Medicine from Cornell University. She is a board-certified surgeon and completed two post-doctoral fellowships in equine immunology. Dr. Wimer is a 14th-generation descendent of John and Isaac VanMetre, who were the first European settlers in the Great Valley during the 17th century. She is a lifelong equestrian and enjoys spending time on her horse farm in Ranson, West Virginia.



2021 At-a-Glance

Progress is not always a straight line.

Constitutional Challenge of Tax Breaks

March/June/August
The pro-industry business court initially found in Rockwool's favor in the winter and the Foundation appealed in its constitutional challenge of the WVEDA's deal with Rockwool to eliminate Rockwool's tax liability. Fair and equitable taxation was a mandate from the founding of West Virginia and Rockwool should be no exception.

Baseline Water Monitoring

April/May
The Foundation doubled the number of springs and drinking water wells enrolled in its water monitoring program.

Engaged Federal EPA

May
Sent a letter notifying the EPA that Rockwool's air permit does not reflect its operation and asked them to take action, putting the EPA on notice in advance of the upcoming operational permitting process that there are issues with Rockwool's permit that need to be addressed.

397 Letters Sent

June
The Foundation provided information to the public regarding major zoning changes in the environmentally sensitive area around Rockwool designed to benefit one owner, and members of the public sent in 397 public comments via our website.

Congressional Support

June/July
Demonstrating a regional base of concern over Rockwool's air emissions, multiple local, state, and federal elected officials - including Maryland Congressmen Raskin and Trone - sent letters in support of the Foundation's request to the EPA.

Water Inspections

June – September
The Foundation notified the WVDEP of several concerning stormwater issues at the Rockwool facility, leading to the first site inspection in over a year, several subsequent inspections, and several issues being addressed.

Construction Karst Mitigation Plans

July – October
The Final Order of the Environmental Quality Board in the Foundation's Appeals of Rockwool's Construction Stormwater Permit recommended that the WVDEP develop official guidance for what may qualify as a Karst Mitigation Plan.

Met with EPA

August
Led by our specialized counsel the Foundation and our supporters met with the EPA to discuss the Foundation's concerns over Rockwool's air permit, giving the EPA a more accurate picture of our concerns.

Aluminum Detected

August – December
The Foundation's water monitoring program identified significant amounts of aluminum in the Elk Branch Run head waters.

Air Inspections

September / October
The Foundation notified the WVDEP that our monitoring had identified concerns that Rockwool was not abiding by its air permit, leading to two site inspections and some corrective action.

CTUB Settled

October – December
CTUB appealed its new National Pollutant Discharge Elimination System Permit, seeking to weaken its water protections. The Foundation intervened and CTUB agreed to a settlement that advantaged the environment.

Foiled Thanksgiving Surprise

November / December
Rockwool applied for a new operational stormwater permit registration and it was granted three business days later by the WVDEP the week of Thanksgiving without the required public notice and many other failures. The Foundation rallied to appeal the unfortunately timed appeal just before Christmas.

Clean Water

In 2021 the Foundation built on and expanded our work of the previous two years to protect the water resources of Jefferson County and surrounding region from the threats posed by ineffective government oversight.

Clean water may be a human right, but it's not a given.

Our local economy, our rural way of life, and our public health rely on access to good quality water.

For example, more than 6 million people rely on the Potomac River for drinking water east of Harpers Ferry. The nature of the karst hydrology that underlies a majority of Jefferson County makes the groundwater extremely vulnerable to contamination by surface water pollutants, and allows such pollutants to be carried relatively rapidly to surface streams, the Opequon Creek, the Shenandoah River, and on to the Potomac River.

Furthermore, in Jefferson County a majority of the county's residents rely on groundwater for drinking water and much of that water is drawn untreated from private wells.

Legal Work Related to Clean Water

The Foundation filed or continued work on five legal cases to protect the water resources of Jefferson County and the region this year. These cases are critical to ensure that permits capable of protecting the vulnerable groundwater are required and properly enforced.

Appeal of Rockwool's Construction Stormwater Permit Concludes

Early in the year the proceedings in the Foundation's appeal of Rockwool's Stormwater Construction Permit (CGP) were delayed several times due to the WVDEP's inability (or unwillingness) to produce the required certified record. The evidentiary hearing was not concluded until March and the post-hearing briefings were submitted in mid-May. By the time the Environmental Quality Board (EQB) rendered a decision in October—more than a year and a half after our appeal was filed—Rockwool had already finished construction and terminated its construction permit. Importantly, however, the EQB's written order urged the WVDEP to create specific guidance on Karst Mitigation Plans to be included in construction stormwater permits in regions like ours which are underlain by karst.

Appeal of Rockwool's Operational Stormwater Permit Continues

Rockwool obtained its operational stormwater permit in November 2020 (registration under the 2019 Multi-sector Stormwater General Permit (MSGP)). Noting that the permit was not adequate to address the risks posed by Rockwool's operation, the Foundation appealed it in December 2020. Through the winter and spring of 2021, the Foundation conducted discovery and produced expert witness reports from our expert witness environmental engineer and expert witness karst hydrologist. The evidentiary hearing in this case started with nearly two days of testimony from the Foundation's expert witnesses in the first week of July. Scheduled to continue on the last day of September, the Foundation's attorneys and witnesses prepared for the remainder of the hearing through the end of the summer, but a COVID exposure forced a delay beyond the end of the year at the very last minute.

CTUB Held to a Higher Standard

Through the first half of the year, the Foundation monitored the Charles Town Utility Board's (CTUB) application for a reissuance of its NPDES (National Pollutant Discharge Elimination System) permit from the WVDEP. The permit was issued in August, and CTUB appealed the permit to the EQB seeking to relax several of the conditions. The Foundation timely filed to intervene in the appeal to advocate for maintaining the more protective original conditions. Before the case had to go to an evidentiary hearing, a settlement was reached and CTUB agreed to accept the original chloride limit for its effluent and agreed to notify WVDEP via phone when an industrial user exceeded limits set for its effluent discharged to CTUB. Such reporting enables WVDEP to take immediate action to correct the issue, providing substantially greater protections for the water resources.

We are highly confident that the Foundation's involvement in this proceeding significantly influenced the positive settlement; we will continue to monitor CTUB and WVDEP's compliance.

Another Thanksgiving Surprise

On the Friday before Thanksgiving 2021, Rockwool submitted an application for registration under the 2020 MSGP (its second stormwater operational permit).

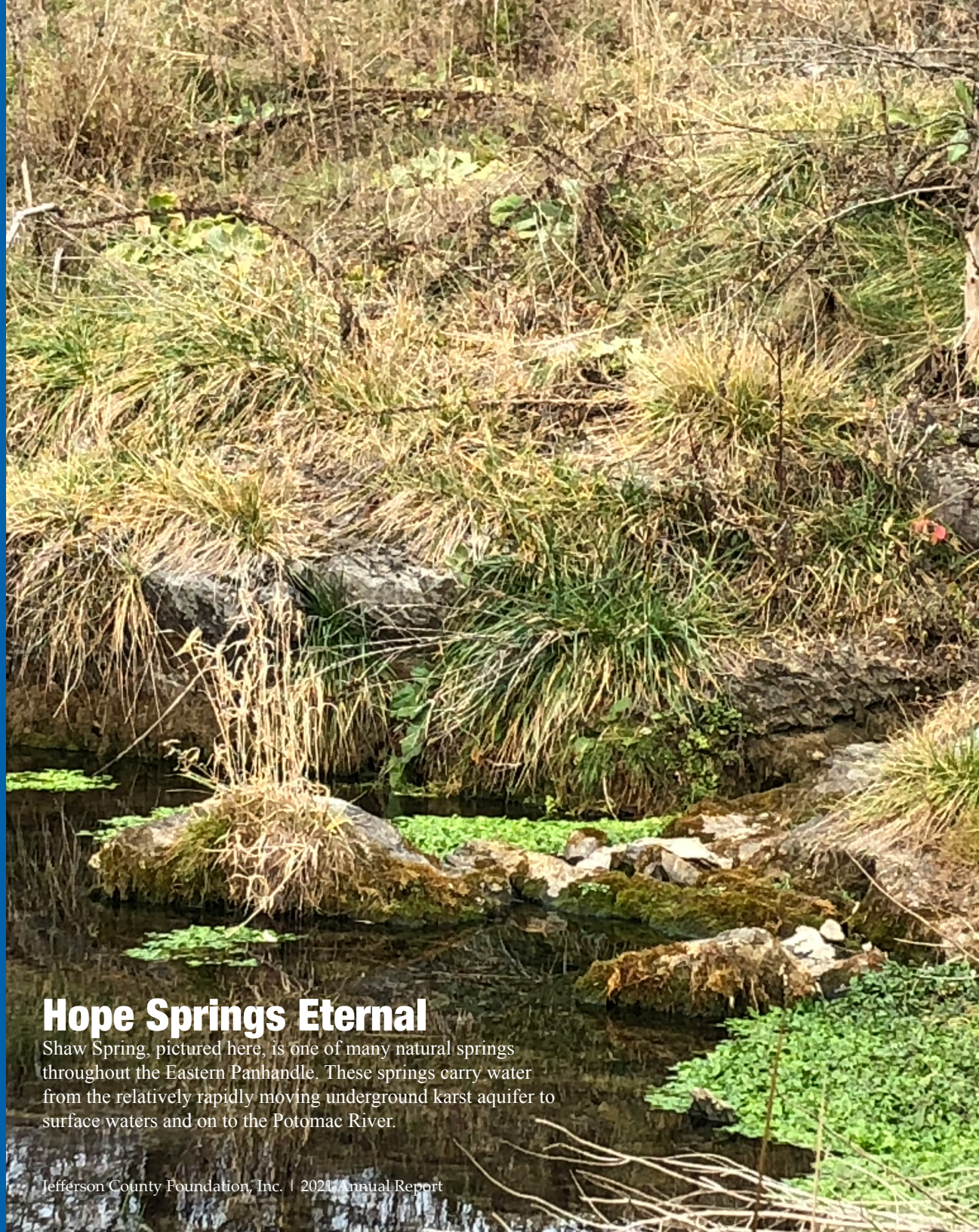
Despite the fact that Rockwool failed to submit a complete application, failed to submit accurate information, and failed to submit the correct application form—and despite the fact that the WVDEP knew or reasonably should have known that Rockwool's information was not true, accurate, or complete—the WVDEP approved the new registration in three business days completely neglecting the requirement for public comment. The timing made timely appealing the permit very challenging but the Foundation's new legal counsel was able to file the notice of appeal just days before Christmas 2021.

Welcome, Fair Shake

The Foundation's water program was able to attract the services of a public interest environmental litigation firm, Fair Shake Environmental Legal Services, this fall. Having such specialized legal support will be a significant boost to our work to protect water quality and we are excited to be working with this firm and its team.

Rocky Marsh Run

This waterway traverses fields and marshland providing water for farms, wildlife habitats and a backup water source to Shepherdstown, and eventually joins the Potomac River. Protecting the waters of the state has effects locally and for millions of people downstream.



Hope Springs Eternal

Shaw Spring, pictured here, is one of many natural springs throughout the Eastern Panhandle. These springs carry water from the relatively rapidly moving underground karst aquifer to surface waters and on to the Potomac River.

Water Monitoring: Keeping a Watchful Eye

Last year the Foundation expanded our water monitoring program and transitioned from baseline testing to monitoring water quality as Rockwool started operation. The Foundation more than doubled the number of wells and springs enrolled in the baseline program. The springs enrolled in the study were chosen based on previous groundwater flow data published in the scientific literature and guidance from expert karst hydrologists advising the Foundation. This baseline data has already proven to be valuable as the Foundation was able to identify, track, and alert those potentially affected of a significant increase in aluminum in the headwaters of Elk Branch. Combined with the Foundation's monitoring of discharge monitoring reports submitted by permitted entities like Rockwool, this water quality monitoring program is a powerful tool to identify and call attention to developments that threaten our water.

Keeping Them Honest

The Foundation monitored a variety of sites in the Eastern Panhandle for compliance with Clean Water Act NPDES permits and regulations - documenting concerns and submitting letters to WVDEP when concerns arose. Notable issues that were addressed in this work include failure of applicants and permittees to post public notice signs as required by the permit, illicit discharges leaving permitted sites, inadequate or inappropriately installed management practices, and inadequate or unpermitted work.



Not "Just Stormwater"

Since the start of its operation, Rockwool's ill-designed stormwater handling system has already failed, risking the area's ground and surface water resources. Of serious concern are the improperly controlled outdoor storage areas and the contaminants they may introduce to the stormwater (example above), and the ill-designed outlets and the effect they have in this karst environment (example below).



Key Actions and Achievements

EQB Asks WVDEP to Improve Guidance Documents for Karst

EQB advised WVDEP to improve guidance documents for Karst Mitigation Plans in Construction Stormwater Permitting in response to Foundation's appeal of Rockwool's Construction Stormwater General Permit Registration.

Three Stormwater Site Inspections at Rockwool

Letters to the WVDEP outlining concerns over stormwater violations at the Rockwool facility led to three site inspections by WVDEP NPDES inspectors.

Water Monitoring Program Expands

Water monitoring program doubled the number of enrolled springs and drinking wells to a total of more than 30.

Elevated Aluminum Levels Spotted and Reported

Examining Rockwool's Discharge Monitoring Reports which identified aluminum 5 times the benchmark levels.

Increased Monitoring of Springs

Monthly monitoring of sentinel springs around Rockwool identified and tracked markedly elevated aluminum in the Elk Branch headwaters.

Intervention Pushed Settlement in CTUB Case

Filed to intervene in Charles Town Utility Board's appeal of its NPDES permit leading to a settlement improving the protections for the water in the permit conditions.

Element of Surprise Averted

Timely identified and appealed Rockwool's second operational stormwater permit registration which WVDEP approved in only 3 days the week of Thanksgiving without public notice.

Clean Air

Clean air is vital to our way of life.

In 2021 the Foundation continued to: monitor for the issuance of new air permits in our region; engage authorities where necessary to ensure compliance with current air permits; and lay the groundwork to strengthen Rockwool's current deficient permit.

Clean air is vitally important to our local economy and to health and welfare. Air pollution and reduced air quality have negative effects on tourism, agriculture, and the equine industry; the health and development of children in particular; and the health, productivity, and quality of life of all those exposed.

“We also urge the EPA to engage with the West Virginia Department of Environmental Protection to require Rockwool to update or re-open its existing PSD permit. Additionally, we urge the EPA to encourage public participation in the permitting process and to hear directly from our constituents and others who have expressed their concerns to us.”

Maryland Congressmen Jamie Raskin and David Trone in a letter to the EPA, July 14, 2021

1,519 Tons Per Year

The Rockwool Ranson facility (pictured here) is a Major Air Emission Source permitted to emit 250.87 tons per year (TPY) of particulate matter, 147.45 TPY of Sulfur Dioxide, 238.96 TPY of Carbon Monoxide, 471.41 TPY of Volatile Organic Compounds, 16.37 TPY of Sulfuric Acid mist, and 392.59 TPY of Hazardous Air Pollutants.





Growing Lungs

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

Rockwool Air Permit

Despite the unfortunate circumstances that led to Rockwool’s initial air permit being approved before the general public took notice, once the permit was approved in 2018 the time for the public to affect the permit had passed. In 2020 however, Rockwool notified the WV Department of Environmental Protection (WVDEP) that the company was changing its planned operation, but wished to maintain the high emission limits associated with its coal-fueled operation as originally permitted. WVDEP failed to require Rockwool to update its permit or provide more information regarding this change.

Based on the Foundation’s concern that Rockwool’s air permit no longer reflects its operation and as such does not comply with the Clean Air Act, in 2021 the Foundation worked to engage the federal Environmental Protection Agency (EPA). It was clear from information the Foundation obtained under FOIA that initially the EPA had deferred to the WVDEP to address this issue. However, following a letter from the Foundation to the EPA outlining our concerns and several letters of support for the Foundation’s position from elected representatives, the EPA met with the Foundation and our supporters to discuss these concerns. Following the meeting the Foundation submitted materials in further support of the issues raised in the meeting, and the EPA agreed to review the concerns and engage with the WVDEP.

This work to strengthen Rockwool’s permit, as well as continued vigilance for new permits and compliance with existing permits, is critical to ensuring good air quality in the region.



A Matter of Perspective

This is the view kids can see from North Jefferson Elementary School, a Title I school which is just across the road from the Rockwool Ranson facility.



Key Actions and Achievements

Recruited Specialized Counsel

The Foundation identified and engaged legal counsel specializing in air permitting—and with considerable EPA experience—to help us most effectively advocate for positive change.

Engaged the EPA

The Foundation requested the EPA take action to address the concern that following Rockwool’s change in operating parameters Rockwool’s air permit no longer reflects its planned operation and does not meet the standards of the Clean Air Act.

Gained Support

The Foundation worked to inform and gain the support of dozens of elected federal, state and local elected officials from around the region in our efforts to improve Rockwool’s air permit.

Met with the EPA

The EPA met with the Foundation and its supporters to better understand the concerns regarding Rockwool’s permit. Following the meeting the EPA requested follow up materials from the Foundation regarding our air permit concerns.

Kept a Close Eye

The close monitoring of the Rockwool site led to identification of several examples of apparent air permit violations.

Triggered WVDEP Action

Submission of an air permit complaint to the WVDEP about Rockwool led to site inspections by WVDEP and corrective actions being taken to improve permit compliance.

Accountable and Transparent Government

Shining a light on the democratic process is key to preserving it.

In 2021 the Foundation continued its work to drive local, state, and even federal governing bodies and agencies toward transparency and accountability, and to reduce barriers to participation for the people in their government. Accountable and transparent government is key to effective democracy and to achieving our goals protecting the health, heritage, and environment of the Eastern Panhandle.

The Foundation continued our work to obtain important information from the local, state, and federal governments and share it with the people impacted. We advocated for flexible meeting access, advised of significant opportunities to engage, provided fact-based information for individuals looking to get involved, and provided easier access to public comment submission.

Key Actions and Achievements

Pushing for Public Input and Awareness

Met with Jefferson County Development Authority (JCDA) and gave frequent public comment at its meetings to request improvements in open meetings act compliance – leading to the JCDA’s posting committee meeting agenda packets for the public.

Freedom of Information Act Requests

Submitted numerous FOIAs to local, state, and federal agencies obtaining information on variety of topics from air permits to development decisions.



Out of the Darkness

The blinking beacons on Rockwool’s smokestacks are hard to miss while traveling through the Eastern Panhandle, unlike how heavy industry was allowed to creep into our landscape by local and state politicians.



Sustainable Development and Fair Taxation

In 2021 the Foundation continued its work to promote sustainable development in Jefferson County and the region, and to challenge unfair taxation practices.

From Rural to Industrial and Residential

The rezoning of almost 240 acres adjacent to Rockwool was hotly contested in 2021 with many local residents rising up to say no to the further industrialization of Jefferson County. In the end, the County Commission followed the wishes of a single land owner and voted to approve the zoning change from Rural / Agriculture Use to Residential / Light Industrial use in an area of the county dominated by Rural / Agriculture zoning.

Fair and smart development is worth it.

A great majority of Jefferson County residents believe, for a variety of reasons inherent to this county and region, 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. The Foundation engaged with a variety of government bodies including the Jefferson County Commission, Jefferson County Development Authority, and the Planning Commission to promote sustainable development and stop heavy industry.

Unfair taxation practices unfairly advantage large out-of-state companies that oftentimes pose more burden on public services and risk to our environment and health than small and existing businesses. In 2020 the Foundation filed a legal challenge to the WV Economic Development Authority's (WVEDA) tax abatement deal with Rockwool arguing that this deal is unconstitutional. Rockwool intervened in the case which was moved from circuit court to the business court. The case was briefed at the business court in 2021, but this industry-minded court found in favor of the WVEDA and Rockwool. The Foundation appealed this decision to the WV Supreme Court which has scheduled oral argument in March 2022. The Foundation has engaged counsel specializing in constitutional law to assist in this matter.

Key Actions and Achievements

Filed Appeal to Supreme Court

Appealed the constitutionality of Rockwool's tax abatement deal with the WVEDA to the WV Supreme Court.

Educate the Public on Jefferson Orchards' Rezoning Proposal

Published fact sheets to help the public understand the impact of the rezoning of Jefferson Orchards' newly acquired land.

Empowered the Public to Voice Their Concerns

Facilitated the submission of nearly 400 written public comments to the Jefferson County Commission on the rezoning of Jefferson Orchards.

Looking Forward

Keep holding the line.

We are at a critical point in this work and it is imperative that we continue with a keen focus on our mission and continually evaluated strategy.

As we look forward, we see multiple key actions on the horizon, including:

- The EPA response to our May 2021 Letter and August 2021 meeting, and our preparations for Rockwool's Title V permit process this summer (process by which Rockwool will obtain an operational air permit).
- The Foundation's constitutional challenge of Rockwool's tax abatement deal will be argued in front of the WV Supreme Court in the Spring.
- The conclusion of the Foundation's original appeal of Rockwool's operational stormwater permit under the 2019 Multi-sector Stormwater General Permit should come in the first half of the year.
- Discovery and the evidentiary hearing in the appeal of Rockwool's current operational stormwater permit under the 2020 MSGP this summer.
- The monthly monitoring of the sentinel springs will continue.
- Advocating for more transparency in government, and participation by the people.
- Continuing to forge new partnerships and strengthening existing ones.

To name a few.

Join us in redoubling our efforts in the pursuit of this important mission and the hard work to get there.

Planting Seeds

Much like the rich farmland that is the bedrock of our community for generations, we aim to plant seeds of success for protecting the health, heritage, and the environment for the future.

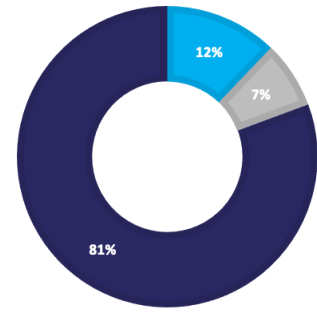


2021 Financial Report

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.

Contributions and Grants

Your ongoing support is critical to the operations and goals of the Foundation. In 2021 the Foundation more than doubled our revenue from the previous year. We also increased our grant funding more than twelve-fold from 2020. We are extremely appreciative of all the individual donors and private foundations who collectively make the work of the Foundation possible. We want to give thanks also to West Virginia Sierra Club, Eastern Panhandle Sierra Club and the Impact Fund for providing grants to the Foundation this year to support our work.

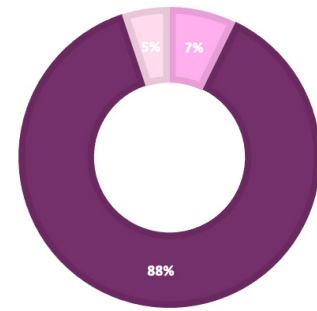


- Donations from Individuals \$140,627
- Grants \$21,250
- Private Foundations \$12,500

Total contributions and grants \$174,377

Total Expenditures

All donations and grants from non-board member donors were used to support the work of the Foundation. Administrative and fundraising costs were completely covered by 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.

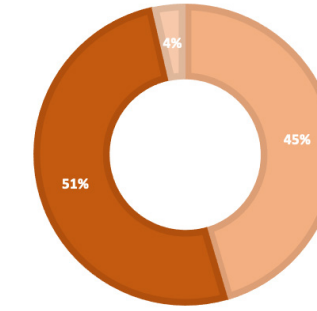


- Legal Expenses \$156,818
- Water Monitoring \$12,906
- Administrative Costs \$8,980

Total expenditures \$178,704

Spotlight: Legal Expenses

The majority of the Foundation's budget goes to support legal representation and expert witnesses which are 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 and low 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.



- Expert Witness Costs \$79,960
- Paid Legal Firms \$71,340
- Court Fees \$5,518

Total legal expenses \$156,818



Strength Personified

There are countless people across four states and the District of Columbia that are served by this work. If everyone does what they can, we can drive change that makes a real difference.

Thank you to other key volunteers and collaborators

Susan April	Lori Maloney
Natasha Baihly	Suellen Myers
Robert Barret	Gavin Perry
Susannah Buckles	Patricia Perry
Aileen Curfman	Cheryl Pullen
Karen Freer	Terri Ramos
John Gonano	Mary Reed
Jan Hafer	Maura Ross
Ruth & Gerald Hatcher	Jim Surkamp
Regina Hendrix	Robin Huyett Thomas
Barbara Humes	Diana Walker
Benita Keller	Paul Walker
Gail Kohlhorst	Sharon Wilt
Jennifer King	Susie Wimer
Martha Anne McIntosh	

Earthjustice
Eastern Panhandle Sierra Club
The Impact Fund
Rural Agricultural Defenders
Sierra Club
Sierra Club Catoclin Group
Sierra Club Maryland Chapter
Sierra Club West Virginia Chapter
Smarter Growth Alliance for Frederick County
Brent Walls, Upper Potomac Riverkeeper
West Virginia Environmental Council
West Virginians for Sustainable Development
West Virginia Highlands Conservancy
West Virginia Rivers Coalition

www.jeffersoncountyfoundation.org

This report was produced at no cost to the Foundation by an all-volunteer communications team. This report was distributed electronically to save on printing resources.

Photos in this report are used with permission from the artists. We give special thanks to local photographers, Mary Reed, Keron Psillas and Clay Anders for donating their work for our report.

Jefferson County Foundation, Inc.
PO Box 460
Ranson, WV 25438

© 2022 Jefferson County Foundation, Inc.

